

HB5540



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5540

by Rep. Barbara Flynn Currie

SYNOPSIS AS INTRODUCED:

See Index

Creates the First 2016 General Revisory Act. Combines multiple versions of Sections amended by more than one Public Act. Renumbers Sections of various Acts to eliminate duplication. Corrects obsolete cross-references and technical errors. Makes stylistic changes. Effective immediately.

LRB099 16003 AMC 40320 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

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

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

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2016 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 In certain cases in which a repealed Act or Section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16 incorporate amendments to the repealed Act or Section into the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 98-1174 through 99-492 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 Section 4.36 as follows:

11 (5 ILCS 80/4.36)

12 Sec. 4.36. Acts ~~Act~~ repealed on January 1, 2026. The
13 following Acts are ~~Act is~~ repealed on January 1, 2026:

14 The Barber, Cosmetology, Esthetics, Hair Braiding, and
15 Nail Technology Act of 1985.

16 The Collection Agency Act.

17 The Hearing Instrument Consumer Protection Act.

18 The Illinois Athletic Trainers Practice Act.

19 The Illinois Dental Practice Act.

20 The Illinois Roofing Industry Licensing Act.

21 The Illinois Physical Therapy Act.

22 The Professional Geologist Licensing Act.

23 The Respiratory Care Practice Act.

24 (Source: P.A. 99-26, eff. 7-10-15; 99-204, eff. 7-30-15;

1 99-227, eff. 8-3-15; 99-229, eff. 8-3-15; 99-230, eff. 8-3-15;
2 99-427, eff. 8-21-15; 99-469, eff. 8-26-15; 99-492, eff.
3 12-31-15; revised 12-29-15.)

4 (5 ILCS 80/4.26 rep.)

5 Section 7. The Regulatory Sunset Act is amended by
6 repealing Section 4.26.

7 Section 10. The Illinois Administrative Procedure Act is
8 amended by changing Section 5-45 as follows:

9 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

10 Sec. 5-45. Emergency rulemaking.

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

14 (b) If any agency finds that an emergency exists that
15 requires adoption of a rule upon fewer days than is required by
16 Section 5-40 and states in writing its reasons for that
17 finding, the agency may adopt an emergency rule without prior
18 notice or hearing upon filing a notice of emergency rulemaking
19 with the Secretary of State under Section 5-70. The notice
20 shall include the text of the emergency rule and shall be
21 published in the Illinois Register. Consent orders or other
22 court orders adopting settlements negotiated by an agency may
23 be adopted under this Section. Subject to applicable

1 constitutional or statutory provisions, an emergency rule
2 becomes effective immediately upon filing under Section 5-65 or
3 at a stated date less than 10 days thereafter. The agency's
4 finding and a statement of the specific reasons for the finding
5 shall be filed with the rule. The agency shall take reasonable
6 and appropriate measures to make emergency rules known to the
7 persons who may be affected by them.

8 (c) An emergency rule may be effective for a period of not
9 longer than 150 days, but the agency's authority to adopt an
10 identical rule under Section 5-40 is not precluded. No
11 emergency rule may be adopted more than once in any 24 month
12 period, except that this limitation on the number of emergency
13 rules that may be adopted in a 24 month period does not apply
14 to (i) emergency rules that make additions to and deletions
15 from the Drug Manual under Section 5-5.16 of the Illinois
16 Public Aid Code or the generic drug formulary under Section
17 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
18 emergency rules adopted by the Pollution Control Board before
19 July 1, 1997 to implement portions of the Livestock Management
20 Facilities Act, (iii) emergency rules adopted by the Illinois
21 Department of Public Health under subsections (a) through (i)
22 of Section 2 of the Department of Public Health Act when
23 necessary to protect the public's health, (iv) emergency rules
24 adopted pursuant to subsection (n) of this Section, (v)
25 emergency rules adopted pursuant to subsection (o) of this
26 Section, or (vi) emergency rules adopted pursuant to subsection

1 (c-5) of this Section. Two or more emergency rules having
2 substantially the same purpose and effect shall be deemed to be
3 a single rule for purposes of this Section.

4 (c-5) To facilitate the maintenance of the program of group
5 health benefits provided to annuitants, survivors, and retired
6 employees under the State Employees Group Insurance Act of
7 1971, rules to alter the contributions to be paid by the State,
8 annuitants, survivors, retired employees, or any combination
9 of those entities, for that program of group health benefits,
10 shall be adopted as emergency rules. The adoption of those
11 rules shall be considered an emergency and necessary for the
12 public interest, safety, and welfare.

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

25 (e) In order to provide for the expeditious and timely
26 implementation of the State's fiscal year 2000 budget,

1 emergency rules to implement any provision of Public Act 91-24
2 ~~this amendatory Act of the 91st General Assembly~~ or any other
3 budget initiative for fiscal year 2000 may be adopted in
4 accordance with this Section by the agency charged with
5 administering that provision or initiative, except that the
6 24-month limitation on the adoption of emergency rules and the
7 provisions of Sections 5-115 and 5-125 do not apply to rules
8 adopted under this subsection (e). The adoption of emergency
9 rules authorized by this subsection (e) shall be deemed to be
10 necessary for the public interest, safety, and welfare.

11 (f) In order to provide for the expeditious and timely
12 implementation of the State's fiscal year 2001 budget,
13 emergency rules to implement any provision of Public Act 91-712
14 ~~this amendatory Act of the 91st General Assembly~~ or any other
15 budget initiative for fiscal year 2001 may be adopted in
16 accordance with this Section by the agency charged with
17 administering that provision or initiative, except that the
18 24-month limitation on the adoption of emergency rules and the
19 provisions of Sections 5-115 and 5-125 do not apply to rules
20 adopted under this subsection (f). The adoption of emergency
21 rules authorized by this subsection (f) shall be deemed to be
22 necessary for the public interest, safety, and welfare.

23 (g) In order to provide for the expeditious and timely
24 implementation of the State's fiscal year 2002 budget,
25 emergency rules to implement any provision of Public Act 92-10
26 ~~this amendatory Act of the 92nd General Assembly~~ or any other

1 budget initiative for fiscal year 2002 may be adopted in
2 accordance with this Section by the agency charged with
3 administering that provision or initiative, except that the
4 24-month limitation on the adoption of emergency rules and the
5 provisions of Sections 5-115 and 5-125 do not apply to rules
6 adopted under this subsection (g). The adoption of emergency
7 rules authorized by this subsection (g) shall be deemed to be
8 necessary for the public interest, safety, and welfare.

9 (h) In order to provide for the expeditious and timely
10 implementation of the State's fiscal year 2003 budget,
11 emergency rules to implement any provision of Public Act 92-597
12 ~~this amendatory Act of the 92nd General Assembly~~ or any other
13 budget initiative for fiscal year 2003 may be adopted in
14 accordance with this Section by the agency charged with
15 administering that provision or initiative, except that the
16 24-month limitation on the adoption of emergency rules and the
17 provisions of Sections 5-115 and 5-125 do not apply to rules
18 adopted under this subsection (h). The adoption of emergency
19 rules authorized by this subsection (h) shall be deemed to be
20 necessary for the public interest, safety, and welfare.

21 (i) In order to provide for the expeditious and timely
22 implementation of the State's fiscal year 2004 budget,
23 emergency rules to implement any provision of Public Act 93-20
24 ~~this amendatory Act of the 93rd General Assembly~~ or any other
25 budget initiative for fiscal year 2004 may be adopted in
26 accordance with this Section by the agency charged with

1 administering that provision or initiative, except that the
2 24-month limitation on the adoption of emergency rules and the
3 provisions of Sections 5-115 and 5-125 do not apply to rules
4 adopted under this subsection (i). The adoption of emergency
5 rules authorized by this subsection (i) shall be deemed to be
6 necessary for the public interest, safety, and welfare.

7 (j) In order to provide for the expeditious and timely
8 implementation of the provisions of the State's fiscal year
9 2005 budget as provided under the Fiscal Year 2005 Budget
10 Implementation (Human Services) Act, emergency rules to
11 implement any provision of the Fiscal Year 2005 Budget
12 Implementation (Human Services) Act may be adopted in
13 accordance with this Section by the agency charged with
14 administering that provision, except that the 24-month
15 limitation on the adoption of emergency rules and the
16 provisions of Sections 5-115 and 5-125 do not apply to rules
17 adopted under this subsection (j). The Department of Public Aid
18 may also adopt rules under this subsection (j) necessary to
19 administer the Illinois Public Aid Code and the Children's
20 Health Insurance Program Act. The adoption of emergency rules
21 authorized by this subsection (j) shall be deemed to be
22 necessary for the public interest, safety, and welfare.

23 (k) In order to provide for the expeditious and timely
24 implementation of the provisions of the State's fiscal year
25 2006 budget, emergency rules to implement any provision of
26 Public Act 94-48 ~~this amendatory Act of the 94th General~~

1 ~~Assembly~~ or any other budget initiative for fiscal year 2006
2 may be adopted in accordance with this Section by the agency
3 charged with administering that provision or initiative,
4 except that the 24-month limitation on the adoption of
5 emergency rules and the provisions of Sections 5-115 and 5-125
6 do not apply to rules adopted under this subsection (k). The
7 Department of Healthcare and Family Services may also adopt
8 rules under this subsection (k) necessary to administer the
9 Illinois Public Aid Code, the Senior Citizens and Persons with
10 Disabilities Property Tax Relief Act, the Senior Citizens and
11 Disabled Persons Prescription Drug Discount Program Act (now
12 the Illinois Prescription Drug Discount Program Act), and the
13 Children's Health Insurance Program Act. The adoption of
14 emergency rules authorized by this subsection (k) shall be
15 deemed to be necessary for the public interest, safety, and
16 welfare.

17 (1) In order to provide for the expeditious and timely
18 implementation of the provisions of the State's fiscal year
19 2007 budget, the Department of Healthcare and Family Services
20 may adopt emergency rules during fiscal year 2007, including
21 rules effective July 1, 2007, in accordance with this
22 subsection to the extent necessary to administer the
23 Department's responsibilities with respect to amendments to
24 the State plans and Illinois waivers approved by the federal
25 Centers for Medicare and Medicaid Services necessitated by the
26 requirements of Title XIX and Title XXI of the federal Social

1 Security Act. The adoption of emergency rules authorized by
2 this subsection (l) shall be deemed to be necessary for the
3 public interest, safety, and welfare.

4 (m) In order to provide for the expeditious and timely
5 implementation of the provisions of the State's fiscal year
6 2008 budget, the Department of Healthcare and Family Services
7 may adopt emergency rules during fiscal year 2008, including
8 rules effective July 1, 2008, in accordance with this
9 subsection to the extent necessary to administer the
10 Department's responsibilities with respect to amendments to
11 the State plans and Illinois waivers approved by the federal
12 Centers for Medicare and Medicaid Services necessitated by the
13 requirements of Title XIX and Title XXI of the federal Social
14 Security Act. The adoption of emergency rules authorized by
15 this subsection (m) shall be deemed to be necessary for the
16 public interest, safety, and welfare.

17 (n) In order to provide for the expeditious and timely
18 implementation of the provisions of the State's fiscal year
19 2010 budget, emergency rules to implement any provision of
20 Public Act 96-45 ~~this amendatory Act of the 96th General~~
21 ~~Assembly~~ or any other budget initiative authorized by the 96th
22 General Assembly for fiscal year 2010 may be adopted in
23 accordance with this Section by the agency charged with
24 administering that provision or initiative. The adoption of
25 emergency rules authorized by this subsection (n) shall be
26 deemed to be necessary for the public interest, safety, and

1 welfare. The rulemaking authority granted in this subsection
2 (n) shall apply only to rules promulgated during Fiscal Year
3 2010.

4 (o) In order to provide for the expeditious and timely
5 implementation of the provisions of the State's fiscal year
6 2011 budget, emergency rules to implement any provision of
7 Public Act 96-958 ~~this amendatory Act of the 96th General~~
8 ~~Assembly~~ or any other budget initiative authorized by the 96th
9 General Assembly for fiscal year 2011 may be adopted in
10 accordance with this Section by the agency charged with
11 administering that provision or initiative. The adoption of
12 emergency rules authorized by this subsection (o) is deemed to
13 be necessary for the public interest, safety, and welfare. The
14 rulemaking authority granted in this subsection (o) applies
15 only to rules promulgated on or after the effective date of
16 Public Act 96-958 ~~this amendatory Act of the 96th General~~
17 ~~Assembly~~ through June 30, 2011.

18 (p) In order to provide for the expeditious and timely
19 implementation of the provisions of Public Act 97-689,
20 emergency rules to implement any provision of Public Act 97-689
21 may be adopted in accordance with this subsection (p) by the
22 agency charged with administering that provision or
23 initiative. The 150-day limitation of the effective period of
24 emergency rules does not apply to rules adopted under this
25 subsection (p), and the effective period may continue through
26 June 30, 2013. The 24-month limitation on the adoption of

1 emergency rules does not apply to rules adopted under this
2 subsection (p). The adoption of emergency rules authorized by
3 this subsection (p) is deemed to be necessary for the public
4 interest, safety, and welfare.

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

17 (r) In order to provide for the expeditious and timely
18 implementation of the provisions of Public Act 98-651 ~~this~~
19 ~~amendatory Act of the 98th General Assembly~~, emergency rules to
20 implement Public Act 98-651 ~~this amendatory Act of the 98th~~
21 ~~General Assembly~~ may be adopted in accordance with this
22 subsection (r) by the Department of Healthcare and Family
23 Services. The 24-month limitation on the adoption of emergency
24 rules does not apply to rules adopted under this subsection
25 (r). The adoption of emergency rules authorized by this
26 subsection (r) is deemed to be necessary for the public

1 interest, safety, and welfare.

2 (s) In order to provide for the expeditious and timely
3 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
4 the Illinois Public Aid Code, emergency rules to implement any
5 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
6 Public Aid Code may be adopted in accordance with this
7 subsection (s) by the Department of Healthcare and Family
8 Services. The rulemaking authority granted in this subsection
9 (s) shall apply only to those rules adopted prior to July 1,
10 2015. Notwithstanding any other provision of this Section, any
11 emergency rule adopted under this subsection (s) shall only
12 apply to payments made for State fiscal year 2015. The adoption
13 of emergency rules authorized by this subsection (s) is deemed
14 to be necessary for the public interest, safety, and welfare.

15 (t) In order to provide for the expeditious and timely
16 implementation of the provisions of Article II of Public Act
17 99-6 ~~this amendatory Act of the 99th General Assembly,~~
18 emergency rules to implement the changes made by Article II of
19 Public Act 99-6 ~~this amendatory Act of the 99th General~~
20 ~~Assembly~~ to the Emergency Telephone System Act may be adopted
21 in accordance with this subsection (t) by the Department of
22 State Police. The rulemaking authority granted in this
23 subsection (t) shall apply only to those rules adopted prior to
24 July 1, 2016. The 24-month limitation on the adoption of
25 emergency rules does not apply to rules adopted under this
26 subsection (t). The adoption of emergency rules authorized by

1 this subsection (t) is deemed to be necessary for the public
2 interest, safety, and welfare.

3 (u) ~~(t)~~ In order to provide for the expeditious and timely
4 implementation of the provisions of the Burn Victims Relief
5 Act, emergency rules to implement any provision of the Act may
6 be adopted in accordance with this subsection (u) ~~(t)~~ by the
7 Department of Insurance. The rulemaking authority granted in
8 this subsection (u) ~~(t)~~ shall apply only to those rules adopted
9 prior to December 31, 2015. The adoption of emergency rules
10 authorized by this subsection (u) ~~(t)~~ is deemed to be necessary
11 for the public interest, safety, and welfare.

12 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;
13 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16;
14 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; revised 10-15-15.)

15 Section 15. The Open Meetings Act is amended by changing
16 Section 2 as follows:

17 (5 ILCS 120/2) (from Ch. 102, par. 42)

18 Sec. 2. Open meetings.

19 (a) Openness required. All meetings of public bodies shall
20 be open to the public unless excepted in subsection (c) and
21 closed in accordance with Section 2a.

22 (b) Construction of exceptions. The exceptions contained
23 in subsection (c) are in derogation of the requirement that
24 public bodies meet in the open, and therefore, the exceptions

1 are to be strictly construed, extending only to subjects
2 clearly within their scope. The exceptions authorize but do not
3 require the holding of a closed meeting to discuss a subject
4 included within an enumerated exception.

5 (c) Exceptions. A public body may hold closed meetings to
6 consider the following subjects:

7 (1) The appointment, employment, compensation,
8 discipline, performance, or dismissal of specific
9 employees of the public body or legal counsel for the
10 public body, including hearing testimony on a complaint
11 lodged against an employee of the public body or against
12 legal counsel for the public body to determine its
13 validity.

14 (2) Collective negotiating matters between the public
15 body and its employees or their representatives, or
16 deliberations concerning salary schedules for one or more
17 classes of employees.

18 (3) The selection of a person to fill a public office,
19 as defined in this Act, including a vacancy in a public
20 office, when the public body is given power to appoint
21 under law or ordinance, or the discipline, performance or
22 removal of the occupant of a public office, when the public
23 body is given power to remove the occupant under law or
24 ordinance.

25 (4) Evidence or testimony presented in open hearing, or
26 in closed hearing where specifically authorized by law, to

1 a quasi-adjudicative body, as defined in this Act, provided
2 that the body prepares and makes available for public
3 inspection a written decision setting forth its
4 determinative reasoning.

5 (5) The purchase or lease of real property for the use
6 of the public body, including meetings held for the purpose
7 of discussing whether a particular parcel should be
8 acquired.

9 (6) The setting of a price for sale or lease of
10 property owned by the public body.

11 (7) The sale or purchase of securities, investments, or
12 investment contracts. This exception shall not apply to the
13 investment of assets or income of funds deposited into the
14 Illinois Prepaid Tuition Trust Fund.

15 (8) Security procedures, school building safety and
16 security, and the use of personnel and equipment to respond
17 to an actual, a threatened, or a reasonably potential
18 danger to the safety of employees, students, staff, the
19 public, or public property.

20 (9) Student disciplinary cases.

21 (10) The placement of individual students in special
22 education programs and other matters relating to
23 individual students.

24 (11) Litigation, when an action against, affecting or
25 on behalf of the particular public body has been filed and
26 is pending before a court or administrative tribunal, or

1 when the public body finds that an action is probable or
2 imminent, in which case the basis for the finding shall be
3 recorded and entered into the minutes of the closed
4 meeting.

5 (12) The establishment of reserves or settlement of
6 claims as provided in the Local Governmental and
7 Governmental Employees Tort Immunity Act, if otherwise the
8 disposition of a claim or potential claim might be
9 prejudiced, or the review or discussion of claims, loss or
10 risk management information, records, data, advice or
11 communications from or with respect to any insurer of the
12 public body or any intergovernmental risk management
13 association or self insurance pool of which the public body
14 is a member.

15 (13) Conciliation of complaints of discrimination in
16 the sale or rental of housing, when closed meetings are
17 authorized by the law or ordinance prescribing fair housing
18 practices and creating a commission or administrative
19 agency for their enforcement.

20 (14) Informant sources, the hiring or assignment of
21 undercover personnel or equipment, or ongoing, prior or
22 future criminal investigations, when discussed by a public
23 body with criminal investigatory responsibilities.

24 (15) Professional ethics or performance when
25 considered by an advisory body appointed to advise a
26 licensing or regulatory agency on matters germane to the

1 advisory body's field of competence.

2 (16) Self evaluation, practices and procedures or
3 professional ethics, when meeting with a representative of
4 a statewide association of which the public body is a
5 member.

6 (17) The recruitment, credentialing, discipline or
7 formal peer review of physicians or other health care
8 professionals for a hospital, or other institution
9 providing medical care, that is operated by the public
10 body.

11 (18) Deliberations for decisions of the Prisoner
12 Review Board.

13 (19) Review or discussion of applications received
14 under the Experimental Organ Transplantation Procedures
15 Act.

16 (20) The classification and discussion of matters
17 classified as confidential or continued confidential by
18 the State Government Suggestion Award Board.

19 (21) Discussion of minutes of meetings lawfully closed
20 under this Act, whether for purposes of approval by the
21 body of the minutes or semi-annual review of the minutes as
22 mandated by Section 2.06.

23 (22) Deliberations for decisions of the State
24 Emergency Medical Services Disciplinary Review Board.

25 (23) The operation by a municipality of a municipal
26 utility or the operation of a municipal power agency or

1 municipal natural gas agency when the discussion involves
2 (i) contracts relating to the purchase, sale, or delivery
3 of electricity or natural gas or (ii) the results or
4 conclusions of load forecast studies.

5 (24) Meetings of a residential health care facility
6 resident sexual assault and death review team or the
7 Executive Council under the Abuse Prevention Review Team
8 Act.

9 (25) Meetings of an independent team of experts under
10 Brian's Law.

11 (26) Meetings of a mortality review team appointed
12 under the Department of Juvenile Justice Mortality Review
13 Team Act.

14 (27) (Blank).

15 (28) Correspondence and records (i) that may not be
16 disclosed under Section 11-9 of the Public Aid Code or (ii)
17 that pertain to appeals under Section 11-8 of the Public
18 Aid Code.

19 (29) Meetings between internal or external auditors
20 and governmental audit committees, finance committees, and
21 their equivalents, when the discussion involves internal
22 control weaknesses, identification of potential fraud risk
23 areas, known or suspected frauds, and fraud interviews
24 conducted in accordance with generally accepted auditing
25 standards of the United States of America.

26 (30) Those meetings or portions of meetings of a

1 fatality review team or the Illinois Fatality Review Team
2 Advisory Council during which a review of the death of an
3 eligible adult in which abuse or neglect is suspected,
4 alleged, or substantiated is conducted pursuant to Section
5 15 of the Adult Protective Services Act.

6 (31) Meetings and deliberations for decisions of the
7 Concealed Carry Licensing Review Board under the Firearm
8 Concealed Carry Act.

9 (32) Meetings between the Regional Transportation
10 Authority Board and its Service Boards when the discussion
11 involves review by the Regional Transportation Authority
12 Board of employment contracts under Section 28d of the
13 Metropolitan Transit Authority Act and Sections 3A.18 and
14 3B.26 of the Regional Transportation Authority Act.

15 (33) Those meetings ~~meeting~~ or portions of meetings of
16 the advisory committee and peer review subcommittee
17 created under Section 320 of the Illinois Controlled
18 Substances Act during which specific controlled substance
19 prescriber, dispenser, or patient information is
20 discussed.

21 (d) Definitions. For purposes of this Section:

22 "Employee" means a person employed by a public body whose
23 relationship with the public body constitutes an
24 employer-employee relationship under the usual common law
25 rules, and who is not an independent contractor.

26 "Public office" means a position created by or under the

1 Constitution or laws of this State, the occupant of which is
2 charged with the exercise of some portion of the sovereign
3 power of this State. The term "public office" shall include
4 members of the public body, but it shall not include
5 organizational positions filled by members thereof, whether
6 established by law or by a public body itself, that exist to
7 assist the body in the conduct of its business.

8 "Quasi-adjudicative body" means an administrative body
9 charged by law or ordinance with the responsibility to conduct
10 hearings, receive evidence or testimony and make
11 determinations based thereon, but does not include local
12 electoral boards when such bodies are considering petition
13 challenges.

14 (e) Final action. No final action may be taken at a closed
15 meeting. Final action shall be preceded by a public recital of
16 the nature of the matter being considered and other information
17 that will inform the public of the business being conducted.

18 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
19 eff. 7-16-14; 98-1027, eff. 1-1-15; 98-1039, eff. 8-25-14;
20 99-78, eff. 7-20-15; 99-235, eff. 1-1-16; 99-480, eff. 9-9-15;
21 revised 10-14-15.)

22 Section 20. The Freedom of Information Act is amended by
23 changing Sections 7, 7.5, and 11 as follows:

24 (5 ILCS 140/7) (from Ch. 116, par. 207)

1 Sec. 7. Exemptions.

2 (1) When a request is made to inspect or copy a public
3 record that contains information that is exempt from disclosure
4 under this Section, but also contains information that is not
5 exempt from disclosure, the public body may elect to redact the
6 information that is exempt. The public body shall make the
7 remaining information available for inspection and copying.
8 Subject to this requirement, the following shall be exempt from
9 inspection and copying:

10 (a) Information specifically prohibited from
11 disclosure by federal or State law or rules and regulations
12 implementing federal or State law.

13 (b) Private information, unless disclosure is required
14 by another provision of this Act, a State or federal law or
15 a court order.

16 (b-5) Files, documents, and other data or databases
17 maintained by one or more law enforcement agencies and
18 specifically designed to provide information to one or more
19 law enforcement agencies regarding the physical or mental
20 status of one or more individual subjects.

21 (c) Personal information contained within public
22 records, the disclosure of which would constitute a clearly
23 unwarranted invasion of personal privacy, unless the
24 disclosure is consented to in writing by the individual
25 subjects of the information. "Unwarranted invasion of
26 personal privacy" means the disclosure of information that

1 is highly personal or objectionable to a reasonable person
2 and in which the subject's right to privacy outweighs any
3 legitimate public interest in obtaining the information.
4 The disclosure of information that bears on the public
5 duties of public employees and officials shall not be
6 considered an invasion of personal privacy.

7 (d) Records in the possession of any public body
8 created in the course of administrative enforcement
9 proceedings, and any law enforcement or correctional
10 agency for law enforcement purposes, but only to the extent
11 that disclosure would:

12 (i) interfere with pending or actually and
13 reasonably contemplated law enforcement proceedings
14 conducted by any law enforcement or correctional
15 agency that is the recipient of the request;

16 (ii) interfere with active administrative
17 enforcement proceedings conducted by the public body
18 that is the recipient of the request;

19 (iii) create a substantial likelihood that a
20 person will be deprived of a fair trial or an impartial
21 hearing;

22 (iv) unavoidably disclose the identity of a
23 confidential source, confidential information
24 furnished only by the confidential source, or persons
25 who file complaints with or provide information to
26 administrative, investigative, law enforcement, or

1 penal agencies; except that the identities of
2 witnesses to traffic accidents, traffic accident
3 reports, and rescue reports shall be provided by
4 agencies of local government, except when disclosure
5 would interfere with an active criminal investigation
6 conducted by the agency that is the recipient of the
7 request;

8 (v) disclose unique or specialized investigative
9 techniques other than those generally used and known or
10 disclose internal documents of correctional agencies
11 related to detection, observation or investigation of
12 incidents of crime or misconduct, and disclosure would
13 result in demonstrable harm to the agency or public
14 body that is the recipient of the request;

15 (vi) endanger the life or physical safety of law
16 enforcement personnel or any other person; or

17 (vii) obstruct an ongoing criminal investigation
18 by the agency that is the recipient of the request.

19 (d-5) A law enforcement record created for law
20 enforcement purposes and contained in a shared electronic
21 record management system if the law enforcement agency that
22 is the recipient of the request did not create the record,
23 did not participate in or have a role in any of the events
24 which are the subject of the record, and only has access to
25 the record through the shared electronic record management
26 system.

1 (e) Records that relate to or affect the security of
2 correctional institutions and detention facilities.

3 (e-5) Records requested by persons committed to the
4 Department of Corrections if those materials are available
5 in the library of the correctional facility where the
6 inmate is confined.

7 (e-6) Records requested by persons committed to the
8 Department of Corrections if those materials include
9 records from staff members' personnel files, staff
10 rosters, or other staffing assignment information.

11 (e-7) Records requested by persons committed to the
12 Department of Corrections if those materials are available
13 through an administrative request to the Department of
14 Corrections.

15 (f) Preliminary drafts, notes, recommendations,
16 memoranda and other records in which opinions are
17 expressed, or policies or actions are formulated, except
18 that a specific record or relevant portion of a record
19 shall not be exempt when the record is publicly cited and
20 identified by the head of the public body. The exemption
21 provided in this paragraph (f) extends to all those records
22 of officers and agencies of the General Assembly that
23 pertain to the preparation of legislative documents.

24 (g) Trade secrets and commercial or financial
25 information obtained from a person or business where the
26 trade secrets or commercial or financial information are

1 furnished under a claim that they are proprietary,
2 privileged or confidential, and that disclosure of the
3 trade secrets or commercial or financial information would
4 cause competitive harm to the person or business, and only
5 insofar as the claim directly applies to the records
6 requested.

7 The information included under this exemption includes
8 all trade secrets and commercial or financial information
9 obtained by a public body, including a public pension fund,
10 from a private equity fund or a privately held company
11 within the investment portfolio of a private equity fund as
12 a result of either investing or evaluating a potential
13 investment of public funds in a private equity fund. The
14 exemption contained in this item does not apply to the
15 aggregate financial performance information of a private
16 equity fund, nor to the identity of the fund's managers or
17 general partners. The exemption contained in this item does
18 not apply to the identity of a privately held company
19 within the investment portfolio of a private equity fund,
20 unless the disclosure of the identity of a privately held
21 company may cause competitive harm.

22 Nothing contained in this paragraph (g) shall be
23 construed to prevent a person or business from consenting
24 to disclosure.

25 (h) Proposals and bids for any contract, grant, or
26 agreement, including information which if it were

1 disclosed would frustrate procurement or give an advantage
2 to any person proposing to enter into a contractor
3 agreement with the body, until an award or final selection
4 is made. Information prepared by or for the body in
5 preparation of a bid solicitation shall be exempt until an
6 award or final selection is made.

7 (i) Valuable formulae, computer geographic systems,
8 designs, drawings and research data obtained or produced by
9 any public body when disclosure could reasonably be
10 expected to produce private gain or public loss. The
11 exemption for "computer geographic systems" provided in
12 this paragraph (i) does not extend to requests made by news
13 media as defined in Section 2 of this Act when the
14 requested information is not otherwise exempt and the only
15 purpose of the request is to access and disseminate
16 information regarding the health, safety, welfare, or
17 legal rights of the general public.

18 (j) The following information pertaining to
19 educational matters:

20 (i) test questions, scoring keys and other
21 examination data used to administer an academic
22 examination;

23 (ii) information received by a primary or
24 secondary school, college, or university under its
25 procedures for the evaluation of faculty members by
26 their academic peers;

1 (iii) information concerning a school or
2 university's adjudication of student disciplinary
3 cases, but only to the extent that disclosure would
4 unavoidably reveal the identity of the student; and

5 (iv) course materials or research materials used
6 by faculty members.

7 (k) Architects' plans, engineers' technical
8 submissions, and other construction related technical
9 documents for projects not constructed or developed in
10 whole or in part with public funds and the same for
11 projects constructed or developed with public funds,
12 including but not limited to power generating and
13 distribution stations and other transmission and
14 distribution facilities, water treatment facilities,
15 airport facilities, sport stadiums, convention centers,
16 and all government owned, operated, or occupied buildings,
17 but only to the extent that disclosure would compromise
18 security.

19 (l) Minutes of meetings of public bodies closed to the
20 public as provided in the Open Meetings Act until the
21 public body makes the minutes available to the public under
22 Section 2.06 of the Open Meetings Act.

23 (m) Communications between a public body and an
24 attorney or auditor representing the public body that would
25 not be subject to discovery in litigation, and materials
26 prepared or compiled by or for a public body in

1 anticipation of a criminal, civil or administrative
2 proceeding upon the request of an attorney advising the
3 public body, and materials prepared or compiled with
4 respect to internal audits of public bodies.

5 (n) Records relating to a public body's adjudication of
6 employee grievances or disciplinary cases; however, this
7 exemption shall not extend to the final outcome of cases in
8 which discipline is imposed.

9 (o) Administrative or technical information associated
10 with automated data processing operations, including but
11 not limited to software, operating protocols, computer
12 program abstracts, file layouts, source listings, object
13 modules, load modules, user guides, documentation
14 pertaining to all logical and physical design of
15 computerized systems, employee manuals, and any other
16 information that, if disclosed, would jeopardize the
17 security of the system or its data or the security of
18 materials exempt under this Section.

19 (p) Records relating to collective negotiating matters
20 between public bodies and their employees or
21 representatives, except that any final contract or
22 agreement shall be subject to inspection and copying.

23 (q) Test questions, scoring keys, and other
24 examination data used to determine the qualifications of an
25 applicant for a license or employment.

26 (r) The records, documents, and information relating

1 to real estate purchase negotiations until those
2 negotiations have been completed or otherwise terminated.
3 With regard to a parcel involved in a pending or actually
4 and reasonably contemplated eminent domain proceeding
5 under the Eminent Domain Act, records, documents and
6 information relating to that parcel shall be exempt except
7 as may be allowed under discovery rules adopted by the
8 Illinois Supreme Court. The records, documents and
9 information relating to a real estate sale shall be exempt
10 until a sale is consummated.

11 (s) Any and all proprietary information and records
12 related to the operation of an intergovernmental risk
13 management association or self-insurance pool or jointly
14 self-administered health and accident cooperative or pool.
15 Insurance or self insurance (including any
16 intergovernmental risk management association or self
17 insurance pool) claims, loss or risk management
18 information, records, data, advice or communications.

19 (t) Information contained in or related to
20 examination, operating, or condition reports prepared by,
21 on behalf of, or for the use of a public body responsible
22 for the regulation or supervision of financial
23 institutions or insurance companies, unless disclosure is
24 otherwise required by State law.

25 (u) Information that would disclose or might lead to
26 the disclosure of secret or confidential information,

1 codes, algorithms, programs, or private keys intended to be
2 used to create electronic or digital signatures under the
3 Electronic Commerce Security Act.

4 (v) Vulnerability assessments, security measures, and
5 response policies or plans that are designed to identify,
6 prevent, or respond to potential attacks upon a community's
7 population or systems, facilities, or installations, the
8 destruction or contamination of which would constitute a
9 clear and present danger to the health or safety of the
10 community, but only to the extent that disclosure could
11 reasonably be expected to jeopardize the effectiveness of
12 the measures or the safety of the personnel who implement
13 them or the public. Information exempt under this item may
14 include such things as details pertaining to the
15 mobilization or deployment of personnel or equipment, to
16 the operation of communication systems or protocols, or to
17 tactical operations.

18 (w) (Blank).

19 (x) Maps and other records regarding the location or
20 security of generation, transmission, distribution,
21 storage, gathering, treatment, or switching facilities
22 owned by a utility, by a power generator, or by the
23 Illinois Power Agency.

24 (y) Information contained in or related to proposals,
25 bids, or negotiations related to electric power
26 procurement under Section 1-75 of the Illinois Power Agency

1 Act and Section 16-111.5 of the Public Utilities Act that
2 is determined to be confidential and proprietary by the
3 Illinois Power Agency or by the Illinois Commerce
4 Commission.

5 (z) Information about students exempted from
6 disclosure under Sections 10-20.38 or 34-18.29 of the
7 School Code, and information about undergraduate students
8 enrolled at an institution of higher education exempted
9 from disclosure under Section 25 of the Illinois Credit
10 Card Marketing Act of 2009.

11 (aa) Information the disclosure of which is exempted
12 under the Viatical Settlements Act of 2009.

13 (bb) Records and information provided to a mortality
14 review team and records maintained by a mortality review
15 team appointed under the Department of Juvenile Justice
16 Mortality Review Team Act.

17 (cc) Information regarding interments, entombments, or
18 inurnments of human remains that are submitted to the
19 Cemetery Oversight Database under the Cemetery Care Act or
20 the Cemetery Oversight Act, whichever is applicable.

21 (dd) Correspondence and records (i) that may not be
22 disclosed under Section 11-9 of the Public Aid Code or (ii)
23 that pertain to appeals under Section 11-8 of the Public
24 Aid Code.

25 (ee) The names, addresses, or other personal
26 information of persons who are minors and are also

1 participants and registrants in programs of park
2 districts, forest preserve districts, conservation
3 districts, recreation agencies, and special recreation
4 associations.

5 (ff) The names, addresses, or other personal
6 information of participants and registrants in programs of
7 park districts, forest preserve districts, conservation
8 districts, recreation agencies, and special recreation
9 associations where such programs are targeted primarily to
10 minors.

11 (gg) Confidential information described in Section
12 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

13 (hh) The report submitted to the State Board of
14 Education by the School Security and Standards Task Force
15 under item (8) of subsection (d) of Section 2-3.160 of the
16 School Code and any information contained in that report.

17 (ii) Records requested by persons committed to or
18 detained by the Department of Human Services under the
19 Sexually Violent Persons Commitment Act or committed to the
20 Department of Corrections under the Sexually Dangerous
21 Persons Act if those materials: (i) are available in the
22 library of the facility where the individual is confined;
23 (ii) include records from staff members' personnel files,
24 staff rosters, or other staffing assignment information;
25 or (iii) are available through an administrative request to
26 the Department of Human Services or the Department of

1 Corrections.

2 (jj) ~~(ii)~~ Confidential information described in
3 Section 5-535 of the Civil Administrative Code of Illinois.

4 (1.5) Any information exempt from disclosure under the
5 Judicial Privacy Act shall be redacted from public records
6 prior to disclosure under this Act.

7 (2) A public record that is not in the possession of a
8 public body but is in the possession of a party with whom the
9 agency has contracted to perform a governmental function on
10 behalf of the public body, and that directly relates to the
11 governmental function and is not otherwise exempt under this
12 Act, shall be considered a public record of the public body,
13 for purposes of this Act.

14 (3) This Section does not authorize withholding of
15 information or limit the availability of records to the public,
16 except as stated in this Section or otherwise provided in this
17 Act.

18 (Source: P.A. 98-463, eff. 8-16-13; 98-578, eff. 8-27-13;
19 98-695, eff. 7-3-14; 99-298, eff. 8-6-15; 99-346, eff. 1-1-16;
20 revised 1-11-16.)

21 (5 ILCS 140/7.5)

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

25 (a) All information determined to be confidential

1 under Section 4002 of the Technology Advancement and
2 Development Act.

3 (b) Library circulation and order records identifying
4 library users with specific materials under the Library
5 Records Confidentiality Act.

6 (c) Applications, related documents, and medical
7 records received by the Experimental Organ Transplantation
8 Procedures Board and any and all documents or other records
9 prepared by the Experimental Organ Transplantation
10 Procedures Board or its staff relating to applications it
11 has received.

12 (d) Information and records held by the Department of
13 Public Health and its authorized representatives relating
14 to known or suspected cases of sexually transmissible
15 disease or any information the disclosure of which is
16 restricted under the Illinois Sexually Transmissible
17 Disease Control Act.

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

20 (f) Firm performance evaluations under Section 55 of
21 the Architectural, Engineering, and Land Surveying
22 Qualifications Based Selection Act.

23 (g) Information the disclosure of which is restricted
24 and exempted under Section 50 of the Illinois Prepaid
25 Tuition Act.

26 (h) Information the disclosure of which is exempted

1 under the State Officials and Employees Ethics Act, and
2 records of any lawfully created State or local inspector
3 general's office that would be exempt if created or
4 obtained by an Executive Inspector General's office under
5 that Act.

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

10 (j) Information and data concerning the distribution
11 of surcharge moneys collected and remitted by wireless
12 carriers under the Wireless Emergency Telephone Safety
13 Act.

14 (k) Law enforcement officer identification information
15 or driver identification information compiled by a law
16 enforcement agency or the Department of Transportation
17 under Section 11-212 of the Illinois Vehicle Code.

18 (l) Records and information provided to a residential
19 health care facility resident sexual assault and death
20 review team or the Executive Council under the Abuse
21 Prevention Review Team Act.

22 (m) Information provided to the predatory lending
23 database created pursuant to Article 3 of the Residential
24 Real Property Disclosure Act, except to the extent
25 authorized under that Article.

26 (n) Defense budgets and petitions for certification of

1 compensation and expenses for court appointed trial
2 counsel as provided under Sections 10 and 15 of the Capital
3 Crimes Litigation Act. This subsection (n) shall apply
4 until the conclusion of the trial of the case, even if the
5 prosecution chooses not to pursue the death penalty prior
6 to trial or sentencing.

7 (o) Information that is prohibited from being
8 disclosed under Section 4 of the Illinois Health and
9 Hazardous Substances Registry Act.

10 (p) Security portions of system safety program plans,
11 investigation reports, surveys, schedules, lists, data, or
12 information compiled, collected, or prepared by or for the
13 Regional Transportation Authority under Section 2.11 of
14 the Regional Transportation Authority Act or the St. Clair
15 County Transit District under the Bi-State Transit Safety
16 Act.

17 (q) Information prohibited from being disclosed by the
18 Personnel Records Review Act.

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

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

23 (t) All identified or deidentified health information
24 in the form of health data or medical records contained in,
25 stored in, submitted to, transferred by, or released from
26 the Illinois Health Information Exchange, and identified

1 or deidentified health information in the form of health
2 data and medical records of the Illinois Health Information
3 Exchange in the possession of the Illinois Health
4 Information Exchange Authority due to its administration
5 of the Illinois Health Information Exchange. The terms
6 "identified" and "deidentified" shall be given the same
7 meaning as in the Health Insurance Portability and
8 Accountability and Portability Act of 1996, Public Law
9 104-191, or any subsequent amendments thereto, and any
10 regulations promulgated thereunder.

11 (u) Records and information provided to an independent
12 team of experts under Brian's Law.

13 (v) Names and information of people who have applied
14 for or received Firearm Owner's Identification Cards under
15 the Firearm Owners Identification Card Act or applied for
16 or received a concealed carry license under the Firearm
17 Concealed Carry Act, unless otherwise authorized by the
18 Firearm Concealed Carry Act; and databases under the
19 Firearm Concealed Carry Act, records of the Concealed Carry
20 Licensing Review Board under the Firearm Concealed Carry
21 Act, and law enforcement agency objections under the
22 Firearm Concealed Carry Act.

23 (w) Personally identifiable information which is
24 exempted from disclosure under subsection (g) of Section
25 19.1 of the Toll Highway Act.

26 (x) Information which is exempted from disclosure

1 under Section 5-1014.3 of the Counties Code or Section
2 8-11-21 of the Illinois Municipal Code.

3 (y) Confidential information under the Adult
4 Protective Services Act and its predecessor enabling
5 statute, the Elder Abuse and Neglect Act, including
6 information about the identity and administrative finding
7 against any caregiver of a verified and substantiated
8 decision of abuse, neglect, or financial exploitation of an
9 eligible adult maintained in the Registry established
10 under Section 7.5 of the Adult Protective Services Act.

11 (z) Records and information provided to a fatality
12 review team or the Illinois Fatality Review Team Advisory
13 Council under Section 15 of the Adult Protective Services
14 Act.

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

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

19 (cc) ~~(bb)~~ Recordings made under the Law Enforcement
20 Officer-Worn Body Camera Act, except to the extent
21 authorized under that Act.

22 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
23 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
24 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
25 revised 10-14-15.)

1 (5 ILCS 140/11) (from Ch. 116, par. 211)

2 Sec. 11. (a) Any person denied access to inspect or copy
3 any public record by a public body may file suit for injunctive
4 or declaratory relief.

5 (b) Where the denial is from a public body of the State,
6 suit may be filed in the circuit court for the county where the
7 public body has its principal office or where the person denied
8 access resides.

9 (c) Where the denial is from a municipality or other public
10 body, except as provided in subsection (b) of this Section,
11 suit may be filed in the circuit court for the county where the
12 public body is located.

13 (d) The circuit court shall have the jurisdiction to enjoin
14 the public body from withholding public records and to order
15 the production of any public records improperly withheld from
16 the person seeking access. If the public body can show that
17 exceptional circumstances exist, and that the body is
18 exercising due diligence in responding to the request, the
19 court may retain jurisdiction and allow the agency additional
20 time to complete its review of the records.

21 (e) On motion of the plaintiff, prior to or after in camera
22 inspection, the court shall order the public body to provide an
23 index of the records to which access has been denied. The index
24 shall include the following:

25 (i) A description of the nature or contents of each
26 document withheld, or each deletion from a released

1 document, provided, however, that the public body shall not
2 be required to disclose the information which it asserts is
3 exempt; and

4 (ii) A statement of the exemption or exemptions claimed
5 for each such deletion or withheld document.

6 (f) In any action considered by the court, the court shall
7 consider the matter de novo, and shall conduct such in camera
8 examination of the requested records as it finds appropriate to
9 determine if such records or any part thereof may be withheld
10 under any provision of this Act. The burden shall be on the
11 public body to establish that its refusal to permit public
12 inspection or copying is in accordance with the provisions of
13 this Act. Any public body that asserts that a record is exempt
14 from disclosure has the burden of proving that it is exempt by
15 clear and convincing evidence.

16 (g) In the event of noncompliance with an order of the
17 court to disclose, the court may enforce its order against any
18 public official or employee so ordered or primarily responsible
19 for such noncompliance through the court's contempt powers.

20 (h) Except as to causes the court considers to be of
21 greater importance, proceedings arising under this Section
22 shall take precedence on the docket over all other causes and
23 be assigned for hearing and trial at the earliest practicable
24 date and expedited in every way.

25 (i) If a person seeking the right to inspect or receive a
26 copy of a public record prevails in a proceeding under this

1 Section, the court shall award such person reasonable
2 attorney's ~~attorneys'~~ fees and costs. In determining what
3 amount of attorney's fees is reasonable, the court shall
4 consider the degree to which the relief obtained relates to the
5 relief sought. The changes contained in this subsection apply
6 to an action filed on or after January 1, 2010 (the effective
7 date of Public Act 96-542) ~~this amendatory Act of the 96th~~
8 ~~General Assembly.~~

9 (j) If the court determines that a public body willfully
10 and intentionally failed to comply with this Act, or otherwise
11 acted in bad faith, the court shall also impose upon the public
12 body a civil penalty of not less than \$2,500 nor more than
13 \$5,000 for each occurrence. In assessing the civil penalty, the
14 court shall consider in aggravation or mitigation the budget of
15 the public body and whether the public body has previously been
16 assessed penalties for violations of this Act. The changes
17 contained in this subsection apply to an action filed on or
18 after January 1, 2010 (the effective date of Public Act 96-542)
19 ~~this amendatory Act of the 96th General Assembly.~~

20 (Source: P.A. 96-542, eff. 1-1-10; 97-813, eff. 7-13-12;
21 revised 10-14-15.)

22 Section 25. The State Records Act is amended by changing
23 Section 9 as follows:

24 (5 ILCS 160/9) (from Ch. 116, par. 43.12)

1 Sec. 9. The head of each agency shall establish~~7~~ and
2 maintain an active, continuing program for the economical and
3 efficient management of the records of the agency.

4 Such program:

5 (1) shall provide for effective controls over the
6 creation, maintenance, and use of records in the conduct of
7 current business and shall ensure that agency electronic
8 records, as specified in Section 5-135 of the Electronic
9 Commerce Security Act, are retained in a trustworthy manner
10 so that the records, and the information contained in the
11 records, are accessible and usable for reference for the
12 duration of the retention period; all computer tape or disk
13 maintenance and preservation procedures must be fully
14 applied and, if equipment or programs providing access to
15 the records are updated or replaced, the existing data must
16 remain accessible in the successor format for the duration
17 of the approved retention period;

18 (2) shall provide for cooperation with the Secretary in
19 appointing a records officer and in applying standards,
20 procedures, and techniques to improve the management of
21 records, promote the maintenance and security of records
22 deemed appropriate for preservation, and facilitate the
23 segregation and disposal of records of temporary value; and

24 (3) shall provide for compliance with the provisions of
25 this Act and the rules and regulations issued thereunder.

26 If an agency has delegated its authority to retain records

1 to another agency, then the delegate agency shall maintain the
2 same, or a more diligent, record retention methodology and
3 record retention period as the original agency's program. If
4 the delegate is from the legislative or judicial branch, then
5 the delegate may use the same record retention methodology and
6 record retention period that the delegate uses for similar
7 records.

8 (Source: P.A. 97-932, eff. 8-10-12; revised 10-13-15.)

9 Section 30. The Filing of Copies Act is amended by changing
10 Section 2 as follows:

11 (5 ILCS 165/2) (from Ch. 116, par. 102)

12 Sec. 2. In order to be acceptable for filing, reproduced
13 copies shall conform to the following standards:

14 (a) be ~~Be~~ facsimiles of the official form, produced by
15 photo-offset, photoengraving, photocopying, or other
16 similar reproduction process;

17 (b) be ~~Be~~ on paper of substantially the same weight and
18 texture and of a quality at least as good as that used in
19 the official form;

20 (c) substantially ~~Substantially~~ duplicate the colors
21 of the official form;

22 (d) have ~~Have~~ a high degree of legibility, both as to
23 the original form and as to matter filled in; the. ~~The~~
24 agency with which a report is required to be filed may

1 reject any illegible reproduction and reject any process
2 which fails to meet this standard;

3 (e) be ~~Be~~ on paper perforated in the same manner as the
4 official form; and

5 (f) be ~~Be~~ of the same size as the official form, both
6 as to the dimensions of the paper and the image produced.

7 (Source: Laws 1961, p. 2551; revised 10-13-15.)

8 Section 35. The Intergovernmental Cooperation Act is
9 amended by changing Section 3.5 as follows:

10 (5 ILCS 220/3.5) (from Ch. 127, par. 743.5)

11 Sec. 3.5. Any expenditure of funds by a public agency
12 organized pursuant to an intergovernmental agreement in
13 accordance with the provisions of this Act and consisting of 5
14 public agencies or less, except for an intergovernmental risk
15 management association, self-insurance pool or
16 self-administered health and accident cooperative or pool,
17 shall be in accordance with the Illinois Purchasing Act if the
18 State is a party to the agreement, and shall be in accordance
19 with any law or ordinance applicable to the public agency with
20 the largest population which is a party to the agreement if the
21 State is not a party to the agreement. If the State is not a
22 party to the agreement and there is no such applicable law or
23 ordinance, all purchases shall be subject to the provisions of
24 the Governmental Joint Purchasing Act ~~"An Act authorizing~~

1 ~~certain governmental units to purchase personal property,~~
2 ~~supplies and services jointly", approved August 15, 1961, as~~
3 ~~amended.~~ Such self-insurance or insurance pools may enter into
4 reinsurance agreements for the protection of their members.
5 (Source: P.A. 84-1431; revised 10-13-15.)

6 Section 40. The Election Code is amended by changing
7 Sections 10-10, 11-6, and 19-12.1 as follows:

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

9 Sec. 10-10. Within 24 hours after the receipt of the
10 certificate of nomination or nomination papers or proposed
11 question of public policy, as the case may be, and the
12 objector's petition, the chairman of the electoral board other
13 than the State Board of Elections shall send a call by
14 registered or certified mail to each of the members of the
15 electoral board, and to the objector who filed the objector's
16 petition, and either to the candidate whose certificate of
17 nomination or nomination papers are objected to or to the
18 principal proponent or attorney for proponents of a question of
19 public policy, as the case may be, whose petitions are objected
20 to, and shall also cause the sheriff of the county or counties
21 in which such officers and persons reside to serve a copy of
22 such call upon each of such officers and persons, which call
23 shall set out the fact that the electoral board is required to
24 meet to hear and pass upon the objections to nominations made

1 for the office, designating it, and shall state the day, hour
2 and place at which the electoral board shall meet for the
3 purpose, which place shall be in the county court house in the
4 county in the case of the County Officers Electoral Board, the
5 Municipal Officers Electoral Board, the Township Officers
6 Electoral Board or the Education Officers Electoral Board,
7 except that the Municipal Officers Electoral Board, the
8 Township Officers Electoral Board, and the Education Officers
9 Electoral Board may meet at the location where the governing
10 body of the municipality, township, or community college
11 district, respectively, holds its regularly scheduled
12 meetings, if that location is available; provided that voter
13 records may be removed from the offices of an election
14 authority only at the discretion and under the supervision of
15 the election authority. In those cases where the State Board of
16 Elections is the electoral board designated under Section 10-9,
17 the chairman of the State Board of Elections shall, within 24
18 hours after the receipt of the certificate of nomination or
19 nomination papers or petitions for a proposed amendment to
20 Article IV of the Constitution or proposed statewide question
21 of public policy, send a call by registered or certified mail
22 to the objector who files the objector's petition, and either
23 to the candidate whose certificate of nomination or nomination
24 papers are objected to or to the principal proponent or
25 attorney for proponents of the proposed Constitutional
26 amendment or statewide question of public policy and shall

1 state the day, hour, and place at which the electoral board
2 shall meet for the purpose, which place may be in the Capitol
3 Building or in the principal or permanent branch office of the
4 State Board. The day of the meeting shall not be less than 3
5 nor more than 5 days after the receipt of the certificate of
6 nomination or nomination papers and the objector's petition by
7 the chairman of the electoral board.

8 The electoral board shall have the power to administer
9 oaths and to subpoena and examine witnesses and, at the request
10 of either party and only upon a vote by a majority of its
11 members, may authorize the chairman to issue subpoenas
12 requiring the attendance of witnesses and subpoenas duces tecum
13 requiring the production of such books, papers, records and
14 documents as may be evidence of any matter under inquiry before
15 the electoral board, in the same manner as witnesses are
16 subpoenaed in the Circuit Court.

17 Service of such subpoenas shall be made by any sheriff or
18 other person in the same manner as in cases in such court and
19 the fees of such sheriff shall be the same as is provided by
20 law, and shall be paid by the objector or candidate who causes
21 the issuance of the subpoena. In case any person so served
22 shall knowingly neglect or refuse to obey any such subpoena, or
23 to testify, the electoral board shall at once file a petition
24 in the circuit court of the county in which such hearing is to
25 be heard, or has been attempted to be heard, setting forth the
26 facts, of such knowing refusal or neglect, and accompanying the

1 petition with a copy of the citation and the answer, if one has
2 been filed, together with a copy of the subpoena and the return
3 of service thereon, and shall apply for an order of court
4 requiring such person to attend and testify, and forthwith
5 produce books and papers, before the electoral board. Any
6 circuit court of the state, excluding the judge who is sitting
7 on the electoral board, upon such showing shall order such
8 person to appear and testify, and to forthwith produce such
9 books and papers, before the electoral board at a place to be
10 fixed by the court. If such person shall knowingly fail or
11 refuse to obey such order of the court without lawful excuse,
12 the court shall punish him or her by fine and imprisonment, as
13 the nature of the case may require and may be lawful in cases
14 of contempt of court.

15 The electoral board on the first day of its meeting shall
16 adopt rules of procedure for the introduction of evidence and
17 the presentation of arguments and may, in its discretion,
18 provide for the filing of briefs by the parties to the
19 objection or by other interested persons.

20 In the event of a State Electoral Board hearing on
21 objections to a petition for an amendment to Article IV of the
22 Constitution pursuant to Section 3 of Article XIV of the
23 Constitution, or to a petition for a question of public policy
24 to be submitted to the voters of the entire State, the
25 certificates of the county clerks and boards of election
26 commissioners showing the results of the random sample of

1 signatures on the petition shall be prima facie valid and
2 accurate, and shall be presumed to establish the number of
3 valid and invalid signatures on the petition sheets reviewed in
4 the random sample, as prescribed in Section 28-11 and 28-12 of
5 this Code. Either party, however, may introduce evidence at
6 such hearing to dispute the findings as to particular
7 signatures. In addition to the foregoing, in the absence of
8 competent evidence presented at such hearing by a party
9 substantially challenging the results of a random sample, or
10 showing a different result obtained by an additional sample,
11 this certificate of a county clerk or board of election
12 commissioners shall be presumed to establish the ratio of valid
13 to invalid signatures within the particular election
14 jurisdiction.

15 The electoral board shall take up the question as to
16 whether or not the certificate of nomination or nomination
17 papers or petitions are in proper form, and whether or not they
18 were filed within the time and under the conditions required by
19 law, and whether or not they are the genuine certificate of
20 nomination or nomination papers or petitions which they purport
21 to be, and whether or not in the case of the certificate of
22 nomination in question it represents accurately the decision of
23 the caucus or convention issuing it, and in general shall
24 decide whether or not the certificate of nomination or
25 nominating papers or petitions on file are valid or whether the
26 objections thereto should be sustained and the decision of a

1 majority of the electoral board shall be final subject to
2 judicial review as provided in Section 10-10.1. The electoral
3 board must state its findings in writing and must state in
4 writing which objections, if any, it has sustained. A copy of
5 the decision shall be served upon the parties to the
6 proceedings in open proceedings before the electoral board. If
7 a party does not appear for receipt of the decision, the
8 decision shall be deemed to have been served on the absent
9 party on the date when a copy of the decision is personally
10 delivered or on the date when a copy of the decision is
11 deposited in the United ~~Unites~~ States mail, in a sealed
12 envelope or package, with postage prepaid, addressed to each
13 party affected by the decision or to such party's attorney of
14 record, if any, at the address on record for such person in the
15 files of the electoral board.

16 Upon the expiration of the period within which a proceeding
17 for judicial review must be commenced under Section 10-10.1,
18 the electoral board shall, unless a proceeding for judicial
19 review has been commenced within such period, transmit, by
20 registered or certified mail, a certified copy of its ruling,
21 together with the original certificate of nomination or
22 nomination papers or petitions and the original objector's
23 petition, to the officer or board with whom the certificate of
24 nomination or nomination papers or petitions, as objected to,
25 were on file, and such officer or board shall abide by and
26 comply with the ruling so made to all intents and purposes.

1 (Source: P.A. 98-115, eff. 7-29-13; 98-691, eff. 7-1-14; 99-78,
2 eff. 7-20-15; revised 10-14-15.)

3 (10 ILCS 5/11-6) (from Ch. 46, par. 11-6)

4 Sec. 11-6. Within 60 days after July 1, 2014 (the effective
5 date of Public Act 98-691) ~~this amendatory Act of the 98th~~
6 ~~General Assembly~~, each election authority shall transmit to the
7 principal office of the State Board of Elections and publish on
8 any website maintained by the election authority maps in
9 electronic portable document format (PDF) ~~(.PDF)~~ showing the
10 current boundaries of all the precincts within its
11 jurisdiction. Whenever election precincts in an election
12 jurisdiction have been redivided or readjusted, the county
13 board or board of election commissioners shall prepare maps in
14 electronic portable document format (PDF) ~~(.PDF)~~ showing such
15 election precinct boundaries no later than 90 days before the
16 next scheduled election. The maps shall show the boundaries of
17 all political subdivisions and districts. The county board or
18 board of election commissioners shall immediately forward
19 copies thereof to the chairman of each county central committee
20 in the county, to each township, ward, or precinct
21 committeeman, and each local election official whose political
22 subdivision is wholly or partly in the county and, upon
23 request, shall furnish copies thereof to each candidate for
24 political or public office in the county and shall transmit
25 copies thereof to the principal office of the State Board of

1 Elections and publish copies thereof on any website maintained
2 by the election authority.

3 (Source: P.A. 98-691, eff. 7-1-14; revised 10-14-15.)

4 (10 ILCS 5/19-12.1) (from Ch. 46, par. 19-12.1)

5 Sec. 19-12.1. Any qualified elector who has secured an
6 Illinois Person with a Disability Identification Card in
7 accordance with the Illinois Identification Card Act,
8 indicating that the person named thereon has a Class 1A or
9 Class 2 disability or any qualified voter who has a permanent
10 physical incapacity of such a nature as to make it improbable
11 that he will be able to be present at the polls at any future
12 election, or any voter who is a resident of (i) a federally
13 operated veterans' home, hospital, or facility located in
14 Illinois or (ii) a facility licensed or certified pursuant to
15 the Nursing Home Care Act, the Specialized Mental Health
16 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
17 the MC/DD Act and has a condition or disability of such a
18 nature as to make it improbable that he will be able to be
19 present at the polls at any future election, may secure a
20 voter's identification card for persons with disabilities or a
21 nursing home resident's identification card, which will enable
22 him to vote under this Article as a physically incapacitated or
23 nursing home voter. For the purposes of this Section,
24 "federally operated veterans' home, hospital, or facility"
25 means the long-term care facilities at the Jesse Brown VA

1 Medical Center, Illiana Health Care System, Edward Hines, Jr.
2 VA Hospital, Marion VA Medical Center, and Captain James A.
3 Lovell Federal Health Care Center.

4 Application for a voter's identification card for persons
5 with disabilities or a nursing home resident's identification
6 card shall be made either: (a) in writing, with voter's sworn
7 affidavit, to the county clerk or board of election
8 commissioners, as the case may be, and shall be accompanied by
9 the affidavit of the attending physician specifically
10 describing the nature of the physical incapacity or the fact
11 that the voter is a nursing home resident and is physically
12 unable to be present at the polls on election days; or (b) by
13 presenting, in writing or otherwise, to the county clerk or
14 board of election commissioners, as the case may be, proof that
15 the applicant has secured an Illinois Person with a Disability
16 Identification Card indicating that the person named thereon
17 has a Class 1A or Class 2 disability. Upon the receipt of
18 either the sworn-to application and the physician's affidavit
19 or proof that the applicant has secured an Illinois Person with
20 a Disability Identification Card indicating that the person
21 named thereon has a Class 1A or Class 2 disability, the county
22 clerk or board of election commissioners shall issue a voter's
23 identification card for persons with disabilities or a nursing
24 home resident's identification card. Such identification cards
25 shall be issued for a period of 5 years, upon the expiration of
26 which time the voter may secure a new card by making

1 application in the same manner as is prescribed for the
2 issuance of an original card, accompanied by a new affidavit of
3 the attending physician. The date of expiration of such
4 five-year period shall be made known to any interested person
5 by the election authority upon the request of such person.
6 Applications for the renewal of the identification cards shall
7 be mailed to the voters holding such cards not less than 3
8 months prior to the date of expiration of the cards.

9 Each voter's identification card for persons with
10 disabilities or nursing home resident's identification card
11 shall bear an identification number, which shall be clearly
12 noted on the voter's original and duplicate registration record
13 cards. In the event the holder becomes physically capable of
14 resuming normal voting, he must surrender his voter's
15 identification card for persons with disabilities or nursing
16 home resident's identification card to the county clerk or
17 board of election commissioners before the next election.

18 The holder of a voter's identification card for persons
19 with disabilities or a nursing home resident's identification
20 card may make application by mail for an official ballot within
21 the time prescribed by Section 19-2. Such application shall
22 contain the same information as is included in the form of
23 application for ballot by a physically incapacitated elector
24 prescribed in Section 19-3 except that it shall also include
25 the applicant's voter's identification card for persons with
26 disabilities card number and except that it need not be sworn

1 to. If an examination of the records discloses that the
2 applicant is lawfully entitled to vote, he shall be mailed a
3 ballot as provided in Section 19-4. The ballot envelope shall
4 be the same as that prescribed in Section 19-5 for voters with
5 physical disabilities, and the manner of voting and returning
6 the ballot shall be the same as that provided in this Article
7 for other vote by mail ballots, except that a statement to be
8 subscribed to by the voter but which need not be sworn to shall
9 be placed on the ballot envelope in lieu of the affidavit
10 prescribed by Section 19-5.

11 Any person who knowingly subscribes to a false statement in
12 connection with voting under this Section shall be guilty of a
13 Class A misdemeanor.

14 For the purposes of this Section, "nursing home resident"
15 includes a resident of (i) a federally operated veterans' home,
16 hospital, or facility located in Illinois or (ii) a facility
17 licensed under the ID/DD Community Care Act, the MC/DD Act, or
18 the Specialized Mental Health Rehabilitation Act of 2013. For
19 the purposes of this Section, "federally operated veterans'
20 home, hospital, or facility" means the long-term care
21 facilities at the Jesse Brown VA Medical Center, Illiana Health
22 Care System, Edward Hines, Jr. VA Hospital, Marion VA Medical
23 Center, and Captain James A. Lovell Federal Health Care Center.
24 (Source: P.A. 98-104, eff. 7-22-13; 98-1171, eff. 6-1-15;
25 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; revised 10-14-15.)

1 Section 45. The Secretary of State Merit Employment Code is
2 amended by changing Section 10a as follows:

3 (15 ILCS 310/10a) (from Ch. 124, par. 110a)

4 Sec. 10a. Jurisdiction A - classification and pay. For
5 positions in the Office of the Secretary of State with respect
6 to the classification and pay:

7 (1) For the preparation, maintenance, and revision by
8 the Director, subject to approval by the Commission, of a
9 position classification plan for all positions subject to
10 this Act, based upon similarity of duties performed,
11 responsibilities assigned, and conditions of employment so
12 that the same schedule of pay may be equitably applied to
13 all positions in the same class. Unless the Commission
14 disapproves such classification plan or any revision
15 thereof within 30 calendar days, the Director shall
16 allocate every such position to one of the classes in the
17 plan. Any employee affected by the allocation of a position
18 to a class shall after filing with the Director of
19 Personnel within 30 calendar days of the allocation a
20 request for reconsideration thereof in such manner and form
21 as the Director may prescribe, be given a reasonable
22 opportunity to be heard by the Director. If the employee
23 does not accept the decision of the Director he may, within
24 15 calendar days after receipt of the reconsidered
25 decision, appeal to the Merit Commission.

1 (2) For a pay plan to be prepared by the Director for
2 all employees subject to this Act. Such pay plan may
3 include provisions for uniformity of starting pay, an
4 increment plan, area differentials, a delay not to exceed
5 one year in the reduction of the pay of employees whose
6 positions are reduced in rank or grade by reallocation
7 because of a loss of duties or responsibilities after their
8 appointments to such positions, prevailing rates of wages
9 in those classifications in which employers are now paying
10 or may hereafter pay such rates of wage and other
11 provisions. Such pay plan shall become effective only after
12 it has been approved by the Secretary of State. Amendments
13 to the pay plan will be made in the same manner. Such pay
14 plan shall provide that each employee shall be paid at one
15 of the rates set forth in the pay plan for the class of
16 position in which he is employed. Such pay plan shall
17 provide for a fair and reasonable compensation for ~~far~~
18 services rendered.

19 (Source: P.A. 80-13; revised 10-13-15.)

20 Section 50. The Illinois Identification Card Act is amended
21 by changing Sections 2, 4, and 14C as follows:

22 (15 ILCS 335/2) (from Ch. 124, par. 22)

23 Sec. 2. Administration and powers and duties of the
24 Administrator.

1 (a) The Secretary of State is the Administrator of this
2 Act, and he is charged with the duty of observing,
3 administering and enforcing the provisions of this Act.

4 (b) The Secretary is vested with the powers and duties for
5 the proper administration of this Act as follows:

6 1. He shall organize the administration of this Act as
7 he may deem necessary and appoint such subordinate
8 officers, clerks and other employees as may be necessary.

9 2. From time to time, he may make, amend or rescind
10 rules and regulations as may be in the public interest to
11 implement the Act.

12 3. He may prescribe or provide suitable forms as
13 necessary, including such forms as are necessary to
14 establish that an applicant for an Illinois Person with a
15 Disability Identification Card is a "person with a
16 disability" as defined in Section 4A of this Act, and
17 establish that an applicant for a State identification card
18 is a "homeless person" as defined in Section 1A of this
19 Act.

20 4. He may prepare under the seal of the Secretary of
21 State certified copies of any records utilized under this
22 Act and any such certified copy shall be admissible in any
23 proceeding in any court in like manner as the original
24 thereof.

25 5. Records compiled under this Act shall be maintained
26 for 6 years, but the Secretary may destroy such records

1 with the prior approval of the State Records Commission.

2 6. He shall examine and determine the genuineness,
3 regularity and legality of every application filed with him
4 under this Act, and he may in all cases investigate the
5 same, require additional information or proof or
6 documentation from any applicant.

7 7. He shall require the payment of all fees prescribed
8 in this Act, and all such fees received by him shall be
9 placed in the Road Fund of the State treasury except as
10 otherwise provided in Section 12 of this Act. Whenever any
11 application to the Secretary for an identification card
12 under this Act is accompanied by any fee, as required by
13 law, and the application is denied after a review of
14 eligibility, which may include facial recognition
15 comparison, the applicant shall not be entitled to a refund
16 of any fees paid.

17 (Source: P.A. 99-143, eff. 7-27-15; 99-305, eff. 1-1-16;
18 revised 10-14-15.)

19 (15 ILCS 335/4) (from Ch. 124, par. 24)

20 Sec. 4. Identification Card.

21 (a) The Secretary of State shall issue a standard Illinois
22 Identification Card to any natural person who is a resident of
23 the State of Illinois who applies for such card, or renewal
24 thereof, or who applies for a standard Illinois Identification
25 Card upon release as a committed person on parole, mandatory

1 supervised release, aftercare release, final discharge, or
2 pardon from the Department of Corrections or Department of
3 Juvenile Justice by submitting an identification card issued by
4 the Department of Corrections or Department of Juvenile Justice
5 under Section 3-14-1 or Section 3-2.5-70 of the Unified Code of
6 Corrections, together with the prescribed fees. No
7 identification card shall be issued to any person who holds a
8 valid foreign state identification card, license, or permit
9 unless the person first surrenders to the Secretary of State
10 the valid foreign state identification card, license, or
11 permit. The card shall be prepared and supplied by the
12 Secretary of State and shall include a photograph and signature
13 or mark of the applicant. However, the Secretary of State may
14 provide by rule for the issuance of Illinois Identification
15 Cards without photographs if the applicant has a bona fide
16 religious objection to being photographed or to the display of
17 his or her photograph. The Illinois Identification Card may be
18 used for identification purposes in any lawful situation only
19 by the person to whom it was issued. As used in this Act,
20 "photograph" means any color photograph or digitally produced
21 and captured image of an applicant for an identification card.
22 As used in this Act, "signature" means the name of a person as
23 written by that person and captured in a manner acceptable to
24 the Secretary of State.

25 (a-5) If an applicant for an identification card has a
26 current driver's license or instruction permit issued by the

1 Secretary of State, the Secretary may require the applicant to
2 utilize the same residence address and name on the
3 identification card, driver's license, and instruction permit
4 records maintained by the Secretary. The Secretary may
5 promulgate rules to implement this provision.

6 (a-10) If the applicant is a judicial officer as defined in
7 Section 1-10 of the Judicial Privacy Act or a peace officer,
8 the applicant may elect to have his or her office or work
9 address listed on the card instead of the applicant's residence
10 or mailing address. The Secretary may promulgate rules to
11 implement this provision. For the purposes of this subsection
12 (a-10), "peace officer" means any person who by virtue of his
13 or her office or public employment is vested by law with a duty
14 to maintain public order or to make arrests for a violation of
15 any penal statute of this State, whether that duty extends to
16 all violations or is limited to specific violations.

17 (a-15) The Secretary of State may provide for an expedited
18 process for the issuance of an Illinois Identification Card.
19 The Secretary shall charge an additional fee for the expedited
20 issuance of an Illinois Identification Card, to be set by rule,
21 not to exceed \$75. All fees collected by the Secretary for
22 expedited Illinois Identification Card service shall be
23 deposited into the Secretary of State Special Services Fund.
24 The Secretary may adopt rules regarding the eligibility,
25 process, and fee for an expedited Illinois Identification Card.
26 If the Secretary of State determines that the volume of

1 expedited identification card requests received on a given day
2 exceeds the ability of the Secretary to process those requests
3 in an expedited manner, the Secretary may decline to provide
4 expedited services, and the additional fee for the expedited
5 service shall be refunded to the applicant.

6 (b) The Secretary of State shall issue a special Illinois
7 Identification Card, which shall be known as an Illinois Person
8 with a Disability Identification Card, to any natural person
9 who is a resident of the State of Illinois, who is a person
10 with a disability as defined in Section 4A of this Act, who
11 applies for such card, or renewal thereof. No Illinois Person
12 with a Disability Identification Card shall be issued to any
13 person who holds a valid foreign state identification card,
14 license, or permit unless the person first surrenders to the
15 Secretary of State the valid foreign state identification card,
16 license, or permit. The Secretary of State shall charge no fee
17 to issue such card. The card shall be prepared and supplied by
18 the Secretary of State, and shall include a photograph and
19 signature or mark of the applicant, a designation indicating
20 that the card is an Illinois Person with a Disability
21 Identification Card, and shall include a comprehensible
22 designation of the type and classification of the applicant's
23 disability as set out in Section 4A of this Act. However, the
24 Secretary of State may provide by rule for the issuance of
25 Illinois Person with a Disability Identification Cards without
26 photographs if the applicant has a bona fide religious

1 objection to being photographed or to the display of his or her
2 photograph. If the applicant so requests, the card shall
3 include a description of the applicant's disability and any
4 information about the applicant's disability or medical
5 history which the Secretary determines would be helpful to the
6 applicant in securing emergency medical care. If a mark is used
7 in lieu of a signature, such mark shall be affixed to the card
8 in the presence of two witnesses who attest to the authenticity
9 of the mark. The Illinois Person with a Disability
10 Identification Card may be used for identification purposes in
11 any lawful situation by the person to whom it was issued.

12 The Illinois Person with a Disability Identification Card
13 may be used as adequate documentation of disability in lieu of
14 a physician's determination of disability, a determination of
15 disability from a physician assistant, a determination of
16 disability from an advanced practice nurse, or any other
17 documentation of disability whenever any State law requires
18 that a person with a disability provide such documentation of
19 disability, however an Illinois Person with a Disability
20 Identification Card shall not qualify the cardholder to
21 participate in any program or to receive any benefit which is
22 not available to all persons with like disabilities.
23 Notwithstanding any other provisions of law, an Illinois Person
24 with a Disability Identification Card, or evidence that the
25 Secretary of State has issued an Illinois Person with a
26 Disability Identification Card, shall not be used by any person

1 other than the person named on such card to prove that the
2 person named on such card is a person with a disability or for
3 any other purpose unless the card is used for the benefit of
4 the person named on such card, and the person named on such
5 card consents to such use at the time the card is so used.

6 An optometrist's determination of a visual disability
7 under Section 4A of this Act is acceptable as documentation for
8 the purpose of issuing an Illinois Person with a Disability
9 Identification Card.

10 When medical information is contained on an Illinois Person
11 with a Disability Identification Card, the Office of the
12 Secretary of State shall not be liable for any actions taken
13 based upon that medical information.

14 (c) The Secretary of State shall provide that each original
15 or renewal Illinois Identification Card or Illinois Person with
16 a Disability Identification Card issued to a person under the
17 age of 21 shall be of a distinct nature from those Illinois
18 Identification Cards or Illinois Person with a Disability
19 Identification Cards issued to individuals 21 years of age or
20 older. The color designated for Illinois Identification Cards
21 or Illinois Person with a Disability Identification Cards for
22 persons under the age of 21 shall be at the discretion of the
23 Secretary of State.

24 (c-1) Each original or renewal Illinois Identification
25 Card or Illinois Person with a Disability Identification Card
26 issued to a person under the age of 21 shall display the date

1 upon which the person becomes 18 years of age and the date upon
2 which the person becomes 21 years of age.

3 (c-3) The General Assembly recognizes the need to identify
4 military veterans living in this State for the purpose of
5 ensuring that they receive all of the services and benefits to
6 which they are legally entitled, including healthcare,
7 education assistance, and job placement. To assist the State in
8 identifying these veterans and delivering these vital services
9 and benefits, the Secretary of State is authorized to issue
10 Illinois Identification Cards and Illinois Person with a
11 Disability Identification Cards with the word "veteran"
12 appearing on the face of the cards. This authorization is
13 predicated on the unique status of veterans. The Secretary may
14 not issue any other identification card which identifies an
15 occupation, status, affiliation, hobby, or other unique
16 characteristics of the identification card holder which is
17 unrelated to the purpose of the identification card.

18 (c-5) Beginning on or before July 1, 2015, the Secretary of
19 State shall designate a space on each original or renewal
20 identification card where, at the request of the applicant, the
21 word "veteran" shall be placed. The veteran designation shall
22 be available to a person identified as a veteran under
23 subsection (b) of Section 5 of this Act who was discharged or
24 separated under honorable conditions.

25 (d) The Secretary of State may issue a Senior Citizen
26 discount card, to any natural person who is a resident of the

1 State of Illinois who is 60 years of age or older and who
2 applies for such a card or renewal thereof. The Secretary of
3 State shall charge no fee to issue such card. The card shall be
4 issued in every county and applications shall be made available
5 at, but not limited to, nutrition sites, senior citizen centers
6 and Area Agencies on Aging. The applicant, upon receipt of such
7 card and prior to its use for any purpose, shall have affixed
8 thereon in the space provided therefor his signature or mark.

9 (e) The Secretary of State, in his or her discretion, may
10 designate on each Illinois Identification Card or Illinois
11 Person with a Disability Identification Card a space where the
12 card holder may place a sticker or decal, issued by the
13 Secretary of State, of uniform size as the Secretary may
14 specify, that shall indicate in appropriate language that the
15 card holder has renewed his or her Illinois Identification Card
16 or Illinois Person with a Disability Identification Card.

17 (Source: P.A. 98-323, eff. 1-1-14; 98-463, eff. 8-16-13;
18 98-558, eff. 1-1-14; 98-756, eff. 7-16-14; 99-143, eff.
19 7-27-15; 99-173, eff. 7-29-15; 99-305, eff. 1-1-16; revised
20 10-14-15.)

21 (15 ILCS 335/14C) (from Ch. 124, par. 34C)

22 Sec. 14C. Making false application or affidavit.

23 (a) It is a violation of this Section for any person:

24 1. To display or present any document for the purpose
25 of making application for an Illinois Identification Card

1 or Illinois Person with a Disability Identification Card
2 knowing that such document contains false information
3 concerning the identity of the applicant;

4 2. To accept or allow to be accepted any document
5 displayed or presented for the purpose of making
6 application for an Illinois Identification Card or
7 Illinois Person with a Disability Identification Card
8 knowing that such document contains false information
9 concerning the identity ~~identify~~ of the applicant;

10 3. To knowingly make any false affidavit or swear or
11 affirm falsely to any matter or thing required by the terms
12 of this Act to be sworn to or affirmed.

13 (b) Sentence.

14 1. Any person convicted of a violation of this Section
15 shall be guilty of a Class 4 felony.

16 2. A person convicted of a second or subsequent
17 violation of this Section shall be guilty of a Class 3
18 felony.

19 (c) This Section does not prohibit any lawfully authorized
20 investigative, protective, law enforcement or other activity
21 of any agency of the United States, State of Illinois or any
22 other state or political subdivision thereof.

23 (d) The Secretary of State may confiscate any suspected
24 fraudulent, fictitious, or altered documents submitted by an
25 applicant in support of an application for an Illinois
26 Identification Card or Illinois Person with a Disability

1 Identification Card.

2 (Source: P.A. 97-1064, eff. 1-1-13; revised 10-13-15.)

3 Section 55. The Alcoholism and Other Drug Abuse and
4 Dependency Act is amended by changing Section 5-23 as follows:

5 (20 ILCS 301/5-23)

6 Sec. 5-23. Drug Overdose Prevention Program.

7 (a) Reports of drug overdose.

8 (1) The Director of the Division of Alcoholism and
9 Substance Abuse shall publish annually a report on drug
10 overdose trends statewide that reviews State death rates
11 from available data to ascertain changes in the causes or
12 rates of fatal and nonfatal drug overdose. The report shall
13 also provide information on interventions that would be
14 effective in reducing the rate of fatal or nonfatal drug
15 overdose and shall include an analysis of drug overdose
16 information reported to the Department of Public Health
17 pursuant to subsection (e) of Section 3-3013 of the
18 Counties Code, Section 6.14g of the Hospital Licensing Act,
19 and subsection (j) of Section 22-30 of the School Code.

20 (2) The report may include:

21 (A) Trends in drug overdose death rates.

22 (B) Trends in emergency room utilization related
23 to drug overdose and the cost impact of emergency room
24 utilization.

1 (C) Trends in utilization of pre-hospital and
2 emergency services and the cost impact of emergency
3 services utilization.

4 (D) Suggested improvements in data collection.

5 (E) A description of other interventions effective
6 in reducing the rate of fatal or nonfatal drug
7 overdose.

8 (F) A description of efforts undertaken to educate
9 the public about unused medication and about how to
10 properly dispose of unused medication, including the
11 number of registered collection receptacles in this
12 State, mail-back programs, and drug take-back events.

13 (b) Programs; drug overdose prevention.

14 (1) The Director may establish a program to provide for
15 the production and publication, in electronic and other
16 formats, of drug overdose prevention, recognition, and
17 response literature. The Director may develop and
18 disseminate curricula for use by professionals,
19 organizations, individuals, or committees interested in
20 the prevention of fatal and nonfatal drug overdose,
21 including, but not limited to, drug users, jail and prison
22 personnel, jail and prison inmates, drug treatment
23 professionals, emergency medical personnel, hospital
24 staff, families and associates of drug users, peace
25 officers, firefighters, public safety officers, needle
26 exchange program staff, and other persons. In addition to

1 information regarding drug overdose prevention,
2 recognition, and response, literature produced by the
3 Department shall stress that drug use remains illegal and
4 highly dangerous and that complete abstinence from illegal
5 drug use is the healthiest choice. The literature shall
6 provide information and resources for substance abuse
7 treatment.

8 The Director may establish or authorize programs for
9 prescribing, dispensing, or distributing opioid
10 antagonists for the treatment of drug overdose. Such
11 programs may include the prescribing of opioid antagonists
12 for the treatment of drug overdose to a person who is not
13 at risk of opioid overdose but who, in the judgment of the
14 health care professional, may be in a position to assist
15 another individual during an opioid-related drug overdose
16 and who has received basic instruction on how to administer
17 an opioid antagonist.

18 (2) The Director may provide advice to State and local
19 officials on the growing drug overdose crisis, including
20 the prevalence of drug overdose incidents, programs
21 promoting the disposal of unused prescription drugs,
22 trends in drug overdose incidents, and solutions to the
23 drug overdose crisis.

24 (c) Grants.

25 (1) The Director may award grants, in accordance with
26 this subsection, to create or support local drug overdose

1 prevention, recognition, and response projects. Local
2 health departments, correctional institutions, hospitals,
3 universities, community-based organizations, and
4 faith-based organizations may apply to the Department for a
5 grant under this subsection at the time and in the manner
6 the Director prescribes.

7 (2) In awarding grants, the Director shall consider the
8 necessity for overdose prevention projects in various
9 settings and shall encourage all grant applicants to
10 develop interventions that will be effective and viable in
11 their local areas.

12 (3) The Director shall give preference for grants to
13 proposals that, in addition to providing life-saving
14 interventions and responses, provide information to drug
15 users on how to access drug treatment or other strategies
16 for abstaining from illegal drugs. The Director shall give
17 preference to proposals that include one or more of the
18 following elements:

19 (A) Policies and projects to encourage persons,
20 including drug users, to call 911 when they witness a
21 potentially fatal drug overdose.

22 (B) Drug overdose prevention, recognition, and
23 response education projects in drug treatment centers,
24 outreach programs, and other organizations that work
25 with, or have access to, drug users and their families
26 and communities.

1 (C) Drug overdose recognition and response
2 training, including rescue breathing, in drug
3 treatment centers and for other organizations that
4 work with, or have access to, drug users and their
5 families and communities.

6 (D) The production and distribution of targeted or
7 mass media materials on drug overdose prevention and
8 response, the potential dangers of keeping unused
9 prescription drugs in the home, and methods to properly
10 dispose of unused prescription drugs.

11 (E) Prescription and distribution of opioid
12 antagonists.

13 (F) The institution of education and training
14 projects on drug overdose response and treatment for
15 emergency services and law enforcement personnel.

16 (G) A system of parent, family, and survivor
17 education and mutual support groups.

18 (4) In addition to moneys appropriated by the General
19 Assembly, the Director may seek grants from private
20 foundations, the federal government, and other sources to
21 fund the grants under this Section and to fund an
22 evaluation of the programs supported by the grants.

23 (d) Health care professional prescription of opioid
24 antagonists.

25 (1) A health care professional who, acting in good
26 faith, directly or by standing order, prescribes or

1 dispenses an opioid antagonist to: (a) a patient who, in
2 the judgment of the health care professional, is capable of
3 administering the drug in an emergency, or (b) a person who
4 is not at risk of opioid overdose but who, in the judgment
5 of the health care professional, may be in a position to
6 assist another individual during an opioid-related drug
7 overdose and who has received basic instruction on how to
8 administer an opioid antagonist shall not, as a result of
9 his or her acts or omissions, be subject to: (i) any
10 disciplinary or other adverse action under the Medical
11 Practice Act of 1987, the Physician Assistant Practice Act
12 of 1987, the Nurse Practice Act, the Pharmacy Practice Act,
13 or any other professional licensing statute or (ii) any
14 criminal liability, except for willful and wanton
15 misconduct.

16 (2) A person who is not otherwise licensed to
17 administer an opioid antagonist may in an emergency
18 administer without fee an opioid antagonist if the person
19 has received the patient information specified in
20 paragraph (4) of this subsection and believes in good faith
21 that another person is experiencing a drug overdose. The
22 person shall not, as a result of his or her acts or
23 omissions, be (i) liable for any violation of the Medical
24 Practice Act of 1987, the Physician Assistant Practice Act
25 of 1987, the Nurse Practice Act, the Pharmacy Practice Act,
26 or any other professional licensing statute, or (ii)

1 subject to any criminal prosecution or civil liability,
2 except for willful and wanton misconduct.

3 (3) A health care professional prescribing an opioid
4 antagonist to a patient shall ensure that the patient
5 receives the patient information specified in paragraph
6 (4) of this subsection. Patient information may be provided
7 by the health care professional or a community-based
8 organization, substance abuse program, or other
9 organization with which the health care professional
10 establishes a written agreement that includes a
11 description of how the organization will provide patient
12 information, how employees or volunteers providing
13 information will be trained, and standards for documenting
14 the provision of patient information to patients.
15 Provision of patient information shall be documented in the
16 patient's medical record or through similar means as
17 determined by agreement between the health care
18 professional and the organization. The Director of the
19 Division of Alcoholism and Substance Abuse, in
20 consultation with statewide organizations representing
21 physicians, pharmacists, advanced practice nurses,
22 physician assistants, substance abuse programs, and other
23 interested groups, shall develop and disseminate to health
24 care professionals, community-based organizations,
25 substance abuse programs, and other organizations training
26 materials in video, electronic, or other formats to

1 facilitate the provision of such patient information.

2 (4) For the purposes of this subsection:

3 "Opioid antagonist" means a drug that binds to opioid
4 receptors and blocks or inhibits the effect of opioids
5 acting on those receptors, including, but not limited to, l
6 naloxone hydrochloride or any other similarly acting drug
7 approved by the U.S. Food and Drug Administration.

8 "Health care professional" means a physician licensed
9 to practice medicine in all its branches, a licensed
10 physician assistant ~~prescriptive authority~~, a licensed
11 advanced practice nurse ~~prescriptive authority~~, ~~or~~ an
12 advanced practice nurse or physician assistant who
13 practices in a hospital, hospital affiliate, or ambulatory
14 surgical treatment center and possesses appropriate
15 clinical privileges in accordance with the Nurse Practice
16 Act, l or a pharmacist licensed to practice pharmacy under
17 the Pharmacy Practice Act.

18 "Patient" includes a person who is not at risk of
19 opioid overdose but who, in the judgment of the physician,
20 may be in a position to assist another individual during an
21 overdose and who has received patient information as
22 required in paragraph (2) of this subsection on the
23 indications for and administration of an opioid
24 antagonist.

25 "Patient information" includes information provided to
26 the patient on drug overdose prevention and recognition;

1 how to perform rescue breathing and resuscitation; opioid
2 antagonist dosage and administration; the importance of
3 calling 911; care for the overdose victim after
4 administration of the overdose antagonist; and other
5 issues as necessary.

6 (e) Drug overdose response policy.

7 (1) Every State and local government agency that
8 employs a law enforcement officer or fireman as those terms
9 are defined in the Line of Duty Compensation Act must
10 possess opioid antagonists and must establish a policy to
11 control the acquisition, storage, transportation, and
12 administration of such opioid antagonists and to provide
13 training in the administration of opioid antagonists. A
14 State or local government agency that employs a fireman as
15 defined in the Line of Duty Compensation Act but does not
16 respond to emergency medical calls or provide medical
17 services shall be exempt from this subsection.

18 (2) Every publicly or privately owned ambulance,
19 special emergency medical services vehicle, non-transport
20 vehicle, or ambulance assist vehicle, as described in the
21 Emergency Medical Services (EMS) Systems Act, which
22 responds to requests for emergency services or transports
23 patients between hospitals in emergency situations must
24 possess opioid antagonists.

25 (3) Entities that are required under paragraphs (1) and
26 (2) to possess opioid antagonists may also apply to the

1 Department for a grant to fund the acquisition of opioid
2 antagonists and training programs on the administration of
3 opioid antagonists.

4 (Source: P.A. 99-173, eff. 7-29-15; 99-480, eff. 9-9-15;
5 revised 10-19-15.)

6 Section 60. The Children and Family Services Act is amended
7 by changing Section 7 as follows:

8 (20 ILCS 505/7) (from Ch. 23, par. 5007)

9 Sec. 7. Placement of children; considerations.

10 (a) In placing any child under this Act, the Department
11 shall place the child, as far as possible, in the care and
12 custody of some individual holding the same religious belief as
13 the parents of the child, or with some child care facility
14 which is operated by persons of like religious faith as the
15 parents of such child.

16 (a-5) In placing a child under this Act, the Department
17 shall place the child with the child's sibling or siblings
18 under Section 7.4 of this Act unless the placement is not in
19 each child's best interest, or is otherwise not possible under
20 the Department's rules. If the child is not placed with a
21 sibling under the Department's rules, the Department shall
22 consider placements that are likely to develop, preserve,
23 nurture, and support sibling relationships, where doing so is
24 in each child's best interest.

1 (b) In placing a child under this Act, the Department may
2 place a child with a relative if the Department determines that
3 the relative will be able to adequately provide for the child's
4 safety and welfare based on the factors set forth in the
5 Department's rules governing relative placements, and that the
6 placement is consistent with the child's best interests, taking
7 into consideration the factors set out in subsection (4.05) of
8 Section 1-3 of the Juvenile Court Act of 1987.

9 When the Department first assumes custody of a child, in
10 placing that child under this Act, the Department shall make
11 reasonable efforts to identify, locate, and provide notice to
12 all adult grandparents and other adult relatives of the child
13 who are ready, willing, and able to care for the child. At a
14 minimum, these efforts shall be renewed each time the child
15 requires a placement change and it is appropriate for the child
16 to be cared for in a home environment. The Department must
17 document its efforts to identify, locate, and provide notice to
18 such potential relative placements and maintain the
19 documentation in the child's case file.

20 If the Department determines that a placement with any
21 identified relative is not in the child's best interests or
22 that the relative does not meet the requirements to be a
23 relative caregiver, as set forth in Department rules or by
24 statute, the Department must document the basis for that
25 decision and maintain the documentation in the child's case
26 file.

1 If, pursuant to the Department's rules, any person files an
2 administrative appeal of the Department's decision not to place
3 a child with a relative, it is the Department's burden to prove
4 that the decision is consistent with the child's best
5 interests.

6 When the Department determines that the child requires
7 placement in an environment, other than a home environment, the
8 Department shall continue to make reasonable efforts to
9 identify and locate relatives to serve as visitation resources
10 for the child and potential future placement resources, except
11 when the Department determines that those efforts would be
12 futile or inconsistent with the child's best interests.

13 If the Department determines that efforts to identify and
14 locate relatives would be futile or inconsistent with the
15 child's best interests, the Department shall document the basis
16 of its determination and maintain the documentation in the
17 child's case file.

18 If the Department determines that an individual or a group
19 of relatives are inappropriate to serve as visitation resources
20 or possible placement resources, the Department shall document
21 the basis of its determination and maintain the documentation
22 in the child's case file.

23 When the Department determines that an individual or a
24 group of relatives are appropriate to serve as visitation
25 resources or possible future placement resources, the
26 Department shall document the basis of its determination,

1 maintain the documentation in the child's case file, create a
2 visitation or transition plan, or both, and incorporate the
3 visitation or transition plan, or both, into the child's case
4 plan. For the purpose of this subsection, any determination as
5 to the child's best interests shall include consideration of
6 the factors set out in subsection (4.05) of Section 1-3 of the
7 Juvenile Court Act of 1987.

8 The Department may not place a child with a relative, with
9 the exception of certain circumstances which may be waived as
10 defined by the Department in rules, if the results of a check
11 of the Law Enforcement Agencies Data System (LEADS) identifies
12 a prior criminal conviction of the relative or any adult member
13 of the relative's household for any of the following offenses
14 under the Criminal Code of 1961 or the Criminal Code of 2012:

15 (1) murder;

16 (1.1) solicitation of murder;

17 (1.2) solicitation of murder for hire;

18 (1.3) intentional homicide of an unborn child;

19 (1.4) voluntary manslaughter of an unborn child;

20 (1.5) involuntary manslaughter;

21 (1.6) reckless homicide;

22 (1.7) concealment of a homicidal death;

23 (1.8) involuntary manslaughter of an unborn child;

24 (1.9) reckless homicide of an unborn child;

25 (1.10) drug-induced homicide;

26 (2) a sex offense under Article 11, except offenses

1 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
2 11-40, and 11-45;

3 (3) kidnapping;

4 (3.1) aggravated unlawful restraint;

5 (3.2) forcible detention;

6 (3.3) aiding and abetting child abduction;

7 (4) aggravated kidnapping;

8 (5) child abduction;

9 (6) aggravated battery of a child as described in
10 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;

11 (7) criminal sexual assault;

12 (8) aggravated criminal sexual assault;

13 (8.1) predatory criminal sexual assault of a child;

14 (9) criminal sexual abuse;

15 (10) aggravated sexual abuse;

16 (11) heinous battery as described in Section 12-4.1 or
17 subdivision (a) (2) of Section 12-3.05;

18 (12) aggravated battery with a firearm as described in
19 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
20 (e) (4) of Section 12-3.05;

21 (13) tampering with food, drugs, or cosmetics;

22 (14) drug-induced infliction of great bodily harm as
23 described in Section 12-4.7 or subdivision (g) (1) of
24 Section 12-3.05;

25 (15) aggravated stalking;

26 (16) home invasion;

- 1 (17) vehicular invasion;
- 2 (18) criminal transmission of HIV;
- 3 (19) criminal abuse or neglect of an elderly person or
4 person with a disability as described in Section 12-21 or
5 subsection (b) of Section 12-4.4a;
- 6 (20) child abandonment;
- 7 (21) endangering the life or health of a child;
- 8 (22) ritual mutilation;
- 9 (23) ritualized abuse of a child;
- 10 (24) an offense in any other state the elements of
11 which are similar and bear a substantial relationship to
12 any of the foregoing offenses.

13 For the purpose of this subsection, "relative" shall
14 include any person, 21 years of age or over, other than the
15 parent, who (i) is currently related to the child in any of the
16 following ways by blood or adoption: grandparent, sibling,
17 great-grandparent, uncle, aunt, nephew, niece, first cousin,
18 second cousin, godparent, great-uncle, or great-aunt; or (ii)
19 is the spouse of such a relative; or (iii) is the child's
20 step-father, step-mother, or adult step-brother or
21 step-sister; or (iv) is a fictive kin; "relative" also includes
22 a person related in any of the foregoing ways to a sibling of a
23 child, even though the person is not related to the child, when
24 the child and its sibling are placed together with that person.
25 For children who have been in the guardianship of the
26 Department, have been adopted, and are subsequently returned to

1 the temporary custody or guardianship of the Department, a
2 "relative" may also include any person who would have qualified
3 as a relative under this paragraph prior to the adoption, but
4 only if the Department determines, and documents, that it would
5 be in the child's best interests to consider this person a
6 relative, based upon the factors for determining best interests
7 set forth in subsection (4.05) of Section 1-3 of the Juvenile
8 Court Act of 1987. A relative with whom a child is placed
9 pursuant to this subsection may, but is not required to, apply
10 for licensure as a foster family home pursuant to the Child
11 Care Act of 1969; provided, however, that as of July 1, 1995,
12 foster care payments shall be made only to licensed foster
13 family homes pursuant to the terms of Section 5 of this Act.

14 Notwithstanding any other provision under this subsection
15 to the contrary, a fictive kin with whom a child is placed
16 pursuant to this subsection shall apply for licensure as a
17 foster family home pursuant to the Child Care Act of 1969
18 within 6 months of the child's placement with the fictive kin.
19 The Department shall not remove a child from the home of a
20 fictive kin on the basis that the fictive kin fails to apply
21 for licensure within 6 months of the child's placement with the
22 fictive kin, or fails to meet the standard for licensure. All
23 other requirements established under the rules and procedures
24 of the Department concerning the placement of a child, for whom
25 the Department is legally responsible, with a relative shall
26 apply. By June 1, 2015, the Department shall promulgate rules

1 establishing criteria and standards for placement,
2 identification, and licensure of fictive kin.

3 For purposes of this subsection, "fictive kin" means any
4 individual, unrelated by birth or marriage, who is shown to
5 have close personal or emotional ties with the child or the
6 child's family prior to the child's placement with the
7 individual.

8 The provisions added to this subsection (b) by Public Act
9 98-846 ~~this amendatory Act of the 98th General Assembly~~ shall
10 become operative on and after June 1, 2015.

11 (c) In placing a child under this Act, the Department shall
12 ensure that the child's health, safety, and best interests are
13 met. In rejecting placement of a child with an identified
14 relative, the Department shall ensure that the child's health,
15 safety, and best interests are met. In evaluating the best
16 interests of the child, the Department shall take into
17 consideration the factors set forth in subsection (4.05) of
18 Section 1-3 of the Juvenile Court Act of 1987.

19 The Department shall consider the individual needs of the
20 child and the capacity of the prospective foster or adoptive
21 parents to meet the needs of the child. When a child must be
22 placed outside his or her home and cannot be immediately
23 returned to his or her parents or guardian, a comprehensive,
24 individualized assessment shall be performed of that child at
25 which time the needs of the child shall be determined. Only if
26 race, color, or national origin is identified as a legitimate

1 factor in advancing the child's best interests shall it be
2 considered. Race, color, or national origin shall not be
3 routinely considered in making a placement decision. The
4 Department shall make special efforts for the diligent
5 recruitment of potential foster and adoptive families that
6 reflect the ethnic and racial diversity of the children for
7 whom foster and adoptive homes are needed. "Special efforts"
8 shall include contacting and working with community
9 organizations and religious organizations and may include
10 contracting with those organizations, utilizing local media
11 and other local resources, and conducting outreach activities.

12 (c-1) At the time of placement, the Department shall
13 consider concurrent planning, as described in subsection (1-1)
14 of Section 5, so that permanency may occur at the earliest
15 opportunity. Consideration should be given so that if
16 reunification fails or is delayed, the placement made is the
17 best available placement to provide permanency for the child.

18 (d) The Department may accept gifts, grants, offers of
19 services, and other contributions to use in making special
20 recruitment efforts.

21 (e) The Department in placing children in adoptive or
22 foster care homes may not, in any policy or practice relating
23 to the placement of children for adoption or foster care,
24 discriminate against any child or prospective adoptive or
25 foster parent on the basis of race.

26 (Source: P.A. 98-846, eff. 1-1-15; 99-143, eff. 7-27-15;

1 99-340, eff. 1-1-16; revised 10-19-15.)

2 Section 65. The Department of Commerce and Economic
3 Opportunity Law of the Civil Administrative Code of Illinois is
4 amended by changing Section 605-817 as follows:

5 (20 ILCS 605/605-817) (was 20 ILCS 605/46.19k)

6 Sec. 605-817. Family loan program.

7 (a) From amounts appropriated for such purpose, the
8 Department in consultation with the Department of Human
9 Services shall solicit proposals to establish programs to be
10 known as family loan programs. Such programs shall provide
11 small, no-interest loans to custodial parents with income below
12 200% of the federal poverty level and ~~an~~ who are working or
13 enrolled in a post-secondary education program, to aid in
14 covering the costs of unexpected expenses that could interfere
15 with their ability to maintain employment or continue
16 education. Loans awarded through a family loan program may be
17 paid directly to a third party on behalf of a loan recipient
18 and in either case shall not constitute income or resources for
19 the purposes of public assistance and care so long as the funds
20 are used for the intended purpose.

21 (b) The Director shall enter into written agreements with
22 not-for-profit organizations or local government agencies to
23 administer loan pools. Agreements shall be entered into with no
24 more than 4 organizations or agencies, no more than one of

1 which shall be located in the city of Chicago.

2 (c) Program sites shall be approved based on the
3 demonstrated ability of the organization or governmental
4 agency to secure funding from private or public sources
5 sufficient to establish a loan pool to be maintained through
6 repayment agreements entered into by eligible low-income
7 families. Funds awarded by the Department to approved program
8 sites shall be used for the express purposes of covering
9 staffing and administration costs associated with
10 administering the loan pool.

11 (Source: P.A. 91-372, eff. 1-1-00; 92-16, eff. 6-28-01; revised
12 10-19-15.)

13 Section 70. The Department of Natural Resources
14 (Conservation) Law of the Civil Administrative Code of Illinois
15 is amended by changing Section 805-305 as follows:

16 (20 ILCS 805/805-305) (was 20 ILCS 805/63a23)

17 Sec. 805-305. Campsites and housing facilities. The
18 Department has the power to provide facilities for overnight
19 tent and trailer campsites ~~camp sites~~ and to provide suitable
20 housing facilities for student and juvenile overnight camping
21 groups. The Department of Natural Resources may regulate, by
22 administrative order, the fees to be charged for tent and
23 trailer camping units at individual park areas based upon the
24 facilities available. However, for campsites with access to

1 showers or electricity, any Illinois resident who is age 62 or
2 older or has a Class 2 disability as defined in Section 4A of
3 the Illinois Identification Card Act shall be charged only
4 one-half of the camping fee charged to the general public
5 during the period Monday through Thursday of any week and shall
6 be charged the same camping fee as the general public on all
7 other days. For campsites without access to showers or
8 electricity, no camping fee authorized by this Section shall be
9 charged to any resident of Illinois who has a Class 2
10 disability as defined in Section 4A of the Illinois
11 Identification Card Act. For campsites without access to
12 showers or electricity, no camping fee authorized by this
13 Section shall be charged to any resident of Illinois who is age
14 62 or older for the use of a campsite ~~camp site~~ unit during the
15 period Monday through Thursday of any week. No camping fee
16 authorized by this Section shall be charged to any resident of
17 Illinois who is a veteran with a disability or a former
18 prisoner of war, as defined in Section 5 of the Department of
19 Veterans Affairs Act. No camping fee authorized by this Section
20 shall be charged to any resident of Illinois after returning
21 from service abroad or mobilization by the President of the
22 United States as an active duty member of the United States
23 Armed Forces, the Illinois National Guard, or the Reserves of
24 the United States Armed Forces for the amount of time that the
25 active duty member spent in service abroad or mobilized if the
26 person (i) applies for a pass at the Department office in

1 Springfield within 2 years after returning and provides
2 acceptable verification of service or mobilization to the
3 Department or (ii) applies for a pass at a Regional Office of
4 the Department within 2 years after returning and provides
5 acceptable verification of service or mobilization to the
6 Department; any portion of a year that the active duty member
7 spent in service abroad or mobilized shall count as a full
8 year. Nonresidents shall be charged the same fees as are
9 authorized for the general public regardless of age. The
10 Department shall provide by regulation for suitable proof of
11 age, or either a valid driver's license or a "Golden Age
12 Passport" issued by the federal government shall be acceptable
13 as proof of age. The Department shall further provide by
14 regulation that notice of these reduced admission fees be
15 posted in a conspicuous place and manner.

16 Reduced fees authorized in this Section shall not apply to
17 any charge for utility service.

18 For the purposes of this Section, "acceptable verification
19 of service or mobilization" means official documentation from
20 the Department of Defense or the appropriate Major Command
21 showing mobilization dates or service abroad dates, including:
22 (i) a DD-214, (ii) a letter from the Illinois Department of
23 Military Affairs for members of the Illinois National Guard,
24 (iii) a letter from the Regional Reserve Command for members of
25 the Armed Forces Reserve, (iv) a letter from the Major Command
26 covering Illinois for active duty members, (v) personnel

1 records for mobilized State employees, and (vi) any other
2 documentation that the Department, by administrative rule,
3 deems acceptable to establish dates of mobilization or service
4 abroad.

5 For the purposes of this Section, the term "service abroad"
6 means active duty service outside of the 50 United States and
7 the District of Columbia, and includes all active duty service
8 in territories and possessions of the United States.

9 (Source: P.A. 99-143, eff. 7-27-15; revised 10-14-15.)

10 Section 75. The Recreational Trails of Illinois Act is
11 amended by changing Section 34 as follows:

12 (20 ILCS 862/34)

13 Sec. 34. Exception from display of Off-Highway Vehicle
14 Usage Stamps. The operator of an off-highway vehicle shall not
15 be required to display an Off-Highway Vehicle Usage Stamp if
16 the off-highway vehicle is:

17 (1) owned and used by the United States, the State of
18 Illinois, another state, or a political subdivision
19 thereof, but these off-highway vehicles shall prominently
20 display the name of the owner on the off-highway vehicle;

21 (2) operated on lands where the operator, his or her
22 immediate family, or both are the sole owners of the land;
23 this exception shall not apply to clubs, associations, or
24 lands leased for hunting or recreational purposes;

1 (3) used only on local, national, or international
2 competition circuits in events for which written
3 permission has been obtained by the sponsoring or
4 sanctioning body from the governmental unit having
5 jurisdiction over the location of any event held in this
6 State;

7 (4) (blank);

8 (5) used on an off-highway vehicle grant assisted site
9 and the off-highway vehicle displays an ~~a~~ Off-Highway
10 Vehicle Access decal;

11 (6) used in conjunction with a bona fide commercial
12 business, including, but not limited to, agricultural and
13 livestock production;

14 (7) a golf cart, regardless of whether the golf cart is
15 currently being used for golfing purposes;

16 (8) displaying a valid motor vehicle registration
17 issued by the Secretary of State or any other state;

18 (9) operated by an individual who either possesses an
19 Illinois Identification Card issued to the operator by the
20 Secretary of State that lists a Class P2 (or P20 or any
21 successor classification) or P2A disability or an original
22 or photocopy of a valid motor vehicle disability placard
23 issued to the operator by the Secretary of State, or is
24 assisting a person with a disability who has a Class P2 (or
25 P20 or any successor classification) or P2A disability
26 while using the same off-highway vehicle as the individual

1 with a disability; or

2 (10) used only at commercial riding parks.

3 For the purposes of this Section, "golf cart" means a
4 machine specifically designed for the purposes of transporting
5 one or more persons and their golf clubs.

6 For the purposes of this Section, "local, national, or
7 international competition circuit" means any competition
8 circuit sponsored or sanctioned by an international, national,
9 or state organization, including, but not limited to, the
10 American Motorcyclist Association, or sponsored, sanctioned,
11 or both by an affiliate organization of an international,
12 national, or state organization which sanctions competitions,
13 including trials or practices leading up to or in connection
14 with those competitions.

15 For the purposes of this Section, "commercial riding parks"
16 mean commercial properties used for the recreational operation
17 of off-highway vehicles by the paying members of the park or
18 paying guests.

19 (Source: P.A. 98-820, eff. 8-1-14; 99-143, eff. 7-27-15;
20 revised 10-14-15.)

21 Section 80. The Department of Human Services Act is amended
22 by changing Sections 1-17 and 1-42 as follows:

23 (20 ILCS 1305/1-17)

24 Sec. 1-17. Inspector General.

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

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

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

23 "Agency" or "community agency" means (i) a community agency
24 licensed, funded, or certified by the Department, but not
25 licensed or certified by any other human services agency of the
26 State, to provide mental health service or developmental

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

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

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

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

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

19 "Department" means the Department of Human Services.

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

23 "Egregious neglect" means a finding of neglect as
24 determined by the Inspector General that (i) represents a gross
25 failure to adequately provide for, or a callused indifference
26 to, the health, safety, or medical needs of an individual and

1 (ii) results in an individual's death or other serious
2 deterioration of an individual's physical condition or mental
3 condition.

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

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

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

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

23 "Health care worker registry" or "registry" means the
24 health care worker registry created by the Nursing Home Care
25 Act.

26 "Individual" means any person receiving mental health

1 service, developmental disabilities service, or both from a
2 facility or agency, while either on-site or off-site.

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

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

11 "Mentally ill" means having a mental illness.

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

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

26 "Person with a developmental disability" means a person

1 having a developmental disability.

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

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

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

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

17 "Sexual abuse" means any sexual contact or intimate
18 physical contact between an employee and an individual,
19 including an employee's coercion or encouragement of an
20 individual to engage in sexual behavior that results in sexual
21 contact, intimate physical contact, sexual behavior, or
22 intimate physical behavior. Sexual abuse also includes (i) an
23 employee's actions that result in the sending or showing of
24 sexually explicit images to an individual via computer,
25 cellular phone, electronic mail, portable electronic device,
26 or other media with or without contact with the individual or

1 (ii) an employee's posting of sexually explicit images of an
2 individual online or elsewhere whether or not there is contact
3 with the individual.

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

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

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

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

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

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

1 the Department.

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

26 (f) Limitations. The Inspector General shall not conduct an

1 investigation within an agency or facility if that
2 investigation would be redundant to or interfere with an
3 investigation conducted by another State agency. The Inspector
4 General shall have no supervision over, or involvement in, the
5 routine programmatic, licensing, funding, or certification
6 operations of the Department. Nothing in this subsection limits
7 investigations by the Department that may otherwise be required
8 by law or that may be necessary in the Department's capacity as
9 central administrative authority responsible for the operation
10 of the State's mental health and developmental disabilities
11 facilities.

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

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

16 (i) Duty to cooperate.

17 (1) The Inspector General shall at all times be granted
18 access to any facility or agency for the purpose of
19 investigating any allegation, conducting unannounced site
20 visits, monitoring compliance with a written response, or
21 completing any other statutorily assigned duty. The
22 Inspector General shall conduct unannounced site visits to
23 each facility at least annually for the purpose of
24 reviewing and making recommendations on systemic issues
25 relative to preventing, reporting, investigating, and
26 responding to all of the following: mental abuse, physical

1 abuse, sexual abuse, neglect, egregious neglect, or
2 financial exploitation.

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

20 (j) Subpoena powers. The Inspector General shall have the
21 power to subpoena witnesses and compel the production of all
22 documents and physical evidence relating to his or her
23 investigations and any hearings authorized by this Act. This
24 subpoena power shall not extend to persons or documents of a
25 labor organization or its representatives insofar as the
26 persons are acting in a representative capacity to an employee

1 whose conduct is the subject of an investigation or the
2 documents relate to that representation. Any person who
3 otherwise fails to respond to a subpoena or who knowingly
4 provides false information to the Office of the Inspector
5 General by subpoena during an investigation is guilty of a
6 Class A misdemeanor.

7 (k) Reporting allegations and deaths.

8 (1) Allegations. If an employee witnesses, is told of,
9 or has reason to believe an incident of mental abuse,
10 physical abuse, sexual abuse, neglect, or financial
11 exploitation has occurred, the employee, agency, or
12 facility shall report the allegation by phone to the Office
13 of the Inspector General hotline according to the agency's
14 or facility's procedures, but in no event later than 4
15 hours after the initial discovery of the incident,
16 allegation, or suspicion of any one or more of the
17 following: mental abuse, physical abuse, sexual abuse,
18 neglect, or financial exploitation. A required reporter as
19 defined in subsection (b) of this Section who knowingly or
20 intentionally fails to comply with these reporting
21 requirements is guilty of a Class A misdemeanor.

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

26 (i) Any death of an individual occurring within 14

1 calendar days after discharge or transfer of the
2 individual from a residential program or facility.

3 (ii) Any death of an individual occurring within 24
4 hours after deflection from a residential program or
5 facility.

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

8 (3) Retaliation. It is a violation of this Act for any
9 employee or administrator of an agency or facility to take
10 retaliatory action against an employee who acts in good
11 faith in conformance with his or her duties as a required
12 reporter.

13 (1) Reporting to law enforcement.

14 (1) Reporting criminal acts. Within 24 hours after
15 determining that there is credible evidence indicating
16 that a criminal act may have been committed or that special
17 expertise may be required in an investigation, the
18 Inspector General shall notify the Department of State
19 Police or other appropriate law enforcement authority, or
20 ensure that such notification is made. The Department of
21 State Police shall investigate any report from a
22 State-operated facility indicating a possible murder,
23 sexual assault, or other felony by an employee. All
24 investigations conducted by the Inspector General shall be
25 conducted in a manner designed to ensure the preservation
26 of evidence for possible use in a criminal prosecution.

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

17 (m) Investigative reports. Upon completion of an
18 investigation, the Office of Inspector General shall issue an
19 investigative report identifying whether the allegations are
20 substantiated, unsubstantiated, or unfounded. Within 10
21 business days after the transmittal of a completed
22 investigative report substantiating an allegation, or if a
23 recommendation is made, the Inspector General shall provide the
24 investigative report on the case to the Secretary and to the
25 director of the facility or agency where any one or more of the
26 following occurred: mental abuse, physical abuse, sexual

1 abuse, neglect, egregious neglect, or financial exploitation.
2 In a substantiated case, the investigative report shall include
3 any mitigating or aggravating circumstances that were
4 identified during the investigation. If the case involves
5 substantiated neglect, the investigative report shall also
6 state whether egregious neglect was found. An investigative
7 report may also set forth recommendations. All investigative
8 reports prepared by the Office of the Inspector General shall
9 be considered confidential and shall not be released except as
10 provided by the law of this State or as required under
11 applicable federal law. Unsubstantiated and unfounded reports
12 shall not be disclosed except as allowed under Section 6 of the
13 Abused and Neglected Long Term Care Facility Residents
14 Reporting Act. Raw data used to compile the investigative
15 report shall not be subject to release unless required by law
16 or a court order. "Raw data used to compile the investigative
17 report" includes, but is not limited to, any one or more of the
18 following: the initial complaint, witness statements,
19 photographs, investigator's notes, police reports, or incident
20 reports. If the allegations are substantiated, the accused
21 shall be provided with a redacted copy of the investigative
22 report. Death reports where there was no allegation of abuse or
23 neglect shall only be released pursuant to applicable State or
24 federal law or a valid court order.

25 (n) Written responses and reconsideration requests.

26 (1) Written responses. Within 30 calendar days from

1 receipt of a substantiated investigative report or an
2 investigative report which contains recommendations,
3 absent a reconsideration request, the facility or agency
4 shall file a written response that addresses, in a concise
5 and reasoned manner, the actions taken to: (i) protect the
6 individual; (ii) prevent recurrences; and (iii) eliminate
7 the problems identified. The response shall include the
8 implementation and completion dates of such actions. If the
9 written response is not filed within the allotted 30
10 calendar day period, the Secretary shall determine the
11 appropriate corrective action to be taken.

12 (2) Reconsideration requests. The facility, agency,
13 victim or guardian, or the subject employee may request
14 that the Office of Inspector General reconsider or clarify
15 its finding based upon additional information.

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

24 (p) Secretary review. Upon review of the Inspector
25 General's investigative report and any agency's or facility's
26 written response, the Secretary shall accept or reject the

1 written response and notify the Inspector General of that
2 determination. The Secretary may further direct that other
3 administrative action be taken, including, but not limited to,
4 any one or more of the following: (i) additional site visits,
5 (ii) training, (iii) provision of technical assistance
6 relative to administrative needs, licensure or certification,
7 or (iv) the imposition of appropriate sanctions.

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

25 (r) Sanctions. Sanctions, if imposed by the Secretary under
26 Subdivision (p)(iv) of this Section, shall be designed to

1 prevent further acts of mental abuse, physical abuse, sexual
2 abuse, neglect, egregious neglect, or financial exploitation
3 or some combination of one or more of those acts at a facility
4 or agency, and may include any one or more of the following:

5 (1) Appointment of on-site monitors.

6 (2) Transfer or relocation of an individual or
7 individuals.

8 (3) Closure of units.

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

10 (i) Department licensing, (ii) funding, or (iii)
11 certification.

12 The Inspector General may seek the assistance of the
13 Illinois Attorney General or the office of any State's Attorney
14 in implementing sanctions.

15 (s) Health care worker registry.

16 (1) Reporting to the registry. The Inspector General
17 shall report to the Department of Public Health's health
18 care worker registry, a public registry, the identity and
19 finding of each employee of a facility or agency against
20 whom there is a final investigative report containing a
21 substantiated allegation of physical or sexual abuse,
22 financial exploitation, or egregious neglect of an
23 individual.

24 (2) Notice to employee. Prior to reporting the name of
25 an employee, the employee shall be notified of the
26 Department's obligation to report and shall be granted an

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

16 (3) Registry hearings. If the employee requests an
17 administrative hearing, the employee shall be granted an
18 opportunity to appear before an administrative law judge to
19 present reasons why the employee's name should not be
20 reported to the registry. The Department shall bear the
21 burden of presenting evidence that establishes, by a
22 preponderance of the evidence, that the substantiated
23 finding warrants reporting to the registry. After
24 considering all the evidence presented, the administrative
25 law judge shall make a recommendation to the Secretary as
26 to whether the substantiated finding warrants reporting

1 the name of the employee to the registry. The Secretary
2 shall render the final decision. The Department and the
3 employee shall have the right to request that the
4 administrative law judge consider a stipulated disposition
5 of these proceedings.

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

18 (5) Employee's rights to collateral action. No
19 reporting to the registry shall occur and no hearing shall
20 be set or proceed if an employee notifies the Inspector
21 General in writing, including any supporting
22 documentation, that he or she is formally contesting an
23 adverse employment action resulting from a substantiated
24 finding by complaint filed with the Illinois Civil Service
25 Commission, or which otherwise seeks to enforce the
26 employee's rights pursuant to any applicable collective

1 bargaining agreement. If an action taken by an employer
2 against an employee as a result of a finding of physical
3 abuse, sexual abuse, or egregious neglect is overturned
4 through an action filed with the Illinois Civil Service
5 Commission or under any applicable collective bargaining
6 agreement and if that employee's name has already been sent
7 to the registry, the employee's name shall be removed from
8 the registry.

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

22 (t) Review of Administrative Decisions. The Department
23 shall preserve a record of all proceedings at any formal
24 hearing conducted by the Department involving health care
25 worker registry hearings. Final administrative decisions of
26 the Department are subject to judicial review pursuant to

1 provisions of the Administrative Review Law.

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

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

22 The Board shall meet quarterly, and may hold other meetings
23 on the call of the chairman. Four members shall constitute a
24 quorum allowing the Board to conduct its business. The Board
25 may adopt rules and regulations it deems necessary to govern
26 its own procedures.

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

6 (1) Provide independent, expert consultation to the
7 Inspector General on policies and protocols for
8 investigations of alleged abuse, neglect, or both abuse and
9 neglect.

10 (2) Review existing regulations relating to the
11 operation of facilities.

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

14 (4) Recommend policies concerning methods for
15 improving the intergovernmental relationships between the
16 Office of the Inspector General and other State or federal
17 offices.

18 (v) Annual report. The Inspector General shall provide to
19 the General Assembly and the Governor, no later than January 1
20 of each year, a summary of reports and investigations made
21 under this Act for the prior fiscal year with respect to
22 individuals receiving mental health or developmental
23 disabilities services. The report shall detail the imposition
24 of sanctions, if any, and the final disposition of any
25 corrective or administrative action directed by the Secretary.
26 The summaries shall not contain any confidential or identifying

1 information of any individual, but shall include objective data
2 identifying any trends in the number of reported allegations,
3 the timeliness of the Office of the Inspector General's
4 investigations, and their disposition, for each facility and
5 Department-wide, for the most recent 3-year time period. The
6 report shall also identify, by facility, the staff-to-patient
7 ratios taking account of direct care staff only. The report
8 shall also include detailed recommended administrative actions
9 and matters for consideration by the General Assembly.

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

20 (x) Nothing in this Section shall be construed to mean that
21 a patient is a victim of abuse or neglect because of health
22 care services appropriately provided or not provided by health
23 care professionals.

24 (y) Nothing in this Section shall require a facility,
25 including its employees, agents, medical staff members, and
26 health care professionals, to provide a service to a patient in

1 contravention of that patient's stated or implied objection to
2 the provision of that service on the ground that that service
3 conflicts with the patient's religious beliefs or practices,
4 nor shall the failure to provide a service to a patient be
5 considered abuse under this Section if the patient has objected
6 to the provision of that service based on his or her religious
7 beliefs or practices.

8 (Source: P.A. 98-49, eff. 7-1-13; 98-711, eff. 7-16-14; 99-143,
9 eff. 7-27-15; 99-323, eff. 8-7-15; revised 10-19-15.)

10 (20 ILCS 1305/1-42)

11 Sec. 1-42. Department Ambassador. Subject to
12 appropriation, as part of a pilot program, the Department shall
13 designate one or more officials or employees to serve as
14 Department Ambassadors ~~Ambassador~~. Department Ambassadors
15 shall serve as a liaison between the Department and the public
16 and shall have the following duties: (i) to inform the public
17 about services available through the Department, (ii) to assist
18 the public in accessing those services, (iii) to review the
19 Department's methods of disseminating information, and (iv) to
20 recommend and implement more efficient practices of providing
21 services and information to the public where possible.

22 (Source: P.A. 98-1065, eff. 8-26-14; revised 10-19-15.)

23 Section 85. The Burn Victims Relief Act is amended by
24 changing Section 15 as follows:

1 (20 ILCS 1410/15)

2 Sec. 15. Rulemaking. The Department of Insurance may adopt
3 rules to implement the provisions of this Act. In order to
4 provide for the expeditious and timely implementation of the
5 provisions of this Act, emergency rules to implement any
6 provision of this Act may be adopted by the Department in
7 accordance with subsection (u) ~~(t)~~ of Section 5-45 of the
8 Illinois Administrative Procedure Act.

9 (Source: P.A. 99-455, eff. 1-1-16; revised 10-26-15.)

10 Section 90. The Department of Professional Regulation Law
11 of the Civil Administrative Code of Illinois is amended by
12 changing Section 2105-15 as follows:

13 (20 ILCS 2105/2105-15)

14 Sec. 2105-15. General powers and duties.

15 (a) The Department has, subject to the provisions of the
16 Civil Administrative Code of Illinois, the following powers and
17 duties:

18 (1) To authorize examinations in English to ascertain
19 the qualifications and fitness of applicants to exercise
20 the profession, trade, or occupation for which the
21 examination is held.

22 (2) To prescribe rules and regulations for a fair and
23 wholly impartial method of examination of candidates to

1 exercise the respective professions, trades, or
2 occupations.

3 (3) To pass upon the qualifications of applicants for
4 licenses, certificates, and authorities, whether by
5 examination, by reciprocity, or by endorsement.

6 (4) To prescribe rules and regulations defining, for
7 the respective professions, trades, and occupations, what
8 shall constitute a school, college, or university, or
9 department of a university, or other institution,
10 reputable and in good standing, and to determine the
11 reputability and good standing of a school, college, or
12 university, or department of a university, or other
13 institution, reputable and in good standing, by reference
14 to a compliance with those rules and regulations; provided,
15 that no school, college, or university, or department of a
16 university, or other institution that refuses admittance
17 to applicants solely on account of race, color, creed, sex,
18 sexual orientation, or national origin shall be considered
19 reputable and in good standing.

20 (5) To conduct hearings on proceedings to revoke,
21 suspend, refuse to renew, place on probationary status, or
22 take other disciplinary action as authorized in any
23 licensing Act administered by the Department with regard to
24 licenses, certificates, or authorities of persons
25 exercising the respective professions, trades, or
26 occupations and to revoke, suspend, refuse to renew, place

1 on probationary status, or take other disciplinary action
2 as authorized in any licensing Act administered by the
3 Department with regard to those licenses, certificates, or
4 authorities.

5 The Department shall issue a monthly disciplinary
6 report.

7 The Department shall deny any license or renewal
8 authorized by the Civil Administrative Code of Illinois to
9 any person who has defaulted on an educational loan or
10 scholarship provided by or guaranteed by the Illinois
11 Student Assistance Commission or any governmental agency
12 of this State; however, the Department may issue a license
13 or renewal if the aforementioned persons have established a
14 satisfactory repayment record as determined by the
15 Illinois Student Assistance Commission or other
16 appropriate governmental agency of this State.
17 Additionally, beginning June 1, 1996, any license issued by
18 the Department may be suspended or revoked if the
19 Department, after the opportunity for a hearing under the
20 appropriate licensing Act, finds that the licensee has
21 failed to make satisfactory repayment to the Illinois
22 Student Assistance Commission for a delinquent or
23 defaulted loan. For the purposes of this Section,
24 "satisfactory repayment record" shall be defined by rule.

25 The Department shall refuse to issue or renew a license
26 to, or shall suspend or revoke a license of, any person

1 who, after receiving notice, fails to comply with a
2 subpoena or warrant relating to a paternity or child
3 support proceeding. However, the Department may issue a
4 license or renewal upon compliance with the subpoena or
5 warrant.

6 The Department, without further process or hearings,
7 shall revoke, suspend, or deny any license or renewal
8 authorized by the Civil Administrative Code of Illinois to
9 a person who is certified by the Department of Healthcare
10 and Family Services (formerly Illinois Department of
11 Public Aid) as being more than 30 days delinquent in
12 complying with a child support order or who is certified by
13 a court as being in violation of the Non-Support Punishment
14 Act for more than 60 days. The Department may, however,
15 issue a license or renewal if the person has established a
16 satisfactory repayment record as determined by the
17 Department of Healthcare and Family Services (formerly
18 Illinois Department of Public Aid) or if the person is
19 determined by the court to be in compliance with the
20 Non-Support Punishment Act. The Department may implement
21 this paragraph as added by Public Act 89-6 through the use
22 of emergency rules in accordance with Section 5-45 of the
23 Illinois Administrative Procedure Act. For purposes of the
24 Illinois Administrative Procedure Act, the adoption of
25 rules to implement this paragraph shall be considered an
26 emergency and necessary for the public interest, safety,

1 and welfare.

2 (6) To transfer jurisdiction of any realty under the
3 control of the Department to any other department of the
4 State Government or to acquire or accept federal lands when
5 the transfer, acquisition, or acceptance is advantageous
6 to the State and is approved in writing by the Governor.

7 (7) To formulate rules and regulations necessary for
8 the enforcement of any Act administered by the Department.

9 (8) To exchange with the Department of Healthcare and
10 Family Services information that may be necessary for the
11 enforcement of child support orders entered pursuant to the
12 Illinois Public Aid Code, the Illinois Marriage and
13 Dissolution of Marriage Act, the Non-Support of Spouse and
14 Children Act, the Non-Support Punishment Act, the Revised
15 Uniform Reciprocal Enforcement of Support Act, the Uniform
16 Interstate Family Support Act, the Illinois Parentage Act
17 of 1984, or the Illinois Parentage Act of 2015.
18 Notwithstanding any provisions in this Code to the
19 contrary, the Department of Professional Regulation shall
20 not be liable under any federal or State law to any person
21 for any disclosure of information to the Department of
22 Healthcare and Family Services (formerly Illinois
23 Department of Public Aid) under this paragraph (8) or for
24 any other action taken in good faith to comply with the
25 requirements of this paragraph (8).

26 (8.5) To accept continuing education credit for

1 mandated reporter training on how to recognize and report
2 child abuse offered by the Department of Children and
3 Family Services and completed by any person who holds a
4 professional license issued by the Department and who is a
5 mandated reporter under the Abused and Neglected Child
6 Reporting Act. The Department shall adopt any rules
7 necessary to implement this paragraph.

8 (9) To perform other duties prescribed by law.

9 (a-5) Except in cases involving default on an educational
10 loan or scholarship provided by or guaranteed by the Illinois
11 Student Assistance Commission or any governmental agency of
12 this State or in cases involving delinquency in complying with
13 a child support order or violation of the Non-Support
14 Punishment Act and notwithstanding anything that may appear in
15 any individual licensing Act or administrative rule, no person
16 or entity whose license, certificate, or authority has been
17 revoked as authorized in any licensing Act administered by the
18 Department may apply for restoration of that license,
19 certification, or authority until 3 years after the effective
20 date of the revocation.

21 (b) The Department may, when a fee is payable to the
22 Department for a wall certificate of registration provided by
23 the Department of Central Management Services, require that
24 portion of the payment for printing and distribution costs be
25 made directly or through the Department to the Department of
26 Central Management Services for deposit into the Paper and

1 Printing Revolving Fund. The remainder shall be deposited into
2 the General Revenue Fund.

3 (c) For the purpose of securing and preparing evidence, and
4 for the purchase of controlled substances, professional
5 services, and equipment necessary for enforcement activities,
6 recoupment of investigative costs, and other activities
7 directed at suppressing the misuse and abuse of controlled
8 substances, including those activities set forth in Sections
9 504 and 508 of the Illinois Controlled Substances Act, the
10 Director and agents appointed and authorized by the Director
11 may expend sums from the Professional Regulation Evidence Fund
12 that the Director deems necessary from the amounts appropriated
13 for that purpose. Those sums may be advanced to the agent when
14 the Director deems that procedure to be in the public interest.
15 Sums for the purchase of controlled substances, professional
16 services, and equipment necessary for enforcement activities
17 and other activities as set forth in this Section shall be
18 advanced to the agent who is to make the purchase from the
19 Professional Regulation Evidence Fund on vouchers signed by the
20 Director. The Director and those agents are authorized to
21 maintain one or more commercial checking accounts with any
22 State banking corporation or corporations organized under or
23 subject to the Illinois Banking Act for the deposit and
24 withdrawal of moneys to be used for the purposes set forth in
25 this Section; provided, that no check may be written nor any
26 withdrawal made from any such account except upon the written

1 signatures of 2 persons designated by the Director to write
2 those checks and make those withdrawals. Vouchers for those
3 expenditures must be signed by the Director. All such
4 expenditures shall be audited by the Director, and the audit
5 shall be submitted to the Department of Central Management
6 Services for approval.

7 (d) Whenever the Department is authorized or required by
8 law to consider some aspect of criminal history record
9 information for the purpose of carrying out its statutory
10 powers and responsibilities, then, upon request and payment of
11 fees in conformance with the requirements of Section 2605-400
12 of the Department of State Police Law (20 ILCS 2605/2605-400),
13 the Department of State Police is authorized to furnish,
14 pursuant to positive identification, the information contained
15 in State files that is necessary to fulfill the request.

16 (e) The provisions of this Section do not apply to private
17 business and vocational schools as defined by Section 15 of the
18 Private Business and Vocational Schools Act of 2012.

19 (f) (Blank).

20 (g) Notwithstanding anything that may appear in any
21 individual licensing statute or administrative rule, the
22 Department shall deny any license application or renewal
23 authorized under any licensing Act administered by the
24 Department to any person who has failed to file a return, or to
25 pay the tax, penalty, or interest shown in a filed return, or
26 to pay any final assessment of tax, penalty, or interest, as

1 required by any tax Act administered by the Illinois Department
2 of Revenue, until such time as the requirement of any such tax
3 Act are satisfied; however, the Department may issue a license
4 or renewal if the person has established a satisfactory
5 repayment record as determined by the Illinois Department of
6 Revenue. For the purpose of this Section, "satisfactory
7 repayment record" shall be defined by rule.

8 In addition, a complaint filed with the Department by the
9 Illinois Department of Revenue that includes a certification,
10 signed by its Director or designee, attesting to the amount of
11 the unpaid tax liability or the years for which a return was
12 not filed, or both, is prima facie evidence of the licensee's
13 failure to comply with the tax laws administered by the
14 Illinois Department of Revenue. Upon receipt of that
15 certification, the Department shall, without a hearing,
16 immediately suspend all licenses held by the licensee.
17 Enforcement of the Department's order shall be stayed for 60
18 days. The Department shall provide notice of the suspension to
19 the licensee by mailing a copy of the Department's order by
20 certified and regular mail to the licensee's last known address
21 as registered with the Department. The notice shall advise the
22 licensee that the suspension shall be effective 60 days after
23 the issuance of the Department's order unless the Department
24 receives, from the licensee, a request for a hearing before the
25 Department to dispute the matters contained in the order.

26 Any suspension imposed under this subsection (g) shall be

1 terminated by the Department upon notification from the
2 Illinois Department of Revenue that the licensee is in
3 compliance with all tax laws administered by the Illinois
4 Department of Revenue.

5 The Department may promulgate rules for the administration
6 of this subsection (g).

7 (h) The Department may grant the title "Retired", to be
8 used immediately adjacent to the title of a profession
9 regulated by the Department, to eligible retirees. For
10 individuals licensed under the Medical Practice Act of 1987,
11 the title "Retired" may be used in the profile required by the
12 Patients' Right to Know Act. The use of the title "Retired"
13 shall not constitute representation of current licensure,
14 registration, or certification. Any person without an active
15 license, registration, or certificate in a profession that
16 requires licensure, registration, or certification shall not
17 be permitted to practice that profession.

18 (i) Within 180 days after December 23, 2009 (the effective
19 date of Public Act 96-852), the Department shall promulgate
20 rules which permit a person with a criminal record, who seeks a
21 license or certificate in an occupation for which a criminal
22 record is not expressly a per se bar, to apply to the
23 Department for a non-binding, advisory opinion to be provided
24 by the Board or body with the authority to issue the license or
25 certificate as to whether his or her criminal record would bar
26 the individual from the licensure or certification sought,

1 should the individual meet all other licensure requirements
2 including, but not limited to, the successful completion of the
3 relevant examinations.

4 (Source: P.A. 98-756, eff. 7-16-14; 98-850, eff. 1-1-15; 99-85,
5 eff. 1-1-16; 99-227, eff. 8-3-15; 99-330, eff. 8-10-15; revised
6 10-16-15.)

7 Section 95. The Department of Public Health Powers and
8 Duties Law of the Civil Administrative Code of Illinois is
9 amended by setting forth, renumbering, and changing multiple
10 versions of Section 2310-685 as follows:

11 (20 ILCS 2310/2310-685)

12 Sec. 2310-685. Health care facility; policy to encourage
13 participation in capital projects.

14 (a) A health care facility shall develop a policy to
15 encourage the participation of minority-owned, women-owned,
16 veteran-owned, and small business enterprises in capital
17 projects undertaken by the health care facility.

18 (b) A health care system may develop a system-wide policy
19 in order to comply with the requirement of subsection (a) of
20 this Section.

21 (c) The policy required under this Section must be
22 developed no later than 6 months after January 1, 2016 (the
23 effective date of Public Act 99-315) ~~this amendatory Act of the~~
24 ~~99th General Assembly.~~

1 (d) This Section does not apply to health care facilities
2 with 100 or fewer beds, health care facilities located in a
3 county with a total census population of less than 3,000,000,
4 or health care facilities owned or operated by a unit of local
5 government or the State or federal government.

6 (e) For the purpose of this Section, "health care facility"
7 has the same meaning as set forth in the Illinois Health
8 Facilities Planning Act.

9 (Source: P.A. 99-315, eff. 1-1-16; revised 9-28-15.)

10 (20 ILCS 2310/2310-690)

11 Sec. 2310-690 ~~2310-695~~. Cytomegalovirus public education.

12 (a) In this Section:

13 "CMV" means cytomegalovirus.

14 "Health care provider" means any physician, hospital
15 facility, or other person that is licensed or otherwise
16 authorized to deliver health care services.

17 (b) The Department shall develop or approve and publish
18 informational materials for women who may become pregnant,
19 expectant parents, and parents of infants regarding:

20 (1) the incidence of CMV;

21 (2) the transmission of CMV to pregnant women and women
22 who may become pregnant;

23 (3) birth defects caused by congenital CMV;

24 (4) methods of diagnosing congenital CMV; and

25 (5) available preventive measures to avoid the

1 infection of women who are pregnant or may become pregnant.

2 (c) The Department shall publish the information required
3 under subsection (b) on its Internet website.

4 (d) The Department shall publish information to:

5 (1) educate women who may become pregnant, expectant
6 parents, and parents of infants about CMV; and

7 (2) raise awareness of CMV among health care providers
8 who provide care to expectant mothers or infants.

9 (e) The Department may solicit and accept the assistance of
10 any relevant medical associations or community resources,
11 including faith-based resources, to promote education about
12 CMV under this Section.

13 (f) If a newborn infant fails the 2 initial hearing
14 screenings in the hospital, then the hospital performing that
15 screening shall provide to the parents of the newborn infant
16 information regarding: (i) birth defects caused by congenital
17 CMV; (ii) testing opportunities and options for CMV, including
18 the opportunity to test for CMV before leaving the hospital;
19 and (iii) early intervention services. Health care providers
20 may use the materials developed by the Department for
21 distribution to parents of newborn infants.

22 (Source: P.A. 99-424, eff. 1-1-16; revised 9-28-15.)

23 Section 100. The Disabilities Services Act of 2003 is
24 amended by changing Section 52 as follows:

1 (20 ILCS 2407/52)

2 Sec. 52. Applicability; definitions. In accordance with
3 Section 6071 of the Deficit Reduction Act of 2005 (P.L.
4 109-171), as used in this Article:

5 "Departments". The term "Departments" means for the
6 purposes of this Act, the Department of Human Services, the
7 Department on Aging, Department of Healthcare and Family
8 Services and Department of Public Health, unless otherwise
9 noted.

10 "Home and community-based long-term care services". The
11 term "home and community-based long-term care services" means,
12 with respect to the State Medicaid program, a service aid, or
13 benefit, home and community-based services, including, but not
14 limited to, home health and personal care services, that are
15 provided to a person with a disability, and are voluntarily
16 accepted, as part of his or her long-term care that: (i) is
17 provided under the State's qualified home and community-based
18 program or that could be provided under such a program but is
19 otherwise provided under the Medicaid program; (ii) is
20 delivered in a qualified residence; and (iii) is necessary for
21 the person with a disability to live in the community.

22 "ID/DD community care facility". The term "ID/DD community
23 care facility", for the purposes of this Article, means a
24 skilled nursing or intermediate long-term care facility
25 subject to licensure by the Department of Public Health under
26 the ID/DD Community Care Act or the MC/DD Act, an intermediate

1 care facility for persons with developmental disabilities
2 (ICF-DDs), and a State-operated developmental center or mental
3 health center, whether publicly or privately owned.

4 "Money Follows the Person" Demonstration. Enacted by the
5 Deficit Reduction Act of 2005, the Money Follows the Person
6 (MFP) Rebalancing Demonstration is part of a comprehensive,
7 coordinated strategy to assist states, in collaboration with
8 stakeholders, to make widespread changes to their long-term
9 care support systems. This initiative will assist states in
10 their efforts to reduce their reliance on institutional care
11 while developing community-based long-term care opportunities,
12 enabling the elderly and people with disabilities to fully
13 participate in their communities.

14 "Public funds" mean any funds appropriated by the General
15 Assembly to the Departments of Human Services, on Aging, of
16 Healthcare and Family Services and of Public Health for
17 settings and services as defined in this Article.

18 "Qualified residence". The term "qualified residence"
19 means, with respect to an eligible individual: (i) a home owned
20 or leased by the individual or the individual's authorized
21 representative (as defined by P.L. 109-171); (ii) an apartment
22 with an individual lease, with lockable access and egress, and
23 which includes living, sleeping, bathing, and cooking areas
24 over which the individual or the individual's family has domain
25 and control; or (iii) a residence, in a community-based
26 residential setting, in which no more than 4 unrelated

1 individuals reside. Where qualified residences are not
2 sufficient to meet the demand of eligible individuals,
3 time-limited exceptions to this definition may be developed
4 through administrative rule.

5 "Self-directed services". The term "self-directed
6 services" means, with respect to home and community-based
7 long-term services for an eligible individual, those services
8 for the individual that are planned and purchased under the
9 direction and control of the individual or the individual's
10 authorized representative, including the amount, duration,
11 scope, provider, and location of such services, under the State
12 Medicaid program consistent with the following requirements:

13 (a) Assessment: there is an assessment of the needs,
14 capabilities, and preference of the individual with
15 respect to such services.

16 (b) Individual service care or treatment plan: based on
17 the assessment, there is development jointly with such
18 individual or individual's authorized representative, a
19 plan for such services for the individual that (i)
20 specifies those services, if any, that the individual or
21 the individual's authorized representative would be
22 responsible for directing; (ii) identifies the methods by
23 which the individual or the individual's authorized
24 representative or an agency designated by an individual or
25 representative will select, manage, and dismiss providers
26 of such services.

1 (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;
2 revised 11-3-15.)

3 Section 105. The Criminal Identification Act is amended by
4 changing Section 5.2 as follows:

5 (20 ILCS 2630/5.2)

6 Sec. 5.2. Expungement and sealing.

7 (a) General Provisions.

8 (1) Definitions. In this Act, words and phrases have
9 the meanings set forth in this subsection, except when a
10 particular context clearly requires a different meaning.

11 (A) The following terms shall have the meanings
12 ascribed to them in the Unified Code of Corrections,
13 730 ILCS 5/5-1-2 through 5/5-1-22:

14 (i) Business Offense (730 ILCS 5/5-1-2),

15 (ii) Charge (730 ILCS 5/5-1-3),

16 (iii) Court (730 ILCS 5/5-1-6),

17 (iv) Defendant (730 ILCS 5/5-1-7),

18 (v) Felony (730 ILCS 5/5-1-9),

19 (vi) Imprisonment (730 ILCS 5/5-1-10),

20 (vii) Judgment (730 ILCS 5/5-1-12),

21 (viii) Misdemeanor (730 ILCS 5/5-1-14),

22 (ix) Offense (730 ILCS 5/5-1-15),

23 (x) Parole (730 ILCS 5/5-1-16),

24 (xi) Petty Offense (730 ILCS 5/5-1-17),

1 (xii) Probation (730 ILCS 5/5-1-18),
2 (xiii) Sentence (730 ILCS 5/5-1-19),
3 (xiv) Supervision (730 ILCS 5/5-1-21), and
4 (xv) Victim (730 ILCS 5/5-1-22).

5 (B) As used in this Section, "charge not initiated
6 by arrest" means a charge (as defined by 730 ILCS
7 5/5-1-3) brought against a defendant where the
8 defendant is not arrested prior to or as a direct
9 result of the charge.

10 (C) "Conviction" means a judgment of conviction or
11 sentence entered upon a plea of guilty or upon a
12 verdict or finding of guilty of an offense, rendered by
13 a legally constituted jury or by a court of competent
14 jurisdiction authorized to try the case without a jury.
15 An order of supervision successfully completed by the
16 petitioner is not a conviction. An order of qualified
17 probation (as defined in subsection (a)(1)(J))
18 successfully completed by the petitioner is not a
19 conviction. An order of supervision or an order of
20 qualified probation that is terminated
21 unsatisfactorily is a conviction, unless the
22 unsatisfactory termination is reversed, vacated, or
23 modified and the judgment of conviction, if any, is
24 reversed or vacated.

25 (D) "Criminal offense" means a petty offense,
26 business offense, misdemeanor, felony, or municipal

1 ordinance violation (as defined in subsection
2 (a)(1)(H)). As used in this Section, a minor traffic
3 offense (as defined in subsection (a)(1)(G)) shall not
4 be considered a criminal offense.

5 (E) "Expunge" means to physically destroy the
6 records or return them to the petitioner and to
7 obliterate the petitioner's name from any official
8 index or public record, or both. Nothing in this Act
9 shall require the physical destruction of the circuit
10 court file, but such records relating to arrests or
11 charges, or both, ordered expunged shall be impounded
12 as required by subsections (d)(9)(A)(ii) and
13 (d)(9)(B)(ii).

14 (F) As used in this Section, "last sentence" means
15 the sentence, order of supervision, or order of
16 qualified probation (as defined by subsection
17 (a)(1)(J)), for a criminal offense (as defined by
18 subsection (a)(1)(D)) that terminates last in time in
19 any jurisdiction, regardless of whether the petitioner
20 has included the criminal offense for which the
21 sentence or order of supervision or qualified
22 probation was imposed in his or her petition. If
23 multiple sentences, orders of supervision, or orders
24 of qualified probation terminate on the same day and
25 are last in time, they shall be collectively considered
26 the "last sentence" regardless of whether they were

1 ordered to run concurrently.

2 (G) "Minor traffic offense" means a petty offense,
3 business offense, or Class C misdemeanor under the
4 Illinois Vehicle Code or a similar provision of a
5 municipal or local ordinance.

6 (H) "Municipal ordinance violation" means an
7 offense defined by a municipal or local ordinance that
8 is criminal in nature and with which the petitioner was
9 charged or for which the petitioner was arrested and
10 released without charging.

11 (I) "Petitioner" means an adult or a minor
12 prosecuted as an adult who has applied for relief under
13 this Section.

14 (J) "Qualified probation" means an order of
15 probation under Section 10 of the Cannabis Control Act,
16 Section 410 of the Illinois Controlled Substances Act,
17 Section 70 of the Methamphetamine Control and
18 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
19 of the Unified Code of Corrections, Section
20 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
21 those provisions existed before their deletion by
22 Public Act 89-313), Section 10-102 of the Illinois
23 Alcoholism and Other Drug Dependency Act, Section
24 40-10 of the Alcoholism and Other Drug Abuse and
25 Dependency Act, or Section 10 of the Steroid Control
26 Act. For the purpose of this Section, "successful

1 completion" of an order of qualified probation under
2 Section 10-102 of the Illinois Alcoholism and Other
3 Drug Dependency Act and Section 40-10 of the Alcoholism
4 and Other Drug Abuse and Dependency Act means that the
5 probation was terminated satisfactorily and the
6 judgment of conviction was vacated.

7 (K) "Seal" means to physically and electronically
8 maintain the records, unless the records would
9 otherwise be destroyed due to age, but to make the
10 records unavailable without a court order, subject to
11 the exceptions in Sections 12 and 13 of this Act. The
12 petitioner's name shall also be obliterated from the
13 official index required to be kept by the circuit court
14 clerk under Section 16 of the Clerks of Courts Act, but
15 any index issued by the circuit court clerk before the
16 entry of the order to seal shall not be affected.

17 (L) "Sexual offense committed against a minor"
18 includes but is not limited to the offenses of indecent
19 solicitation of a child or criminal sexual abuse when
20 the victim of such offense is under 18 years of age.

21 (M) "Terminate" as it relates to a sentence or
22 order of supervision or qualified probation includes
23 either satisfactory or unsatisfactory termination of
24 the sentence, unless otherwise specified in this
25 Section.

26 (2) Minor Traffic Offenses. Orders of supervision or

1 convictions for minor traffic offenses shall not affect a
2 petitioner's eligibility to expunge or seal records
3 pursuant to this Section.

4 (3) Exclusions. Except as otherwise provided in
5 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)
6 of this Section, the court shall not order:

7 (A) the sealing or expungement of the records of
8 arrests or charges not initiated by arrest that result
9 in an order of supervision for or conviction of: (i)
10 any sexual offense committed against a minor; (ii)
11 Section 11-501 of the Illinois Vehicle Code or a
12 similar provision of a local ordinance; or (iii)
13 Section 11-503 of the Illinois Vehicle Code or a
14 similar provision of a local ordinance, unless the
15 arrest or charge is for a misdemeanor violation of
16 subsection (a) of Section 11-503 or a similar provision
17 of a local ordinance, that occurred prior to the
18 offender reaching the age of 25 years and the offender
19 has no other conviction for violating Section 11-501 or
20 11-503 of the Illinois Vehicle Code or a similar
21 provision of a local ordinance.

22 (B) the sealing or expungement of records of minor
23 traffic offenses (as defined in subsection (a) (1) (G)),
24 unless the petitioner was arrested and released
25 without charging.

26 (C) the sealing of the records of arrests or

1 charges not initiated by arrest which result in an
2 order of supervision or a conviction for the following
3 offenses:

4 (i) offenses included in Article 11 of the
5 Criminal Code of 1961 or the Criminal Code of 2012
6 or a similar provision of a local ordinance, except
7 Section 11-14 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, or a similar provision of a
9 local ordinance;

10 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
11 26-5, or 48-1 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, or a similar provision of a
13 local ordinance;

14 (iii) Sections 12-3.1 or 12-3.2 of the
15 Criminal Code of 1961 or the Criminal Code of 2012,
16 or Section 125 of the Stalking No Contact Order
17 Act, or Section 219 of the Civil No Contact Order
18 Act, or a similar provision of a local ordinance;

19 (iv) offenses which are Class A misdemeanors
20 under the Humane Care for Animals Act; or

21 (v) any offense or attempted offense that
22 would subject a person to registration under the
23 Sex Offender Registration Act.

24 (D) the sealing of the records of an arrest which
25 results in the petitioner being charged with a felony
26 offense or records of a charge not initiated by arrest

1 for a felony offense unless:

2 (i) the charge is amended to a misdemeanor and
3 is otherwise eligible to be sealed pursuant to
4 subsection (c);

5 (ii) the charge is brought along with another
6 charge as a part of one case and the charge results
7 in acquittal, dismissal, or conviction when the
8 conviction was reversed or vacated, and another
9 charge brought in the same case results in a
10 disposition for a misdemeanor offense that is
11 eligible to be sealed pursuant to subsection (c) or
12 a disposition listed in paragraph (i), (iii), or
13 (iv) of this subsection;

14 (iii) the charge results in first offender
15 probation as set forth in subsection (c) (2) (E);

16 (iv) the charge is for a felony offense listed
17 in subsection (c) (2) (F) or the charge is amended to
18 a felony offense listed in subsection (c) (2) (F);

19 (v) the charge results in acquittal,
20 dismissal, or the petitioner's release without
21 conviction; or

22 (vi) the charge results in a conviction, but
23 the conviction was reversed or vacated.

24 (b) Expungement.

25 (1) A petitioner may petition the circuit court to
26 expunge the records of his or her arrests and charges not

1 initiated by arrest when:

2 (A) He or she has never been convicted of a
3 criminal offense; and

4 (B) Each arrest or charge not initiated by arrest
5 sought to be expunged resulted in: (i) acquittal,
6 dismissal, or the petitioner's release without
7 charging, unless excluded by subsection (a)(3)(B);
8 (ii) a conviction which was vacated or reversed, unless
9 excluded by subsection (a)(3)(B); (iii) an order of
10 supervision and such supervision was successfully
11 completed by the petitioner, unless excluded by
12 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of
13 qualified probation (as defined in subsection
14 (a)(1)(J)) and such probation was successfully
15 completed by the petitioner.

16 (2) Time frame for filing a petition to expunge.

17 (A) When the arrest or charge not initiated by
18 arrest sought to be expunged resulted in an acquittal,
19 dismissal, the petitioner's release without charging,
20 or the reversal or vacation of a conviction, there is
21 no waiting period to petition for the expungement of
22 such records.

23 (B) When the arrest or charge not initiated by
24 arrest sought to be expunged resulted in an order of
25 supervision, successfully completed by the petitioner,
26 the following time frames will apply:

1 (i) Those arrests or charges that resulted in
2 orders of supervision under Section 3-707, 3-708,
3 3-710, or 5-401.3 of the Illinois Vehicle Code or a
4 similar provision of a local ordinance, or under
5 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
6 Code of 1961 or the Criminal Code of 2012, or a
7 similar provision of a local ordinance, shall not
8 be eligible for expungement until 5 years have
9 passed following the satisfactory termination of
10 the supervision.

11 (i-5) Those arrests or charges that resulted
12 in orders of supervision for a misdemeanor
13 violation of subsection (a) of Section 11-503 of
14 the Illinois Vehicle Code or a similar provision of
15 a local ordinance, that occurred prior to the
16 offender reaching the age of 25 years and the
17 offender has no other conviction for violating
18 Section 11-501 or 11-503 of the Illinois Vehicle
19 Code or a similar provision of a local ordinance
20 shall not be eligible for expungement until the
21 petitioner has reached the age of 25 years.

22 (ii) Those arrests or charges that resulted in
23 orders of supervision for any other offenses shall
24 not be eligible for expungement until 2 years have
25 passed following the satisfactory termination of
26 the supervision.

1 (C) When the arrest or charge not initiated by
2 arrest sought to be expunged resulted in an order of
3 qualified probation, successfully completed by the
4 petitioner, such records shall not be eligible for
5 expungement until 5 years have passed following the
6 satisfactory termination of the probation.

7 (3) Those records maintained by the Department for
8 persons arrested prior to their 17th birthday shall be
9 expunged as provided in Section 5-915 of the Juvenile Court
10 Act of 1987.

11 (4) Whenever a person has been arrested for or
12 convicted of any offense, in the name of a person whose
13 identity he or she has stolen or otherwise come into
14 possession of, the aggrieved person from whom the identity
15 was stolen or otherwise obtained without authorization,
16 upon learning of the person having been arrested using his
17 or her identity, may, upon verified petition to the chief
18 judge of the circuit wherein the arrest was made, have a
19 court order entered nunc pro tunc by the Chief Judge to
20 correct the arrest record, conviction record, if any, and
21 all official records of the arresting authority, the
22 Department, other criminal justice agencies, the
23 prosecutor, and the trial court concerning such arrest, if
24 any, by removing his or her name from all such records in
25 connection with the arrest and conviction, if any, and by
26 inserting in the records the name of the offender, if known

1 or ascertainable, in lieu of the aggrieved's name. The
2 records of the circuit court clerk shall be sealed until
3 further order of the court upon good cause shown and the
4 name of the aggrieved person obliterated on the official
5 index required to be kept by the circuit court clerk under
6 Section 16 of the Clerks of Courts Act, but the order shall
7 not affect any index issued by the circuit court clerk
8 before the entry of the order. Nothing in this Section
9 shall limit the Department of State Police or other
10 criminal justice agencies or prosecutors from listing
11 under an offender's name the false names he or she has
12 used.

13 (5) Whenever a person has been convicted of criminal
14 sexual assault, aggravated criminal sexual assault,
15 predatory criminal sexual assault of a child, criminal
16 sexual abuse, or aggravated criminal sexual abuse, the
17 victim of that offense may request that the State's
18 Attorney of the county in which the conviction occurred
19 file a verified petition with the presiding trial judge at
20 the petitioner's trial to have a court order entered to
21 seal the records of the circuit court clerk in connection
22 with the proceedings of the trial court concerning that
23 offense. However, the records of the arresting authority
24 and the Department of State Police concerning the offense
25 shall not be sealed. The court, upon good cause shown,
26 shall make the records of the circuit court clerk in

1 connection with the proceedings of the trial court
2 concerning the offense available for public inspection.

3 (6) If a conviction has been set aside on direct review
4 or on collateral attack and the court determines by clear
5 and convincing evidence that the petitioner was factually
6 innocent of the charge, the court that finds the petitioner
7 factually innocent of the charge shall enter an expungement
8 order for the conviction for which the petitioner has been
9 determined to be innocent as provided in subsection (b) of
10 Section 5-5-4 of the Unified Code of Corrections.

11 (7) Nothing in this Section shall prevent the
12 Department of State Police from maintaining all records of
13 any person who is admitted to probation upon terms and
14 conditions and who fulfills those terms and conditions
15 pursuant to Section 10 of the Cannabis Control Act, Section
16 410 of the Illinois Controlled Substances Act, Section 70
17 of the Methamphetamine Control and Community Protection
18 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
19 Corrections, Section 12-4.3 or subdivision (b)(1) of
20 Section 12-3.05 of the Criminal Code of 1961 or the
21 Criminal Code of 2012, Section 10-102 of the Illinois
22 Alcoholism and Other Drug Dependency Act, Section 40-10 of
23 the Alcoholism and Other Drug Abuse and Dependency Act, or
24 Section 10 of the Steroid Control Act.

25 (8) If the petitioner has been granted a certificate of
26 innocence under Section 2-702 of the Code of Civil

1 Procedure, the court that grants the certificate of
2 innocence shall also enter an order expunging the
3 conviction for which the petitioner has been determined to
4 be innocent as provided in subsection (h) of Section 2-702
5 of the Code of Civil Procedure.

6 (c) Sealing.

7 (1) Applicability. Notwithstanding any other provision
8 of this Act to the contrary, and cumulative with any rights
9 to expungement of criminal records, this subsection
10 authorizes the sealing of criminal records of adults and of
11 minors prosecuted as adults.

12 (2) Eligible Records. The following records may be
13 sealed:

14 (A) All arrests resulting in release without
15 charging;

16 (B) Arrests or charges not initiated by arrest
17 resulting in acquittal, dismissal, or conviction when
18 the conviction was reversed or vacated, except as
19 excluded by subsection (a) (3) (B);

20 (C) Arrests or charges not initiated by arrest
21 resulting in orders of supervision, including orders
22 of supervision for municipal ordinance violations,
23 successfully completed by the petitioner, unless
24 excluded by subsection (a) (3);

25 (D) Arrests or charges not initiated by arrest
26 resulting in convictions, including convictions on

1 municipal ordinance violations, unless excluded by
2 subsection (a) (3);

3 (E) Arrests or charges not initiated by arrest
4 resulting in orders of first offender probation under
5 Section 10 of the Cannabis Control Act, Section 410 of
6 the Illinois Controlled Substances Act, Section 70 of
7 the Methamphetamine Control and Community Protection
8 Act, or Section 5-6-3.3 of the Unified Code of
9 Corrections; and

10 (F) Arrests or charges not initiated by arrest
11 resulting in felony convictions for the following
12 offenses:

13 (i) Class 4 felony convictions for:

14 Prostitution under Section 11-14 of the
15 Criminal Code of 1961 or the Criminal Code of
16 2012.

17 Possession of cannabis under Section 4 of
18 the Cannabis Control Act.

19 Possession of a controlled substance under
20 Section 402 of the Illinois Controlled
21 Substances Act.

22 Offenses under the Methamphetamine
23 Precursor Control Act.

24 Offenses under the Steroid Control Act.

25 Theft under Section 16-1 of the Criminal
26 Code of 1961 or the Criminal Code of 2012.

1 Retail theft under Section 16A-3 or
2 paragraph (a) of 16-25 of the Criminal Code of
3 1961 or the Criminal Code of 2012.

4 Deceptive practices under Section 17-1 of
5 the Criminal Code of 1961 or the Criminal Code
6 of 2012.

7 Forgery under Section 17-3 of the Criminal
8 Code of 1961 or the Criminal Code of 2012.

9 Possession of burglary tools under Section
10 19-2 of the Criminal Code of 1961 or the
11 Criminal Code of 2012.

12 (ii) Class 3 felony convictions for:

13 Theft under Section 16-1 of the Criminal
14 Code of 1961 or the Criminal Code of 2012.

15 Retail theft under Section 16A-3 or
16 paragraph (a) of 16-25 of the Criminal Code of
17 1961 or the Criminal Code of 2012.

18 Deceptive practices under Section 17-1 of
19 the Criminal Code of 1961 or the Criminal Code
20 of 2012.

21 Forgery under Section 17-3 of the Criminal
22 Code of 1961 or the Criminal Code of 2012.

23 Possession with intent to manufacture or
24 deliver a controlled substance under Section
25 401 of the Illinois Controlled Substances Act.

26 (3) When Records Are Eligible to Be Sealed. Records

1 identified as eligible under subsection (c)(2) may be
2 sealed as follows:

3 (A) Records identified as eligible under
4 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
5 time.

6 (B) Except as otherwise provided in subparagraph
7 (E) of this paragraph (3), records identified as
8 eligible under subsection (c)(2)(C) may be sealed 2
9 years after the termination of petitioner's last
10 sentence (as defined in subsection (a)(1)(F)).

11 (C) Except as otherwise provided in subparagraph
12 (E) of this paragraph (3), records identified as
13 eligible under subsections (c)(2)(D), (c)(2)(E), and
14 (c)(2)(F) may be sealed 3 years after the termination
15 of the petitioner's last sentence (as defined in
16 subsection (a)(1)(F)).

17 (D) Records identified in subsection
18 (a)(3)(A)(iii) may be sealed after the petitioner has
19 reached the age of 25 years.

20 (E) Records identified as eligible under
21 subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or
22 (c)(2)(F) may be sealed upon termination of the
23 petitioner's last sentence if the petitioner earned a
24 high school diploma, associate's degree, career
25 certificate, vocational technical certification, or
26 bachelor's degree, or passed the high school level Test

1 of General Educational Development, during the period
2 of his or her sentence, aftercare release, or mandatory
3 supervised release. This subparagraph shall apply only
4 to a petitioner who has not completed the same
5 educational goal prior to the period of his or her
6 sentence, aftercare release, or mandatory supervised
7 release. If a petition for sealing eligible records
8 filed under this subparagraph is denied by the court,
9 the time periods under subparagraph (B) or (C) shall
10 apply to any subsequent petition for sealing filed by
11 the petitioner.

12 (4) Subsequent felony convictions. A person may not
13 have subsequent felony conviction records sealed as
14 provided in this subsection (c) if he or she is convicted
15 of any felony offense after the date of the sealing of
16 prior felony convictions as provided in this subsection
17 (c). The court may, upon conviction for a subsequent felony
18 offense, order the unsealing of prior felony conviction
19 records previously ordered sealed by the court.

20 (5) Notice of eligibility for sealing. Upon entry of a
21 disposition for an eligible record under this subsection
22 (c), the petitioner shall be informed by the court of the
23 right to have the records sealed and the procedures for the
24 sealing of the records.

25 (d) Procedure. The following procedures apply to
26 expungement under subsections (b), (e), and (e-6) and sealing

1 under subsections (c) and (e-5):

2 (1) Filing the petition. Upon becoming eligible to
3 petition for the expungement or sealing of records under
4 this Section, the petitioner shall file a petition
5 requesting the expungement or sealing of records with the
6 clerk of the court where the arrests occurred or the
7 charges were brought, or both. If arrests occurred or
8 charges were brought in multiple jurisdictions, a petition
9 must be filed in each such jurisdiction. The petitioner
10 shall pay the applicable fee, if not waived.

11 (2) Contents of petition. The petition shall be
12 verified and shall contain the petitioner's name, date of
13 birth, current address and, for each arrest or charge not
14 initiated by arrest sought to be sealed or expunged, the
15 case number, the date of arrest (if any), the identity of
16 the arresting authority, and such other information as the
17 court may require. During the pendency of the proceeding,
18 the petitioner shall promptly notify the circuit court
19 clerk of any change of his or her address. If the
20 petitioner has received a certificate of eligibility for
21 sealing from the Prisoner Review Board under paragraph (10)
22 of subsection (a) of Section 3-3-2 of the Unified Code of
23 Corrections, the certificate shall be attached to the
24 petition.

25 (3) Drug test. The petitioner must attach to the
26 petition proof that the petitioner has passed a test taken

1 within 30 days before the filing of the petition showing
2 the absence within his or her body of all illegal
3 substances as defined by the Illinois Controlled
4 Substances Act, the Methamphetamine Control and Community
5 Protection Act, and the Cannabis Control Act if he or she
6 is petitioning to:

7 (A) seal felony records under clause (c) (2) (E);

8 (B) seal felony records for a violation of the
9 Illinois Controlled Substances Act, the
10 Methamphetamine Control and Community Protection Act,
11 or the Cannabis Control Act under clause (c) (2) (F);

12 (C) seal felony records under subsection (e-5); or

13 (D) expunge felony records of a qualified
14 probation under clause (b) (1) (B) (iv).

15 (4) Service of petition. The circuit court clerk shall
16 promptly serve a copy of the petition and documentation to
17 support the petition under subsection (e-5) or (e-6) on the
18 State's Attorney or prosecutor charged with the duty of
19 prosecuting the offense, the Department of State Police,
20 the arresting agency and the chief legal officer of the
21 unit of local government effecting the arrest.

22 (5) Objections.

23 (A) Any party entitled to notice of the petition
24 may file an objection to the petition. All objections
25 shall be in writing, shall be filed with the circuit
26 court clerk, and shall state with specificity the basis

1 of the objection. Whenever a person who has been
2 convicted of an offense is granted a pardon by the
3 Governor which specifically authorizes expungement, an
4 objection to the petition may not be filed.

5 (B) Objections to a petition to expunge or seal
6 must be filed within 60 days of the date of service of
7 the petition.

8 (6) Entry of order.

9 (A) The Chief Judge of the circuit wherein the
10 charge was brought, any judge of that circuit
11 designated by the Chief Judge, or in counties of less
12 than 3,000,000 inhabitants, the presiding trial judge
13 at the petitioner's trial, if any, shall rule on the
14 petition to expunge or seal as set forth in this
15 subsection (d) (6).

16 (B) Unless the State's Attorney or prosecutor, the
17 Department of State Police, the arresting agency, or
18 the chief legal officer files an objection to the
19 petition to expunge or seal within 60 days from the
20 date of service of the petition, the court shall enter
21 an order granting or denying the petition.

22 (7) Hearings. If an objection is filed, the court shall
23 set a date for a hearing and notify the petitioner and all
24 parties entitled to notice of the petition of the hearing
25 date at least 30 days prior to the hearing. Prior to the
26 hearing, the State's Attorney shall consult with the

1 Department as to the appropriateness of the relief sought
2 in the petition to expunge or seal. At the hearing, the
3 court shall hear evidence on whether the petition should or
4 should not be granted, and shall grant or deny the petition
5 to expunge or seal the records based on the evidence
6 presented at the hearing. The court may consider the
7 following:

8 (A) the strength of the evidence supporting the
9 defendant's conviction;

10 (B) the reasons for retention of the conviction
11 records by the State;

12 (C) the petitioner's age, criminal record history,
13 and employment history;

14 (D) the period of time between the petitioner's
15 arrest on the charge resulting in the conviction and
16 the filing of the petition under this Section; and

17 (E) the specific adverse consequences the
18 petitioner may be subject to if the petition is denied.

19 (8) Service of order. After entering an order to
20 expunge or seal records, the court must provide copies of
21 the order to the Department, in a form and manner
22 prescribed by the Department, to the petitioner, to the
23 State's Attorney or prosecutor charged with the duty of
24 prosecuting the offense, to the arresting agency, to the
25 chief legal officer of the unit of local government
26 effecting the arrest, and to such other criminal justice

1 agencies as may be ordered by the court.

2 (9) Implementation of order.

3 (A) Upon entry of an order to expunge records
4 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

5 (i) the records shall be expunged (as defined
6 in subsection (a) (1) (E)) by the arresting agency,
7 the Department, and any other agency as ordered by
8 the court, within 60 days of the date of service of
9 the order, unless a motion to vacate, modify, or
10 reconsider the order is filed pursuant to
11 paragraph (12) of subsection (d) of this Section;

12 (ii) the records of the circuit court clerk
13 shall be impounded until further order of the court
14 upon good cause shown and the name of the
15 petitioner obliterated on the official index
16 required to be kept by the circuit court clerk
17 under Section 16 of the Clerks of Courts Act, but
18 the order shall not affect any index issued by the
19 circuit court clerk before the entry of the order;
20 and

21 (iii) in response to an inquiry for expunged
22 records, the court, the Department, or the agency
23 receiving such inquiry, shall reply as it does in
24 response to inquiries when no records ever
25 existed.

26 (B) Upon entry of an order to expunge records

1 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

2 (i) the records shall be expunged (as defined
3 in subsection (a) (1) (E)) by the arresting agency
4 and any other agency as ordered by the court,
5 within 60 days of the date of service of the order,
6 unless a motion to vacate, modify, or reconsider
7 the order is filed pursuant to paragraph (12) of
8 subsection (d) of this Section;

9 (ii) the records of the circuit court clerk
10 shall be impounded until further order of the court
11 upon good cause shown and the name of the
12 petitioner obliterated on the official index
13 required to be kept by the circuit court clerk
14 under Section 16 of the Clerks of Courts Act, but
15 the order shall not affect any index issued by the
16 circuit court clerk before the entry of the order;

17 (iii) the records shall be impounded by the
18 Department within 60 days of the date of service of
19 the order as ordered by the court, unless a motion
20 to vacate, modify, or reconsider the order is filed
21 pursuant to paragraph (12) of subsection (d) of
22 this Section;

23 (iv) records impounded by the Department may
24 be disseminated by the Department only as required
25 by law or to the arresting authority, the State's
26 Attorney, and the court upon a later arrest for the

1 same or a similar offense or for the purpose of
2 sentencing for any subsequent felony, and to the
3 Department of Corrections upon conviction for any
4 offense; and

5 (v) in response to an inquiry for such records
6 from anyone not authorized by law to access such
7 records, the court, the Department, or the agency
8 receiving such inquiry shall reply as it does in
9 response to inquiries when no records ever
10 existed.

11 (B-5) Upon entry of an order to expunge records
12 under subsection (e-6):

13 (i) the records shall be expunged (as defined
14 in subsection (a)(1)(E)) by the arresting agency
15 and any other agency as ordered by the court,
16 within 60 days of the date of service of the order,
17 unless a motion to vacate, modify, or reconsider
18 the order is filed under paragraph (12) of
19 subsection (d) of this Section;

20 (ii) the records of the circuit court clerk
21 shall be impounded until further order of the court
22 upon good cause shown and the name of the
23 petitioner obliterated on the official index
24 required to be kept by the circuit court clerk
25 under Section 16 of the Clerks of Courts Act, but
26 the order shall not affect any index issued by the

1 circuit court clerk before the entry of the order;

2 (iii) the records shall be impounded by the
3 Department within 60 days of the date of service of
4 the order as ordered by the court, unless a motion
5 to vacate, modify, or reconsider the order is filed
6 under paragraph (12) of subsection (d) of this
7 Section;

8 (iv) records impounded by the Department may
9 be disseminated by the Department only as required
10 by law or to the arresting authority, the State's
11 Attorney, and the court upon a later arrest for the
12 same or a similar offense or for the purpose of
13 sentencing for any subsequent felony, and to the
14 Department of Corrections upon conviction for any
15 offense; and

16 (v) in response to an inquiry for these records
17 from anyone not authorized by law to access the
18 records, the court, the Department, or the agency
19 receiving the inquiry shall reply as it does in
20 response to inquiries when no records ever
21 existed.

22 (C) Upon entry of an order to seal records under
23 subsection (c), the arresting agency, any other agency
24 as ordered by the court, the Department, and the court
25 shall seal the records (as defined in subsection
26 (a) (1) (K)). In response to an inquiry for such records,

1 from anyone not authorized by law to access such
2 records, the court, the Department, or the agency
3 receiving such inquiry shall reply as it does in
4 response to inquiries when no records ever existed.

5 (D) The Department shall send written notice to the
6 petitioner of its compliance with each order to expunge
7 or seal records within 60 days of the date of service
8 of that order or, if a motion to vacate, modify, or
9 reconsider is filed, within 60 days of service of the
10 order resolving the motion, if that order requires the
11 Department to expunge or seal records. In the event of
12 an appeal from the circuit court order, the Department
13 shall send written notice to the petitioner of its
14 compliance with an Appellate Court or Supreme Court
15 judgment to expunge or seal records within 60 days of
16 the issuance of the court's mandate. The notice is not
17 required while any motion to vacate, modify, or
18 reconsider, or any appeal or petition for
19 discretionary appellate review, is pending.

20 (10) Fees. The Department may charge the petitioner a
21 fee equivalent to the cost of processing any order to
22 expunge or seal records. Notwithstanding any provision of
23 the Clerks of Courts Act to the contrary, the circuit court
24 clerk may charge a fee equivalent to the cost associated
25 with the sealing or expungement of records by the circuit
26 court clerk. From the total filing fee collected for the

1 petition to seal or expunge, the circuit court clerk shall
2 deposit \$10 into the Circuit Court Clerk Operation and
3 Administrative Fund, to be used to offset the costs
4 incurred by the circuit court clerk in performing the
5 additional duties required to serve the petition to seal or
6 expunge on all parties. The circuit court clerk shall
7 collect and forward the Department of State Police portion
8 of the fee to the Department and it shall be deposited in
9 the State Police Services Fund.

10 (11) Final Order. No court order issued under the
11 expungement or sealing provisions of this Section shall
12 become final for purposes of appeal until 30 days after
13 service of the order on the petitioner and all parties
14 entitled to notice of the petition.

15 (12) Motion to Vacate, Modify, or Reconsider. Under
16 Section 2-1203 of the Code of Civil Procedure, the
17 petitioner or any party entitled to notice may file a
18 motion to vacate, modify, or reconsider the order granting
19 or denying the petition to expunge or seal within 60 days
20 of service of the order. If filed more than 60 days after
21 service of the order, a petition to vacate, modify, or
22 reconsider shall comply with subsection (c) of Section
23 2-1401 of the Code of Civil Procedure. Upon filing of a
24 motion to vacate, modify, or reconsider, notice of the
25 motion shall be served upon the petitioner and all parties
26 entitled to notice of the petition.

1 (13) Effect of Order. An order granting a petition
2 under the expungement or sealing provisions of this Section
3 shall not be considered void because it fails to comply
4 with the provisions of this Section or because of any error
5 asserted in a motion to vacate, modify, or reconsider. The
6 circuit court retains jurisdiction to determine whether
7 the order is voidable and to vacate, modify, or reconsider
8 its terms based on a motion filed under paragraph (12) of
9 this subsection (d).

10 (14) Compliance with Order Granting Petition to Seal
11 Records. Unless a court has entered a stay of an order
12 granting a petition to seal, all parties entitled to notice
13 of the petition must fully comply with the terms of the
14 order within 60 days of service of the order even if a
15 party is seeking relief from the order through a motion
16 filed under paragraph (12) of this subsection (d) or is
17 appealing the order.

18 (15) Compliance with Order Granting Petition to
19 Expunge Records. While a party is seeking relief from the
20 order granting the petition to expunge through a motion
21 filed under paragraph (12) of this subsection (d) or is
22 appealing the order, and unless a court has entered a stay
23 of that order, the parties entitled to notice of the
24 petition must seal, but need not expunge, the records until
25 there is a final order on the motion for relief or, in the
26 case of an appeal, the issuance of that court's mandate.

1 (16) The changes to this subsection (d) made by Public
2 Act 98-163 apply to all petitions pending on August 5, 2013
3 (the effective date of Public Act 98-163) and to all orders
4 ruling on a petition to expunge or seal on or after August
5 5, 2013 (the effective date of Public Act 98-163).

6 (e) Whenever a person who has been convicted of an offense
7 is granted a pardon by the Governor which specifically
8 authorizes expungement, he or she may, upon verified petition
9 to the Chief Judge of the circuit where the person had been
10 convicted, any judge of the circuit designated by the Chief
11 Judge, or in counties of less than 3,000,000 inhabitants, the
12 presiding trial judge at the defendant's trial, have a court
13 order entered expunging the record of arrest from the official
14 records of the arresting authority and order that the records
15 of the circuit court clerk and the Department be sealed until
16 further order of the court upon good cause shown or as
17 otherwise provided herein, and the name of the defendant
18 obliterated from the official index requested to be kept by the
19 circuit court clerk under Section 16 of the Clerks of Courts
20 Act in connection with the arrest and conviction for the
21 offense for which he or she had been pardoned but the order
22 shall not affect any index issued by the circuit court clerk
23 before the entry of the order. All records sealed by the
24 Department may be disseminated by the Department only to the
25 arresting authority, the State's Attorney, and the court upon a
26 later arrest for the same or similar offense or for the purpose

1 of sentencing for any subsequent felony. Upon conviction for
2 any subsequent offense, the Department of Corrections shall
3 have access to all sealed records of the Department pertaining
4 to that individual. Upon entry of the order of expungement, the
5 circuit court clerk shall promptly mail a copy of the order to
6 the person who was pardoned.

7 (e-5) Whenever a person who has been convicted of an
8 offense is granted a certificate of eligibility for sealing by
9 the Prisoner Review Board which specifically authorizes
10 sealing, he or she may, upon verified petition to the Chief
11 Judge of the circuit where the person had been convicted, any
12 judge of the circuit designated by the Chief Judge, or in
13 counties of less than 3,000,000 inhabitants, the presiding
14 trial judge at the petitioner's trial, have a court order
15 entered sealing the record of arrest from the official records
16 of the arresting authority and order that the records of the
17 circuit court clerk and the Department be sealed until further
18 order of the court upon good cause shown or as otherwise
19 provided herein, and the name of the petitioner obliterated
20 from the official index requested to be kept by the circuit
21 court clerk under Section 16 of the Clerks of Courts Act in
22 connection with the arrest and conviction for the offense for
23 which he or she had been granted the certificate but the order
24 shall not affect any index issued by the circuit court clerk
25 before the entry of the order. All records sealed by the
26 Department may be disseminated by the Department only as

1 required by this Act or to the arresting authority, a law
2 enforcement agency, the State's Attorney, and the court upon a
3 later arrest for the same or similar offense or for the purpose
4 of sentencing for any subsequent felony. Upon conviction for
5 any subsequent offense, the Department of Corrections shall
6 have access to all sealed records of the Department pertaining
7 to that individual. Upon entry of the order of sealing, the
8 circuit court clerk shall promptly mail a copy of the order to
9 the person who was granted the certificate of eligibility for
10 sealing.

11 (e-6) Whenever a person who has been convicted of an
12 offense is granted a certificate of eligibility for expungement
13 by the Prisoner Review Board which specifically authorizes
14 expungement, he or she may, upon verified petition to the Chief
15 Judge of the circuit where the person had been convicted, any
16 judge of the circuit designated by the Chief Judge, or in
17 counties of less than 3,000,000 inhabitants, the presiding
18 trial judge at the petitioner's trial, have a court order
19 entered expunging the record of arrest from the official
20 records of the arresting authority and order that the records
21 of the circuit court clerk and the Department be sealed until
22 further order of the court upon good cause shown or as
23 otherwise provided herein, and the name of the petitioner
24 obliterated from the official index requested to be kept by the
25 circuit court clerk under Section 16 of the Clerks of Courts
26 Act in connection with the arrest and conviction for the

1 offense for which he or she had been granted the certificate
2 but the order shall not affect any index issued by the circuit
3 court clerk before the entry of the order. All records sealed
4 by the Department may be disseminated by the Department only as
5 required by this Act or to the arresting authority, a law
6 enforcement agency, the State's Attorney, and the court upon a
7 later arrest for the same or similar offense or for the purpose
8 of sentencing for any subsequent felony. Upon conviction for
9 any subsequent offense, the Department of Corrections shall
10 have access to all expunged records of the Department
11 pertaining to that individual. Upon entry of the order of
12 expungement, the circuit court clerk shall promptly mail a copy
13 of the order to the person who was granted the certificate of
14 eligibility for expungement.

15 (f) Subject to available funding, the Illinois Department
16 of Corrections shall conduct a study of the impact of sealing,
17 especially on employment and recidivism rates, utilizing a
18 random sample of those who apply for the sealing of their
19 criminal records under Public Act 93-211. At the request of the
20 Illinois Department of Corrections, records of the Illinois
21 Department of Employment Security shall be utilized as
22 appropriate to assist in the study. The study shall not
23 disclose any data in a manner that would allow the
24 identification of any particular individual or employing unit.
25 The study shall be made available to the General Assembly no
26 later than September 1, 2010.

1 (Source: P.A. 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163,
2 eff. 8-5-13; 98-164, eff. 1-1-14; 98-399, eff. 8-16-13; 98-635,
3 eff. 1-1-15; 98-637, eff. 1-1-15; 98-756, eff. 7-16-14;
4 98-1009, eff. 1-1-15; 99-78, eff. 7-20-15; 99-378, eff. 1-1-16;
5 99-385, eff. 1-1-16; revised 10-15-15.)

6 Section 110. The Department of Transportation Law of the
7 Civil Administrative Code of Illinois is amended by changing
8 Sections 2705-565 and 2705-605 as follows:

9 (20 ILCS 2705/2705-565)

10 Sec. 2705-565. North Chicago property; study; conveyance.

11 (a) The Department shall perform a study of property owned
12 by the Department consisting of approximately 160 acres located
13 in North Chicago, south of IL Route 137, between IL Route 43
14 and US Route 41. The study shall include, but not be limited
15 to, a survey of the property for the purpose of delineating
16 jurisdictional wetlands in accordance with the Interagency
17 Wetland Policy Act of 1989 and identifying threatened and
18 endangered species in accordance with the Illinois Endangered
19 Species Protection Act, for the purpose of identifying property
20 no longer needed for highway purposes.

21 (b) Upon completion of the study and for a period ending 3
22 years after the effective date of this amendatory Act of the
23 94th General Assembly, the City of North Chicago shall have an
24 exclusive option to purchase for public purposes those portions

1 of the property no longer needed for highway purposes for a
2 consideration, which may be de minimis ~~minimus~~, negotiated by
3 the parties. The Department of Transportation is authorized to
4 convey the excess property to the City of North Chicago
5 pursuant to this Section within 3 years after the effective
6 date of this amendatory Act of the 94th General Assembly, but
7 may not otherwise convey or transfer the property during that
8 period.

9 (c) Any conveyance to the City of North Chicago under this
10 Section shall provide (i) that title to the property reverts to
11 the State of Illinois if the property ceases to be used for
12 public purposes and (ii) the City of North Chicago may lease
13 the property but may not convey its ownership of the property
14 to any party, other than the State of Illinois.

15 (Source: P.A. 94-1045, eff. 7-24-06; revised 10-19-15.)

16 (20 ILCS 2705/2705-605)

17 Sec. 2705-605. Construction projects; notification of the
18 public.

19 (a) The Department shall develop and publish a policy for
20 the notification of members of the public prior to the
21 commencement of construction projects which impact their
22 communities. The policy shall include procedures for ensuring
23 that the public is informed of construction projects, excluding
24 emergency projects, which are estimated to require the closure
25 of a street or lane of traffic for a period longer than 5

1 consecutive business days. The policy shall include procedures
2 for the notification of local public officials and affected
3 businesses of affected communities and shall provide the local
4 public officials the opportunity to request a meeting with the
5 Department prior to the initiation of the closure.

6 (b) The policy shall be completed and published on the
7 Department's Internet website by January 1, 2013.

8 (c) The Department shall work with affected stakeholders,
9 including residents, businesses, and other community members,
10 before and during construction by considering various methods
11 to mitigate and reduce project impacts to better serve those
12 directly impacted by the improvement. Those methods could
13 include, but need not be limited to, detour routing and
14 temporary signage.

15 (Source: P.A. 97-992, eff. 1-1-13; 98-412, eff. 1-1-14; revised
16 10-19-15.)

17 Section 115. The Department of Veterans Affairs Act is
18 amended by changing Section 2.01 as follows:

19 (20 ILCS 2805/2.01) (from Ch. 126 1/2, par. 67.01)

20 Sec. 2.01. Veterans Home admissions.

21 (a) Any honorably discharged veteran is entitled to
22 admission to an Illinois Veterans Home if the applicant meets
23 the requirements of this Section.

24 (b) The veteran must:

1 (1) have served in the armed forces of the United
2 States at least 1 day in World War II, the Korean Conflict,
3 the Viet Nam Campaign, or the Persian Gulf Conflict between
4 the dates recognized by the U.S. Department of Veterans
5 Affairs or between any other present or future dates
6 recognized by the U.S. Department of Veterans Affairs as a
7 war period, or have served in a hostile fire environment
8 and has been awarded a campaign or expeditionary medal
9 signifying his or her service, for purposes of eligibility
10 for domiciliary or nursing home care;

11 (2) have served and been honorably discharged or
12 retired from the armed forces of the United States for a
13 service connected disability or injury, for purposes of
14 eligibility for domiciliary or nursing home care;

15 (3) have served as an enlisted person at least 90 days
16 on active duty in the armed forces of the United States,
17 excluding service on active duty for training purposes
18 only, and entered active duty before September 8, 1980, for
19 purposes of eligibility for domiciliary or nursing home
20 care;

21 (4) have served as an officer at least 90 days on
22 active duty in the armed forces of the United States,
23 excluding service on active duty for training purposes
24 only, and entered active duty before October 17, 1981, for
25 purposes of eligibility for domiciliary or nursing home
26 care;

1 (5) have served on active duty in the armed forces of
2 the United States for 24 months of continuous service or
3 more, excluding active duty for training purposes only, and
4 enlisted after September 7, 1980, for purposes of
5 eligibility for domiciliary or nursing home care;

6 (6) have served as a reservist in the armed forces of
7 the United States or the National Guard and the service
8 included being called to federal active duty, excluding
9 service on active duty for training purposes only, and who
10 completed the term, for purposes of eligibility for
11 domiciliary or nursing home care;

12 (7) have been discharged for reasons of hardship or
13 released from active duty due to a reduction in the United
14 States armed forces prior to the completion of the required
15 period of service, regardless of the actual time served,
16 for purposes of eligibility for domiciliary or nursing home
17 care; or

18 (8) have served in the National Guard or Reserve Forces
19 of the United States and completed 20 years of satisfactory
20 service, be otherwise eligible to receive reserve or active
21 duty retirement benefits, and have been an Illinois
22 resident for at least one year before applying for
23 admission for purposes of eligibility for domiciliary care
24 only.

25 (c) The veteran must have service accredited to the State
26 of Illinois or have been a resident of this State for one year

1 immediately preceding the date of application.

2 (d) For admission to the Illinois Veterans Homes at Anna
3 and Quincy, the veteran must have developed a disability by
4 disease, wounds, or otherwise and because of the disability be
5 incapable of earning a living.

6 (e) For admission to the Illinois Veterans Homes at LaSalle
7 and Manteno, the veteran must have developed a disability by
8 disease, wounds, or otherwise and, for purposes of eligibility
9 for nursing home care, require nursing care because of the
10 disability.

11 (f) An individual who served during a time of conflict as
12 set forth in paragraph (1) of subsection (b) ~~subsection (a)(1)~~
13 of this Section has preference over all other qualifying
14 candidates, for purposes of eligibility for domiciliary or
15 nursing home care at any Illinois Veterans Home.

16 (g) A veteran or spouse, once admitted to an Illinois
17 Veterans Home facility, is considered a resident for
18 interfacility purposes.

19 (Source: P.A. 99-143, eff. 7-27-15; 99-314, eff. 8-7-15;
20 revised 10-19-15.)

21 Section 120. The Historic Preservation Agency Act is
22 amended by changing Section 16 as follows:

23 (20 ILCS 3405/16) (from Ch. 127, par. 2716)

24 Sec. 16. The Historic Sites and Preservation Division of

1 the Agency shall have the following additional powers:

2 (a) To hire agents and employees necessary to carry out the
3 duties and purposes of the Historic Sites and Preservation
4 Division of the Agency.

5 (b) To take all measures necessary to erect, maintain,
6 preserve, restore, and conserve all State Historic Sites and
7 State Memorials, except when supervision and maintenance is
8 otherwise provided by law. This authorization includes the
9 power, with the consent of the Board, to enter into contracts,
10 acquire and dispose of real and personal property, and enter
11 into leases of real and personal property. The Agency has the
12 power to acquire, for purposes authorized by law, any real
13 property in fee simple subject to a life estate in the seller
14 in not more than 3 acres of the real property acquired, subject
15 to the restrictions that the life estate shall be used for
16 residential purposes only and that it shall be
17 non-transferable.

18 (c) To provide recreational facilities, including
19 campsites ~~camp sites~~, lodges and cabins, trails, picnic areas,
20 and related recreational facilities, at all sites under the
21 jurisdiction of the Agency.

22 (d) To lay out, construct, and maintain all needful roads,
23 parking areas, paths or trails, bridges, camp or lodge sites,
24 picnic areas, lodges and cabins, and any other structures and
25 improvements necessary and appropriate in any State historic
26 site or easement thereto; and to provide water supplies, heat

1 and light, and sanitary facilities for the public and living
2 quarters for the custodians and keepers of State historic
3 sites.

4 (e) To grant licenses and rights-of-way within the areas
5 controlled by the Historic Sites and Preservation Division of
6 the Agency for the construction, operation, and maintenance
7 upon, under or across the property, of facilities for water,
8 sewage, telephone, telegraph, electric, gas, or other public
9 service, subject to the terms and conditions as may be
10 determined by the Agency.

11 (f) To authorize the officers, employees, and agents of the
12 Historic Sites and Preservation Division of the Agency, for the
13 purposes of investigation and to exercise the rights, powers,
14 and duties vested and that may be vested in it, to enter and
15 cross all lands and waters in this State, doing no damage to
16 private property.

17 (g) To transfer jurisdiction of or exchange any realty
18 under the control of the Historic Sites and Preservation
19 Division of the Agency to any other Department of the State
20 Government, or to any agency of the Federal Government, or to
21 acquire or accept Federal lands, when any transfer, exchange,
22 acquisition, or acceptance is advantageous to the State and is
23 approved in writing by the Governor.

24 (h) To erect, supervise, and maintain all public monuments
25 and memorials erected by the State, except when the supervision
26 and maintenance of public monuments and memorials is otherwise

1 provided by law.

2 (i) To accept, hold, maintain, and administer, as trustee,
3 property given in trust for educational or historic purposes
4 for the benefit of the People of the State of Illinois and to
5 dispose, with the consent of the Board, of any property under
6 the terms of the instrument creating the trust.

7 (j) To lease concessions on any property under the
8 jurisdiction of the Agency for a period not exceeding 25 years
9 and to lease a concession complex at Lincoln's New Salem State
10 Historic Site for which a cash incentive has been authorized
11 under Section 5.1 of the Historic Preservation Agency Act for a
12 period not to exceed 40 years. All leases, for whatever period,
13 shall be made subject to the written approval of the Governor.
14 All concession leases extending for a period in excess of 10
15 years, will contain provisions for the Agency to participate,
16 on a percentage basis, in the revenues generated by any
17 concession operation.

18 The Agency is authorized to allow for provisions for a
19 reserve account and a leasehold account within Agency
20 concession lease agreements for the purpose of setting aside
21 revenues for the maintenance, rehabilitation, repair,
22 improvement, and replacement of the concession facility,
23 structure, and equipment of the Agency that are part of the
24 leased premises.

25 The lessee shall be required to pay into the reserve
26 account a percentage of gross receipts, as set forth in the

1 lease, to be set aside and expended in a manner acceptable to
2 the Agency by the concession lessee for the purpose of ensuring
3 that an appropriate amount of the lessee's moneys are provided
4 by the lessee to satisfy the lessee's incurred responsibilities
5 for the operation of the concession facility under the terms
6 and conditions of the concession lease.

7 The lessee account shall allow for the amortization of
8 certain authorized expenses that are incurred by the concession
9 lessee but that are not an obligation of the lessee under the
10 terms and conditions of the lease agreement. The Agency may
11 allow a reduction of up to 50% of the monthly rent due for the
12 purpose of enabling the recoument of the lessee's authorized
13 expenditures during the term of the lease.

14 (k) To sell surplus agricultural products grown on land
15 owned by or under the jurisdiction of the Historic Sites and
16 Preservation Division of the Agency, when the products cannot
17 be used by the Agency.

18 (l) To enforce the laws of the State and the rules and
19 regulations of the Agency in or on any lands owned, leased, or
20 managed by the Historic Sites and Preservation Division of the
21 Agency.

22 (m) To cooperate with private organizations and agencies of
23 the State of Illinois by providing areas and the use of staff
24 personnel where feasible for the sale of publications on the
25 historic and cultural heritage of the State and craft items
26 made by Illinois craftsmen. These sales shall not conflict with

1 existing concession agreements. The Historic Sites and
2 Preservation Division of the Agency is authorized to negotiate
3 with the organizations and agencies for a portion of the monies
4 received from sales to be returned to the Historic Sites and
5 Preservation Division of the Agency's Historic Sites Fund for
6 the furtherance of interpretive and restoration programs.

7 (n) To establish local bank or savings and loan association
8 accounts, upon the written authorization of the Director, to
9 temporarily hold income received at any of its properties. The
10 local accounts established under this Section shall be in the
11 name of the Historic Preservation Agency and shall be subject
12 to regular audits. The balance in a local bank or savings and
13 loan association account shall be forwarded to the Agency for
14 deposit with the State Treasurer on Monday of each week if the
15 amount to be deposited in a fund exceeds \$500.

16 No bank or savings and loan association shall receive
17 public funds as permitted by this Section, unless it has
18 complied with the requirements established under Section 6 of
19 the Public Funds Investment Act.

20 (o) To accept, with the consent of the Board, offers of
21 gifts, gratuities, or grants from the federal government, its
22 agencies, or offices, or from any person, firm, or corporation.

23 (p) To make reasonable rules and regulations as may be
24 necessary to discharge the duties of the Agency.

25 (q) With appropriate cultural organizations, to further
26 and advance the goals of the Agency.

1 (r) To make grants for the purposes of planning, survey,
2 rehabilitation, restoration, reconstruction, landscaping, and
3 acquisition of Illinois properties (i) designated individually
4 in the National Register of Historic Places, (ii) designated as
5 a landmark under a county or municipal landmark ordinance, or
6 (iii) located within a National Register of Historic Places
7 historic district or a locally designated historic district
8 when the Director determines that the property is of historic
9 significance whenever an appropriation is made therefor by the
10 General Assembly or whenever gifts or grants are received for
11 that purpose and to promulgate regulations as may be necessary
12 or desirable to carry out the purposes of the grants.

13 Grantees may, as prescribed by rule, be required to provide
14 matching funds for each grant. Grants made under this
15 subsection shall be known as Illinois Heritage Grants.

16 Every owner of a historic property, or the owner's agent,
17 is eligible to apply for a grant under this subsection.

18 (s) To establish and implement a pilot program for charging
19 admission to State historic sites. Fees may be charged for
20 special events, admissions, and parking or any combination;
21 fees may be charged at all sites or selected sites. All fees
22 shall be deposited into the Illinois Historic Sites Fund. The
23 Historic Sites and Preservation Division of the Agency shall
24 have the discretion to set and adjust reasonable fees at the
25 various sites, taking into consideration various factors,
26 including, but not limited to: cost of services furnished to

1 each visitor, impact of fees on attendance and tourism, and the
2 costs expended collecting the fees. The Agency shall keep
3 careful records of the income and expenses resulting from the
4 imposition of fees, shall keep records as to the attendance at
5 each historic site, and shall report to the Governor and
6 General Assembly by January 31 after the close of each year.
7 The report shall include information on costs, expenses,
8 attendance, comments by visitors, and any other information the
9 Agency may believe pertinent, including:

10 (1) Recommendations as to whether fees should be
11 continued at each State historic site.

12 (2) How the fees should be structured and imposed.

13 (3) Estimates of revenues and expenses associated with
14 each site.

15 (t) To provide for overnight tent and trailer campsites and
16 to provide suitable housing facilities for student and juvenile
17 overnight camping groups. The Historic Sites and Preservation
18 Division of the Agency shall charge rates similar to those
19 charged by the Department of Conservation for the same or
20 similar facilities and services.

21 (u) To engage in marketing activities designed to promote
22 the sites and programs administered by the Agency. In
23 undertaking these activities, the Agency may take all necessary
24 steps with respect to products and services, including, but not
25 limited to, retail sales, wholesale sales, direct marketing,
26 mail order sales, telephone sales, advertising and promotion,

1 purchase of product and materials inventory, design, printing
2 and manufacturing of new products, reproductions, and
3 adaptations, copyright and trademark licensing and royalty
4 agreements, and payment of applicable taxes. In addition, the
5 Agency shall have the authority to sell advertising in its
6 publications and printed materials. All income from marketing
7 activities shall be deposited into the Illinois Historic Sites
8 Fund.

9 (Source: P.A. 95-140, eff. 1-1-08; revised 10-14-15.)

10 Section 125. The Illinois Health Information Exchange and
11 Technology Act is amended by changing Section 20 as follows:

12 (20 ILCS 3860/20)

13 (Section scheduled to be repealed on January 1, 2021)

14 Sec. 20. Powers and duties of the Illinois Health
15 Information Exchange Authority. The Authority has the
16 following powers, together with all powers incidental or
17 necessary to accomplish the purposes of this Act:

18 (1) The Authority shall create and administer the ILHIE
19 using information systems and processes that are secure,
20 are cost effective, and meet all other relevant privacy and
21 security requirements under State and federal law.

22 (2) The Authority shall establish and adopt standards
23 and requirements for the use of health information and the
24 requirements for participation in the ILHIE by persons or

1 entities including, but not limited to, health care
2 providers, payors, and local health information exchanges.

3 (3) The Authority shall establish minimum standards
4 for accessing the ILHIE to ensure that the appropriate
5 security and privacy protections apply to health
6 information, consistent with applicable federal and State
7 standards and laws. The Authority shall have the power to
8 suspend, limit, or terminate the right to participate in
9 the ILHIE for non-compliance or failure to act, with
10 respect to applicable standards and laws, in the best
11 interests of patients, users of the ILHIE, or the public.
12 The Authority may seek all remedies allowed by law to
13 address any violation of the terms of participation in the
14 ILHIE.

15 (4) The Authority shall identify barriers to the
16 adoption of electronic health records systems, including
17 researching the rates and patterns of dissemination and use
18 of electronic health record systems throughout the State.
19 The Authority shall make the results of the research
20 available on its website.

21 (5) The Authority shall prepare educational materials
22 and educate the general public on the benefits of
23 electronic health records, the ILHIE, and the safeguards
24 available to prevent unauthorized disclosure of health
25 information.

26 (6) The Authority may appoint or designate an

1 institutional review board in accordance with federal and
2 State law to review and approve requests for research in
3 order to ensure compliance with standards and patient
4 privacy and security protections as specified in paragraph
5 (3) of this Section.

6 (7) The Authority may enter into all contracts and
7 agreements necessary or incidental to the performance of
8 its powers under this Act. The Authority's expenditures of
9 private funds are exempt from the Illinois Procurement
10 Code, pursuant to Section 1-10 of that Act. Notwithstanding
11 this exception, the Authority shall comply with the
12 Business Enterprise for Minorities, Females, and Persons
13 with Disabilities Act.

14 (8) The Authority may solicit and accept grants, loans,
15 contributions, or appropriations from any public or
16 private source and may expend those moneys, through
17 contracts, grants, loans, or agreements, on activities it
18 considers suitable to the performance of its duties under
19 this Act.

20 (9) The Authority may determine, charge, and collect
21 any fees, charges, costs, and expenses from any healthcare
22 provider or entity in connection with its duties under this
23 Act. Moneys collected under this paragraph (9) shall be
24 deposited into the Health Information Exchange Fund.

25 (10) The Authority may, under the direction of the
26 Executive Director, employ and discharge staff, including

1 administrative, technical, expert, professional, and legal
2 staff, as is necessary or convenient to carry out the
3 purposes of this Act. The Authority may establish and
4 administer standards of classification regarding
5 compensation, benefits, duties, performance, and tenure
6 for that staff and may enter into contracts of employment
7 with members of that staff for such periods and on such
8 terms as the Authority deems desirable. All employees of
9 the Authority are exempt from the Personnel Code as
10 provided by Section 4 of the Personnel Code.

11 (11) The Authority shall consult and coordinate with
12 the Department of Public Health to further the Authority's
13 collection of health information from health care
14 providers for public health purposes. The collection of
15 public health information shall include identifiable
16 information for use by the Authority or other State
17 agencies to comply with State and federal laws. Any
18 identifiable information so collected shall be privileged
19 and confidential in accordance with Sections 8-2101,
20 8-2102, 8-2103, 8-2104, and 8-2105 of the Code of Civil
21 Procedure.

22 (12) All identified or deidentified health information
23 in the form of health data or medical records contained in,
24 stored in, submitted to, transferred by, or released from
25 the Illinois Health Information Exchange, and identified
26 or deidentified health information in the form of health

1 data and medical records of the Illinois Health Information
2 Exchange in the possession of the Illinois Health
3 Information Exchange Authority due to its administration
4 of the Illinois Health Information Exchange, shall be
5 exempt from inspection and copying under the Freedom of
6 Information Act. The terms "identified" and "deidentified"
7 shall be given the same meaning as in the Health Insurance
8 Portability and Accountability and ~~Portability~~ Act of
9 1996, Public Law 104-191, or any subsequent amendments
10 thereto, and any regulations promulgated thereunder.

11 (13) To address gaps in the adoption of, workforce
12 preparation for, and exchange of electronic health records
13 that result in regional and socioeconomic disparities in
14 the delivery of care, the Authority may evaluate such gaps
15 and provide resources as available, giving priority to
16 healthcare providers serving a significant percentage of
17 Medicaid or uninsured patients and in medically
18 underserved or rural areas.

19 (Source: P.A. 96-1331, eff. 7-27-10; revised 10-13-15.)

20 Section 130. The Illinois Health Facilities Planning Act is
21 amended by changing Sections 12 and 14.1 as follows:

22 (20 ILCS 3960/12) (from Ch. 111 1/2, par. 1162)

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

24 Sec. 12. Powers and duties of State Board. For purposes of

1 this Act, the State Board shall exercise the following powers
2 and duties:

3 (1) Prescribe rules, regulations, standards, criteria,
4 procedures or reviews which may vary according to the purpose
5 for which a particular review is being conducted or the type of
6 project reviewed and which are required to carry out the
7 provisions and purposes of this Act. Policies and procedures of
8 the State Board shall take into consideration the priorities
9 and needs of medically underserved areas and other health care
10 services identified through the comprehensive health planning
11 process, giving special consideration to the impact of projects
12 on access to safety net services.

13 (2) Adopt procedures for public notice and hearing on all
14 proposed rules, regulations, standards, criteria, and plans
15 required to carry out the provisions of this Act.

16 (3) (Blank).

17 (4) Develop criteria and standards for health care
18 facilities planning, conduct statewide inventories of health
19 care facilities, maintain an updated inventory on the Board's
20 web site reflecting the most recent bed and service changes and
21 updated need determinations when new census data become
22 available or new need formulae are adopted, and develop health
23 care facility plans which shall be utilized in the review of
24 applications for permit under this Act. Such health facility
25 plans shall be coordinated by the Board with pertinent State
26 Plans. Inventories pursuant to this Section of skilled or

1 intermediate care facilities licensed under the Nursing Home
2 Care Act, skilled or intermediate care facilities licensed
3 under the ID/DD Community Care Act, skilled or intermediate
4 care facilities licensed under the MC/DD Act, facilities
5 licensed under the Specialized Mental Health Rehabilitation
6 Act of 2013, or nursing homes licensed under the Hospital
7 Licensing Act shall be conducted on an annual basis no later
8 than July 1 of each year and shall include among the
9 information requested a list of all services provided by a
10 facility to its residents and to the community at large and
11 differentiate between active and inactive beds.

12 In developing health care facility plans, the State Board
13 shall consider, but shall not be limited to, the following:

14 (a) The size, composition and growth of the population
15 of the area to be served;

16 (b) The number of existing and planned facilities
17 offering similar programs;

18 (c) The extent of utilization of existing facilities;

19 (d) The availability of facilities which may serve as
20 alternatives or substitutes;

21 (e) The availability of personnel necessary to the
22 operation of the facility;

23 (f) Multi-institutional planning and the establishment
24 of multi-institutional systems where feasible;

25 (g) The financial and economic feasibility of proposed
26 construction or modification; and

1 (h) In the case of health care facilities established
2 by a religious body or denomination, the needs of the
3 members of such religious body or denomination may be
4 considered to be public need.

5 The health care facility plans which are developed and
6 adopted in accordance with this Section shall form the basis
7 for the plan of the State to deal most effectively with
8 statewide health needs in regard to health care facilities.

9 (5) Coordinate with the Center for Comprehensive Health
10 Planning and other state agencies having responsibilities
11 affecting health care facilities, including those of licensure
12 and cost reporting. Beginning no later than January 1, 2013,
13 the Department of Public Health shall produce a written annual
14 report to the Governor and the General Assembly regarding the
15 development of the Center for Comprehensive Health Planning.
16 The Chairman of the State Board and the State Board
17 Administrator shall also receive a copy of the annual report.

18 (6) Solicit, accept, hold and administer on behalf of the
19 State any grants or bequests of money, securities or property
20 for use by the State Board or Center for Comprehensive Health
21 Planning in the administration of this Act; and enter into
22 contracts consistent with the appropriations for purposes
23 enumerated in this Act.

24 (7) The State Board shall prescribe procedures for review,
25 standards, and criteria which shall be utilized to make
26 periodic reviews and determinations of the appropriateness of

1 any existing health services being rendered by health care
2 facilities subject to the Act. The State Board shall consider
3 recommendations of the Board in making its determinations.

4 (8) Prescribe, in consultation with the Center for
5 Comprehensive Health Planning, rules, regulations, standards,
6 and criteria for the conduct of an expeditious review of
7 applications for permits for projects of construction or
8 modification of a health care facility, which projects are
9 classified as emergency, substantive, or non-substantive in
10 nature.

11 Six months after June 30, 2009 (the effective date of
12 Public Act 96-31), substantive projects shall include no more
13 than the following:

14 (a) Projects to construct (1) a new or replacement
15 facility located on a new site or (2) a replacement
16 facility located on the same site as the original facility
17 and the cost of the replacement facility exceeds the
18 capital expenditure minimum, which shall be reviewed by the
19 Board within 120 days;

20 (b) Projects proposing a (1) new service within an
21 existing healthcare facility or (2) discontinuation of a
22 service within an existing healthcare facility, which
23 shall be reviewed by the Board within 60 days; or

24 (c) Projects proposing a change in the bed capacity of
25 a health care facility by an increase in the total number
26 of beds or by a redistribution of beds among various

1 categories of service or by a relocation of beds from one
2 physical facility or site to another by more than 20 beds
3 or more than 10% of total bed capacity, as defined by the
4 State Board, whichever is less, over a 2-year period.

5 The Chairman may approve applications for exemption that
6 meet the criteria set forth in rules or refer them to the full
7 Board. The Chairman may approve any unopposed application that
8 meets all of the review criteria or refer them to the full
9 Board.

10 Such rules shall not abridge the right of the Center for
11 Comprehensive Health Planning to make recommendations on the
12 classification and approval of projects, nor shall such rules
13 prevent the conduct of a public hearing upon the timely request
14 of an interested party. Such reviews shall not exceed 60 days
15 from the date the application is declared to be complete.

16 (9) Prescribe rules, regulations, standards, and criteria
17 pertaining to the granting of permits for construction and
18 modifications which are emergent in nature and must be
19 undertaken immediately to prevent or correct structural
20 deficiencies or hazardous conditions that may harm or injure
21 persons using the facility, as defined in the rules and
22 regulations of the State Board. This procedure is exempt from
23 public hearing requirements of this Act.

24 (10) Prescribe rules, regulations, standards and criteria
25 for the conduct of an expeditious review, not exceeding 60
26 days, of applications for permits for projects to construct or

1 modify health care facilities which are needed for the care and
2 treatment of persons who have acquired immunodeficiency
3 syndrome (AIDS) or related conditions.

4 (10.5) Provide its rationale when voting on an item before
5 it at a State Board meeting in order to comply with subsection
6 (b) of Section 3-108 of the Code of Civil Procedure.

7 (11) Issue written decisions upon request of the applicant
8 or an adversely affected party to the Board. Requests for a
9 written decision shall be made within 15 days after the Board
10 meeting in which a final decision has been made. A "final
11 decision" for purposes of this Act is the decision to approve
12 or deny an application, or take other actions permitted under
13 this Act, at the time and date of the meeting that such action
14 is scheduled by the Board. The transcript of the State Board
15 meeting shall be incorporated into the Board's final decision.
16 The staff of the Board shall prepare a written copy of the
17 final decision and the Board shall approve a final copy for
18 inclusion in the formal record. The Board shall consider, for
19 approval, the written draft of the final decision no later than
20 the next scheduled Board meeting. The written decision shall
21 identify the applicable criteria and factors listed in this Act
22 and the Board's regulations that were taken into consideration
23 by the Board when coming to a final decision. If the Board
24 denies or fails to approve an application for permit or
25 exemption, the Board shall include in the final decision a
26 detailed explanation as to why the application was denied and

1 identify what specific criteria or standards the applicant did
2 not fulfill.

3 (12) Require at least one of its members to participate in
4 any public hearing, after the appointment of a majority of the
5 members to the Board.

6 (13) Provide a mechanism for the public to comment on, and
7 request changes to, draft rules and standards.

8 (14) Implement public information campaigns to regularly
9 inform the general public about the opportunity for public
10 hearings and public hearing procedures.

11 (15) Establish a separate set of rules and guidelines for
12 long-term care that recognizes that nursing homes are a
13 different business line and service model from other regulated
14 facilities. An open and transparent process shall be developed
15 that considers the following: how skilled nursing fits in the
16 continuum of care with other care providers, modernization of
17 nursing homes, establishment of more private rooms,
18 development of alternative services, and current trends in
19 long-term care services. The Chairman of the Board shall
20 appoint a permanent Health Services Review Board Long-term Care
21 Facility Advisory Subcommittee that shall develop and
22 recommend to the Board the rules to be established by the Board
23 under this paragraph (15). The Subcommittee shall also provide
24 continuous review and commentary on policies and procedures
25 relative to long-term care and the review of related projects.
26 The Subcommittee shall make recommendations to the Board no

1 later than January 1, 2016 and every January thereafter
2 pursuant to the Subcommittee's responsibility for the
3 continuous review and commentary on policies and procedures
4 relative to long-term care. In consultation with other experts
5 from the health field of long-term care, the Board and the
6 Subcommittee shall study new approaches to the current bed need
7 formula and Health Service Area boundaries to encourage
8 flexibility and innovation in design models reflective of the
9 changing long-term care marketplace and consumer preferences
10 and submit its recommendations to the Chairman of the Board no
11 later than January 1, 2017. The Subcommittee shall evaluate,
12 and make recommendations to the State Board regarding, the
13 buying, selling, and exchange of beds between long-term care
14 facilities within a specified geographic area or drive time.
15 The Board shall file the proposed related administrative rules
16 for the separate rules and guidelines for long-term care
17 required by this paragraph (15) by no later than September 30,
18 2011. The Subcommittee shall be provided a reasonable and
19 timely opportunity to review and comment on any review,
20 revision, or updating of the criteria, standards, procedures,
21 and rules used to evaluate project applications as provided
22 under Section 12.3 of this Act.

23 The Chairman of the Board shall appoint voting members of
24 the Subcommittee, who shall serve for a period of 3 years, with
25 one-third of the terms expiring each January, to be determined
26 by lot. Appointees shall include, but not be limited to,

1 recommendations from each of the 3 statewide long-term care
2 associations, with an equal number to be appointed from each.
3 Compliance with this provision shall be through the appointment
4 and reappointment process. All appointees serving as of April
5 1, 2015 shall serve to the end of their term as determined by
6 lot or until the appointee voluntarily resigns, whichever is
7 earlier.

8 One representative from the Department of Public Health,
9 the Department of Healthcare and Family Services, the
10 Department on Aging, and the Department of Human Services may
11 each serve as an ex-officio non-voting member of the
12 Subcommittee. The Chairman of the Board shall select a
13 Subcommittee Chair, who shall serve for a period of 3 years.

14 (16) Prescribe the format of the State Board Staff Report.
15 A State Board Staff Report shall pertain to applications that
16 include, but are not limited to, applications for permit or
17 exemption, applications for permit renewal, applications for
18 extension of the obligation period, applications requesting a
19 declaratory ruling, or applications under the Health Care
20 Worker Self-Referral Act. State Board Staff Reports shall
21 compare applications to the relevant review criteria under the
22 Board's rules.

23 (17) Establish a separate set of rules and guidelines for
24 facilities licensed under the Specialized Mental Health
25 Rehabilitation Act of 2013. An application for the
26 re-establishment of a facility in connection with the

1 relocation of the facility shall not be granted unless the
2 applicant has a contractual relationship with at least one
3 hospital to provide emergency and inpatient mental health
4 services required by facility consumers, and at least one
5 community mental health agency to provide oversight and
6 assistance to facility consumers while living in the facility,
7 and appropriate services, including case management, to assist
8 them to prepare for discharge and reside stably in the
9 community thereafter. No new facilities licensed under the
10 Specialized Mental Health Rehabilitation Act of 2013 shall be
11 established after June 16, 2014 (the effective date of Public
12 Act 98-651) except in connection with the relocation of an
13 existing facility to a new location. An application for a new
14 location shall not be approved unless there are adequate
15 community services accessible to the consumers within a
16 reasonable distance, or by use of public transportation, so as
17 to facilitate the goal of achieving maximum individual
18 self-care and independence. At no time shall the total number
19 of authorized beds under this Act in facilities licensed under
20 the Specialized Mental Health Rehabilitation Act of 2013 exceed
21 the number of authorized beds on June 16, 2014 (the effective
22 date of Public Act 98-651).

23 (Source: P.A. 98-414, eff. 1-1-14; 98-463, eff. 8-16-13;
24 98-651, eff. 6-16-14; 98-1086, eff. 8-26-14; 99-78, eff.
25 7-20-15; 99-114, eff. 7-23-15; 99-180, eff. 7-29-15; 99-277,
26 eff. 8-5-15; revised 10-15-15.)

1 (20 ILCS 3960/14.1)

2 Sec. 14.1. Denial of permit; other sanctions.

3 (a) The State Board may deny an application for a permit or
4 may revoke or take other action as permitted by this Act with
5 regard to a permit as the State Board deems appropriate,
6 including the imposition of fines as set forth in this Section,
7 for any one or a combination of the following:

8 (1) The acquisition of major medical equipment without
9 a permit or in violation of the terms of a permit.

10 (2) The establishment, construction, modification, or
11 change of ownership of a health care facility without a
12 permit or exemption or in violation of the terms of a
13 permit.

14 (3) The violation of any provision of this Act or any
15 rule adopted under this Act.

16 (4) The failure, by any person subject to this Act, to
17 provide information requested by the State Board or Agency
18 within 30 days after a formal written request for the
19 information.

20 (5) The failure to pay any fine imposed under this
21 Section within 30 days of its imposition.

22 (a-5) For facilities licensed under the ID/DD Community
23 Care Act, no permit shall be denied on the basis of prior
24 operator history, other than for actions specified under item
25 (2), (4), or (5) of Section 3-117 of the ID/DD Community Care

1 Act. For facilities licensed under the MC/DD Act, no permit
2 shall be denied on the basis of prior operator history, other
3 than for actions specified under item (2), (4), or (5) of
4 Section 3-117 of the MC/DD Act. For facilities licensed under
5 the Specialized Mental Health Rehabilitation Act of 2013, no
6 permit shall be denied on the basis of prior operator history,
7 other than for actions specified under item (2), (4), or (5) of
8 Section 3-117 of the Specialized Mental Health Rehabilitation
9 Act of 2013. For facilities licensed under the Nursing Home
10 Care Act, no permit shall be denied on the basis of prior
11 operator history, other than for: (i) actions specified under
12 item (2), (3), (4), (5), or (6) of Section 3-117 of the Nursing
13 Home Care Act; (ii) actions specified under item (a)(6) of
14 Section 3-119 of the Nursing Home Care Act; or (iii) actions
15 within the preceding 5 years constituting a substantial and
16 repeated failure to comply with the Nursing Home Care Act or
17 the rules and regulations adopted by the Department under that
18 Act. The State Board shall not deny a permit on account of any
19 action described in this subsection (a-5) without also
20 considering all such actions in the light of all relevant
21 information available to the State Board, including whether the
22 permit is sought to substantially comply with a mandatory or
23 voluntary plan of correction associated with any action
24 described in this subsection (a-5).

25 (b) Persons shall be subject to fines as follows:

26 (1) A permit holder who fails to comply with the

1 requirements of maintaining a valid permit shall be fined
2 an amount not to exceed 1% of the approved permit amount
3 plus an additional 1% of the approved permit amount for
4 each 30-day period, or fraction thereof, that the violation
5 continues.

6 (2) A permit holder who alters the scope of an approved
7 project or whose project costs exceed the allowable permit
8 amount without first obtaining approval from the State
9 Board shall be fined an amount not to exceed the sum of (i)
10 the lesser of \$25,000 or 2% of the approved permit amount
11 and (ii) in those cases where the approved permit amount is
12 exceeded by more than \$1,000,000, an additional \$20,000 for
13 each \$1,000,000, or fraction thereof, in excess of the
14 approved permit amount.

15 (2.5) A permit holder who fails to comply with the
16 post-permit and reporting requirements set forth in
17 Section 5 shall be fined an amount not to exceed \$10,000
18 plus an additional \$10,000 for each 30-day period, or
19 fraction thereof, that the violation continues. This fine
20 shall continue to accrue until the date that (i) the
21 post-permit requirements are met and the post-permit
22 reports are received by the State Board or (ii) the matter
23 is referred by the State Board to the State Board's legal
24 counsel. The accrued fine is not waived by the permit
25 holder submitting the required information and reports.
26 Prior to any fine beginning to accrue, the Board shall

1 notify, in writing, a permit holder of the due date for the
2 post-permit and reporting requirements no later than 30
3 days before the due date for the requirements. This
4 paragraph (2.5) takes effect 6 months after August 27, 2012
5 (the effective date of Public Act 97-1115).

6 (3) A person who acquires major medical equipment or
7 who establishes a category of service without first
8 obtaining a permit or exemption, as the case may be, shall
9 be fined an amount not to exceed \$10,000 for each such
10 acquisition or category of service established plus an
11 additional \$10,000 for each 30-day period, or fraction
12 thereof, that the violation continues.

13 (4) A person who constructs, modifies, establishes, or
14 changes ownership of a health care facility without first
15 obtaining a permit or exemption shall be fined an amount
16 not to exceed \$25,000 plus an additional \$25,000 for each
17 30-day period, or fraction thereof, that the violation
18 continues.

19 (5) A person who discontinues a health care facility or
20 a category of service without first obtaining a permit or
21 exemption shall be fined an amount not to exceed \$10,000
22 plus an additional \$10,000 for each 30-day period, or
23 fraction thereof, that the violation continues. For
24 purposes of this subparagraph (5), facilities licensed
25 under the Nursing Home Care Act, the ID/DD Community Care
26 Act, or the MC/DD Act, with the exceptions of facilities

1 operated by a county or Illinois Veterans Homes, are exempt
2 from this permit requirement. However, facilities licensed
3 under the Nursing Home Care Act, the ID/DD Community Care
4 Act, or the MC/DD Act must comply with Section 3-423 of the
5 Nursing Home Care Act, Section 3-423 of the ID/DD Community
6 Care Act, or Section 3-423 of the MC/DD Act and must
7 provide the Board and the Department of Human Services with
8 30 days' written notice of their intent to close.
9 Facilities licensed under the ID/DD Community Care Act or
10 the MC/DD Act also must provide the Board and the
11 Department of Human Services with 30 days' written notice
12 of their intent to reduce the number of beds for a
13 facility.

14 (6) A person subject to this Act who fails to provide
15 information requested by the State Board or Agency within
16 30 days of a formal written request shall be fined an
17 amount not to exceed \$1,000 plus an additional \$1,000 for
18 each 30-day period, or fraction thereof, that the
19 information is not received by the State Board or Agency.

20 (b-5) The State Board may accept in-kind services instead
21 of or in combination with the imposition of a fine. This
22 authorization is limited to cases where the non-compliant
23 individual or entity has waived the right to an administrative
24 hearing or opportunity to appear before the Board regarding the
25 non-compliant matter.

26 (c) Before imposing any fine authorized under this Section,

1 the State Board shall afford the person or permit holder, as
2 the case may be, an appearance before the State Board and an
3 opportunity for a hearing before a hearing officer appointed by
4 the State Board. The hearing shall be conducted in accordance
5 with Section 10. Requests for an appearance before the State
6 Board must be made within 30 days after receiving notice that a
7 fine will be imposed.

8 (d) All fines collected under this Act shall be transmitted
9 to the State Treasurer, who shall deposit them into the
10 Illinois Health Facilities Planning Fund.

11 (e) Fines imposed under this Section shall continue to
12 accrue until: (i) the date that the matter is referred by the
13 State Board to the Board's legal counsel; or (ii) the date that
14 the health care facility becomes compliant with the Act,
15 whichever is earlier.

16 (Source: P.A. 98-463, eff. 8-16-13; 99-114, eff. 7-23-15;
17 99-180, eff. 7-29-15; revised 10-14-15.)

18 Section 135. The Illinois Holocaust and Genocide
19 Commission Act is amended by changing Section 10 as follows:

20 (20 ILCS 5010/10)

21 (Section scheduled to be repealed on January 1, 2021)

22 Sec. 10. Composition of the Commission.

23 (a) The Commission is composed of 22 members as follows:

24 (1) 19 public members appointed by the Governor, one of

1 whom ~~which~~ shall be a student; and

2 (2) 3 ex officio members as follows:

3 (A) the State Superintendent of Education;

4 (B) the Executive Director of the Board of Higher
5 Education; and

6 (C) the Director of Veterans' Affairs.

7 (b) The President and Minority Leader of the Senate shall
8 each designate a member or former member of the Senate and the
9 Speaker and Minority Leader of the House of Representatives
10 shall each designate a member or former member of the House of
11 Representatives to advise the Commission.

12 (Source: P.A. 98-793, eff. 7-28-14; revised 10-13-15.)

13 Section 140. The State Finance Act is amended by setting
14 forth and renumbering multiple versions of Sections 5.866 and
15 5.867 as follows:

16 (30 ILCS 105/5.866)

17 Sec. 5.866. The Illinois Telecommunications Access
18 Corporation Fund.

19 (Source: P.A. 99-6, eff. 6-29-15.)

20 (30 ILCS 105/5.867)

21 Sec. 5.867. The Illinois Secure Choice Administrative
22 Fund.

23 (Source: P.A. 98-1150, eff. 6-1-15; 99-78, eff. 7-20-15.)

1 (30 ILCS 105/5.868)

2 Sec. 5.868 ~~5.866~~. The Illinois ABLE Accounts
3 Administrative Fund.

4 (Source: P.A. 99-145, eff. 1-1-16; revised 9-29-15.)

5 (30 ILCS 105/5.869)

6 Sec. 5.869 ~~5.866~~. The Women's Business Ownership Fund.

7 (Source: P.A. 99-233, eff. 8-3-15; revised 9-29-15.)

8 (30 ILCS 105/5.870)

9 (Section scheduled to be repealed on December 31, 2017)

10 Sec. 5.870 ~~5.866~~. The U.S.S. Illinois Commissioning Fund.

11 This Section is repealed on December 31, 2017.

12 (Source: P.A. 99-423, eff. 8-20-15; revised 9-29-15.)

13 (30 ILCS 105/5.871)

14 Sec. 5.871 ~~5.866~~. The George Bailey Memorial Fund.

15 (Source: P.A. 99-455, eff. 1-1-16; revised 9-29-15.)

16 (30 ILCS 105/5.872)

17 Sec. 5.872 ~~5.866~~. The Parity Education Fund.

18 (Source: P.A. 99-480, eff. 9-9-15; revised 9-29-15.)

19 (30 ILCS 105/5.873)

20 Sec. 5.873 ~~5.867~~. The Autism Care Fund.

1 (Source: P.A. 99-423, eff. 8-20-15; revised 9-29-15.)

2 Section 145. The Business Enterprise for Minorities,
3 Females, and Persons with Disabilities Act is amended by
4 changing Sections 2 and 4f as follows:

5 (30 ILCS 575/2)

6 (Section scheduled to be repealed on June 30, 2016)

7 Sec. 2. Definitions.

8 (A) For the purpose of this Act, the following terms shall
9 have the following definitions:

10 (1) "Minority person" shall mean a person who is a
11 citizen or lawful permanent resident of the United States
12 and who is any of the following:

13 (a) American Indian or Alaska Native (a person
14 having origins in any of the original peoples of North
15 and South America, including Central America, and who
16 maintains tribal affiliation or community attachment).

17 (b) Asian (a person having origins in any of the
18 original peoples of the Far East, Southeast Asia, or
19 the Indian subcontinent, including, but not limited
20 to, Cambodia, China, India, Japan, Korea, Malaysia,
21 Pakistan, the Philippine Islands, Thailand, and
22 Vietnam).

23 (c) Black or African American (a person having
24 origins in any of the black racial groups of Africa).

1 Terms such as "Haitian" or "Negro" can be used in
2 addition to "Black or African American".

3 (d) Hispanic or Latino (a person of Cuban, Mexican,
4 Puerto Rican, South or Central American, or other
5 Spanish culture or origin, regardless of race).

6 (e) Native Hawaiian or Other Pacific Islander (a
7 person having origins in any of the original peoples of
8 Hawaii, Guam, Samoa, or other Pacific Islands).

9 (2) "Female" shall mean a person who is a citizen or
10 lawful permanent resident of the United States and who is
11 of the female gender.

12 (2.05) "Person with a disability" means a person who is
13 a citizen or lawful resident of the United States and is a
14 person qualifying as a person with a disability under
15 subdivision (2.1) of this subsection (A).

16 (2.1) "Person with a disability" means a person with a
17 severe physical or mental disability that:

18 (a) results from:
19 amputation,
20 arthritis,
21 autism,
22 blindness,
23 burn injury,
24 cancer,
25 cerebral palsy,
26 Crohn's disease,

1 cystic fibrosis,
2 deafness,
3 head injury,
4 heart disease,
5 hemiplegia,
6 hemophilia,
7 respiratory or pulmonary dysfunction,
8 an intellectual disability,
9 mental illness,
10 multiple sclerosis,
11 muscular dystrophy,
12 musculoskeletal disorders,
13 neurological disorders, including stroke and
14 epilepsy,
15 paraplegia,
16 quadriplegia and other spinal cord conditions,
17 sickle cell anemia,
18 ulcerative colitis,
19 specific learning disabilities, or
20 end stage renal failure disease; and

21 (b) substantially limits one or more of the
22 person's major life activities.

23 Another disability or combination of disabilities may
24 also be considered as a severe disability for the purposes
25 of item (a) of this subdivision (2.1) if it is determined
26 by an evaluation of rehabilitation potential to cause a

1 comparable degree of substantial functional limitation
2 similar to the specific list of disabilities listed in item
3 (a) of this subdivision (2.1).

4 (3) "Minority owned business" means a business which is
5 at least 51% owned by one or more minority persons, or in
6 the case of a corporation, at least 51% of the stock in
7 which is owned by one or more minority persons; and the
8 management and daily business operations of which are
9 controlled by one or more of the minority individuals who
10 own it.

11 (4) "Female owned business" means a business which is
12 at least 51% owned by one or more females, or, in the case
13 of a corporation, at least 51% of the stock in which is
14 owned by one or more females; and the management and daily
15 business operations of which are controlled by one or more
16 of the females who own it.

17 (4.1) "Business owned by a person with a disability"
18 means a business that is at least 51% owned by one or more
19 persons with a disability and the management and daily
20 business operations of which are controlled by one or more
21 of the persons with disabilities who own it. A
22 not-for-profit agency for persons with disabilities that
23 is exempt from taxation under Section 501 of the Internal
24 Revenue Code of 1986 is also considered a "business owned
25 by a person with a disability".

26 (4.2) "Council" means the Business Enterprise Council

1 for Minorities, Females, and Persons with Disabilities
2 created under Section 5 of this Act.

3 (5) "State contracts" means all contracts entered into
4 by the State, any agency or department thereof, or any
5 public institution of higher education, including
6 community college districts, regardless of the source of
7 the funds with which the contracts are paid, which are not
8 subject to federal reimbursement. "State contracts" does
9 not include contracts awarded by a retirement system,
10 pension fund, or investment board subject to Section
11 1-109.1 of the Illinois Pension Code. This definition shall
12 control over any existing definition under this Act or
13 applicable administrative rule.

14 "State construction contracts" means all State
15 contracts entered into by a State agency or public
16 institution of higher education for the repair,
17 remodeling, renovation or construction of a building or
18 structure, or for the construction or maintenance of a
19 highway defined in Article 2 of the Illinois Highway Code.

20 (6) "State agencies" shall mean all departments,
21 officers, boards, commissions, institutions and bodies
22 politic and corporate of the State, but does not include
23 the Board of Trustees of the University of Illinois, the
24 Board of Trustees of Southern Illinois University, the
25 Board of Trustees of Chicago State University, the Board of
26 Trustees of Eastern Illinois University, the Board of

1 Trustees of Governors State University, the Board of
2 Trustees of Illinois State University, the Board of
3 Trustees of Northeastern Illinois University, the Board of
4 Trustees of Northern Illinois University, the Board of
5 Trustees of Western Illinois University, municipalities or
6 other local governmental units, or other State
7 constitutional officers.

8 (7) "Public institutions of higher education" means
9 the University of Illinois, Southern Illinois University,
10 Chicago State University, Eastern Illinois University,
11 Governors State University, Illinois State University,
12 Northeastern Illinois University, Northern Illinois
13 University, Western Illinois University, the public
14 community colleges of the State, and any other public
15 universities, colleges, and community colleges now or
16 hereafter established or authorized by the General
17 Assembly.

18 (8) "Certification" means a determination made by the
19 Council or by one delegated authority from the Council to
20 make certifications, or by a State agency with statutory
21 authority to make such a certification, that a business
22 entity is a business owned by a minority, female, or person
23 with a disability for whatever purpose. A business owned
24 and controlled by females shall be certified as a "female
25 owned business". A business owned and controlled by females
26 who are also minorities shall be certified as both a

1 "female owned business" and a "minority owned business".

2 (9) "Control" means the exclusive or ultimate and sole
3 control of the business including, but not limited to,
4 capital investment and all other financial matters,
5 property, acquisitions, contract negotiations, legal
6 matters, officer-director-employee selection and
7 comprehensive hiring, operating responsibilities,
8 cost-control matters, income and dividend matters,
9 financial transactions and rights of other shareholders or
10 joint partners. Control shall be real, substantial and
11 continuing, not pro forma. Control shall include the power
12 to direct or cause the direction of the management and
13 policies of the business and to make the day-to-day as well
14 as major decisions in matters of policy, management and
15 operations. Control shall be exemplified by possessing the
16 requisite knowledge and expertise to run the particular
17 business and control shall not include simple majority or
18 absentee ownership.

19 (10) "Business" means a business that has annual gross
20 sales of less than \$75,000,000 as evidenced by the federal
21 income tax return of the business. A firm with gross sales
22 in excess of this cap may apply to the Council for
23 certification for a particular contract if the firm can
24 demonstrate that the contract would have significant
25 impact on businesses owned by minorities, females, or
26 persons with disabilities as suppliers or subcontractors

1 or in employment of minorities, females, or persons with
2 disabilities.

3 (B) When a business is owned at least 51% by any
4 combination of minority persons, females, or persons with
5 disabilities, even though none of the 3 classes alone holds at
6 least a 51% interest, the ownership requirement for purposes of
7 this Act is considered to be met. The certification category
8 for the business is that of the class holding the largest
9 ownership interest in the business. If 2 or more classes have
10 equal ownership interests, the certification category shall be
11 determined by the business.

12 (Source: P.A. 98-95, eff. 7-17-13; 99-143, eff. 7-27-15;
13 99-462, eff. 8-25-15; revised 10-16-15.)

14 (30 ILCS 575/4f)

15 (Section scheduled to be repealed on June 30, 2016)

16 Sec. 4f. Award of State contracts.

17 (1) It is hereby declared to be the public policy of the
18 State of Illinois to promote and encourage each State agency
19 and public institution of higher education to use businesses
20 owned by minorities, females, and persons with disabilities in
21 the area of goods and services, including, but not limited to,
22 insurance services, investment management services,
23 information technology services, accounting services,
24 architectural and engineering services, and legal services.
25 Furthermore, each State agency and public institution of higher

1 education shall utilize such firms to the greatest extent
2 feasible within the bounds of financial and fiduciary prudence,
3 and take affirmative steps to remove any barriers to the full
4 participation of such firms in the procurement and contracting
5 opportunities afforded.

6 (a) When a State agency or public institution of higher
7 education, other than a community college, awards a
8 contract for insurance services, for each State agency or
9 public institution of higher education, it shall be the
10 aspirational goal to use insurance brokers owned by
11 minorities, females, and persons with disabilities as
12 defined by this Act, for not less than 20% of the total
13 annual premiums or fees.

14 (b) When a State agency or public institution of higher
15 education, other than a community college, awards a
16 contract for investment services, for each State agency or
17 public institution of higher education, it shall be the
18 aspirational goal to use emerging investment managers
19 owned by minorities, females, and persons with
20 disabilities as defined by this Act, for not less than 20%
21 of the total funds under management. Furthermore, it is the
22 aspirational goal that not less than 20% of the direct
23 asset managers of the State funds be minorities, females,
24 and persons with disabilities.

25 (c) When a State agency or public institution of higher
26 education, other than a community college, awards

1 contracts for information technology services, accounting
2 services, architectural and engineering services, and
3 legal services, for each State agency and public
4 institution of higher education, it shall be the
5 aspirational goal to use such firms owned by minorities,
6 females, and persons with disabilities as defined by this
7 Act and lawyers who are minorities, females, and persons
8 with disabilities as defined by this Act, for not less than
9 20% of the total dollar amount of State contracts.

10 (d) When a community college awards a contract for
11 insurance services, investment services, information
12 technology services, accounting services, architectural
13 and engineering services, and legal services, it shall be
14 the aspirational goal of each community college to use
15 businesses owned by minorities, females, and persons with
16 disabilities as defined in this Act for not less than 20%
17 of the total amount spent on contracts for these services
18 collectively. When a community college awards contracts
19 for investment services, contracts awarded to investment
20 managers who are not emerging investment managers as
21 defined in this Act shall not be considered businesses
22 owned by minorities, females, or persons with disabilities
23 for the purposes of this Section.

24 (2) As used in this Section:

25 "Accounting services" means the measurement,
26 processing and communication of financial information

1 about economic entities including, but is not limited to,
2 financial accounting, management accounting, auditing,
3 cost containment and auditing services, taxation and
4 accounting information systems.

5 "Architectural and engineering services" means
6 professional services of an architectural or engineering
7 nature, or incidental services, that members of the
8 architectural and engineering professions, and individuals
9 in their employ, may logically or justifiably perform,
10 including studies, investigations, surveying and mapping,
11 tests, evaluations, consultations, comprehensive planning,
12 program management, conceptual designs, plans and
13 specifications, value engineering, construction phase
14 services, soils engineering, drawing reviews, preparation
15 of operating and maintenance manuals, and other related
16 services.

17 "Emerging investment manager" means an investment
18 manager or claims consultant having assets under
19 management below \$10 billion or otherwise adjudicating
20 claims.

21 "Information technology services" means, but is not
22 limited to, specialized technology-oriented solutions by
23 combining the processes and functions of software,
24 hardware, networks, telecommunications, web designers,
25 cloud developing resellers, and electronics.

26 "Insurance broker" means an insurance brokerage firm,

1 claims administrator, or both, that procures, places all
2 lines of insurance, or administers claims with annual
3 premiums or fees of at least \$5,000,000 but not more than
4 \$10,000,000.

5 "Legal services" means work performed by a lawyer
6 including, but not limited to, contracts in anticipation of
7 litigation, enforcement actions, or investigations.

8 (3) Each State agency and public institution ~~institutions~~
9 of higher education shall adopt policies that identify its plan
10 and implementation procedures for increasing the use of service
11 firms owned by minorities, females, and persons with
12 disabilities.

13 (4) Except as provided in subsection (5), the Council shall
14 file no later than March 1 of each year an annual report to the
15 Governor and the General Assembly. The report filed with the
16 General Assembly shall be filed as required in Section 3.1 of
17 the General Assembly Organization Act. This report shall: (i)
18 identify the service firms used by each State agency and public
19 institution of higher education, (ii) identify the actions it
20 has undertaken to increase the use of service firms owned by
21 minorities, females, and persons with disabilities, including
22 encouraging non-minority owned firms to use other service firms
23 owned by minorities, females, and persons with disabilities as
24 subcontractors when the opportunities arise, (iii) state any
25 recommendations made by the Council to each State agency and
26 public institution of higher education to increase

1 participation by the use of service firms owned by minorities,
2 females, and persons with disabilities, and (iv) include the
3 following:

4 (A) For insurance services: the names of the insurance
5 brokers or claims consultants used, the total of risk
6 managed by each State agency and public institution of
7 higher education by insurance brokers, the total
8 commissions, fees paid, or both, the lines or insurance
9 policies placed, and the amount of premiums placed; and the
10 percentage of the risk managed by insurance brokers, the
11 percentage of total commission, fees paid, or both, the
12 lines or insurance policies placed, and the amount of
13 premiums placed with each by the insurance brokers owned by
14 minorities, females, and persons with disabilities by each
15 State agency and public institution of higher education.

16 (B) For investment management services: the names of
17 the investment managers used, the total funds under
18 management of investment managers; the total commissions,
19 fees paid, or both; the total and percentage of funds under
20 management of emerging investment managers owned by
21 minorities, females, and persons with disabilities,
22 including the total and percentage of total commissions,
23 fees paid, or both by each State agency and public
24 institution of higher education.

25 (C) The names of service firms, the percentage and
26 total dollar amount paid for professional services by

1 category by each State agency and public institution of
2 higher education.

3 (D) The names of service firms, the percentage and
4 total dollar amount paid for services by category to firms
5 owned by minorities, females, and persons with
6 disabilities by each State agency and public institution of
7 higher education.

8 (E) The total number of contracts awarded for services
9 by category and the total number of contracts awarded to
10 firms owned by minorities, females, and persons with
11 disabilities by each State agency and public institution of
12 higher education.

13 (5) For community college districts, the Business
14 Enterprise Council shall only report the following information
15 for each community college district: (i) the name of the
16 community colleges in the district, (ii) the name and contact
17 information of a person at each community college appointed to
18 be the single point of contact for vendors owned by minorities,
19 females, or persons with disabilities, (iii) the policy of the
20 community college district concerning certified vendors, (iv)
21 the certifications recognized by the community college
22 district for determining whether a business is owned or
23 controlled by a minority, female, or person with a disability,
24 (v) outreach efforts conducted by the community college
25 district to increase the use of certified vendors, (vi) the
26 total expenditures by the community college district in the

1 prior fiscal year in the divisions of work specified in
2 paragraphs (a), (b), and (c) of subsection (1) of this Section
3 and the amount paid to certified vendors in those divisions of
4 work, and (vii) the total number of contracts entered into for
5 the divisions of work specified in paragraphs (a), (b), and (c)
6 of subsection (1) of this Section and the total number of
7 contracts awarded to certified vendors providing these
8 services to the community college district. The Business
9 Enterprise Council shall not make any utilization reports under
10 this Act for community college districts for Fiscal Year 2015
11 and Fiscal Year 2016, but shall make the report required by
12 this subsection for Fiscal Year 2017 and for each fiscal year
13 thereafter. The Business Enterprise Council shall report the
14 information in items (i), (ii), (iii), and (iv) of this
15 subsection beginning in September of 2016. The Business
16 Enterprise Council may collect the data needed to make its
17 report from the Illinois Community College Board.

18 (6) The status of the utilization of services shall be
19 discussed at each of the regularly scheduled Business
20 Enterprise Council meetings. Time shall be allotted for the
21 Council to receive, review, and discuss the progress of the use
22 of service firms owned by minorities, females, and persons with
23 disabilities by each State agency and public institution
24 ~~institutions~~ of higher education; and any evidence regarding
25 past or present racial, ethnic, or gender-based discrimination
26 which directly impacts a State agency or public institution

1 ~~institutions~~ of higher education contracting with such firms.
2 If after reviewing such evidence the Council finds that there
3 is or has been such discrimination against a specific group,
4 race or sex, the Council shall establish sheltered markets or
5 adjust existing sheltered markets tailored to address the
6 Council's specific findings for the divisions of work specified
7 in paragraphs (a), (b), and (c) of subsection (1) of this
8 Section.

9 (Source: P.A. 99-462, eff. 8-25-15; revised 10-15-15.)

10 Section 150. The State Mandates Act is amended by changing
11 Section 8.39 as follows:

12 (30 ILCS 805/8.39)

13 Sec. 8.39. Exempt mandate.

14 (a) Notwithstanding Sections 6 and 8 of this Act, no
15 reimbursement by the State is required for the implementation
16 of any mandate created by Public Act 99-176, 99-180, 99-228, or
17 99-466 ~~this amendatory Act of the 99th General Assembly.~~

18 (b) Notwithstanding Sections 6 and 8 of this Act, no
19 reimbursement by the State is required for the implementation
20 of any mandate created by the Student Transfer Achievement
21 Reform Act.

22 (Source: P.A. 99-176, eff. 7-29-15; 99-180, eff. 7-29-15;
23 99-228, eff. 1-1-16; 99-316, eff. 1-1-16; 99-466, eff. 8-26-15;
24 revised 10-9-15.)

1 Section 155. The Illinois Income Tax Act is amended by
2 changing Sections 304 and 507DDD as follows:

3 (35 ILCS 5/304) (from Ch. 120, par. 3-304)

4 Sec. 304. Business income of persons other than residents.

5 (a) In general. The business income of a person other than
6 a resident shall be allocated to this State if such person's
7 business income is derived solely from this State. If a person
8 other than a resident derives business income from this State
9 and one or more other states, then, for tax years ending on or
10 before December 30, 1998, and except as otherwise provided by
11 this Section, such person's business income shall be
12 apportioned to this State by multiplying the income by a
13 fraction, the numerator of which is the sum of the property
14 factor (if any), the payroll factor (if any) and 200% of the
15 sales factor (if any), and the denominator of which is 4
16 reduced by the number of factors other than the sales factor
17 which have a denominator of zero and by an additional 2 if the
18 sales factor has a denominator of zero. For tax years ending on
19 or after December 31, 1998, and except as otherwise provided by
20 this Section, persons other than residents who derive business
21 income from this State and one or more other states shall
22 compute their apportionment factor by weighting their
23 property, payroll, and sales factors as provided in subsection
24 (h) of this Section.

1 (1) Property factor.

2 (A) The property factor is a fraction, the numerator of
3 which is the average value of the person's real and
4 tangible personal property owned or rented and used in the
5 trade or business in this State during the taxable year and
6 the denominator of which is the average value of all the
7 person's real and tangible personal property owned or
8 rented and used in the trade or business during the taxable
9 year.

10 (B) Property owned by the person is valued at its
11 original cost. Property rented by the person is valued at 8
12 times the net annual rental rate. Net annual rental rate is
13 the annual rental rate paid by the person less any annual
14 rental rate received by the person from sub-rentals.

15 (C) The average value of property shall be determined
16 by averaging the values at the beginning and ending of the
17 taxable year but the Director may require the averaging of
18 monthly values during the taxable year if reasonably
19 required to reflect properly the average value of the
20 person's property.

21 (2) Payroll factor.

22 (A) The payroll factor is a fraction, the numerator of
23 which is the total amount paid in this State during the
24 taxable year by the person for compensation, and the
25 denominator of which is the total compensation paid
26 everywhere during the taxable year.

1 (B) Compensation is paid in this State if:

2 (i) The individual's service is performed entirely
3 within this State;

4 (ii) The individual's service is performed both
5 within and without this State, but the service
6 performed without this State is incidental to the
7 individual's service performed within this State; or

8 (iii) Some of the service is performed within this
9 State and either the base of operations, or if there is
10 no base of operations, the place from which the service
11 is directed or controlled is within this State, or the
12 base of operations or the place from which the service
13 is directed or controlled is not in any state in which
14 some part of the service is performed, but the
15 individual's residence is in this State.

16 (iv) Compensation paid to nonresident professional
17 athletes.

18 (a) General. The Illinois source income of a
19 nonresident individual who is a member of a
20 professional athletic team includes the portion of the
21 individual's total compensation for services performed
22 as a member of a professional athletic team during the
23 taxable year which the number of duty days spent within
24 this State performing services for the team in any
25 manner during the taxable year bears to the total
26 number of duty days spent both within and without this

1 State during the taxable year.

2 (b) Travel days. Travel days that do not involve
3 either a game, practice, team meeting, or other similar
4 team event are not considered duty days spent in this
5 State. However, such travel days are considered in the
6 total duty days spent both within and without this
7 State.

8 (c) Definitions. For purposes of this subpart
9 (iv):

10 (1) The term "professional athletic team"
11 includes, but is not limited to, any professional
12 baseball, basketball, football, soccer, or hockey
13 team.

14 (2) The term "member of a professional
15 athletic team" includes those employees who are
16 active players, players on the disabled list, and
17 any other persons required to travel and who travel
18 with and perform services on behalf of a
19 professional athletic team on a regular basis.
20 This includes, but is not limited to, coaches,
21 managers, and trainers.

22 (3) Except as provided in items (C) and (D) of
23 this subpart (3), the term "duty days" means all
24 days during the taxable year from the beginning of
25 the professional athletic team's official
26 pre-season training period through the last game

1 in which the team competes or is scheduled to
2 compete. Duty days shall be counted for the year in
3 which they occur, including where a team's
4 official pre-season training period through the
5 last game in which the team competes or is
6 scheduled to compete, occurs during more than one
7 tax year.

8 (A) Duty days shall also include days on
9 which a member of a professional athletic team
10 performs service for a team on a date that does
11 not fall within the foregoing period (e.g.,
12 participation in instructional leagues, the
13 "All Star Game", or promotional "caravans").
14 Performing a service for a professional
15 athletic team includes conducting training and
16 rehabilitation activities, when such
17 activities are conducted at team facilities.

18 (B) Also included in duty days are game
19 days, practice days, days spent at team
20 meetings, promotional caravans, preseason
21 training camps, and days served with the team
22 through all post-season games in which the team
23 competes or is scheduled to compete.

24 (C) Duty days for any person who joins a
25 team during the period from the beginning of
26 the professional athletic team's official

1 pre-season training period through the last
2 game in which the team competes, or is
3 scheduled to compete, shall begin on the day
4 that person joins the team. Conversely, duty
5 days for any person who leaves a team during
6 this period shall end on the day that person
7 leaves the team. Where a person switches teams
8 during a taxable year, a separate duty-day
9 calculation shall be made for the period the
10 person was with each team.

11 (D) Days for which a member of a
12 professional athletic team is not compensated
13 and is not performing services for the team in
14 any manner, including days when such member of
15 a professional athletic team has been
16 suspended without pay and prohibited from
17 performing any services for the team, shall not
18 be treated as duty days.

19 (E) Days for which a member of a
20 professional athletic team is on the disabled
21 list and does not conduct rehabilitation
22 activities at facilities of the team, and is
23 not otherwise performing services for the team
24 in Illinois, shall not be considered duty days
25 spent in this State. All days on the disabled
26 list, however, are considered to be included in

1 total duty days spent both within and without
2 this State.

3 (4) The term "total compensation for services
4 performed as a member of a professional athletic
5 team" means the total compensation received during
6 the taxable year for services performed:

7 (A) from the beginning of the official
8 pre-season training period through the last
9 game in which the team competes or is scheduled
10 to compete during that taxable year; and

11 (B) during the taxable year on a date which
12 does not fall within the foregoing period
13 (e.g., participation in instructional leagues,
14 the "All Star Game", or promotional caravans).

15 This compensation shall include, but is not
16 limited to, salaries, wages, bonuses as described
17 in this subpart, and any other type of compensation
18 paid during the taxable year to a member of a
19 professional athletic team for services performed
20 in that year. This compensation does not include
21 strike benefits, severance pay, termination pay,
22 contract or option year buy-out payments,
23 expansion or relocation payments, or any other
24 payments not related to services performed for the
25 team.

26 For purposes of this subparagraph, "bonuses"

1 included in "total compensation for services
2 performed as a member of a professional athletic
3 team" subject to the allocation described in
4 Section 302(c)(1) are: bonuses earned as a result
5 of play (i.e., performance bonuses) during the
6 season, including bonuses paid for championship,
7 playoff or "bowl" games played by a team, or for
8 selection to all-star league or other honorary
9 positions; and bonuses paid for signing a
10 contract, unless the payment of the signing bonus
11 is not conditional upon the signee playing any
12 games for the team or performing any subsequent
13 services for the team or even making the team, the
14 signing bonus is payable separately from the
15 salary and any other compensation, and the signing
16 bonus is nonrefundable.

17 (3) Sales factor.

18 (A) The sales factor is a fraction, the numerator of
19 which is the total sales of the person in this State during
20 the taxable year, and the denominator of which is the total
21 sales of the person everywhere during the taxable year.

22 (B) Sales of tangible personal property are in this
23 State if:

24 (i) The property is delivered or shipped to a
25 purchaser, other than the United States government,
26 within this State regardless of the f. o. b. point or

1 other conditions of the sale; or

2 (ii) The property is shipped from an office, store,
3 warehouse, factory or other place of storage in this
4 State and either the purchaser is the United States
5 government or the person is not taxable in the state of
6 the purchaser; provided, however, that premises owned
7 or leased by a person who has independently contracted
8 with the seller for the printing of newspapers,
9 periodicals or books shall not be deemed to be an
10 office, store, warehouse, factory or other place of
11 storage for purposes of this Section. Sales of tangible
12 personal property are not in this State if the seller
13 and purchaser would be members of the same unitary
14 business group but for the fact that either the seller
15 or purchaser is a person with 80% or more of total
16 business activity outside of the United States and the
17 property is purchased for resale.

18 (B-1) Patents, copyrights, trademarks, and similar
19 items of intangible personal property.

20 (i) Gross receipts from the licensing, sale, or
21 other disposition of a patent, copyright, trademark,
22 or similar item of intangible personal property, other
23 than gross receipts governed by paragraph (B-7) of this
24 item (3), are in this State to the extent the item is
25 utilized in this State during the year the gross
26 receipts are included in gross income.

1 (ii) Place of utilization.

2 (I) A patent is utilized in a state to the
3 extent that it is employed in production,
4 fabrication, manufacturing, or other processing in
5 the state or to the extent that a patented product
6 is produced in the state. If a patent is utilized
7 in more than one state, the extent to which it is
8 utilized in any one state shall be a fraction equal
9 to the gross receipts of the licensee or purchaser
10 from sales or leases of items produced,
11 fabricated, manufactured, or processed within that
12 state using the patent and of patented items
13 produced within that state, divided by the total of
14 such gross receipts for all states in which the
15 patent is utilized.

16 (II) A copyright is utilized in a state to the
17 extent that printing or other publication
18 originates in the state. If a copyright is utilized
19 in more than one state, the extent to which it is
20 utilized in any one state shall be a fraction equal
21 to the gross receipts from sales or licenses of
22 materials printed or published in that state
23 divided by the total of such gross receipts for all
24 states in which the copyright is utilized.

25 (III) Trademarks and other items of intangible
26 personal property governed by this paragraph (B-1)

1 are utilized in the state in which the commercial
2 domicile of the licensee or purchaser is located.

3 (iii) If the state of utilization of an item of
4 property governed by this paragraph (B-1) cannot be
5 determined from the taxpayer's books and records or
6 from the books and records of any person related to the
7 taxpayer within the meaning of Section 267(b) of the
8 Internal Revenue Code, 26 U.S.C. 267, the gross
9 receipts attributable to that item shall be excluded
10 from both the numerator and the denominator of the
11 sales factor.

12 (B-2) Gross receipts from the license, sale, or other
13 disposition of patents, copyrights, trademarks, and
14 similar items of intangible personal property, other than
15 gross receipts governed by paragraph (B-7) of this item
16 (3), may be included in the numerator or denominator of the
17 sales factor only if gross receipts from licenses, sales,
18 or other disposition of such items comprise more than 50%
19 of the taxpayer's total gross receipts included in gross
20 income during the tax year and during each of the 2
21 immediately preceding tax years; provided that, when a
22 taxpayer is a member of a unitary business group, such
23 determination shall be made on the basis of the gross
24 receipts of the entire unitary business group.

25 (B-5) For taxable years ending on or after December 31,
26 2008, except as provided in subsections (ii) through (vii),

1 receipts from the sale of telecommunications service or
2 mobile telecommunications service are in this State if the
3 customer's service address is in this State.

4 (i) For purposes of this subparagraph (B-5), the
5 following terms have the following meanings:

6 "Ancillary services" means services that are
7 associated with or incidental to the provision of
8 "telecommunications services", including but not
9 limited to "detailed telecommunications billing",
10 "directory assistance", "vertical service", and "voice
11 mail services".

12 "Air-to-Ground Radiotelephone service" means a
13 radio service, as that term is defined in 47 CFR 22.99,
14 in which common carriers are authorized to offer and
15 provide radio telecommunications service for hire to
16 subscribers in aircraft.

17 "Call-by-call Basis" means any method of charging
18 for telecommunications services where the price is
19 measured by individual calls.

20 "Communications Channel" means a physical or
21 virtual path of communications over which signals are
22 transmitted between or among customer channel
23 termination points.

24 "Conference bridging service" means an "ancillary
25 service" that links two or more participants of an
26 audio or video conference call and may include the

1 provision of a telephone number. "Conference bridging
2 service" does not include the "telecommunications
3 services" used to reach the conference bridge.

4 "Customer Channel Termination Point" means the
5 location where the customer either inputs or receives
6 the communications.

7 "Detailed telecommunications billing service"
8 means an "ancillary service" of separately stating
9 information pertaining to individual calls on a
10 customer's billing statement.

11 "Directory assistance" means an "ancillary
12 service" of providing telephone number information,
13 and/or address information.

14 "Home service provider" means the facilities based
15 carrier or reseller with which the customer contracts
16 for the provision of mobile telecommunications
17 services.

18 "Mobile telecommunications service" means
19 commercial mobile radio service, as defined in Section
20 20.3 of Title 47 of the Code of Federal Regulations as
21 in effect on June 1, 1999.

22 "Place of primary use" means the street address
23 representative of where the customer's use of the
24 telecommunications service primarily occurs, which
25 must be the residential street address or the primary
26 business street address of the customer. In the case of

1 mobile telecommunications services, "place of primary
2 use" must be within the licensed service area of the
3 home service provider.

4 "Post-paid telecommunication service" means the
5 telecommunications service obtained by making a
6 payment on a call-by-call basis either through the use
7 of a credit card or payment mechanism such as a bank
8 card, travel card, credit card, or debit card, or by
9 charge made to a telephone number which is not
10 associated with the origination or termination of the
11 telecommunications service. A post-paid calling
12 service includes telecommunications service, except a
13 prepaid wireless calling service, that would be a
14 prepaid calling service except it is not exclusively a
15 telecommunication service.

16 "Prepaid telecommunication service" means the
17 right to access exclusively telecommunications
18 services, which must be paid for in advance and which
19 enables the origination of calls using an access number
20 or authorization code, whether manually or
21 electronically dialed, and that is sold in
22 predetermined units or dollars of which the number
23 declines with use in a known amount.

24 "Prepaid Mobile telecommunication service" means a
25 telecommunications service that provides the right to
26 utilize mobile wireless service as well as other

1 non-telecommunication services, including but not
2 limited to ancillary services, which must be paid for
3 in advance that is sold in predetermined units or
4 dollars of which the number declines with use in a
5 known amount.

6 "Private communication service" means a
7 telecommunication service that entitles the customer
8 to exclusive or priority use of a communications
9 channel or group of channels between or among
10 termination points, regardless of the manner in which
11 such channel or channels are connected, and includes
12 switching capacity, extension lines, stations, and any
13 other associated services that are provided in
14 connection with the use of such channel or channels.

15 "Service address" means:

16 (a) The location of the telecommunications
17 equipment to which a customer's call is charged and
18 from which the call originates or terminates,
19 regardless of where the call is billed or paid;

20 (b) If the location in line (a) is not known,
21 service address means the origination point of the
22 signal of the telecommunications services first
23 identified by either the seller's
24 telecommunications system or in information
25 received by the seller from its service provider
26 where the system used to transport such signals is

1 not that of the seller; and

2 (c) If the locations in line (a) and line (b)
3 are not known, the service address means the
4 location of the customer's place of primary use.

5 "Telecommunications service" means the electronic
6 transmission, conveyance, or routing of voice, data,
7 audio, video, or any other information or signals to a
8 point, or between or among points. The term
9 "telecommunications service" includes such
10 transmission, conveyance, or routing in which computer
11 processing applications are used to act on the form,
12 code or protocol of the content for purposes of
13 transmission, conveyance or routing without regard to
14 whether such service is referred to as voice over
15 Internet protocol services or is classified by the
16 Federal Communications Commission as enhanced or value
17 added. "Telecommunications service" does not include:

18 (a) Data processing and information services
19 that allow data to be generated, acquired, stored,
20 processed, or retrieved and delivered by an
21 electronic transmission to a purchaser when such
22 purchaser's primary purpose for the underlying
23 transaction is the processed data or information;

24 (b) Installation or maintenance of wiring or
25 equipment on a customer's premises;

26 (c) Tangible personal property;

1 (d) Advertising, including but not limited to
2 directory advertising.

3 (e) Billing and collection services provided
4 to third parties;

5 (f) Internet access service;

6 (g) Radio and television audio and video
7 programming services, regardless of the medium,
8 including the furnishing of transmission,
9 conveyance and routing of such services by the
10 programming service provider. Radio and television
11 audio and video programming services shall include
12 but not be limited to cable service as defined in
13 47 USC 522(6) and audio and video programming
14 services delivered by commercial mobile radio
15 service providers, as defined in 47 CFR 20.3;

16 (h) "Ancillary services"; or

17 (i) Digital products "delivered
18 electronically", including but not limited to
19 software, music, video, reading materials or ring
20 tones.

21 "Vertical service" means an "ancillary service"
22 that is offered in connection with one or more
23 "telecommunications services", which offers advanced
24 calling features that allow customers to identify
25 callers and to manage multiple calls and call
26 connections, including "conference bridging services".

1 "Voice mail service" means an "ancillary service"
2 that enables the customer to store, send or receive
3 recorded messages. "Voice mail service" does not
4 include any "vertical services" that the customer may
5 be required to have in order to utilize the "voice mail
6 service".

7 (ii) Receipts from the sale of telecommunications
8 service sold on an individual call-by-call basis are in
9 this State if either of the following applies:

10 (a) The call both originates and terminates in
11 this State.

12 (b) The call either originates or terminates
13 in this State and the service address is located in
14 this State.

15 (iii) Receipts from the sale of postpaid
16 telecommunications service at retail are in this State
17 if the origination point of the telecommunication
18 signal, as first identified by the service provider's
19 telecommunication system or as identified by
20 information received by the seller from its service
21 provider if the system used to transport
22 telecommunication signals is not the seller's, is
23 located in this State.

24 (iv) Receipts from the sale of prepaid
25 telecommunications service or prepaid mobile
26 telecommunications service at retail are in this State

1 if the purchaser obtains the prepaid card or similar
2 means of conveyance at a location in this State.
3 Receipts from recharging a prepaid telecommunications
4 service or mobile telecommunications service is in
5 this State if the purchaser's billing information
6 indicates a location in this State.

7 (v) Receipts from the sale of private
8 communication services are in this State as follows:

9 (a) 100% of receipts from charges imposed at
10 each channel termination point in this State.

11 (b) 100% of receipts from charges for the total
12 channel mileage between each channel termination
13 point in this State.

14 (c) 50% of the total receipts from charges for
15 service segments when those segments are between 2
16 customer channel termination points, 1 of which is
17 located in this State and the other is located
18 outside of this State, which segments are
19 separately charged.

20 (d) The receipts from charges for service
21 segments with a channel termination point located
22 in this State and in two or more other states, and
23 which segments are not separately billed, are in
24 this State based on a percentage determined by
25 dividing the number of customer channel
26 termination points in this State by the total

1 number of customer channel termination points.

2 (vi) Receipts from charges for ancillary services
3 for telecommunications service sold to customers at
4 retail are in this State if the customer's primary
5 place of use of telecommunications services associated
6 with those ancillary services is in this State. If the
7 seller of those ancillary services cannot determine
8 where the associated telecommunications are located,
9 then the ancillary services shall be based on the
10 location of the purchaser.

11 (vii) Receipts to access a carrier's network or
12 from the sale of telecommunication services or
13 ancillary services for resale are in this State as
14 follows:

15 (a) 100% of the receipts from access fees
16 attributable to intrastate telecommunications
17 service that both originates and terminates in
18 this State.

19 (b) 50% of the receipts from access fees
20 attributable to interstate telecommunications
21 service if the interstate call either originates
22 or terminates in this State.

23 (c) 100% of the receipts from interstate end
24 user access line charges, if the customer's
25 service address is in this State. As used in this
26 subdivision, "interstate end user access line

1 charges" includes, but is not limited to, the
2 surcharge approved by the federal communications
3 commission and levied pursuant to 47 CFR 69.

4 (d) Gross receipts from sales of
5 telecommunication services or from ancillary
6 services for telecommunications services sold to
7 other telecommunication service providers for
8 resale shall be sourced to this State using the
9 apportionment concepts used for non-resale
10 receipts of telecommunications services if the
11 information is readily available to make that
12 determination. If the information is not readily
13 available, then the taxpayer may use any other
14 reasonable and consistent method.

15 (B-7) For taxable years ending on or after December 31,
16 2008, receipts from the sale of broadcasting services are
17 in this State if the broadcasting services are received in
18 this State. For purposes of this paragraph (B-7), the
19 following terms have the following meanings:

20 "Advertising revenue" means consideration received
21 by the taxpayer in exchange for broadcasting services
22 or allowing the broadcasting of commercials or
23 announcements in connection with the broadcasting of
24 film or radio programming, from sponsorships of the
25 programming, or from product placements in the
26 programming.

1 "Audience factor" means the ratio that the
2 audience or subscribers located in this State of a
3 station, a network, or a cable system bears to the
4 total audience or total subscribers for that station,
5 network, or cable system. The audience factor for film
6 or radio programming shall be determined by reference
7 to the books and records of the taxpayer or by
8 reference to published rating statistics provided the
9 method used by the taxpayer is consistently used from
10 year to year for this purpose and fairly represents the
11 taxpayer's activity in this State.

12 "Broadcast" or "broadcasting" or "broadcasting
13 services" means the transmission or provision of film
14 or radio programming, whether through the public
15 airwaves, by cable, by direct or indirect satellite
16 transmission, or by any other means of communication,
17 either through a station, a network, or a cable system.

18 "Film" or "film programming" means the broadcast
19 on television of any and all performances, events, or
20 productions, including but not limited to news,
21 sporting events, plays, stories, or other literary,
22 commercial, educational, or artistic works, either
23 live or through the use of video tape, disc, or any
24 other type of format or medium. Each episode of a
25 series of films produced for television shall
26 constitute separate "film" notwithstanding that the

1 series relates to the same principal subject and is
2 produced during one or more tax periods.

3 "Radio" or "radio programming" means the broadcast
4 on radio of any and all performances, events, or
5 productions, including but not limited to news,
6 sporting events, plays, stories, or other literary,
7 commercial, educational, or artistic works, either
8 live or through the use of an audio tape, disc, or any
9 other format or medium. Each episode in a series of
10 radio programming produced for radio broadcast shall
11 constitute a separate "radio programming"
12 notwithstanding that the series relates to the same
13 principal subject and is produced during one or more
14 tax periods.

15 (i) In the case of advertising revenue from
16 broadcasting, the customer is the advertiser and
17 the service is received in this State if the
18 commercial domicile of the advertiser is in this
19 State.

20 (ii) In the case where film or radio
21 programming is broadcast by a station, a network,
22 or a cable system for a fee or other remuneration
23 received from the recipient of the broadcast, the
24 portion of the service that is received in this
25 State is measured by the portion of the recipients
26 of the broadcast located in this State.

1 Accordingly, the fee or other remuneration for
2 such service that is included in the Illinois
3 numerator of the sales factor is the total of those
4 fees or other remuneration received from
5 recipients in Illinois. For purposes of this
6 paragraph, a taxpayer may determine the location
7 of the recipients of its broadcast using the
8 address of the recipient shown in its contracts
9 with the recipient or using the billing address of
10 the recipient in the taxpayer's records.

11 (iii) In the case where film or radio
12 programming is broadcast by a station, a network,
13 or a cable system for a fee or other remuneration
14 from the person providing the programming, the
15 portion of the broadcast service that is received
16 by such station, network, or cable system in this
17 State is measured by the portion of recipients of
18 the broadcast located in this State. Accordingly,
19 the amount of revenue related to such an
20 arrangement that is included in the Illinois
21 numerator of the sales factor is the total fee or
22 other total remuneration from the person providing
23 the programming related to that broadcast
24 multiplied by the Illinois audience factor for
25 that broadcast.

26 (iv) In the case where film or radio

1 programming is provided by a taxpayer that is a
2 network or station to a customer for broadcast in
3 exchange for a fee or other remuneration from that
4 customer the broadcasting service is received at
5 the location of the office of the customer from
6 which the services were ordered in the regular
7 course of the customer's trade or business.
8 Accordingly, in such a case the revenue derived by
9 the taxpayer that is included in the taxpayer's
10 Illinois numerator of the sales factor is the
11 revenue from such customers who receive the
12 broadcasting service in Illinois.

13 (v) In the case where film or radio programming
14 is provided by a taxpayer that is not a network or
15 station to another person for broadcasting in
16 exchange for a fee or other remuneration from that
17 person, the broadcasting service is received at
18 the location of the office of the customer from
19 which the services were ordered in the regular
20 course of the customer's trade or business.
21 Accordingly, in such a case the revenue derived by
22 the taxpayer that is included in the taxpayer's
23 Illinois numerator of the sales factor is the
24 revenue from such customers who receive the
25 broadcasting service in Illinois.

26 (B-8) Gross receipts from winnings under the Illinois

1 Lottery Law from the assignment of a prize under Section
2 13.1 ~~13-1~~ of the Illinois Lottery Law are received in this
3 State. This paragraph (B-8) applies only to taxable years
4 ending on or after December 31, 2013.

5 (C) For taxable years ending before December 31, 2008,
6 sales, other than sales governed by paragraphs (B), (B-1),
7 (B-2), and (B-8) are in this State if:

8 (i) The income-producing activity is performed in
9 this State; or

10 (ii) The income-producing activity is performed
11 both within and without this State and a greater
12 proportion of the income-producing activity is
13 performed within this State than without this State,
14 based on performance costs.

15 (C-5) For taxable years ending on or after December 31,
16 2008, sales, other than sales governed by paragraphs (B),
17 (B-1), (B-2), (B-5), and (B-7), are in this State if any of
18 the following criteria are met:

19 (i) Sales from the sale or lease of real property
20 are in this State if the property is located in this
21 State.

22 (ii) Sales from the lease or rental of tangible
23 personal property are in this State if the property is
24 located in this State during the rental period. Sales
25 from the lease or rental of tangible personal property
26 that is characteristically moving property, including,

1 but not limited to, motor vehicles, rolling stock,
2 aircraft, vessels, or mobile equipment are in this
3 State to the extent that the property is used in this
4 State.

5 (iii) In the case of interest, net gains (but not
6 less than zero) and other items of income from
7 intangible personal property, the sale is in this State
8 if:

9 (a) in the case of a taxpayer who is a dealer
10 in the item of intangible personal property within
11 the meaning of Section 475 of the Internal Revenue
12 Code, the income or gain is received from a
13 customer in this State. For purposes of this
14 subparagraph, a customer is in this State if the
15 customer is an individual, trust or estate who is a
16 resident of this State and, for all other
17 customers, if the customer's commercial domicile
18 is in this State. Unless the dealer has actual
19 knowledge of the residence or commercial domicile
20 of a customer during a taxable year, the customer
21 shall be deemed to be a customer in this State if
22 the billing address of the customer, as shown in
23 the records of the dealer, is in this State; or

24 (b) in all other cases, if the
25 income-producing activity of the taxpayer is
26 performed in this State or, if the

1 income-producing activity of the taxpayer is
2 performed both within and without this State, if a
3 greater proportion of the income-producing
4 activity of the taxpayer is performed within this
5 State than in any other state, based on performance
6 costs.

7 (iv) Sales of services are in this State if the
8 services are received in this State. For the purposes
9 of this section, gross receipts from the performance of
10 services provided to a corporation, partnership, or
11 trust may only be attributed to a state where that
12 corporation, partnership, or trust has a fixed place of
13 business. If the state where the services are received
14 is not readily determinable or is a state where the
15 corporation, partnership, or trust receiving the
16 service does not have a fixed place of business, the
17 services shall be deemed to be received at the location
18 of the office of the customer from which the services
19 were ordered in the regular course of the customer's
20 trade or business. If the ordering office cannot be
21 determined, the services shall be deemed to be received
22 at the office of the customer to which the services are
23 billed. If the taxpayer is not taxable in the state in
24 which the services are received, the sale must be
25 excluded from both the numerator and the denominator of
26 the sales factor. The Department shall adopt rules

1 prescribing where specific types of service are
2 received, including, but not limited to, publishing,
3 and utility service.

4 (D) For taxable years ending on or after December 31,
5 1995, the following items of income shall not be included
6 in the numerator or denominator of the sales factor:
7 dividends; amounts included under Section 78 of the
8 Internal Revenue Code; and Subpart F income as defined in
9 Section 952 of the Internal Revenue Code. No inference
10 shall be drawn from the enactment of this paragraph (D) in
11 construing this Section for taxable years ending before
12 December 31, 1995.

13 (E) Paragraphs (B-1) and (B-2) shall apply to tax years
14 ending on or after December 31, 1999, provided that a
15 taxpayer may elect to apply the provisions of these
16 paragraphs to prior tax years. Such election shall be made
17 in the form and manner prescribed by the Department, shall
18 be irrevocable, and shall apply to all tax years; provided
19 that, if a taxpayer's Illinois income tax liability for any
20 tax year, as assessed under Section 903 prior to January 1,
21 1999, was computed in a manner contrary to the provisions
22 of paragraphs (B-1) or (B-2), no refund shall be payable to
23 the taxpayer for that tax year to the extent such refund is
24 the result of applying the provisions of paragraph (B-1) or
25 (B-2) retroactively. In the case of a unitary business
26 group, such election shall apply to all members of such

1 group for every tax year such group is in existence, but
2 shall not apply to any taxpayer for any period during which
3 that taxpayer is not a member of such group.

4 (b) Insurance companies.

5 (1) In general. Except as otherwise provided by
6 paragraph (2), business income of an insurance company for
7 a taxable year shall be apportioned to this State by
8 multiplying such income by a fraction, the numerator of
9 which is the direct premiums written for insurance upon
10 property or risk in this State, and the denominator of
11 which is the direct premiums written for insurance upon
12 property or risk everywhere. For purposes of this
13 subsection, the term "direct premiums written" means the
14 total amount of direct premiums written, assessments and
15 annuity considerations as reported for the taxable year on
16 the annual statement filed by the company with the Illinois
17 Director of Insurance in the form approved by the National
18 Convention of Insurance Commissioners or such other form as
19 may be prescribed in lieu thereof.

20 (2) Reinsurance. If the principal source of premiums
21 written by an insurance company consists of premiums for
22 reinsurance accepted by it, the business income of such
23 company shall be apportioned to this State by multiplying
24 such income by a fraction, the numerator of which is the
25 sum of (i) direct premiums written for insurance upon
26 property or risk in this State, plus (ii) premiums written

1 for reinsurance accepted in respect of property or risk in
2 this State, and the denominator of which is the sum of
3 (iii) direct premiums written for insurance upon property
4 or risk everywhere, plus (iv) premiums written for
5 reinsurance accepted in respect of property or risk
6 everywhere. For purposes of this paragraph, premiums
7 written for reinsurance accepted in respect of property or
8 risk in this State, whether or not otherwise determinable,
9 may, at the election of the company, be determined on the
10 basis of the proportion which premiums written for
11 reinsurance accepted from companies commercially domiciled
12 in Illinois bears to premiums written for reinsurance
13 accepted from all sources, or, alternatively, in the
14 proportion which the sum of the direct premiums written for
15 insurance upon property or risk in this State by each
16 ceding company from which reinsurance is accepted bears to
17 the sum of the total direct premiums written by each such
18 ceding company for the taxable year. The election made by a
19 company under this paragraph for its first taxable year
20 ending on or after December 31, 2011, shall be binding for
21 that company for that taxable year and for all subsequent
22 taxable years, and may be altered only with the written
23 permission of the Department, which shall not be
24 unreasonably withheld.

25 (c) Financial organizations.

26 (1) In general. For taxable years ending before

1 December 31, 2008, business income of a financial
2 organization shall be apportioned to this State by
3 multiplying such income by a fraction, the numerator of
4 which is its business income from sources within this
5 State, and the denominator of which is its business income
6 from all sources. For the purposes of this subsection, the
7 business income of a financial organization from sources
8 within this State is the sum of the amounts referred to in
9 subparagraphs (A) through (E) following, but excluding the
10 adjusted income of an international banking facility as
11 determined in paragraph (2):

12 (A) Fees, commissions or other compensation for
13 financial services rendered within this State;

14 (B) Gross profits from trading in stocks, bonds or
15 other securities managed within this State;

16 (C) Dividends, and interest from Illinois
17 customers, which are received within this State;

18 (D) Interest charged to customers at places of
19 business maintained within this State for carrying
20 debit balances of margin accounts, without deduction
21 of any costs incurred in carrying such accounts; and

22 (E) Any other gross income resulting from the
23 operation as a financial organization within this
24 State. In computing the amounts referred to in
25 paragraphs (A) through (E) of this subsection, any
26 amount received by a member of an affiliated group

1 (determined under Section 1504(a) of the Internal
2 Revenue Code but without reference to whether any such
3 corporation is an "includible corporation" under
4 Section 1504(b) of the Internal Revenue Code) from
5 another member of such group shall be included only to
6 the extent such amount exceeds expenses of the
7 recipient directly related thereto.

8 (2) International Banking Facility. For taxable years
9 ending before December 31, 2008:

10 (A) Adjusted Income. The adjusted income of an
11 international banking facility is its income reduced
12 by the amount of the floor amount.

13 (B) Floor Amount. The floor amount shall be the
14 amount, if any, determined by multiplying the income of
15 the international banking facility by a fraction, not
16 greater than one, which is determined as follows:

17 (i) The numerator shall be:

18 The average aggregate, determined on a
19 quarterly basis, of the financial organization's
20 loans to banks in foreign countries, to foreign
21 domiciled borrowers (except where secured
22 primarily by real estate) and to foreign
23 governments and other foreign official
24 institutions, as reported for its branches,
25 agencies and offices within the state on its
26 "Consolidated Report of Condition", Schedule A,

1 Lines 2.c., 5.b., and 7.a., which was filed with
2 the Federal Deposit Insurance Corporation and
3 other regulatory authorities, for the year 1980,
4 minus

5 The average aggregate, determined on a
6 quarterly basis, of such loans (other than loans of
7 an international banking facility), as reported by
8 the financial institution for its branches,
9 agencies and offices within the state, on the
10 corresponding Schedule and lines of the
11 Consolidated Report of Condition for the current
12 taxable year, provided, however, that in no case
13 shall the amount determined in this clause (the
14 subtrahend) exceed the amount determined in the
15 preceding clause (the minuend); and

16 (ii) the denominator shall be the average
17 aggregate, determined on a quarterly basis, of the
18 international banking facility's loans to banks in
19 foreign countries, to foreign domiciled borrowers
20 (except where secured primarily by real estate)
21 and to foreign governments and other foreign
22 official institutions, which were recorded in its
23 financial accounts for the current taxable year.

24 (C) Change to Consolidated Report of Condition and
25 in Qualification. In the event the Consolidated Report
26 of Condition which is filed with the Federal Deposit

1 Insurance Corporation and other regulatory authorities
2 is altered so that the information required for
3 determining the floor amount is not found on Schedule
4 A, lines 2.c., 5.b. and 7.a., the financial institution
5 shall notify the Department and the Department may, by
6 regulations or otherwise, prescribe or authorize the
7 use of an alternative source for such information. The
8 financial institution shall also notify the Department
9 should its international banking facility fail to
10 qualify as such, in whole or in part, or should there
11 be any amendment or change to the Consolidated Report
12 of Condition, as originally filed, to the extent such
13 amendment or change alters the information used in
14 determining the floor amount.

15 (3) For taxable years ending on or after December 31,
16 2008, the business income of a financial organization shall
17 be apportioned to this State by multiplying such income by
18 a fraction, the numerator of which is its gross receipts
19 from sources in this State or otherwise attributable to
20 this State's marketplace and the denominator of which is
21 its gross receipts everywhere during the taxable year.
22 "Gross receipts" for purposes of this subparagraph (3)
23 means gross income, including net taxable gain on
24 disposition of assets, including securities and money
25 market instruments, when derived from transactions and
26 activities in the regular course of the financial

1 organization's trade or business. The following examples
2 are illustrative:

3 (i) Receipts from the lease or rental of real or
4 tangible personal property are in this State if the
5 property is located in this State during the rental
6 period. Receipts from the lease or rental of tangible
7 personal property that is characteristically moving
8 property, including, but not limited to, motor
9 vehicles, rolling stock, aircraft, vessels, or mobile
10 equipment are from sources in this State to the extent
11 that the property is used in this State.

12 (ii) Interest income, commissions, fees, gains on
13 disposition, and other receipts from assets in the
14 nature of loans that are secured primarily by real
15 estate or tangible personal property are from sources
16 in this State if the security is located in this State.

17 (iii) Interest income, commissions, fees, gains on
18 disposition, and other receipts from consumer loans
19 that are not secured by real or tangible personal
20 property are from sources in this State if the debtor
21 is a resident of this State.

22 (iv) Interest income, commissions, fees, gains on
23 disposition, and other receipts from commercial loans
24 and installment obligations that are not secured by
25 real or tangible personal property are from sources in
26 this State if the proceeds of the loan are to be

1 applied in this State. If it cannot be determined where
2 the funds are to be applied, the income and receipts
3 are from sources in this State if the office of the
4 borrower from which the loan was negotiated in the
5 regular course of business is located in this State. If
6 the location of this office cannot be determined, the
7 income and receipts shall be excluded from the
8 numerator and denominator of the sales factor.

9 (v) Interest income, fees, gains on disposition,
10 service charges, merchant discount income, and other
11 receipts from credit card receivables are from sources
12 in this State if the card charges are regularly billed
13 to a customer in this State.

14 (vi) Receipts from the performance of services,
15 including, but not limited to, fiduciary, advisory,
16 and brokerage services, are in this State if the
17 services are received in this State within the meaning
18 of subparagraph (a) (3) (C-5) (iv) of this Section.

19 (vii) Receipts from the issuance of travelers
20 checks and money orders are from sources in this State
21 if the checks and money orders are issued from a
22 location within this State.

23 (viii) Receipts from investment assets and
24 activities and trading assets and activities are
25 included in the receipts factor as follows:

26 (1) Interest, dividends, net gains (but not

1 less than zero) and other income from investment
2 assets and activities from trading assets and
3 activities shall be included in the receipts
4 factor. Investment assets and activities and
5 trading assets and activities include but are not
6 limited to: investment securities; trading account
7 assets; federal funds; securities purchased and
8 sold under agreements to resell or repurchase;
9 options; futures contracts; forward contracts;
10 notional principal contracts such as swaps;
11 equities; and foreign currency transactions. With
12 respect to the investment and trading assets and
13 activities described in subparagraphs (A) and (B)
14 of this paragraph, the receipts factor shall
15 include the amounts described in such
16 subparagraphs.

17 (A) The receipts factor shall include the
18 amount by which interest from federal funds
19 sold and securities purchased under resale
20 agreements exceeds interest expense on federal
21 funds purchased and securities sold under
22 repurchase agreements.

23 (B) The receipts factor shall include the
24 amount by which interest, dividends, gains and
25 other income from trading assets and
26 activities, including but not limited to

1 assets and activities in the matched book, in
2 the arbitrage book, and foreign currency
3 transactions, exceed amounts paid in lieu of
4 interest, amounts paid in lieu of dividends,
5 and losses from such assets and activities.

6 (2) The numerator of the receipts factor
7 includes interest, dividends, net gains (but not
8 less than zero), and other income from investment
9 assets and activities and from trading assets and
10 activities described in paragraph (1) of this
11 subsection that are attributable to this State.

12 (A) The amount of interest, dividends, net
13 gains (but not less than zero), and other
14 income from investment assets and activities
15 in the investment account to be attributed to
16 this State and included in the numerator is
17 determined by multiplying all such income from
18 such assets and activities by a fraction, the
19 numerator of which is the gross income from
20 such assets and activities which are properly
21 assigned to a fixed place of business of the
22 taxpayer within this State and the denominator
23 of which is the gross income from all such
24 assets and activities.

25 (B) The amount of interest from federal
26 funds sold and purchased and from securities

1 purchased under resale agreements and
2 securities sold under repurchase agreements
3 attributable to this State and included in the
4 numerator is determined by multiplying the
5 amount described in subparagraph (A) of
6 paragraph (1) of this subsection from such
7 funds and such securities by a fraction, the
8 numerator of which is the gross income from
9 such funds and such securities which are
10 properly assigned to a fixed place of business
11 of the taxpayer within this State and the
12 denominator of which is the gross income from
13 all such funds and such securities.

14 (C) The amount of interest, dividends,
15 gains, and other income from trading assets and
16 activities, including but not limited to
17 assets and activities in the matched book, in
18 the arbitrage book and foreign currency
19 transactions (but excluding amounts described
20 in subparagraphs (A) or (B) of this paragraph),
21 attributable to this State and included in the
22 numerator is determined by multiplying the
23 amount described in subparagraph (B) of
24 paragraph (1) of this subsection by a fraction,
25 the numerator of which is the gross income from
26 such trading assets and activities which are

1 properly assigned to a fixed place of business
2 of the taxpayer within this State and the
3 denominator of which is the gross income from
4 all such assets and activities.

5 (D) Properly assigned, for purposes of
6 this paragraph (2) of this subsection, means
7 the investment or trading asset or activity is
8 assigned to the fixed place of business with
9 which it has a preponderance of substantive
10 contacts. An investment or trading asset or
11 activity assigned by the taxpayer to a fixed
12 place of business without the State shall be
13 presumed to have been properly assigned if:

14 (i) the taxpayer has assigned, in the
15 regular course of its business, such asset
16 or activity on its records to a fixed place
17 of business consistent with federal or
18 state regulatory requirements;

19 (ii) such assignment on its records is
20 based upon substantive contacts of the
21 asset or activity to such fixed place of
22 business; and

23 (iii) the taxpayer uses such records
24 reflecting assignment of such assets or
25 activities for the filing of all state and
26 local tax returns for which an assignment

1 of such assets or activities to a fixed
2 place of business is required.

3 (E) The presumption of proper assignment
4 of an investment or trading asset or activity
5 provided in subparagraph (D) of paragraph (2)
6 of this subsection may be rebutted upon a
7 showing by the Department, supported by a
8 preponderance of the evidence, that the
9 preponderance of substantive contacts
10 regarding such asset or activity did not occur
11 at the fixed place of business to which it was
12 assigned on the taxpayer's records. If the
13 fixed place of business that has a
14 preponderance of substantive contacts cannot
15 be determined for an investment or trading
16 asset or activity to which the presumption in
17 subparagraph (D) of paragraph (2) of this
18 subsection does not apply or with respect to
19 which that presumption has been rebutted, that
20 asset or activity is properly assigned to the
21 state in which the taxpayer's commercial
22 domicile is located. For purposes of this
23 subparagraph (E), it shall be presumed,
24 subject to rebuttal, that taxpayer's
25 commercial domicile is in the state of the
26 United States or the District of Columbia to

1 which the greatest number of employees are
2 regularly connected with the management of the
3 investment or trading income or out of which
4 they are working, irrespective of where the
5 services of such employees are performed, as of
6 the last day of the taxable year.

7 (4) (Blank).

8 (5) (Blank).

9 (c-1) Federally regulated exchanges. For taxable years
10 ending on or after December 31, 2012, business income of a
11 federally regulated exchange shall, at the option of the
12 federally regulated exchange, be apportioned to this State by
13 multiplying such income by a fraction, the numerator of which
14 is its business income from sources within this State, and the
15 denominator of which is its business income from all sources.
16 For purposes of this subsection, the business income within
17 this State of a federally regulated exchange is the sum of the
18 following:

19 (1) Receipts attributable to transactions executed on
20 a physical trading floor if that physical trading floor is
21 located in this State.

22 (2) Receipts attributable to all other matching,
23 execution, or clearing transactions, including without
24 limitation receipts from the provision of matching,
25 execution, or clearing services to another entity,
26 multiplied by (i) for taxable years ending on or after

1 December 31, 2012 but before December 31, 2013, 63.77%; and
2 (ii) for taxable years ending on or after December 31,
3 2013, 27.54%.

4 (3) All other receipts not governed by subparagraphs
5 (1) or (2) of this subsection (c-1), to the extent the
6 receipts would be characterized as "sales in this State"
7 under item (3) of subsection (a) of this Section.

8 "Federally regulated exchange" means (i) a "registered
9 entity" within the meaning of 7 U.S.C. Section 1a(40)(A), (B),
10 or (C), (ii) an "exchange" or "clearing agency" within the
11 meaning of 15 U.S.C. Section 78c (a)(1) or (23), (iii) any such
12 entities regulated under any successor regulatory structure to
13 the foregoing, and (iv) all taxpayers who are members of the
14 same unitary business group as a federally regulated exchange,
15 determined without regard to the prohibition in Section
16 1501(a)(27) of this Act against including in a unitary business
17 group taxpayers who are ordinarily required to apportion
18 business income under different subsections of this Section;
19 provided that this subparagraph (iv) shall apply only if 50% or
20 more of the business receipts of the unitary business group
21 determined by application of this subparagraph (iv) for the
22 taxable year are attributable to the matching, execution, or
23 clearing of transactions conducted by an entity described in
24 subparagraph (i), (ii), or (iii) of this paragraph.

25 In no event shall the Illinois apportionment percentage
26 computed in accordance with this subsection (c-1) for any

1 taxpayer for any tax year be less than the Illinois
2 apportionment percentage computed under this subsection (c-1)
3 for that taxpayer for the first full tax year ending on or
4 after December 31, 2013 for which this subsection (c-1) applied
5 to the taxpayer.

6 (d) Transportation services. For taxable years ending
7 before December 31, 2008, business income derived from
8 furnishing transportation services shall be apportioned to
9 this State in accordance with paragraphs (1) and (2):

10 (1) Such business income (other than that derived from
11 transportation by pipeline) shall be apportioned to this
12 State by multiplying such income by a fraction, the
13 numerator of which is the revenue miles of the person in
14 this State, and the denominator of which is the revenue
15 miles of the person everywhere. For purposes of this
16 paragraph, a revenue mile is the transportation of 1
17 passenger or 1 net ton of freight the distance of 1 mile
18 for a consideration. Where a person is engaged in the
19 transportation of both passengers and freight, the
20 fraction above referred to shall be determined by means of
21 an average of the passenger revenue mile fraction and the
22 freight revenue mile fraction, weighted to reflect the
23 person's

24 (A) relative railway operating income from total
25 passenger and total freight service, as reported to the
26 Interstate Commerce Commission, in the case of

1 transportation by railroad, and

2 (B) relative gross receipts from passenger and
3 freight transportation, in case of transportation
4 other than by railroad.

5 (2) Such business income derived from transportation
6 by pipeline shall be apportioned to this State by
7 multiplying such income by a fraction, the numerator of
8 which is the revenue miles of the person in this State, and
9 the denominator of which is the revenue miles of the person
10 everywhere. For the purposes of this paragraph, a revenue
11 mile is the transportation by pipeline of 1 barrel of oil,
12 1,000 cubic feet of gas, or of any specified quantity of
13 any other substance, the distance of 1 mile for a
14 consideration.

15 (3) For taxable years ending on or after December 31,
16 2008, business income derived from providing
17 transportation services other than airline services shall
18 be apportioned to this State by using a fraction, (a) the
19 numerator of which shall be (i) all receipts from any
20 movement or shipment of people, goods, mail, oil, gas, or
21 any other substance (other than by airline) that both
22 originates and terminates in this State, plus (ii) that
23 portion of the person's gross receipts from movements or
24 shipments of people, goods, mail, oil, gas, or any other
25 substance (other than by airline) that originates in one
26 state or jurisdiction and terminates in another state or

1 jurisdiction, that is determined by the ratio that the
2 miles traveled in this State bears to total miles
3 everywhere and (b) the denominator of which shall be all
4 revenue derived from the movement or shipment of people,
5 goods, mail, oil, gas, or any other substance (other than
6 by airline). Where a taxpayer is engaged in the
7 transportation of both passengers and freight, the
8 fraction above referred to shall first be determined
9 separately for passenger miles and freight miles. Then an
10 average of the passenger miles fraction and the freight
11 miles fraction shall be weighted to reflect the taxpayer's:

12 (A) relative railway operating income from total
13 passenger and total freight service, as reported to the
14 Surface Transportation Board, in the case of
15 transportation by railroad; and

16 (B) relative gross receipts from passenger and
17 freight transportation, in case of transportation
18 other than by railroad.

19 (4) For taxable years ending on or after December 31,
20 2008, business income derived from furnishing airline
21 transportation services shall be apportioned to this State
22 by multiplying such income by a fraction, the numerator of
23 which is the revenue miles of the person in this State, and
24 the denominator of which is the revenue miles of the person
25 everywhere. For purposes of this paragraph, a revenue mile
26 is the transportation of one passenger or one net ton of

1 freight the distance of one mile for a consideration. If a
2 person is engaged in the transportation of both passengers
3 and freight, the fraction above referred to shall be
4 determined by means of an average of the passenger revenue
5 mile fraction and the freight revenue mile fraction,
6 weighted to reflect the person's relative gross receipts
7 from passenger and freight airline transportation.

8 (e) Combined apportionment. Where 2 or more persons are
9 engaged in a unitary business as described in subsection
10 (a) (27) of Section 1501, a part of which is conducted in this
11 State by one or more members of the group, the business income
12 attributable to this State by any such member or members shall
13 be apportioned by means of the combined apportionment method.

14 (f) Alternative allocation. If the allocation and
15 apportionment provisions of subsections (a) through (e) and of
16 subsection (h) do not, for taxable years ending before December
17 31, 2008, fairly represent the extent of a person's business
18 activity in this State, or, for taxable years ending on or
19 after December 31, 2008, fairly represent the market for the
20 person's goods, services, or other sources of business income,
21 the person may petition for, or the Director may, without a
22 petition, permit or require, in respect of all or any part of
23 the person's business activity, if reasonable:

24 (1) Separate accounting;

25 (2) The exclusion of any one or more factors;

26 (3) The inclusion of one or more additional factors

1 which will fairly represent the person's business
2 activities or market in this State; or

3 (4) The employment of any other method to effectuate an
4 equitable allocation and apportionment of the person's
5 business income.

6 (g) Cross reference. For allocation of business income by
7 residents, see Section 301(a).

8 (h) For tax years ending on or after December 31, 1998, the
9 apportionment factor of persons who apportion their business
10 income to this State under subsection (a) shall be equal to:

11 (1) for tax years ending on or after December 31, 1998
12 and before December 31, 1999, 16 2/3% of the property
13 factor plus 16 2/3% of the payroll factor plus 66 2/3% of
14 the sales factor;

15 (2) for tax years ending on or after December 31, 1999
16 and before December 31, 2000, 8 1/3% of the property factor
17 plus 8 1/3% of the payroll factor plus 83 1/3% of the sales
18 factor;

19 (3) for tax years ending on or after December 31, 2000,
20 the sales factor.

21 If, in any tax year ending on or after December 31, 1998 and
22 before December 31, 2000, the denominator of the payroll,
23 property, or sales factor is zero, the apportionment factor
24 computed in paragraph (1) or (2) of this subsection for that
25 year shall be divided by an amount equal to 100% minus the
26 percentage weight given to each factor whose denominator is

1 equal to zero.

2 (Source: P.A. 97-507, eff. 8-23-11; 97-636, eff. 6-1-12;
3 98-478, eff. 1-1-14; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14;
4 revised 10-19-15.)

5 (35 ILCS 5/507DDD)

6 Sec. 507DDD. Special Olympics Illinois and Special
7 Children's Checkoff. For taxable years beginning on or after
8 January 1, 2015, the Department shall print on its standard
9 individual income tax form a provision indicating that if the
10 taxpayer wishes to contribute to the Special Olympics Illinois
11 and Special Children's Charities Checkoff Fund as authorized by
12 Public Act 99-423 ~~this amendatory Act of the 99th General~~
13 ~~Assembly~~, he or she may do so by stating the amount of the
14 contribution (not less than \$1) on the return and that the
15 contribution will reduce the taxpayer's refund or increase the
16 amount of payment to accompany the return. Failure to remit any
17 amount of increased payment shall reduce the contribution
18 accordingly. This Section shall not apply to an amended return.
19 For the purpose of this Section, the Department of Revenue must
20 distribute the moneys as provided in subsection 21.9(b) of the
21 Illinois Lottery Law: (i) 75% of the moneys to Special Olympics
22 Illinois to support the statewide training, competitions, and
23 programs for future Special Olympics athletes; and (ii) 25% of
24 the moneys to Special Children's Charities to support the City
25 of Chicago-wide training, competitions, and programs for

1 future Special Olympics athletes.

2 (Source: P.A. 99-423, eff. 8-20-15; revised 10-20-15.)

3 Section 160. The Service Use Tax Act is amended by changing
4 Section 3-10 as follows:

5 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

6 Sec. 3-10. Rate of tax. Unless otherwise provided in this
7 Section, the tax imposed by this Act is at the rate of 6.25% of
8 the selling price of tangible personal property transferred as
9 an incident to the sale of service, but, for the purpose of
10 computing this tax, in no event shall the selling price be less
11 than the cost price of the property to the serviceman.

12 Beginning on July 1, 2000 and through December 31, 2000,
13 with respect to motor fuel, as defined in Section 1.1 of the
14 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
15 the Use Tax Act, the tax is imposed at the rate of 1.25%.

16 With respect to gasohol, as defined in the Use Tax Act, the
17 tax imposed by this Act applies to (i) 70% of the selling price
18 of property transferred as an incident to the sale of service
19 on or after January 1, 1990, and before July 1, 2003, (ii) 80%
20 of the selling price of property transferred as an incident to
21 the sale of service on or after July 1, 2003 and on or before
22 December 31, 2018, and (iii) 100% of the selling price
23 thereafter. If, at any time, however, the tax under this Act on
24 sales of gasohol, as defined in the Use Tax Act, is imposed at

1 the rate of 1.25%, then the tax imposed by this Act applies to
2 100% of the proceeds of sales of gasohol made during that time.

3 With respect to majority blended ethanol fuel, as defined
4 in the Use Tax Act, the tax imposed by this Act does not apply
5 to the selling price of property transferred as an incident to
6 the sale of service on or after July 1, 2003 and on or before
7 December 31, 2018 but applies to 100% of the selling price
8 thereafter.

9 With respect to biodiesel blends, as defined in the Use Tax
10 Act, with no less than 1% and no more than 10% biodiesel, the
11 tax imposed by this Act applies to (i) 80% of the selling price
12 of property transferred as an incident to the sale of service
13 on or after July 1, 2003 and on or before December 31, 2018 and
14 (ii) 100% of the proceeds of the selling price thereafter. If,
15 at any time, however, the tax under this Act on sales of
16 biodiesel blends, as defined in the Use Tax Act, with no less
17 than 1% and no more than 10% biodiesel is imposed at the rate
18 of 1.25%, then the tax imposed by this Act applies to 100% of
19 the proceeds of sales of biodiesel blends with no less than 1%
20 and no more than 10% biodiesel made during that time.

21 With respect to 100% biodiesel, as defined in the Use Tax
22 Act, and biodiesel blends, as defined in the Use Tax Act, with
23 more than 10% but no more than 99% biodiesel, the tax imposed
24 by this Act does not apply to the proceeds of the selling price
25 of property transferred as an incident to the sale of service
26 on or after July 1, 2003 and on or before December 31, 2018 but

1 applies to 100% of the selling price thereafter.

2 At the election of any registered serviceman made for each
3 fiscal year, sales of service in which the aggregate annual
4 cost price of tangible personal property transferred as an
5 incident to the sales of service is less than 35%, or 75% in
6 the case of servicemen transferring prescription drugs or
7 servicemen engaged in graphic arts production, of the aggregate
8 annual total gross receipts from all sales of service, the tax
9 imposed by this Act shall be based on the serviceman's cost
10 price of the tangible personal property transferred as an
11 incident to the sale of those services.

12 The tax shall be imposed at the rate of 1% on food prepared
13 for immediate consumption and transferred incident to a sale of
14 service subject to this Act or the Service Occupation Tax Act
15 by an entity licensed under the Hospital Licensing Act, the
16 Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD
17 Act, the Specialized Mental Health Rehabilitation Act of 2013,
18 or the Child Care Act of 1969. The tax shall also be imposed at
19 the rate of 1% on food for human consumption that is to be
20 consumed off the premises where it is sold (other than
21 alcoholic beverages, soft drinks, and food that has been
22 prepared for immediate consumption and is not otherwise
23 included in this paragraph) and prescription and
24 nonprescription medicines, drugs, medical appliances,
25 modifications to a motor vehicle for the purpose of rendering
26 it usable by a person with a disability, and insulin, urine

1 testing materials, syringes, and needles used by diabetics, for
2 human use. For the purposes of this Section, until September 1,
3 2009: the term "soft drinks" means any complete, finished,
4 ready-to-use, non-alcoholic drink, whether carbonated or not,
5 including but not limited to soda water, cola, fruit juice,
6 vegetable juice, carbonated water, and all other preparations
7 commonly known as soft drinks of whatever kind or description
8 that are contained in any closed or sealed bottle, can, carton,
9 or container, regardless of size; but "soft drinks" does not
10 include coffee, tea, non-carbonated water, infant formula,
11 milk or milk products as defined in the Grade A Pasteurized
12 Milk and Milk Products Act, or drinks containing 50% or more
13 natural fruit or vegetable juice.

14 Notwithstanding any other provisions of this Act,
15 beginning September 1, 2009, "soft drinks" means non-alcoholic
16 beverages that contain natural or artificial sweeteners. "Soft
17 drinks" do not include beverages that contain milk or milk
18 products, soy, rice or similar milk substitutes, or greater
19 than 50% of vegetable or fruit juice by volume.

20 Until August 1, 2009, and notwithstanding any other
21 provisions of this Act, "food for human consumption that is to
22 be consumed off the premises where it is sold" includes all
23 food sold through a vending machine, except soft drinks and
24 food products that are dispensed hot from a vending machine,
25 regardless of the location of the vending machine. Beginning
26 August 1, 2009, and notwithstanding any other provisions of

1 this Act, "food for human consumption that is to be consumed
2 off the premises where it is sold" includes all food sold
3 through a vending machine, except soft drinks, candy, and food
4 products that are dispensed hot from a vending machine,
5 regardless of the location of the vending machine.

6 Notwithstanding any other provisions of this Act,
7 beginning September 1, 2009, "food for human consumption that
8 is to be consumed off the premises where it is sold" does not
9 include candy. For purposes of this Section, "candy" means a
10 preparation of sugar, honey, or other natural or artificial
11 sweeteners in combination with chocolate, fruits, nuts or other
12 ingredients or flavorings in the form of bars, drops, or
13 pieces. "Candy" does not include any preparation that contains
14 flour or requires refrigeration.

15 Notwithstanding any other provisions of this Act,
16 beginning September 1, 2009, "nonprescription medicines and
17 drugs" does not include grooming and hygiene products. For
18 purposes of this Section, "grooming and hygiene products"
19 includes, but is not limited to, soaps and cleaning solutions,
20 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
21 lotions and screens, unless those products are available by
22 prescription only, regardless of whether the products meet the
23 definition of "over-the-counter-drugs". For the purposes of
24 this paragraph, "over-the-counter-drug" means a drug for human
25 use that contains a label that identifies the product as a drug
26 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"

1 label includes:

2 (A) A "Drug Facts" panel; or

3 (B) A statement of the "active ingredient(s)" with a
4 list of those ingredients contained in the compound,
5 substance or preparation.

6 Beginning on January 1, 2014 (the effective date of Public
7 Act 98-122), "prescription and nonprescription medicines and
8 drugs" includes medical cannabis purchased from a registered
9 dispensing organization under the Compassionate Use of Medical
10 Cannabis Pilot Program Act.

11 If the property that is acquired from a serviceman is
12 acquired outside Illinois and used outside Illinois before
13 being brought to Illinois for use here and is taxable under
14 this Act, the "selling price" on which the tax is computed
15 shall be reduced by an amount that represents a reasonable
16 allowance for depreciation for the period of prior out-of-state
17 use.

18 (Source: P.A. 98-104, eff. 7-22-13; 98-122, eff. 1-1-14;
19 98-756, eff. 7-16-14; 99-143, eff. 7-27-15; 99-180, eff.
20 7-29-15; revised 10-16-15.)

21 Section 165. The Service Occupation Tax Act is amended by
22 changing Section 3-10 as follows:

23 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

24 Sec. 3-10. Rate of tax. Unless otherwise provided in this

1 Section, the tax imposed by this Act is at the rate of 6.25% of
2 the "selling price", as defined in Section 2 of the Service Use
3 Tax Act, of the tangible personal property. For the purpose of
4 computing this tax, in no event shall the "selling price" be
5 less than the cost price to the serviceman of the tangible
6 personal property transferred. The selling price of each item
7 of tangible personal property transferred as an incident of a
8 sale of service may be shown as a distinct and separate item on
9 the serviceman's billing to the service customer. If the
10 selling price is not so shown, the selling price of the
11 tangible personal property is deemed to be 50% of the
12 serviceman's entire billing to the service customer. When,
13 however, a serviceman contracts to design, develop, and produce
14 special order machinery or equipment, the tax imposed by this
15 Act shall be based on the serviceman's cost price of the
16 tangible personal property transferred incident to the
17 completion of the contract.

18 Beginning on July 1, 2000 and through December 31, 2000,
19 with respect to motor fuel, as defined in Section 1.1 of the
20 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
21 the Use Tax Act, the tax is imposed at the rate of 1.25%.

22 With respect to gasohol, as defined in the Use Tax Act, the
23 tax imposed by this Act shall apply to (i) 70% of the cost
24 price of property transferred as an incident to the sale of
25 service on or after January 1, 1990, and before July 1, 2003,
26 (ii) 80% of the selling price of property transferred as an

1 incident to the sale of service on or after July 1, 2003 and on
2 or before December 31, 2018, and (iii) 100% of the cost price
3 thereafter. If, at any time, however, the tax under this Act on
4 sales of gasohol, as defined in the Use Tax Act, is imposed at
5 the rate of 1.25%, then the tax imposed by this Act applies to
6 100% of the proceeds of sales of gasohol made during that time.

7 With respect to majority blended ethanol fuel, as defined
8 in the Use Tax Act, the tax imposed by this Act does not apply
9 to the selling price of property transferred as an incident to
10 the sale of service on or after July 1, 2003 and on or before
11 December 31, 2018 but applies to 100% of the selling price
12 thereafter.

13 With respect to biodiesel blends, as defined in the Use Tax
14 Act, with no less than 1% and no more than 10% biodiesel, the
15 tax imposed by this Act applies to (i) 80% of the selling price
16 of property transferred as an incident to the sale of service
17 on or after July 1, 2003 and on or before December 31, 2018 and
18 (ii) 100% of the proceeds of the selling price thereafter. If,
19 at any time, however, the tax under this Act on sales of
20 biodiesel blends, as defined in the Use Tax Act, with no less
21 than 1% and no more than 10% biodiesel is imposed at the rate
22 of 1.25%, then the tax imposed by this Act applies to 100% of
23 the proceeds of sales of biodiesel blends with no less than 1%
24 and no more than 10% biodiesel made during that time.

25 With respect to 100% biodiesel, as defined in the Use Tax
26 Act, and biodiesel blends, as defined in the Use Tax Act, with

1 more than 10% but no more than 99% biodiesel material, the tax
2 imposed by this Act does not apply to the proceeds of the
3 selling price of property transferred as an incident to the
4 sale of service on or after July 1, 2003 and on or before
5 December 31, 2018 but applies to 100% of the selling price
6 thereafter.

7 At the election of any registered serviceman made for each
8 fiscal year, sales of service in which the aggregate annual
9 cost price of tangible personal property transferred as an
10 incident to the sales of service is less than 35%, or 75% in
11 the case of servicemen transferring prescription drugs or
12 servicemen engaged in graphic arts production, of the aggregate
13 annual total gross receipts from all sales of service, the tax
14 imposed by this Act shall be based on the serviceman's cost
15 price of the tangible personal property transferred incident to
16 the sale of those services.

17 The tax shall be imposed at the rate of 1% on food prepared
18 for immediate consumption and transferred incident to a sale of
19 service subject to this Act or the Service Occupation Tax Act
20 by an entity licensed under the Hospital Licensing Act, the
21 Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD
22 Act, the Specialized Mental Health Rehabilitation Act of 2013,
23 or the Child Care Act of 1969. The tax shall also be imposed at
24 the rate of 1% on food for human consumption that is to be
25 consumed off the premises where it is sold (other than
26 alcoholic beverages, soft drinks, and food that has been

1 prepared for immediate consumption and is not otherwise
2 included in this paragraph) and prescription and
3 nonprescription medicines, drugs, medical appliances,
4 modifications to a motor vehicle for the purpose of rendering
5 it usable by a person with a disability, and insulin, urine
6 testing materials, syringes, and needles used by diabetics, for
7 human use. For the purposes of this Section, until September 1,
8 2009: the term "soft drinks" means any complete, finished,
9 ready-to-use, non-alcoholic drink, whether carbonated or not,
10 including but not limited to soda water, cola, fruit juice,
11 vegetable juice, carbonated water, and all other preparations
12 commonly known as soft drinks of whatever kind or description
13 that are contained in any closed or sealed can, carton, or
14 container, regardless of size; but "soft drinks" does not
15 include coffee, tea, non-carbonated water, infant formula,
16 milk or milk products as defined in the Grade A Pasteurized
17 Milk and Milk Products Act, or drinks containing 50% or more
18 natural fruit or vegetable juice.

19 Notwithstanding any other provisions of this Act,
20 beginning September 1, 2009, "soft drinks" means non-alcoholic
21 beverages that contain natural or artificial sweeteners. "Soft
22 drinks" do not include beverages that contain milk or milk
23 products, soy, rice or similar milk substitutes, or greater
24 than 50% of vegetable or fruit juice by volume.

25 Until August 1, 2009, and notwithstanding any other
26 provisions of this Act, "food for human consumption that is to

1 be consumed off the premises where it is sold" includes all
2 food sold through a vending machine, except soft drinks and
3 food products that are dispensed hot from a vending machine,
4 regardless of the location of the vending machine. Beginning
5 August 1, 2009, and notwithstanding any other provisions of
6 this Act, "food for human consumption that is to be consumed
7 off the premises where it is sold" includes all food sold
8 through a vending machine, except soft drinks, candy, and food
9 products that are dispensed hot from a vending machine,
10 regardless of the location of the vending machine.

11 Notwithstanding any other provisions of this Act,
12 beginning September 1, 2009, "food for human consumption that
13 is to be consumed off the premises where it is sold" does not
14 include candy. For purposes of this Section, "candy" means a
15 preparation of sugar, honey, or other natural or artificial
16 sweeteners in combination with chocolate, fruits, nuts or other
17 ingredients or flavorings in the form of bars, drops, or
18 pieces. "Candy" does not include any preparation that contains
19 flour or requires refrigeration.

20 Notwithstanding any other provisions of this Act,
21 beginning September 1, 2009, "nonprescription medicines and
22 drugs" does not include grooming and hygiene products. For
23 purposes of this Section, "grooming and hygiene products"
24 includes, but is not limited to, soaps and cleaning solutions,
25 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
26 lotions and screens, unless those products are available by

1 prescription only, regardless of whether the products meet the
2 definition of "over-the-counter-drugs". For the purposes of
3 this paragraph, "over-the-counter-drug" means a drug for human
4 use that contains a label that identifies the product as a drug
5 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
6 label includes:

7 (A) A "Drug Facts" panel; or

8 (B) A statement of the "active ingredient(s)" with a
9 list of those ingredients contained in the compound,
10 substance or preparation.

11 Beginning on January 1, 2014 (the effective date of Public
12 Act 98-122), "prescription and nonprescription medicines and
13 drugs" includes medical cannabis purchased from a registered
14 dispensing organization under the Compassionate Use of Medical
15 Cannabis Pilot Program Act.

16 (Source: P.A. 98-104, eff. 7-22-13; 98-122, eff. 1-1-14;
17 98-756, eff. 7-16-14; 99-143, eff. 7-27-15; 99-180, eff.
18 7-29-15; revised 10-16-15.)

19 Section 170. The Property Tax Code is amended by changing
20 Sections 9-195, 15-168, 15-169, 15-172, and 15-175 as follows:

21 (35 ILCS 200/9-195)

22 Sec. 9-195. Leasing of exempt property.

23 (a) Except as provided in Sections 15-35, 15-55, 15-60,
24 15-100, 15-103, 15-160, and 15-185, when property which is

1 exempt from taxation is leased to another whose property is not
2 exempt, and the leasing of which does not make the property
3 taxable, the leasehold estate and the appurtenances shall be
4 listed as the property of the lessee thereof, or his or her
5 assignee. Taxes on that property shall be collected in the same
6 manner as on property that is not exempt, and the lessee shall
7 be liable for those taxes. However, no tax lien shall attach to
8 the exempt real estate. The changes made by Public Act 90-562
9 ~~this amendatory Act of 1997~~ and by Public Act 91-513 ~~this~~
10 ~~amendatory Act of the 91st General Assembly~~ are declaratory of
11 existing law and shall not be construed as a new enactment. The
12 changes made by Public Acts 88-221 and 88-420 that are
13 incorporated into this Section by Public Act 88-670 ~~this~~
14 ~~amendatory Act of 1993~~ are declarative of existing law and are
15 not a new enactment.

16 (b) The provisions of this Section regarding taxation of
17 leasehold interests in exempt property do not apply to any
18 leasehold interest created pursuant to any transaction
19 described in subsection (e) of Section 15-35, subsection (c-5)
20 of Section 15-60, subsection (b) of Section 15-100, Section
21 15-103, Section 15-160, or Section 15-185 of this Code, or
22 Section 6c of the Downstate Forest Preserve District Act.

23 (Source: P.A. 99-219, eff. 7-31-15; revised 10-20-15.)

24 (35 ILCS 200/15-168)

25 Sec. 15-168. Homestead exemption for persons with

1 disabilities.

2 (a) Beginning with taxable year 2007, an annual homestead
3 exemption is granted to persons with disabilities in the amount
4 of \$2,000, except as provided in subsection (c), to be deducted
5 from the property's value as equalized or assessed by the
6 Department of Revenue. The person with a disability shall
7 receive the homestead exemption upon meeting the following
8 requirements:

9 (1) The property must be occupied as the primary
10 residence by the person with a disability.

11 (2) The person with a disability must be liable for
12 paying the real estate taxes on the property.

13 (3) The person with a disability must be an owner of
14 record of the property or have a legal or equitable
15 interest in the property as evidenced by a written
16 instrument. In the case of a leasehold interest in
17 property, the lease must be for a single family residence.

18 A person who has a disability during the taxable year is
19 eligible to apply for this homestead exemption during that
20 taxable year. Application must be made during the application
21 period in effect for the county of residence. If a homestead
22 exemption has been granted under this Section and the person
23 awarded the exemption subsequently becomes a resident of a
24 facility licensed under the Nursing Home Care Act, the
25 Specialized Mental Health Rehabilitation Act of 2013, the ID/DD
26 Community Care Act, or the MC/DD Act, then the exemption shall

1 continue (i) so long as the residence continues to be occupied
2 by the qualifying person's spouse or (ii) if the residence
3 remains unoccupied but is still owned by the person qualified
4 for the homestead exemption.

5 (b) For the purposes of this Section, "person with a
6 disability" means a person unable to engage in any substantial
7 gainful activity by reason of a medically determinable physical
8 or mental impairment which can be expected to result in death
9 or has lasted or can be expected to last for a continuous
10 period of not less than 12 months. Persons with disabilities
11 filing claims under this Act shall submit proof of disability
12 in such form and manner as the Department shall by rule and
13 regulation prescribe. Proof that a claimant is eligible to
14 receive disability benefits under the Federal Social Security
15 Act shall constitute proof of disability for purposes of this
16 Act. Issuance of an Illinois Person with a Disability
17 Identification Card stating that the claimant is under a Class
18 2 disability, as defined in Section 4A of the Illinois
19 Identification Card Act, shall constitute proof that the person
20 named thereon is a person with a disability for purposes of
21 this Act. A person with a disability not covered under the
22 Federal Social Security Act and not presenting an Illinois
23 Person with a Disability Identification Card stating that the
24 claimant is under a Class 2 disability shall be examined by a
25 physician designated by the Department, and his status as a
26 person with a disability determined using the same standards as

1 used by the Social Security Administration. The costs of any
2 required examination shall be borne by the claimant.

3 (c) For land improved with (i) an apartment building owned
4 and operated as a cooperative or (ii) a life care facility as
5 defined under Section 2 of the Life Care Facilities Act that is
6 considered to be a cooperative, the maximum reduction from the
7 value of the property, as equalized or assessed by the
8 Department, shall be multiplied by the number of apartments or
9 units occupied by a person with a disability. The person with a
10 disability shall receive the homestead exemption upon meeting
11 the following requirements:

12 (1) The property must be occupied as the primary
13 residence by the person with a disability.

14 (2) The person with a disability must be liable by
15 contract with the owner or owners of record for paying the
16 apportioned property taxes on the property of the
17 cooperative or life care facility. In the case of a life
18 care facility, the person with a disability must be liable
19 for paying the apportioned property taxes under a life care
20 contract as defined in Section 2 of the Life Care
21 Facilities Act.

22 (3) The person with a disability must be an owner of
23 record of a legal or equitable interest in the cooperative
24 apartment building. A leasehold interest does not meet this
25 requirement.

26 If a homestead exemption is granted under this subsection, the

1 cooperative association or management firm shall credit the
2 savings resulting from the exemption to the apportioned tax
3 liability of the qualifying person with a disability. The chief
4 county assessment officer may request reasonable proof that the
5 association or firm has properly credited the exemption. A
6 person who willfully refuses to credit an exemption to the
7 qualified person with a disability is guilty of a Class B
8 misdemeanor.

9 (d) The chief county assessment officer shall determine the
10 eligibility of property to receive the homestead exemption
11 according to guidelines established by the Department. After a
12 person has received an exemption under this Section, an annual
13 verification of eligibility for the exemption shall be mailed
14 to the taxpayer.

15 In counties with fewer than 3,000,000 inhabitants, the
16 chief county assessment officer shall provide to each person
17 granted a homestead exemption under this Section a form to
18 designate any other person to receive a duplicate of any notice
19 of delinquency in the payment of taxes assessed and levied
20 under this Code on the person's qualifying property. The
21 duplicate notice shall be in addition to the notice required to
22 be provided to the person receiving the exemption and shall be
23 given in the manner required by this Code. The person filing
24 the request for the duplicate notice shall pay an
25 administrative fee of \$5 to the chief county assessment
26 officer. The assessment officer shall then file the executed

1 designation with the county collector, who shall issue the
2 duplicate notices as indicated by the designation. A
3 designation may be rescinded by the person with a disability in
4 the manner required by the chief county assessment officer.

5 (e) A taxpayer who claims an exemption under Section 15-165
6 or 15-169 may not claim an exemption under this Section.

7 (Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15;
8 99-180, eff. 7-29-15; revised 10-20-15.)

9 (35 ILCS 200/15-169)

10 Sec. 15-169. Homestead exemption for veterans with
11 disabilities.

12 (a) Beginning with taxable year 2007, an annual homestead
13 exemption, limited to the amounts set forth in subsections (b)
14 and (b-3), is granted for property that is used as a qualified
15 residence by a veteran with a disability.

16 (b) For taxable years prior to 2015, the amount of the
17 exemption under this Section is as follows:

18 (1) for veterans with a service-connected disability
19 of at least (i) 75% for exemptions granted in taxable years
20 2007 through 2009 and (ii) 70% for exemptions granted in
21 taxable year 2010 and each taxable year thereafter, as
22 certified by the United States Department of Veterans
23 Affairs, the annual exemption is \$5,000; and

24 (2) for veterans with a service-connected disability
25 of at least 50%, but less than (i) 75% for exemptions

1 granted in taxable years 2007 through 2009 and (ii) 70% for
2 exemptions granted in taxable year 2010 and each taxable
3 year thereafter, as certified by the United States
4 Department of Veterans Affairs, the annual exemption is
5 \$2,500.

6 (b-3) For taxable years 2015 and thereafter:

7 (1) if the veteran has a service connected disability
8 of 30% or more but less than 50%, as certified by the
9 United States Department of Veterans Affairs, then the
10 annual exemption is \$2,500;

11 (2) if the veteran has a service connected disability
12 of 50% or more but less than 70%, as certified by the
13 United States Department of Veterans Affairs, then the
14 annual exemption is \$5,000; and

15 (3) if the veteran has a service connected disability
16 of 70% or more, as certified by the United States
17 Department of Veterans Affairs, then the property is exempt
18 from taxation under this Code.

19 (b-5) If a homestead exemption is granted under this
20 Section and the person awarded the exemption subsequently
21 becomes a resident of a facility licensed under the Nursing
22 Home Care Act or a facility operated by the United States
23 Department of Veterans Affairs, then the exemption shall
24 continue (i) so long as the residence continues to be occupied
25 by the qualifying person's spouse or (ii) if the residence
26 remains unoccupied but is still owned by the person who

1 qualified for the homestead exemption.

2 (c) The tax exemption under this Section carries over to
3 the benefit of the veteran's surviving spouse as long as the
4 spouse holds the legal or beneficial title to the homestead,
5 permanently resides thereon, and does not remarry. If the
6 surviving spouse sells the property, an exemption not to exceed
7 the amount granted from the most recent ad valorem tax roll may
8 be transferred to his or her new residence as long as it is
9 used as his or her primary residence and he or she does not
10 remarry.

11 (c-1) Beginning with taxable year 2015, nothing in this
12 Section shall require the veteran to have qualified for or
13 obtained the exemption before death if the veteran was killed
14 in the line of duty.

15 (d) The exemption under this Section applies for taxable
16 year 2007 and thereafter. A taxpayer who claims an exemption
17 under Section 15-165 or 15-168 may not claim an exemption under
18 this Section.

19 (e) Each taxpayer who has been granted an exemption under
20 this Section must reapply on an annual basis. Application must
21 be made during the application period in effect for the county
22 of his or her residence. The assessor or chief county
23 assessment officer may determine the eligibility of
24 residential property to receive the homestead exemption
25 provided by this Section by application, visual inspection,
26 questionnaire, or other reasonable methods. The determination

1 must be made in accordance with guidelines established by the
2 Department.

3 (f) For the purposes of this Section:

4 "Qualified residence" means real property, but less any
5 portion of that property that is used for commercial purposes,
6 with an equalized assessed value of less than \$250,000 that is
7 the primary residence of a veteran with a disability. Property
8 rented for more than 6 months is presumed to be used for
9 commercial purposes.

10 "Veteran" means an Illinois resident who has served as a
11 member of the United States Armed Forces on active duty or
12 State active duty, a member of the Illinois National Guard, or
13 a member of the United States Reserve Forces and who has
14 received an honorable discharge.

15 (Source: P.A. 98-1145, eff. 12-30-14; 99-143, eff. 7-27-15;
16 99-375, eff. 8-17-15; revised 10-9-15.)

17 (35 ILCS 200/15-172)

18 Sec. 15-172. Senior Citizens Assessment Freeze Homestead
19 Exemption.

20 (a) This Section may be cited as the Senior Citizens
21 Assessment Freeze Homestead Exemption.

22 (b) As used in this Section:

23 "Applicant" means an individual who has filed an
24 application under this Section.

25 "Base amount" means the base year equalized assessed value

1 of the residence plus the first year's equalized assessed value
2 of any added improvements which increased the assessed value of
3 the residence after the base year.

4 "Base year" means the taxable year prior to the taxable
5 year for which the applicant first qualifies and applies for
6 the exemption provided that in the prior taxable year the
7 property was improved with a permanent structure that was
8 occupied as a residence by the applicant who was liable for
9 paying real property taxes on the property and who was either
10 (i) an owner of record of the property or had legal or
11 equitable interest in the property as evidenced by a written
12 instrument or (ii) had a legal or equitable interest as a
13 lessee in the parcel of property that was single family
14 residence. If in any subsequent taxable year for which the
15 applicant applies and qualifies for the exemption the equalized
16 assessed value of the residence is less than the equalized
17 assessed value in the existing base year (provided that such
18 equalized assessed value is not based on an assessed value that
19 results from a temporary irregularity in the property that
20 reduces the assessed value for one or more taxable years), then
21 that subsequent taxable year shall become the base year until a
22 new base year is established under the terms of this paragraph.
23 For taxable year 1999 only, the Chief County Assessment Officer
24 shall review (i) all taxable years for which the applicant
25 applied and qualified for the exemption and (ii) the existing
26 base year. The assessment officer shall select as the new base

1 year the year with the lowest equalized assessed value. An
2 equalized assessed value that is based on an assessed value
3 that results from a temporary irregularity in the property that
4 reduces the assessed value for one or more taxable years shall
5 not be considered the lowest equalized assessed value. The
6 selected year shall be the base year for taxable year 1999 and
7 thereafter until a new base year is established under the terms
8 of this paragraph.

9 "Chief County Assessment Officer" means the County
10 Assessor or Supervisor of Assessments of the county in which
11 the property is located.

12 "Equalized assessed value" means the assessed value as
13 equalized by the Illinois Department of Revenue.

14 "Household" means the applicant, the spouse of the
15 applicant, and all persons using the residence of the applicant
16 as their principal place of residence.

17 "Household income" means the combined income of the members
18 of a household for the calendar year preceding the taxable
19 year.

20 "Income" has the same meaning as provided in Section 3.07
21 of the Senior Citizens and Persons with Disabilities Property
22 Tax Relief Act, except that, beginning in assessment year 2001,
23 "income" does not include veteran's benefits.

24 "Internal Revenue Code of 1986" means the United States
25 Internal Revenue Code of 1986 or any successor law or laws
26 relating to federal income taxes in effect for the year

1 preceding the taxable year.

2 "Life care facility that qualifies as a cooperative" means
3 a facility as defined in Section 2 of the Life Care Facilities
4 Act.

5 "Maximum income limitation" means:

- 6 (1) \$35,000 prior to taxable year 1999;
7 (2) \$40,000 in taxable years 1999 through 2003;
8 (3) \$45,000 in taxable years 2004 through 2005;
9 (4) \$50,000 in taxable years 2006 and 2007; and
10 (5) \$55,000 in taxable year 2008 and thereafter.

11 "Residence" means the principal dwelling place and
12 appurtenant structures used for residential purposes in this
13 State occupied on January 1 of the taxable year by a household
14 and so much of the surrounding land, constituting the parcel
15 upon which the dwelling place is situated, as is used for
16 residential purposes. If the Chief County Assessment Officer
17 has established a specific legal description for a portion of
18 property constituting the residence, then that portion of
19 property shall be deemed the residence for the purposes of this
20 Section.

21 "Taxable year" means the calendar year during which ad
22 valorem property taxes payable in the next succeeding year are
23 levied.

24 (c) Beginning in taxable year 1994, a senior citizens
25 assessment freeze homestead exemption is granted for real
26 property that is improved with a permanent structure that is

1 occupied as a residence by an applicant who (i) is 65 years of
2 age or older during the taxable year, (ii) has a household
3 income that does not exceed the maximum income limitation,
4 (iii) is liable for paying real property taxes on the property,
5 and (iv) is an owner of record of the property or has a legal or
6 equitable interest in the property as evidenced by a written
7 instrument. This homestead exemption shall also apply to a
8 leasehold interest in a parcel of property improved with a
9 permanent structure that is a single family residence that is
10 occupied as a residence by a person who (i) is 65 years of age
11 or older during the taxable year, (ii) has a household income
12 that does not exceed the maximum income limitation, (iii) has a
13 legal or equitable ownership interest in the property as
14 lessee, and (iv) is liable for the payment of real property
15 taxes on that property.

16 In counties of 3,000,000 or more inhabitants, the amount of
17 the exemption for all taxable years is the equalized assessed
18 value of the residence in the taxable year for which
19 application is made minus the base amount. In all other
20 counties, the amount of the exemption is as follows: (i)
21 through taxable year 2005 and for taxable year 2007 and
22 thereafter, the amount of this exemption shall be the equalized
23 assessed value of the residence in the taxable year for which
24 application is made minus the base amount; and (ii) for taxable
25 year 2006, the amount of the exemption is as follows:

26 (1) For an applicant who has a household income of

1 \$45,000 or less, the amount of the exemption is the
2 equalized assessed value of the residence in the taxable
3 year for which application is made minus the base amount.

4 (2) For an applicant who has a household income
5 exceeding \$45,000 but not exceeding \$46,250, the amount of
6 the exemption is (i) the equalized assessed value of the
7 residence in the taxable year for which application is made
8 minus the base amount (ii) multiplied by 0.8.

9 (3) For an applicant who has a household income
10 exceeding \$46,250 but not exceeding \$47,500, the amount of
11 the exemption is (i) the equalized assessed value of the
12 residence in the taxable year for which application is made
13 minus the base amount (ii) multiplied by 0.6.

14 (4) For an applicant who has a household income
15 exceeding \$47,500 but not exceeding \$48,750, the amount of
16 the exemption is (i) the equalized assessed value of the
17 residence in the taxable year for which application is made
18 minus the base amount (ii) multiplied by 0.4.

19 (5) For an applicant who has a household income
20 exceeding \$48,750 but not exceeding \$50,000, the amount of
21 the exemption is (i) the equalized assessed value of the
22 residence in the taxable year for which application is made
23 minus the base amount (ii) multiplied by 0.2.

24 When the applicant is a surviving spouse of an applicant
25 for a prior year for the same residence for which an exemption
26 under this Section has been granted, the base year and base

1 amount for that residence are the same as for the applicant for
2 the prior year.

3 Each year at the time the assessment books are certified to
4 the County Clerk, the Board of Review or Board of Appeals shall
5 give to the County Clerk a list of the assessed values of
6 improvements on each parcel qualifying for this exemption that
7 were added after the base year for this parcel and that
8 increased the assessed value of the property.

9 In the case of land improved with an apartment building
10 owned and operated as a cooperative or a building that is a
11 life care facility that qualifies as a cooperative, the maximum
12 reduction from the equalized assessed value of the property is
13 limited to the sum of the reductions calculated for each unit
14 occupied as a residence by a person or persons (i) 65 years of
15 age or older, (ii) with a household income that does not exceed
16 the maximum income limitation, (iii) who is liable, by contract
17 with the owner or owners of record, for paying real property
18 taxes on the property, and (iv) who is an owner of record of a
19 legal or equitable interest in the cooperative apartment
20 building, other than a leasehold interest. In the instance of a
21 cooperative where a homestead exemption has been granted under
22 this Section, the cooperative association or its management
23 firm shall credit the savings resulting from that exemption
24 only to the apportioned tax liability of the owner who
25 qualified for the exemption. Any person who willfully refuses
26 to credit that savings to an owner who qualifies for the

1 exemption is guilty of a Class B misdemeanor.

2 When a homestead exemption has been granted under this
3 Section and an applicant then becomes a resident of a facility
4 licensed under the Assisted Living and Shared Housing Act, the
5 Nursing Home Care Act, the Specialized Mental Health
6 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
7 the MC/DD Act, the exemption shall be granted in subsequent
8 years so long as the residence (i) continues to be occupied by
9 the qualified applicant's spouse or (ii) if remaining
10 unoccupied, is still owned by the qualified applicant for the
11 homestead exemption.

12 Beginning January 1, 1997, when an individual dies who
13 would have qualified for an exemption under this Section, and
14 the surviving spouse does not independently qualify for this
15 exemption because of age, the exemption under this Section
16 shall be granted to the surviving spouse for the taxable year
17 preceding and the taxable year of the death, provided that,
18 except for age, the surviving spouse meets all other
19 qualifications for the granting of this exemption for those
20 years.

21 When married persons maintain separate residences, the
22 exemption provided for in this Section may be claimed by only
23 one of such persons and for only one residence.

24 For taxable year 1994 only, in counties having less than
25 3,000,000 inhabitants, to receive the exemption, a person shall
26 submit an application by February 15, 1995 to the Chief County

1 Assessment Officer of the county in which the property is
2 located. In counties having 3,000,000 or more inhabitants, for
3 taxable year 1994 and all subsequent taxable years, to receive
4 the exemption, a person may submit an application to the Chief
5 County Assessment Officer of the county in which the property
6 is located during such period as may be specified by the Chief
7 County Assessment Officer. The Chief County Assessment Officer
8 in counties of 3,000,000 or more inhabitants shall annually
9 give notice of the application period by mail or by
10 publication. In counties having less than 3,000,000
11 inhabitants, beginning with taxable year 1995 and thereafter,
12 to receive the exemption, a person shall submit an application
13 by July 1 of each taxable year to the Chief County Assessment
14 Officer of the county in which the property is located. A
15 county may, by ordinance, establish a date for submission of
16 applications that is different than July 1. The applicant shall
17 submit with the application an affidavit of the applicant's
18 total household income, age, marital status (and if married the
19 name and address of the applicant's spouse, if known), and
20 principal dwelling place of members of the household on January
21 1 of the taxable year. The Department shall establish, by rule,
22 a method for verifying the accuracy of affidavits filed by
23 applicants under this Section, and the Chief County Assessment
24 Officer may conduct audits of any taxpayer claiming an
25 exemption under this Section to verify that the taxpayer is
26 eligible to receive the exemption. Each application shall

1 contain or be verified by a written declaration that it is made
2 under the penalties of perjury. A taxpayer's signing a
3 fraudulent application under this Act is perjury, as defined in
4 Section 32-2 of the Criminal Code of 2012. The applications
5 shall be clearly marked as applications for the Senior Citizens
6 Assessment Freeze Homestead Exemption and must contain a notice
7 that any taxpayer who receives the exemption is subject to an
8 audit by the Chief County Assessment Officer.

9 Notwithstanding any other provision to the contrary, in
10 counties having fewer than 3,000,000 inhabitants, if an
11 applicant fails to file the application required by this
12 Section in a timely manner and this failure to file is due to a
13 mental or physical condition sufficiently severe so as to
14 render the applicant incapable of filing the application in a
15 timely manner, the Chief County Assessment Officer may extend
16 the filing deadline for a period of 30 days after the applicant
17 regains the capability to file the application, but in no case
18 may the filing deadline be extended beyond 3 months of the
19 original filing deadline. In order to receive the extension
20 provided in this paragraph, the applicant shall provide the
21 Chief County Assessment Officer with a signed statement from
22 the applicant's physician stating the nature and extent of the
23 condition, that, in the physician's opinion, the condition was
24 so severe that it rendered the applicant incapable of filing
25 the application in a timely manner, and the date on which the
26 applicant regained the capability to file the application.

1 Beginning January 1, 1998, notwithstanding any other
2 provision to the contrary, in counties having fewer than
3 3,000,000 inhabitants, if an applicant fails to file the
4 application required by this Section in a timely manner and
5 this failure to file is due to a mental or physical condition
6 sufficiently severe so as to render the applicant incapable of
7 filing the application in a timely manner, the Chief County
8 Assessment Officer may extend the filing deadline for a period
9 of 3 months. In order to receive the extension provided in this
10 paragraph, the applicant shall provide the Chief County
11 Assessment Officer with a signed statement from the applicant's
12 physician stating the nature and extent of the condition, and
13 that, in the physician's opinion, the condition was so severe
14 that it rendered the applicant incapable of filing the
15 application in a timely manner.

16 In counties having less than 3,000,000 inhabitants, if an
17 applicant was denied an exemption in taxable year 1994 and the
18 denial occurred due to an error on the part of an assessment
19 official, or his or her agent or employee, then beginning in
20 taxable year 1997 the applicant's base year, for purposes of
21 determining the amount of the exemption, shall be 1993 rather
22 than 1994. In addition, in taxable year 1997, the applicant's
23 exemption shall also include an amount equal to (i) the amount
24 of any exemption denied to the applicant in taxable year 1995
25 as a result of using 1994, rather than 1993, as the base year,
26 (ii) the amount of any exemption denied to the applicant in

1 taxable year 1996 as a result of using 1994, rather than 1993,
2 as the base year, and (iii) the amount of the exemption
3 erroneously denied for taxable year 1994.

4 For purposes of this Section, a person who will be 65 years
5 of age during the current taxable year shall be eligible to
6 apply for the homestead exemption during that taxable year.
7 Application shall be made during the application period in
8 effect for the county of his or her residence.

9 The Chief County Assessment Officer may determine the
10 eligibility of a life care facility that qualifies as a
11 cooperative to receive the benefits provided by this Section by
12 use of an affidavit, application, visual inspection,
13 questionnaire, or other reasonable method in order to insure
14 that the tax savings resulting from the exemption are credited
15 by the management firm to the apportioned tax liability of each
16 qualifying resident. The Chief County Assessment Officer may
17 request reasonable proof that the management firm has so
18 credited that exemption.

19 Except as provided in this Section, all information
20 received by the chief county assessment officer or the
21 Department from applications filed under this Section, or from
22 any investigation conducted under the provisions of this
23 Section, shall be confidential, except for official purposes or
24 pursuant to official procedures for collection of any State or
25 local tax or enforcement of any civil or criminal penalty or
26 sanction imposed by this Act or by any statute or ordinance

1 imposing a State or local tax. Any person who divulges any such
2 information in any manner, except in accordance with a proper
3 judicial order, is guilty of a Class A misdemeanor.

4 Nothing contained in this Section shall prevent the
5 Director or chief county assessment officer from publishing or
6 making available reasonable statistics concerning the
7 operation of the exemption contained in this Section in which
8 the contents of claims are grouped into aggregates in such a
9 way that information contained in any individual claim shall
10 not be disclosed.

11 (d) Each Chief County Assessment Officer shall annually
12 publish a notice of availability of the exemption provided
13 under this Section. The notice shall be published at least 60
14 days but no more than 75 days prior to the date on which the
15 application must be submitted to the Chief County Assessment
16 Officer of the county in which the property is located. The
17 notice shall appear in a newspaper of general circulation in
18 the county.

19 Notwithstanding Sections 6 and 8 of the State Mandates Act,
20 no reimbursement by the State is required for the
21 implementation of any mandate created by this Section.

22 (Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15;
23 99-180, eff. 7-29-15; revised 10-21-15.)

24 (35 ILCS 200/15-175)

25 Sec. 15-175. General homestead exemption.

1 (a) Except as provided in Sections 15-176 and 15-177,
2 homestead property is entitled to an annual homestead exemption
3 limited, except as described here with relation to
4 cooperatives, to a reduction in the equalized assessed value of
5 homestead property equal to the increase in equalized assessed
6 value for the current assessment year above the equalized
7 assessed value of the property for 1977, up to the maximum
8 reduction set forth below. If however, the 1977 equalized
9 assessed value upon which taxes were paid is subsequently
10 determined by local assessing officials, the Property Tax
11 Appeal Board, or a court to have been excessive, the equalized
12 assessed value which should have been placed on the property
13 for 1977 shall be used to determine the amount of the
14 exemption.

15 (b) Except as provided in Section 15-176, the maximum
16 reduction before taxable year 2004 shall be \$4,500 in counties
17 with 3,000,000 or more inhabitants and \$3,500 in all other
18 counties. Except as provided in Sections 15-176 and 15-177, for
19 taxable years 2004 through 2007, the maximum reduction shall be
20 \$5,000, for taxable year 2008, the maximum reduction is \$5,500,
21 and, for taxable years 2009 through 2011, the maximum reduction
22 is \$6,000 in all counties. For taxable years 2012 and
23 thereafter, the maximum reduction is \$7,000 in counties with
24 3,000,000 or more inhabitants and \$6,000 in all other counties.
25 If a county has elected to subject itself to the provisions of
26 Section 15-176 as provided in subsection (k) of that Section,

1 then, for the first taxable year only after the provisions of
2 Section 15-176 no longer apply, for owners who, for the taxable
3 year, have not been granted a senior citizens assessment freeze
4 homestead exemption under Section 15-172 or a long-time
5 occupant homestead exemption under Section 15-177, there shall
6 be an additional exemption of \$5,000 for owners with a
7 household income of \$30,000 or less.

8 (c) In counties with fewer than 3,000,000 inhabitants, if,
9 based on the most recent assessment, the equalized assessed
10 value of the homestead property for the current assessment year
11 is greater than the equalized assessed value of the property
12 for 1977, the owner of the property shall automatically receive
13 the exemption granted under this Section in an amount equal to
14 the increase over the 1977 assessment up to the maximum
15 reduction set forth in this Section.

16 (d) If in any assessment year beginning with the 2000
17 assessment year, homestead property has a pro-rata valuation
18 under Section 9-180 resulting in an increase in the assessed
19 valuation, a reduction in equalized assessed valuation equal to
20 the increase in equalized assessed value of the property for
21 the year of the pro-rata valuation above the equalized assessed
22 value of the property for 1977 shall be applied to the property
23 on a proportionate basis for the period the property qualified
24 as homestead property during the assessment year. The maximum
25 proportionate homestead exemption shall not exceed the maximum
26 homestead exemption allowed in the county under this Section

1 divided by 365 and multiplied by the number of days the
2 property qualified as homestead property.

3 (e) The chief county assessment officer may, when
4 considering whether to grant a leasehold exemption under this
5 Section, require the following conditions to be met:

6 (1) that a notarized application for the exemption,
7 signed by both the owner and the lessee of the property,
8 must be submitted each year during the application period
9 in effect for the county in which the property is located;

10 (2) that a copy of the lease must be filed with the
11 chief county assessment officer by the owner of the
12 property at the time the notarized application is
13 submitted;

14 (3) that the lease must expressly state that the lessee
15 is liable for the payment of property taxes; and

16 (4) that the lease must include the following language
17 in substantially the following form:

18 "Lessee shall be liable for the payment of real
19 estate taxes with respect to the residence in
20 accordance with the terms and conditions of Section
21 15-175 of the Property Tax Code (35 ILCS 200/15-175).
22 The permanent real estate index number for the premises
23 is (insert number), and, according to the most recent
24 property tax bill, the current amount of real estate
25 taxes associated with the premises is (insert amount)
26 per year. The parties agree that the monthly rent set

1 forth above shall be increased or decreased pro rata
2 (effective January 1 of each calendar year) to reflect
3 any increase or decrease in real estate taxes. Lessee
4 shall be deemed to be satisfying Lessee's liability for
5 the above mentioned real estate taxes with the monthly
6 rent payments as set forth above (or increased or
7 decreased as set forth herein).".

8 In addition, if there is a change in lessee, or if the
9 lessee vacates the property, then the chief county assessment
10 officer may require the owner of the property to notify the
11 chief county assessment officer of that change.

12 This subsection (e) does not apply to leasehold interests
13 in property owned by a municipality.

14 (f) "Homestead property" under this Section includes
15 residential property that is occupied by its owner or owners as
16 his or their principal dwelling place, or that is a leasehold
17 interest on which a single family residence is situated, which
18 is occupied as a residence by a person who has an ownership
19 interest therein, legal or equitable or as a lessee, and on
20 which the person is liable for the payment of property taxes.
21 For land improved with an apartment building owned and operated
22 as a cooperative or a building which is a life care facility as
23 defined in Section 15-170 and considered to be a cooperative
24 under Section 15-170, the maximum reduction from the equalized
25 assessed value shall be limited to the increase in the value
26 above the equalized assessed value of the property for 1977, up

1 to the maximum reduction set forth above, multiplied by the
2 number of apartments or units occupied by a person or persons
3 who is liable, by contract with the owner or owners of record,
4 for paying property taxes on the property and is an owner of
5 record of a legal or equitable interest in the cooperative
6 apartment building, other than a leasehold interest. For
7 purposes of this Section, the term "life care facility" has the
8 meaning stated in Section 15-170.

9 "Household", as used in this Section, means the owner, the
10 spouse of the owner, and all persons using the residence of the
11 owner as their principal place of residence.

12 "Household income", as used in this Section, means the
13 combined income of the members of a household for the calendar
14 year preceding the taxable year.

15 "Income", as used in this Section, has the same meaning as
16 provided in Section 3.07 of the Senior Citizens and Persons
17 with Disabilities Property Tax Relief Act, except that "income"
18 does not include veteran's benefits.

19 (g) In a cooperative where a homestead exemption has been
20 granted, the cooperative association or its management firm
21 shall credit the savings resulting from that exemption only to
22 the apportioned tax liability of the owner who qualified for
23 the exemption. Any person who willfully refuses to so credit
24 the savings shall be guilty of a Class B misdemeanor.

25 (h) Where married persons maintain and reside in separate
26 residences qualifying as homestead property, each residence

1 shall receive 50% of the total reduction in equalized assessed
2 valuation provided by this Section.

3 (i) In all counties, the assessor or chief county
4 assessment officer may determine the eligibility of
5 residential property to receive the homestead exemption and the
6 amount of the exemption by application, visual inspection,
7 questionnaire or other reasonable methods. The determination
8 shall be made in accordance with guidelines established by the
9 Department, provided that the taxpayer applying for an
10 additional general exemption under this Section shall submit to
11 the chief county assessment officer an application with an
12 affidavit of the applicant's total household income, age,
13 marital status (and, if married, the name and address of the
14 applicant's spouse, if known), and principal dwelling place of
15 members of the household on January 1 of the taxable year. The
16 Department shall issue guidelines establishing a method for
17 verifying the accuracy of the affidavits filed by applicants
18 under this paragraph. The applications shall be clearly marked
19 as applications for the Additional General Homestead
20 Exemption.

21 (i-5) This subsection (i-5) applies to counties with
22 3,000,000 or more inhabitants. In the event of a sale of
23 homestead property, the homestead exemption shall remain in
24 effect for the remainder of the assessment year of the sale.
25 Upon receipt of a transfer declaration transmitted by the
26 recorder pursuant to Section 31-30 of the Real Estate Transfer

1 Tax Law for property receiving an exemption under this Section,
2 the assessor shall mail a notice and forms to the new owner of
3 the property providing information pertaining to the rules and
4 applicable filing periods for applying or reapplying for
5 homestead exemptions under this Code for which the property may
6 be eligible. If the new owner fails to apply or reapply for a
7 homestead exemption during the applicable filing period or the
8 property no longer qualifies for an existing homestead
9 exemption, the assessor shall cancel such exemption for any
10 ensuing assessment year.

11 (j) In counties with fewer than 3,000,000 inhabitants, in
12 the event of a sale of homestead property the homestead
13 exemption shall remain in effect for the remainder of the
14 assessment year of the sale. The assessor or chief county
15 assessment officer may require the new owner of the property to
16 apply for the homestead exemption for the following assessment
17 year.

18 (k) Notwithstanding Sections 6 and 8 of the State Mandates
19 Act, no reimbursement by the State is required for the
20 implementation of any mandate created by this Section.

21 (Source: P.A. 98-7, eff. 4-23-13; 98-463, eff. 8-16-13; 99-143,
22 eff. 7-27-15; 99-164, eff. 7-28-15; revised 8-25-15.)

23 Section 175. The Electricity Excise Tax Law is amended by
24 changing Section 2-10 as follows:

1 (35 ILCS 640/2-10)

2 Sec. 2-10. Election and registration to be self-assessing
3 purchaser. Any purchaser for non-residential electric use may
4 elect to register with the Department as a self-assessing
5 purchaser and to pay the tax imposed by Section 2-4 directly to
6 the Department, at the rate stated in that Section for
7 self-assessing purchasers, rather than paying the tax to such
8 purchaser's delivering supplier. The election by a purchaser to
9 register as a self-assessing purchaser may not be revoked by
10 the purchaser for at least 2 years thereafter. A purchaser who
11 revokes his or her registration as a self-assessing purchaser
12 shall not thereafter be permitted to register as a
13 self-assessing purchaser within the succeeding 2 years. A
14 self-assessing purchaser shall renew his or her registration
15 every 2 years, or the registration shall be deemed to be
16 revoked.

17 Application for a certificate of registration as a
18 self-assessing purchaser shall be made to the Department upon
19 forms furnished by the Department and shall contain any
20 reasonable information the Department may require. The
21 self-assessing purchaser shall be required to disclose the name
22 of the delivering supplier or suppliers and each account
23 numbers for which the self-assessing purchaser elects to pay
24 the tax imposed by Section 2-4 directly to the Department. Upon
25 receipt of the application for a certificate of registration in
26 proper form and payment of a ~~an~~ non-refundable biennial fee of

1 \$200, the Department shall issue to the applicant a certificate
2 of registration that permits the person to whom it was issued
3 to pay the tax incurred under this Law directly to the
4 Department for a period of 2 years. The Department shall notify
5 the delivering supplier or suppliers that the applicant has
6 been registered as a self-assessing purchaser for the accounts
7 listed by the self-assessing purchaser. A certificate of
8 registration under this Section shall be renewed upon
9 application and payment of a non-refundable biennial \$200 fee,
10 subject to revocation as provided by this Law, for additional
11 2-year periods from the date of its expiration unless otherwise
12 notified by the Department.

13 Upon notification by the Department that an applicant has
14 been registered as a self-assessing purchaser, the delivering
15 supplier is no longer required to collect the tax imposed by
16 this Act for the accounts specifically listed by the
17 self-assessing purchaser, until the delivering supplier is
18 notified by the Department as set forth below that the
19 self-assessing purchaser's certificate of registration has
20 been expired, revoked, or denied.

21 The Department may deny a certificate of registration to
22 any applicant if the owner, any partner, any manager or member
23 of a limited liability company, or a corporate officer of the
24 applicant, is or has been the owner, a partner, a manager or
25 member of a limited liability company, or a corporate officer,
26 of another self-assessing purchaser that is in default for

1 moneys due under this Law.

2 Any person aggrieved by any decision of the Department
3 under this Section may, within 20 days after notice of such
4 decision, protest and request a hearing, whereupon the
5 Department shall give notice to such person of the time and
6 place fixed for such hearing and shall hold a hearing in
7 conformity with the provisions of this Law and then issue its
8 final administrative decision in the matter to such person. In
9 the absence of such a protest within 20 days, the Department's
10 decision shall become final without any further determination
11 being made or notice given. Upon the expiration, revocation, or
12 denial of a certificate of registration as a self-assessing
13 purchaser, the Department of Revenue shall provide written
14 notice of the expiration, revocation, or denial of the
15 certificate to the self-assessing purchaser's delivering
16 supplier or suppliers.

17 (Source: P.A. 90-561, eff. 8-1-98; 90-624, eff. 7-10-98;
18 revised 10-13-15.)

19 Section 180. The Illinois Pension Code is amended by
20 changing Sections 7-172.1 and 16-152 as follows:

21 (40 ILCS 5/7-172.1) (from Ch. 108 1/2, par. 7-172.1)

22 Sec. 7-172.1. Actions to enforce payments by
23 municipalities and instrumentalities.

24 (a) If any participating municipality or participating

1 instrumentality fails to transmit to the Fund contributions
2 required of it under this Article or contributions collected by
3 it from its participating employees for the purposes of this
4 Article for more than 60 days after the payment of such
5 contributions is due, the Fund, after giving notice to such
6 municipality or instrumentality, may certify to the State
7 Comptroller the amounts of such delinquent payments in
8 accordance with any applicable rules of the Comptroller, and
9 the Comptroller shall deduct the amounts so certified or any
10 part thereof from any payments of State funds to the
11 municipality or instrumentality involved and shall remit the
12 amount so deducted to the Fund. If State funds from which such
13 deductions may be made are not available, the Fund may proceed
14 against the municipality or instrumentality to recover the
15 amounts of such delinquent payments in the appropriate circuit
16 court.

17 (b) If any participating municipality fails to transmit to
18 the Fund contributions required of it under this Article or
19 contributions collected by it from its participating employees
20 for the purposes of this Article for more than 60 days after
21 the payment of such contributions is due, the Fund, after
22 giving notice to such municipality, may certify the fact of
23 such delinquent payment to the county treasurer of the county
24 in which such municipality is located, who shall thereafter
25 remit the amounts collected from the tax levied by the
26 municipality under Section 7-171 directly to the Fund.

1 (c) If reports furnished to the Fund by the municipality or
2 instrumentality involved are inadequate for the computation of
3 the amounts of such delinquent payments, the Fund may provide
4 for such audit of the records of the municipality or
5 instrumentality as may be required to establish the amounts of
6 such delinquent payments. The municipality or instrumentality
7 shall make its records available to the Fund for the purpose of
8 such audit. The cost of such audit shall be added to the amount
9 of the delinquent payments and shall be recovered by the Fund
10 from the municipality or instrumentality at the same time and
11 in the same manner as the delinquent payments are recovered.

12 (Source: P.A. 99-8, eff. 7-9-15; 99-239, eff. 8-3-15; revised
13 10-8-15.)

14 (40 ILCS 5/16-152) (from Ch. 108 1/2, par. 16-152)

15 (Text of Section WITH the changes made by P.A. 98-599,
16 which has been held unconstitutional)

17 Sec. 16-152. Contributions by members.

18 (a) Except as provided in subsection (a-5), each member
19 shall make contributions for membership service to this System
20 as follows:

21 (1) Effective July 1, 1998, contributions of 7.50% of
22 salary towards the cost of the retirement annuity. Such
23 contributions shall be deemed "normal contributions".

24 (2) Effective July 1, 1969 and, in the case of Tier 1
25 members, ending on June 30, 2014, contributions of 1/2 of

1 1% of salary toward the cost of the automatic annual
2 increase in retirement annuity provided under Section
3 16-133.1.

4 (3) Effective July 24, 1959, contributions of 1% of
5 salary towards the cost of survivor benefits. Such
6 contributions shall not be credited to the individual
7 account of the member and shall not be subject to refund
8 except as provided under Section 16-143.2.

9 (4) Effective July 1, 2005, contributions of 0.40% of
10 salary toward the cost of the early retirement without
11 discount option provided under Section 16-133.2. This
12 contribution shall cease upon termination of the early
13 retirement without discount option as provided in Section
14 16-133.2.

15 (a-5) Beginning July 1, 2014, in lieu of the contribution
16 otherwise required under paragraph (1) of subsection (a), each
17 Tier 1 member shall contribute 7% of salary towards the cost of
18 the retirement annuity. Contributions made pursuant to this
19 subsection (a-5) shall be deemed "normal contributions".

20 (b) The minimum required contribution for any year of
21 full-time teaching service shall be \$192.

22 (c) Contributions shall not be required of any annuitant
23 receiving a retirement annuity who is given employment as
24 permitted under Section 16-118 or 16-150.1.

25 (d) A person who (i) was a member before July 1, 1998, (ii)
26 retires with more than 34 years of creditable service, and

1 (iii) does not elect to qualify for the augmented rate under
2 Section 16-129.1 shall be entitled, at the time of retirement,
3 to receive a partial refund of contributions made under this
4 Section for service occurring after the later of June 30, 1998
5 or attainment of 34 years of creditable service, in an amount
6 equal to 1.00% of the salary upon which those contributions
7 were based.

8 (e) A member's contributions toward the cost of early
9 retirement without discount made under item (a)(4) of this
10 Section shall not be refunded if the member has elected early
11 retirement without discount under Section 16-133.2 and has
12 begun to receive a retirement annuity under this Article
13 calculated in accordance with that election. Otherwise, a
14 member's contributions toward the cost of early retirement
15 without discount made under item (a)(4) of this Section shall
16 be refunded according to whichever one of the following
17 circumstances occurs first:

18 (1) The contributions shall be refunded to the member,
19 without interest, within 120 days after the member's
20 retirement annuity commences, if the member does not elect
21 early retirement without discount under Section 16-133.2.

22 (2) The contributions shall be included, without
23 interest, in any refund claimed by the member under Section
24 16-151.

25 (3) The contributions shall be refunded to the member's
26 designated beneficiary (or if there is no beneficiary, to

1 the member's estate), without interest, if the member dies
2 without having begun to receive a retirement annuity under
3 this Article.

4 (4) The contributions shall be refunded to the member,
5 without interest, if the early retirement without discount
6 option provided under subsection (d) of Section 16-133.2 is
7 terminated. In that event, the System shall provide to the
8 member, within 120 days after the option is terminated, an
9 application for a refund of those contributions.

10 (Source: P.A. 98-42, eff. 6-28-13; 98-92, eff. 7-16-13; 98-599,
11 eff. 6-1-14.)

12 (Text of Section WITHOUT the changes made by P.A. 98-599,
13 which has been held unconstitutional)

14 Sec. 16-152. Contributions by members.

15 (a) Each member shall make contributions for membership
16 service to this System as follows:

17 (1) Effective July 1, 1998, contributions of 7.50% of
18 salary towards the cost of the retirement annuity. Such
19 contributions shall be deemed "normal contributions".

20 (2) Effective July 1, 1969, contributions of 1/2 of 1%
21 of salary toward the cost of the automatic annual increase
22 in retirement annuity provided under Section 16-133.1.

23 (3) Effective July 24, 1959, contributions of 1% of
24 salary towards the cost of survivor benefits. Such
25 contributions shall not be credited to the individual

1 account of the member and shall not be subject to refund
2 except as provided under Section 16-143.2.

3 (4) Effective July 1, 2005, contributions of 0.40% of
4 salary toward the cost of the early retirement without
5 discount option provided under Section 16-133.2. This
6 contribution shall cease upon termination of the early
7 retirement without discount option as provided in Section
8 16-133.2.

9 (b) The minimum required contribution for any year of
10 full-time teaching service shall be \$192.

11 (c) Contributions shall not be required of any annuitant
12 receiving a retirement annuity who is given employment as
13 permitted under Section 16-118 or 16-150.1.

14 (d) A person who (i) was a member before July 1, 1998, (ii)
15 retires with more than 34 years of creditable service, and
16 (iii) does not elect to qualify for the augmented rate under
17 Section 16-129.1 shall be entitled, at the time of retirement,
18 to receive a partial refund of contributions made under this
19 Section for service occurring after the later of June 30, 1998
20 or attainment of 34 years of creditable service, in an amount
21 equal to 1.00% of the salary upon which those contributions
22 were based.

23 (e) A member's contributions toward the cost of early
24 retirement without discount made under item (a)(4) of this
25 Section shall not be refunded if the member has elected early
26 retirement without discount under Section 16-133.2 and has

1 begun to receive a retirement annuity under this Article
2 calculated in accordance with that election. Otherwise, a
3 member's contributions toward the cost of early retirement
4 without discount made under item (a)(4) of this Section shall
5 be refunded according to whichever one of the following
6 circumstances occurs first:

7 (1) The contributions shall be refunded to the member,
8 without interest, within 120 days after the member's
9 retirement annuity commences, if the member does not elect
10 early retirement without discount under Section 16-133.2.

11 (2) The contributions shall be included, without
12 interest, in any refund claimed by the member under Section
13 16-151.

14 (3) The contributions shall be refunded to the member's
15 designated beneficiary (or if there is no beneficiary, to
16 the member's estate), without interest, if the member dies
17 without having begun to receive a retirement annuity under
18 this Article.

19 (4) The contributions shall be refunded to the member,
20 without interest, if the early retirement without discount
21 option provided under subsection (d) of Section 16-133.2 is
22 terminated. In that event, the System shall provide to the
23 member, within 120 days after the option is terminated, an
24 application for a refund of those contributions.

25 (Source: P.A. 98-42, eff. 6-28-13; 98-92, eff. 7-16-13; revised
26 7-23-13.)

1 Section 185. The Innovation Development and Economy Act is
2 amended by changing Sections 10 and 40 as follows:

3 (50 ILCS 470/10)

4 Sec. 10. Definitions. As used in this Act, the following
5 words and phrases shall have the following meanings unless a
6 different meaning clearly appears from the context:

7 "Base year" means the calendar year immediately prior to
8 the calendar year in which the STAR bond district is
9 established.

10 "Commence work" means the manifest commencement of actual
11 operations on the development site, such as, erecting a
12 building, general on-site and off-site grading and utility
13 installations, commencing design and construction
14 documentation, ordering lead-time materials, excavating the
15 ground to lay a foundation or a basement, or work of like
16 description which a reasonable person would recognize as being
17 done with the intention and purpose to continue work until the
18 project is completed.

19 "County" means the county in which a proposed STAR bond
20 district is located.

21 "De minimis ~~minimus~~" means an amount less than 15% of the
22 land area within a STAR bond district.

23 "Department of Revenue" means the Department of Revenue of
24 the State of Illinois.

1 "Destination user" means an owner, operator, licensee,
2 co-developer, subdeveloper, or tenant (i) that operates a
3 business within a STAR bond district that is a retail store
4 having at least 150,000 square feet of sales floor area; (ii)
5 that at the time of opening does not have another Illinois
6 location within a 70 mile radius; (iii) that has an annual
7 average of not less than 30% of customers who travel from at
8 least 75 miles away or from out-of-state, as demonstrated by
9 data from a comparable existing store or stores, or, if there
10 is no comparable existing store, as demonstrated by an economic
11 analysis that shows that the proposed retailer will have an
12 annual average of not less than 30% of customers who travel
13 from at least 75 miles away or from out-of-state; and (iv) that
14 makes an initial capital investment, including project costs
15 and other direct costs, of not less than \$30,000,000 for such
16 retail store.

17 "Destination hotel" means a hotel (as that term is defined
18 in Section 2 of the Hotel Operators' Occupation Tax Act)
19 complex having at least 150 guest rooms and which also includes
20 a venue for entertainment attractions, rides, or other
21 activities oriented toward the entertainment and amusement of
22 its guests and other patrons.

23 "Developer" means any individual, corporation, trust,
24 estate, partnership, limited liability partnership, limited
25 liability company, or other entity. The term does not include a
26 not-for-profit entity, political subdivision, or other agency

1 or instrumentality of the State.

2 "Director" means the Director of Revenue, who shall consult
3 with the Director of Commerce and Economic Opportunity in any
4 approvals or decisions required by the Director under this Act.

5 "Economic impact study" means a study conducted by an
6 independent economist to project the financial benefit of the
7 proposed STAR bond project to the local, regional, and State
8 economies, consider the proposed adverse impacts on similar
9 projects and businesses, as well as municipalities within the
10 projected market area, and draw conclusions about the net
11 effect of the proposed STAR bond project on the local,
12 regional, and State economies. A copy of the economic impact
13 study shall be provided to the Director for review.

14 "Eligible area" means any improved or vacant area that (i)
15 is contiguous and is not, in the aggregate, less than 250 acres
16 nor more than 500 acres which must include only parcels of real
17 property directly and substantially benefited by the proposed
18 STAR bond district plan, (ii) is adjacent to a federal
19 interstate highway, (iii) is within one mile of 2 State
20 highways, (iv) is within one mile of an entertainment user, or
21 a major or minor league sports stadium or other similar
22 entertainment venue that had an initial capital investment of
23 at least \$20,000,000, and (v) includes land that was previously
24 surface or strip mined. The area may be bisected by streets,
25 highways, roads, alleys, railways, bike paths, streams,
26 rivers, and other waterways and still be deemed contiguous. In

1 addition, in order to constitute an eligible area one of the
2 following requirements must be satisfied and all of which are
3 subject to the review and approval of the Director as provided
4 in subsection (d) of Section 15:

5 (a) the governing body of the political subdivision
6 shall have determined that the area meets the requirements
7 of a "blighted area" as defined under the Tax Increment
8 Allocation Redevelopment Act; or

9 (b) the governing body of the political subdivision
10 shall have determined that the area is a blighted area as
11 determined under the provisions of Section 11-74.3-5 of the
12 Illinois Municipal Code; or

13 (c) the governing body of the political subdivision
14 shall make the following findings:

15 (i) that the vacant portions of the area have
16 remained vacant for at least one year, or that any
17 building located on a vacant portion of the property
18 was demolished within the last year and that the
19 building would have qualified under item (ii) of this
20 subsection;

21 (ii) if portions of the area are currently
22 developed, that the use, condition, and character of
23 the buildings on the property are not consistent with
24 the purposes set forth in Section 5;

25 (iii) that the STAR bond district is expected to
26 create or retain job opportunities within the

1 political subdivision;

2 (iv) that the STAR bond district will serve to
3 further the development of adjacent areas;

4 (v) that without the availability of STAR bonds,
5 the projects described in the STAR bond district plan
6 would not be possible;

7 (vi) that the master developer meets high
8 standards of creditworthiness and financial strength
9 as demonstrated by one or more of the following: (i)
10 corporate debenture ratings of BBB or higher by
11 Standard & Poor's Corporation or Baa or higher by
12 Moody's Investors Service, Inc.; (ii) a letter from a
13 financial institution with assets of \$10,000,000 or
14 more attesting to the financial strength of the master
15 developer; or (iii) specific evidence of equity
16 financing for not less than 10% of the estimated total
17 STAR bond project costs;

18 (vii) that the STAR bond district will strengthen
19 the commercial sector of the political subdivision;

20 (viii) that the STAR bond district will enhance the
21 tax base of the political subdivision; and

22 (ix) that the formation of a STAR bond district is
23 in the best interest of the political subdivision.

24 "Entertainment user" means an owner, operator, licensee,
25 co-developer, subdeveloper, or tenant that operates a business
26 within a STAR bond district that has a primary use of providing

1 a venue for entertainment attractions, rides, or other
2 activities oriented toward the entertainment and amusement of
3 its patrons, occupies at least 20 acres of land in the STAR
4 bond district, and makes an initial capital investment,
5 including project costs and other direct and indirect costs, of
6 not less than \$25,000,000 for that venue.

7 "Feasibility study" means a feasibility study as defined in
8 subsection (b) of Section 20.

9 "Infrastructure" means the public improvements and private
10 improvements that serve the public purposes set forth in
11 Section 5 of this Act and that benefit the STAR bond district
12 or any STAR bond projects, including, but not limited to,
13 streets, drives and driveways, traffic and directional signs
14 and signals, parking lots and parking facilities,
15 interchanges, highways, sidewalks, bridges, underpasses and
16 overpasses, bike and walking trails, sanitary storm sewers and
17 lift stations, drainage conduits, channels, levees, canals,
18 storm water detention and retention facilities, utilities and
19 utility connections, water mains and extensions, and street and
20 parking lot lighting and connections.

21 "Local sales taxes" means any locally imposed taxes
22 received by a municipality, county, or other local governmental
23 entity arising from sales by retailers and servicemen within a
24 STAR bond district, including business district sales taxes and
25 STAR bond occupation taxes, and that portion of the net revenue
26 realized under the Retailers' Occupation Tax Act, the Use Tax

1 Act, the Service Use Tax Act, and the Service Occupation Tax
2 Act from transactions at places of business located within a
3 STAR bond district that is deposited into the Local Government
4 Tax Fund and the County and Mass Transit District Fund. For the
5 purpose of this Act, "local sales taxes" does not include (i)
6 any taxes authorized pursuant to the Local Mass Transit
7 District Act or the Metro-East Park and Recreation District Act
8 for so long as the applicable taxing district does not impose a
9 tax on real property, (ii) county school facility occupation
10 taxes imposed pursuant to Section 5-1006.7 of the Counties
11 Code, or (iii) any taxes authorized under the Flood Prevention
12 District Act.

13 "Local sales tax increment" means, with respect to local
14 sales taxes administered by the Illinois Department of Revenue,
15 (i) all of the local sales tax paid by destination users,
16 destination hotels, and entertainment users that is in excess
17 of the local sales tax paid by destination users, destination
18 hotels, and entertainment users for the same month in the base
19 year, as determined by the Illinois Department of Revenue, (ii)
20 in the case of a municipality forming a STAR bond district that
21 is wholly within the corporate boundaries of the municipality
22 and in the case of a municipality and county forming a STAR
23 bond district that is only partially within such municipality,
24 that portion of the local sales tax paid by taxpayers that are
25 not destination users, destination hotels, or entertainment
26 users that is in excess of the local sales tax paid by

1 taxpayers that are not destination users, destination hotels,
2 or entertainment users for the same month in the base year, as
3 determined by the Illinois Department of Revenue, and (iii) in
4 the case of a county in which a STAR bond district is formed
5 that is wholly within a municipality, that portion of the local
6 sales tax paid by taxpayers that are not destination users,
7 destination hotels, or entertainment users that is in excess of
8 the local sales tax paid by taxpayers that are not destination
9 users, destination hotels, or entertainment users for the same
10 month in the base year, as determined by the Illinois
11 Department of Revenue, but only if the corporate authorities of
12 the county adopts an ordinance, and files a copy with the
13 Department within the same time frames as required for STAR
14 bond occupation taxes under Section 31, that designates the
15 taxes referenced in this clause (iii) as part of the local
16 sales tax increment under this Act. "Local sales tax increment"
17 means, with respect to local sales taxes administered by a
18 municipality, county, or other unit of local government, that
19 portion of the local sales tax that is in excess of the local
20 sales tax for the same month in the base year, as determined by
21 the respective municipality, county, or other unit of local
22 government. If any portion of local sales taxes are, at the
23 time of formation of a STAR bond district, already subject to
24 tax increment financing under the Tax Increment Allocation
25 Redevelopment Act, then the local sales tax increment for such
26 portion shall be frozen at the base year established in

1 accordance with this Act, and all future incremental increases
2 shall be included in the "local sales tax increment" under this
3 Act. Any party otherwise entitled to receipt of incremental
4 local sales tax revenues through an existing tax increment
5 financing district shall be entitled to continue to receive
6 such revenues up to the amount frozen in the base year. Nothing
7 in this Act shall affect the prior qualification of existing
8 redevelopment project costs incurred that are eligible for
9 reimbursement under the Tax Increment Allocation Redevelopment
10 Act. In such event, prior to approving a STAR bond district,
11 the political subdivision forming the STAR bond district shall
12 take such action as is necessary, including amending the
13 existing tax increment financing district redevelopment plan,
14 to carry out the provisions of this Act. The Illinois
15 Department of Revenue shall allocate the local sales tax
16 increment only if the local sales tax is administered by the
17 Department.

18 "Market study" means a study to determine the ability of
19 the proposed STAR bond project to gain market share locally and
20 regionally and to remain profitable past the term of repayment
21 of STAR bonds.

22 "Master developer" means a developer cooperating with a
23 political subdivision to plan, develop, and implement a STAR
24 bond project plan for a STAR bond district. Subject to the
25 limitations of Section 25, the master developer may work with
26 and transfer certain development rights to other developers for

1 the purpose of implementing STAR bond project plans and
2 achieving the purposes of this Act. A master developer for a
3 STAR bond district shall be appointed by a political
4 subdivision in the resolution establishing the STAR bond
5 district, and the master developer must, at the time of
6 appointment, own or have control of, through purchase
7 agreements, option contracts, or other means, not less than 50%
8 of the acreage within the STAR bond district and the master
9 developer or its affiliate must have ownership or control on
10 June 1, 2010.

11 "Master development agreement" means an agreement between
12 the master developer and the political subdivision to govern a
13 STAR bond district and any STAR bond projects.

14 "Municipality" means the city, village, or incorporated
15 town in which a proposed STAR bond district is located.

16 "Pledged STAR revenues" means those sales tax and revenues
17 and other sources of funds pledged to pay debt service on STAR
18 bonds or to pay project costs pursuant to Section 30.
19 Notwithstanding any provision to the contrary, the following
20 revenues shall not constitute pledged STAR revenues or be
21 available to pay principal and interest on STAR bonds: any
22 State sales tax increment or local sales tax increment from a
23 retail entity initiating operations in a STAR bond district
24 while terminating operations at another Illinois location
25 within 25 miles of the STAR bond district. For purposes of this
26 paragraph, "terminating operations" means a closing of a retail

1 operation that is directly related to the opening of the same
2 operation or like retail entity owned or operated by more than
3 50% of the original ownership in a STAR bond district within
4 one year before or after initiating operations in the STAR bond
5 district, but it does not mean closing an operation for reasons
6 beyond the control of the retail entity, as documented by the
7 retail entity, subject to a reasonable finding by the
8 municipality (or county if such retail operation is not located
9 within a municipality) in which the terminated operations were
10 located that the closed location contained inadequate space,
11 had become economically obsolete, or was no longer a viable
12 location for the retailer or serviceman.

13 "Political subdivision" means a municipality or county
14 which undertakes to establish a STAR bond district pursuant to
15 the provisions of this Act.

16 "Project costs" means and includes the sum total of all
17 costs incurred or estimated to be incurred on or following the
18 date of establishment of a STAR bond district that are
19 reasonable or necessary to implement a STAR bond district plan
20 or any STAR bond project plans, or both, including costs
21 incurred for public improvements and private improvements that
22 serve the public purposes set forth in Section 5 of this Act.
23 Such costs include without limitation the following:

24 (a) costs of studies, surveys, development of plans and
25 specifications, formation, implementation, and
26 administration of a STAR bond district, STAR bond district

1 plan, any STAR bond projects, or any STAR bond project
2 plans, including, but not limited to, staff and
3 professional service costs for architectural, engineering,
4 legal, financial, planning, or other services, provided
5 however that no charges for professional services may be
6 based on a percentage of the tax increment collected and no
7 contracts for professional services, excluding
8 architectural and engineering services, may be entered
9 into if the terms of the contract extend beyond a period of
10 3 years;

11 (b) property assembly costs, including, but not
12 limited to, acquisition of land and other real property or
13 rights or interests therein, located within the boundaries
14 of a STAR bond district, demolition of buildings, site
15 preparation, site improvements that serve as an engineered
16 barrier addressing ground level or below ground
17 environmental contamination, including, but not limited
18 to, parking lots and other concrete or asphalt barriers,
19 the clearing and grading of land, and importing additional
20 soil and fill materials, or removal of soil and fill
21 materials from the site;

22 (c) subject to paragraph (d), costs of buildings and
23 other vertical improvements that are located within the
24 boundaries of a STAR bond district and owned by a political
25 subdivision or other public entity, including without
26 limitation police and fire stations, educational

1 facilities, and public restrooms and rest areas;

2 (c-1) costs of buildings and other vertical
3 improvements that are located within the boundaries of a
4 STAR bond district and owned by a destination user or
5 destination hotel; except that only 2 destination users in
6 a STAR bond district and one destination hotel are eligible
7 to include the cost of those vertical improvements as
8 project costs;

9 (c-5) costs of buildings; rides and attractions, which
10 include carousels, slides, roller coasters, displays,
11 models, towers, works of art, and similar theme and
12 amusement park improvements; and other vertical
13 improvements that are located within the boundaries of a
14 STAR bond district and owned by an entertainment user;
15 except that only one entertainment user in a STAR bond
16 district is eligible to include the cost of those vertical
17 improvements as project costs;

18 (d) costs of the design and construction of
19 infrastructure and public works located within the
20 boundaries of a STAR bond district that are reasonable or
21 necessary to implement a STAR bond district plan or any
22 STAR bond project plans, or both, except that project costs
23 shall not include the cost of constructing a new municipal
24 public building principally used to provide offices,
25 storage space, or conference facilities or vehicle
26 storage, maintenance, or repair for administrative, public

1 safety, or public works personnel and that is not intended
2 to replace an existing public building unless the political
3 subdivision makes a reasonable determination in a STAR bond
4 district plan or any STAR bond project plans, supported by
5 information that provides the basis for that
6 determination, that the new municipal building is required
7 to meet an increase in the need for public safety purposes
8 anticipated to result from the implementation of the STAR
9 bond district plan or any STAR bond project plans;

10 (e) costs of the design and construction of the
11 following improvements located outside the boundaries of a
12 STAR bond district, provided that the costs are essential
13 to further the purpose and development of a STAR bond
14 district plan and either (i) part of and connected to
15 sewer, water, or utility service lines that physically
16 connect to the STAR bond district or (ii) significant
17 improvements for adjacent offsite highways, streets,
18 roadways, and interchanges that are approved by the
19 Illinois Department of Transportation. No other cost of
20 infrastructure and public works improvements located
21 outside the boundaries of a STAR bond district may be
22 deemed project costs;

23 (f) costs of job training and retraining projects,
24 including the cost of "welfare to work" programs
25 implemented by businesses located within a STAR bond
26 district;

1 (g) 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 improvements in a STAR bond district or any STAR bond
7 projects for which such obligations are issued and for not
8 exceeding 36 months thereafter and including reasonable
9 reserves related thereto;

10 (h) to the extent the political subdivision by written
11 agreement accepts and approves the same, all or a portion
12 of a taxing district's capital costs resulting from a STAR
13 bond district or STAR bond projects necessarily incurred or
14 to be incurred within a taxing district in furtherance of
15 the objectives of a STAR bond district plan or STAR bond
16 project plans;

17 (i) interest cost incurred by a developer for project
18 costs related to the acquisition, formation,
19 implementation, development, construction, and
20 administration of a STAR bond district, STAR bond district
21 plan, STAR bond projects, or any STAR bond project plans
22 provided that:

23 (i) payment of such costs in any one year may not
24 exceed 30% of the annual interest costs incurred by the
25 developer with regard to the STAR bond district or any
26 STAR bond projects during that year; and

1 (ii) the total of such interest payments paid
2 pursuant to this Act may not exceed 30% of the total
3 cost paid or incurred by the developer for a STAR bond
4 district or STAR bond projects, plus project costs,
5 excluding any property assembly costs incurred by a
6 political subdivision pursuant to this Act;

7 (j) costs of common areas located within the boundaries
8 of a STAR bond district;

9 (k) costs of landscaping and plantings, retaining
10 walls and fences, man-made lakes and ponds, shelters,
11 benches, lighting, and similar amenities located within
12 the boundaries of a STAR bond district;

13 (l) costs of mounted building signs, site monument, and
14 pylon signs located within the boundaries of a STAR bond
15 district; or

16 (m) if included in the STAR bond district plan and
17 approved in writing by the Director, salaries or a portion
18 of salaries for local government employees to the extent
19 the same are directly attributable to the work of such
20 employees on the establishment and management of a STAR
21 bond district or any STAR bond projects.

22 Except as specified in items (a) through (m), "project
23 costs" shall not include:

24 (i) the cost of construction of buildings that are
25 privately owned or owned by a municipality and leased to a
26 developer or retail user for non-entertainment retail

1 uses;

2 (ii) moving expenses for employees of the businesses
3 locating within the STAR bond district;

4 (iii) property taxes for property located in the STAR
5 bond district;

6 (iv) lobbying costs; and

7 (v) general overhead or administrative costs of the
8 political subdivision that would still have been incurred
9 by the political subdivision if the political subdivision
10 had not established a STAR bond district.

11 "Project development agreement" means any one or more
12 agreements, including any amendments thereto, between a master
13 developer and any co-developer or subdeveloper in connection
14 with a STAR bond project, which project development agreement
15 may include the political subdivision as a party.

16 "Projected market area" means any area within the State in
17 which a STAR bond district or STAR bond project is projected to
18 have a significant fiscal or market impact as determined by the
19 Director.

20 "Resolution" means a resolution, order, ordinance, or
21 other appropriate form of legislative action of a political
22 subdivision or other applicable public entity approved by a
23 vote of a majority of a quorum at a meeting of the governing
24 body of the political subdivision or applicable public entity.

25 "STAR bond" means a sales tax and revenue bond, note, or
26 other obligation payable from pledged STAR revenues and issued

1 by a political subdivision, the proceeds of which shall be used
2 only to pay project costs as defined in this Act.

3 "STAR bond district" means the specific area declared to be
4 an eligible area as determined by the political subdivision,
5 and approved by the Director, in which the political
6 subdivision may develop one or more STAR bond projects.

7 "STAR bond district plan" means the preliminary or
8 conceptual plan that generally identifies the proposed STAR
9 bond project areas and identifies in a general manner the
10 buildings, facilities, and improvements to be constructed or
11 improved in each STAR bond project area.

12 "STAR bond project" means a project within a STAR bond
13 district which is approved pursuant to Section 20.

14 "STAR bond project area" means the geographic area within a
15 STAR bond district in which there may be one or more STAR bond
16 projects.

17 "STAR bond project plan" means the written plan adopted by
18 a political subdivision for the development of a STAR bond
19 project in a STAR bond district; the plan may include, but is
20 not limited to, (i) project costs incurred prior to the date of
21 the STAR bond project plan and estimated future STAR bond
22 project costs, (ii) proposed sources of funds to pay those
23 costs, (iii) the nature and estimated term of any obligations
24 to be issued by the political subdivision to pay those costs,
25 (iv) the most recent equalized assessed valuation of the STAR
26 bond project area, (v) an estimate of the equalized assessed

1 valuation of the STAR bond district or applicable project area
2 after completion of a STAR bond project, (vi) a general
3 description of the types of any known or proposed developers,
4 users, or tenants of the STAR bond project or projects included
5 in the plan, (vii) a general description of the type,
6 structure, and character of the property or facilities to be
7 developed or improved, (viii) a description of the general land
8 uses to apply to the STAR bond project, and (ix) a general
9 description or an estimate of the type, class, and number of
10 employees to be employed in the operation of the STAR bond
11 project.

12 "State sales tax" means all of the net revenue realized
13 under the Retailers' Occupation Tax Act, the Use Tax Act, the
14 Service Use Tax Act, and the Service Occupation Tax Act from
15 transactions at places of business located within a STAR bond
16 district, excluding that portion of the net revenue realized
17 under the Retailers' Occupation Tax Act, the Use Tax Act, the
18 Service Use Tax Act, and the Service Occupation Tax Act from
19 transactions at places of business located within a STAR bond
20 district that is deposited into the Local Government Tax Fund
21 and the County and Mass Transit District Fund.

22 "State sales tax increment" means (i) 100% of that portion
23 of the State sales tax that is in excess of the State sales tax
24 for the same month in the base year, as determined by the
25 Department of Revenue, from transactions at up to 2 destination
26 users, one destination hotel, and one entertainment user

1 located within a STAR bond district, which destination users,
2 destination hotel, and entertainment user shall be designated
3 by the master developer and approved by the political
4 subdivision and the Director in conjunction with the applicable
5 STAR bond project approval, and (ii) 25% of that portion of the
6 State sales tax that is in excess of the State sales tax for
7 the same month in the base year, as determined by the
8 Department of Revenue, from all other transactions within a
9 STAR bond district. If any portion of State sales taxes are, at
10 the time of formation of a STAR bond district, already subject
11 to tax increment financing under the Tax Increment Allocation
12 Redevelopment Act, then the State sales tax increment for such
13 portion shall be frozen at the base year established in
14 accordance with this Act, and all future incremental increases
15 shall be included in the State sales tax increment under this
16 Act. Any party otherwise entitled to receipt of incremental
17 State sales tax revenues through an existing tax increment
18 financing district shall be entitled to continue to receive
19 such revenues up to the amount frozen in the base year. Nothing
20 in this Act shall affect the prior qualification of existing
21 redevelopment project costs incurred that are eligible for
22 reimbursement under the Tax Increment Allocation Redevelopment
23 Act. In such event, prior to approving a STAR bond district,
24 the political subdivision forming the STAR bond district shall
25 take such action as is necessary, including amending the
26 existing tax increment financing district redevelopment plan,

1 to carry out the provisions of this Act.

2 "Substantial change" means a change wherein the proposed
3 STAR bond project plan differs substantially in size, scope, or
4 use from the approved STAR bond district plan or STAR bond
5 project plan.

6 "Taxpayer" means an individual, partnership, corporation,
7 limited liability company, trust, estate, or other entity that
8 is subject to the Illinois Income Tax Act.

9 "Total development costs" means the aggregate public and
10 private investment in a STAR bond district, including project
11 costs and other direct and indirect costs related to the
12 development of the STAR bond district.

13 "Traditional retail use" means the operation of a business
14 that derives at least 90% of its annual gross revenue from
15 sales at retail, as that phrase is defined by Section 1 of the
16 Retailers' Occupation Tax Act, but does not include the
17 operations of destination users, entertainment users,
18 restaurants, hotels, retail uses within hotels, or any other
19 non-retail uses.

20 "Vacant" means that portion of the land in a proposed STAR
21 bond district that is not occupied by a building, facility, or
22 other vertical improvement.

23 (Source: P.A. 96-939, eff. 6-24-10; 97-188, eff. 7-22-11;
24 revised 10-16-15.)

25 (50 ILCS 470/40)

1 Sec. 40. Amendments to STAR bond district. Any addition of
2 real property to a STAR bond district or any substantial change
3 to a STAR bond district plan shall be subject to the same
4 procedure for public notice, hearing, and approval as is
5 required for the establishment of the STAR bond district
6 pursuant to this Act.

7 (a) The addition or removal of land to or from a STAR bond
8 district shall require the consent of the master developer of
9 the STAR bond district.

10 (b) Any land that is outside of, but is contiguous to an
11 established STAR bond district and is subsequently owned,
12 leased, or controlled by the master developer shall be added to
13 a STAR bond district at the request of the master developer and
14 by approval of the political subdivision, provided that the
15 land becomes a part of a STAR bond project area.

16 (c) If a political subdivision has undertaken a STAR bond
17 project within a STAR bond district, and the political
18 subdivision desires to subsequently remove more than a de
19 minimis ~~minimus~~ amount of real property from the STAR bond
20 district, then prior to any removal of property the political
21 subdivision must provide a revised feasibility study showing
22 that the pledged STAR revenues from the resulting STAR bond
23 district within which the STAR bond project is located are
24 estimated to be sufficient to pay the project costs. If the
25 revenue from the resulting STAR bond district is insufficient
26 to pay the project costs, then the property may not be removed

1 from the STAR bond district. Any removal of real property from
2 a STAR bond district shall be approved by a resolution of the
3 governing body of the political subdivision.

4 (Source: P.A. 96-939, eff. 6-24-10; revised 10-16-15.)

5 Section 190. The Illinois Police Training Act is amended by
6 changing Section 7 and by setting forth and renumbering
7 multiple versions of Section 10.17 as follows:

8 (50 ILCS 705/7) (from Ch. 85, par. 507)

9 Sec. 7. Rules and standards for schools. The Board shall
10 adopt rules and minimum standards for such schools which shall
11 include but not be limited to the following:

12 a. The curriculum for probationary police officers which
13 shall be offered by all certified schools shall include but not
14 be limited to courses of procedural justice, arrest and use and
15 control tactics, search and seizure, including temporary
16 questioning, civil rights, human rights, human relations,
17 cultural competency, including implicit bias and racial and
18 ethnic sensitivity, criminal law, law of criminal procedure,
19 constitutional and proper use of law enforcement authority,
20 vehicle and traffic law including uniform and
21 non-discriminatory enforcement of the Illinois Vehicle Code,
22 traffic control and accident investigation, techniques of
23 obtaining physical evidence, court testimonies, statements,
24 reports, firearms training, training in the use of electronic

1 control devices, including the psychological and physiological
2 effects of the use of those devices on humans, first-aid
3 (including cardiopulmonary resuscitation), training in the
4 administration of opioid antagonists as defined in paragraph
5 (1) of subsection (e) of Section 5-23 of the Alcoholism and
6 Other Drug Abuse and Dependency Act, handling of juvenile
7 offenders, recognition of mental conditions, including, but
8 not limited to, the disease of addiction, which require
9 immediate assistance and methods to safeguard and provide
10 assistance to a person in need of mental treatment, recognition
11 of abuse, neglect, financial exploitation, and self-neglect of
12 adults with disabilities and older adults, as defined in
13 Section 2 of the Adult Protective Services Act, crimes against
14 the elderly, law of evidence, the hazards of high-speed police
15 vehicle chases with an emphasis on alternatives to the
16 high-speed chase, and physical training. The curriculum shall
17 include specific training in techniques for immediate response
18 to and investigation of cases of domestic violence and of
19 sexual assault of adults and children, including cultural
20 perceptions and common myths of rape as well as interview
21 techniques that are trauma informed, victim centered, and
22 victim sensitive. The curriculum shall include training in
23 techniques designed to promote effective communication at the
24 initial contact with crime victims and ways to comprehensively
25 explain to victims and witnesses their rights under the Rights
26 of Crime Victims and Witnesses Act and the Crime Victims

1 Compensation Act. The curriculum shall also include a block of
2 instruction aimed at identifying and interacting with persons
3 with autism and other developmental or physical disabilities,
4 reducing barriers to reporting crimes against persons with
5 autism, and addressing the unique challenges presented by cases
6 involving victims or witnesses with autism and other
7 developmental disabilities. The curriculum for permanent
8 police officers shall include but not be limited to (1)
9 refresher and in-service training in any of the courses listed
10 above in this subparagraph, (2) advanced courses in any of the
11 subjects listed above in this subparagraph, (3) training for
12 supervisory personnel, and (4) specialized training in
13 subjects and fields to be selected by the board. The training
14 in the use of electronic control devices shall be conducted for
15 probationary police officers, including University police
16 officers.

17 b. Minimum courses of study, attendance requirements and
18 equipment requirements.

19 c. Minimum requirements for instructors.

20 d. Minimum basic training requirements, which a
21 probationary police officer must satisfactorily complete
22 before being eligible for permanent employment as a local law
23 enforcement officer for a participating local governmental
24 agency. Those requirements shall include training in first aid
25 (including cardiopulmonary resuscitation).

26 e. Minimum basic training requirements, which a

1 probationary county corrections officer must satisfactorily
2 complete before being eligible for permanent employment as a
3 county corrections officer for a participating local
4 governmental agency.

5 f. Minimum basic training requirements which a
6 probationary court security officer must satisfactorily
7 complete before being eligible for permanent employment as a
8 court security officer for a participating local governmental
9 agency. The Board shall establish those training requirements
10 which it considers appropriate for court security officers and
11 shall certify schools to conduct that training.

12 A person hired to serve as a court security officer must
13 obtain from the Board a certificate (i) attesting to his or her
14 successful completion of the training course; (ii) attesting to
15 his or her satisfactory completion of a training program of
16 similar content and number of hours that has been found
17 acceptable by the Board under the provisions of this Act; or
18 (iii) attesting to the Board's determination that the training
19 course is unnecessary because of the person's extensive prior
20 law enforcement experience.

21 Individuals who currently serve as court security officers
22 shall be deemed qualified to continue to serve in that capacity
23 so long as they are certified as provided by this Act within 24
24 months of June 1, 1997 (the effective date of Public Act
25 89-685) ~~this amendatory Act of 1996~~. Failure to be so
26 certified, absent a waiver from the Board, shall cause the

1 officer to forfeit his or her position.

2 All individuals hired as court security officers on or
3 after the effective date of this amendatory Act of 1996 shall
4 be certified within 12 months of the date of their hire, unless
5 a waiver has been obtained by the Board, or they shall forfeit
6 their positions.

7 The Sheriff's Merit Commission, if one exists, or the
8 Sheriff's Office if there is no Sheriff's Merit Commission,
9 shall maintain a list of all individuals who have filed
10 applications to become court security officers and who meet the
11 eligibility requirements established under this Act. Either
12 the Sheriff's Merit Commission, or the Sheriff's Office if no
13 Sheriff's Merit Commission exists, shall establish a schedule
14 of reasonable intervals for verification of the applicants'
15 qualifications under this Act and as established by the Board.

16 g. Minimum in-service training requirements, which a
17 police officer must satisfactorily complete every 3 years.
18 Those requirements shall include constitutional and proper use
19 of law enforcement authority, procedural justice, civil
20 rights, human rights, and cultural competency.

21 h. Minimum in-service training requirements, which a
22 police officer must satisfactorily complete at least annually.
23 Those requirements shall include law updates and use of force
24 training which shall include scenario based training, or
25 similar training approved by the Board.

26 (Source: P.A. 98-49, eff. 7-1-13; 98-358, eff. 1-1-14; 98-463,

1 eff. 8-16-13; 98-756, eff. 7-16-14; 99-352, eff. 1-1-16;
2 99-480, eff. 9-9-15; revised 10-20-15.)

3 (50 ILCS 705/10.17)

4 Sec. 10.17. Crisis intervention team training. The
5 Illinois Law Enforcement Training and Standards Board shall
6 develop and approve a standard curriculum for a certified
7 training program in crisis intervention addressing specialized
8 policing responses to people with mental illnesses. The Board
9 shall conduct Crisis Intervention Team (CIT) training programs
10 that train officers to identify signs and symptoms of mental
11 illness, to de-escalate situations involving individuals who
12 appear to have a mental illness, and connect that person in
13 crisis to treatment. Officers who have successfully completed
14 this program shall be issued a certificate attesting to their
15 attendance of a Crisis Intervention Team (CIT) training
16 program.

17 (Source: P.A. 99-261, eff. 1-1-16.)

18 (50 ILCS 705/10.18)

19 Sec. 10.18 ~~10.17~~. Training; administration of opioid
20 antagonists. The Board shall conduct or approve an in-service
21 training program for police officers in the administration of
22 opioid antagonists as defined in paragraph (1) of subsection
23 (e) of Section 5-23 of the Alcoholism and Other Drug Abuse and
24 Dependency Act that is in accordance with that Section. As used

1 in this Section ~~10-17~~, the term "police officers" includes
2 full-time or part-time probationary police officers, permanent
3 or part-time police officers, law enforcement officers,
4 recruits, permanent or probationary county corrections
5 officers, permanent or probationary county security officers,
6 and court security officers. The term does not include
7 auxiliary police officers as defined in Section 3.1-30-20 of
8 the Illinois Municipal Code.

9 (Source: P.A. 99-480, eff. 9-9-15; revised 10-19-15.)

10 Section 195. The Law Enforcement Officer-Worn Body Camera
11 Act is amended by changing Sections 10-10 and 10-20 as follows:

12 (50 ILCS 706/10-10)

13 Sec. 10-10. Definitions. As used in ~~is~~ this Act:

14 "Badge" means an officer's department issued
15 identification number associated with his or her position as a
16 police officer with that department.

17 "Board" means the Illinois Law Enforcement Training
18 Standards Board created by the Illinois Police Training Act.

19 "Business offense" means a petty offense for which the fine
20 is in excess of \$1,000.

21 "Community caretaking function" means a task undertaken by
22 a law enforcement officer in which the officer is performing an
23 articulable act unrelated to the investigation of a crime.

24 "Community caretaking function" includes, but is not limited

1 to, participating in town halls or other community outreach,
2 helping a child find his or her parents, providing death
3 notifications, and performing in-home or hospital well-being
4 checks on the sick, elderly, or persons presumed missing.

5 "Fund" means the Law Enforcement Camera Grant Fund.

6 "In uniform" means a law enforcement officer who is wearing
7 any officially authorized uniform designated by a law
8 enforcement agency, or a law enforcement officer who is visibly
9 wearing articles of clothing, a badge, tactical gear, gun belt,
10 a patch, or other insignia that he or she is a law enforcement
11 officer acting in the course of his or her duties.

12 "Law enforcement officer" or "officer" means any person
13 employed by a State, county, municipality, special district,
14 college, unit of government, or any other entity authorized by
15 law to employ peace officers or exercise police authority and
16 who is primarily responsible for the prevention or detection of
17 crime and the enforcement of the laws of this State.

18 "Law enforcement agency" means all State agencies with law
19 enforcement officers, county sheriff's offices, municipal,
20 special district, college, or unit of local government police
21 departments.

22 "Law enforcement-related encounters or activities"
23 include, but are not limited to, traffic stops, pedestrian
24 stops, arrests, searches, interrogations, investigations,
25 pursuits, crowd control, traffic control, non-community
26 caretaking interactions with an individual while on patrol, or

1 any other instance in which the officer is enforcing the laws
2 of the municipality, county, or State. "Law
3 enforcement-related encounter or activities" does not include
4 when the officer is completing paperwork alone or only in the
5 presence of another law enforcement officer.

6 "Minor traffic offense" means a petty offense, business
7 offense, or Class C misdemeanor under the Illinois Vehicle Code
8 or a similar provision of a municipal or local ordinance.

9 "Officer-worn body camera" means an electronic camera
10 system for creating, generating, sending, receiving, storing,
11 displaying, and processing audiovisual recordings that may be
12 worn about the person of a law enforcement officer.

13 "Peace officer" has the meaning provided in Section 2-13 of
14 the Criminal Code of 2012.

15 "Petty offense" means any offense for which a sentence of
16 imprisonment is not an authorized disposition.

17 "Recording" means the process of capturing data or
18 information stored on a recording medium as required under this
19 Act.

20 "Recording medium" means any recording medium authorized
21 by the Board for the retention and playback of recorded audio
22 and video including, but not limited to, VHS, DVD, hard drive,
23 cloud storage, solid state, digital, flash memory technology,
24 or any other electronic medium.

25 (Source: P.A. 99-352, eff. 1-1-16; revised 10-20-15.)

1 (50 ILCS 706/10-20)

2 Sec. 10-20. Requirements.

3 (a) The Board shall develop basic guidelines for the use of
4 officer-worn body cameras by law enforcement agencies. The
5 guidelines developed by the Board shall be the basis for the
6 written policy which must be adopted by each law enforcement
7 agency which employs the use of officer-worn body cameras. The
8 written policy adopted by the law enforcement agency must
9 include, at a minimum, all of the following:

10 (1) Cameras must be equipped with pre-event recording,
11 capable of recording at least the 30 seconds prior to
12 camera activation, unless the officer-worn body camera was
13 purchased and acquired by the law enforcement agency prior
14 to July 1, 2015.

15 (2) Cameras must be capable of recording for a period
16 of 10 hours or more, unless the officer-worn body camera
17 was purchased and acquired by the law enforcement agency
18 prior to July 1, 2015.

19 (3) Cameras must be turned on at all times when the
20 officer is in uniform and is responding to calls for
21 service or engaged in any law enforcement-related
22 encounter or activity, that occurs while the officer is on
23 duty ~~on-duty~~.

24 (A) If exigent circumstances exist which prevent
25 the camera from being turned on, the camera must be
26 turned on as soon as practicable.

1 (B) Officer-worn body cameras may be turned off
2 when the officer is inside of a patrol car which is
3 equipped with a functioning in-car camera; however,
4 the officer must turn on the camera upon exiting the
5 patrol vehicle for law enforcement-related encounters.

6 (4) Cameras must be turned off when:

7 (A) the victim of a crime requests that the camera
8 be turned off, and unless impractical or impossible,
9 that request is made on the recording;

10 (B) a witness of a crime or a community member who
11 wishes to report a crime requests that the camera be
12 turned off, and unless impractical or impossible that
13 request is made on the recording; or

14 (C) the officer is interacting with a confidential
15 informant used by the law enforcement agency.

16 However, an officer may continue to record or resume
17 recording a victim or a witness, if exigent circumstances
18 exist, or if the officer has reasonable articulable
19 suspicion that a victim or witness, or confidential
20 informant has committed or is in the process of committing
21 a crime. Under these circumstances, and unless impractical
22 or impossible, the officer must indicate on the recording
23 the reason for continuing to record despite the request of
24 the victim or witness.

25 (4.5) Cameras may be turned off when the officer is
26 engaged in community caretaking functions. However, the

1 camera must be turned on when the officer has reason to
2 believe that the person on whose behalf the officer is
3 performing a community caretaking function has committed
4 or is in the process of committing a crime. If exigent
5 circumstances exist which prevent the camera from being
6 turned on, the camera must be turned on as soon as
7 practicable.

8 (5) The officer must provide notice of recording to any
9 person if the person has a reasonable expectation of
10 privacy and proof of notice must be evident in the
11 recording. If exigent circumstances exist which prevent
12 the officer from providing notice, notice must be provided
13 as soon as practicable.

14 (6) For the purposes of redaction, labeling, or
15 duplicating recordings, access to camera recordings shall
16 be restricted to only those personnel responsible for those
17 purposes. The recording officer and his or her supervisor
18 may access and review recordings prior to completing
19 incident reports or other documentation, provided that the
20 officer or his or her supervisor discloses that fact in the
21 report or documentation.

22 (7) Recordings made on officer-worn cameras must be
23 retained by the law enforcement agency or by the camera
24 vendor used by the agency, on a recording medium for a
25 period of 90 days.

26 (A) Under no circumstances shall any recording

1 made with an officer-worn body camera be altered,
2 erased, or destroyed prior to the expiration of the
3 90-day storage period.

4 (B) Following the 90-day storage period, any and
5 all recordings made with an officer-worn body camera
6 must be destroyed, unless any encounter captured on the
7 recording has been flagged. An encounter is deemed to
8 be flagged when:

9 (i) a formal or informal complaint has been
10 filed;

11 (ii) the officer discharged his or her firearm
12 or used force during the encounter;

13 (iii) death or great bodily harm occurred to
14 any person in the recording;

15 (iv) the encounter resulted in a detention or
16 an arrest, excluding traffic stops which resulted
17 in only a minor traffic offense or business
18 offense;

19 (v) the officer is the subject of an internal
20 investigation or otherwise being investigated for
21 possible misconduct;

22 (vi) the supervisor of the officer,
23 prosecutor, defendant, or court determines that
24 the encounter has evidentiary value in a criminal
25 prosecution; or

26 (vii) the recording officer requests that the

1 video be flagged for official purposes related to
2 his or her official duties.

3 (C) Under no circumstances shall any recording
4 made with an officer-worn body camera relating to a
5 flagged encounter be altered or destroyed prior to 2
6 years after the recording was flagged. If the flagged
7 recording was used in a criminal, civil, or
8 administrative proceeding, the recording shall not be
9 destroyed except upon a final disposition and order
10 from the court.

11 (8) Following the 90-day storage period, recordings
12 may be retained if a supervisor at the law enforcement
13 agency designates the recording for training purposes. If
14 the recording is designated for training purposes, the
15 recordings may be viewed by officers, in the presence of a
16 supervisor or training instructor, for the purposes of
17 instruction, training, or ensuring compliance with agency
18 policies.

19 (9) Recordings shall not be used to discipline law
20 enforcement officers unless:

21 (A) a formal or informal complaint of misconduct
22 has been made;

23 (B) a use of force incident has occurred;

24 (C) the encounter on the recording could result in
25 a formal investigation under the Uniform Peace
26 Officers' Disciplinary Act; or

1 (D) as corroboration of other evidence of
2 misconduct.

3 Nothing in this paragraph (9) shall be construed to
4 limit or prohibit a law enforcement officer from being
5 subject to an action that does not amount to discipline.

6 (10) The law enforcement agency shall ensure proper
7 care and maintenance of officer-worn body cameras. Upon
8 becoming aware, officers must as soon as practical document
9 and notify the appropriate supervisor of any technical
10 difficulties, failures, or problems with the officer-worn
11 body camera or associated equipment. Upon receiving
12 notice, the appropriate supervisor shall make every
13 reasonable effort to correct and repair any of the
14 officer-worn body camera equipment.

15 (11) No officer may hinder or prohibit any person, not
16 a law enforcement officer, from recording a law enforcement
17 officer in the performance of his or her duties in a public
18 place or when the officer has no reasonable expectation of
19 privacy. The law enforcement agency's written policy shall
20 indicate the potential criminal penalties, as well as any
21 departmental discipline, which may result from unlawful
22 confiscation or destruction of the recording medium of a
23 person who is not a law enforcement officer. However, an
24 officer may take reasonable action to maintain safety and
25 control, secure crime scenes and accident sites, protect
26 the integrity and confidentiality of investigations, and

1 protect the public safety and order.

2 (b) Recordings made with the use of an officer-worn body
3 camera are not subject to disclosure under the Freedom of
4 Information Act, except that:

5 (1) if the subject of the encounter has a reasonable
6 expectation of privacy, at the time of the recording, any
7 recording which is flagged, due to the filing of a
8 complaint, discharge of a firearm, use of force, arrest or
9 detention, or resulting death or bodily harm, shall be
10 disclosed in accordance with the Freedom of Information Act
11 if:

12 (A) the subject of the encounter captured on the
13 recording is a victim or witness; and

14 (B) the law enforcement agency obtains written
15 permission of the subject or the subject's legal
16 representative;

17 (2) except as provided in paragraph (1) of this
18 subsection (b), any recording which is flagged due to the
19 filing of a complaint, discharge of a firearm, use of
20 force, arrest or detention, or resulting death or bodily
21 harm shall be disclosed in accordance with the Freedom of
22 Information Act; and

23 (3) upon request, the law enforcement agency shall
24 disclose, in accordance with the Freedom of Information
25 Act, the recording to the subject of the encounter captured
26 on the recording or to the subject's attorney, or the

1 officer or his or her legal representative.

2 For the purposes of paragraph (1) of this subsection (b),
3 the subject of the encounter does not have a reasonable
4 expectation of privacy if the subject was arrested as a result
5 of the encounter. For purposes of subparagraph (A) of paragraph
6 (1) of this subsection (b), "witness" does not include a person
7 who is a victim or who was arrested as a result of the
8 encounter.

9 Only recordings or portions of recordings responsive to the
10 request shall be available for inspection or reproduction. Any
11 recording disclosed under the Freedom of Information Act shall
12 be redacted to remove identification of any person that appears
13 on the recording and is not the officer, a subject of the
14 encounter, or directly involved in the encounter. Nothing in
15 this subsection (b) shall require the disclosure of any
16 recording or portion of any recording which would be exempt
17 from disclosure under the Freedom of Information Act.

18 (c) Nothing in this Section shall limit access to a camera
19 recording for the purposes of complying with Supreme Court
20 rules or the rules of evidence.

21 (Source: P.A. 99-352, eff. 1-1-16; revised 10-20-15.)

22 Section 200. The Emergency Telephone System Act is amended
23 by changing Section 75 as follows:

24 (50 ILCS 750/75)

1 (Section scheduled to be repealed on July 1, 2017)

2 Sec. 75. Transfer of rights, functions, powers, duties, and
3 property to Department of State Police; rules and standards;
4 savings provisions.

5 (a) On January 1, 2016, the rights, functions, powers, and
6 duties of the Illinois Commerce Commission as set forth in this
7 Act and the Wireless Emergency Telephone Safety Act existing
8 prior to January 1, 2016, are transferred to and shall be
9 exercised by the Department of State Police. On or before
10 January 1, 2016, the Commission shall transfer and deliver to
11 the Department all books, records, documents, property (real
12 and personal), unexpended appropriations, and pending business
13 pertaining to the rights, powers, duties, and functions
14 transferred to the Department under Public Act 99-6 ~~this~~
15 ~~amendatory Act of the 99th General Assembly.~~

16 (b) The rules and standards of the Commission that are in
17 effect on January 1, 2016 and that pertain to the rights,
18 powers, duties, and functions transferred to the Department
19 under Public Act 99-6 ~~this amendatory Act of the 99th General~~
20 ~~Assembly~~ shall become the rules and standards of the Department
21 on January 1, 2016, and shall continue in effect until amended
22 or repealed by the Department.

23 Any rules pertaining to the rights, powers, duties, and
24 functions transferred to the Department under Public Act 99-6
25 ~~this amendatory Act of the 99th General Assembly~~ that have been
26 proposed by the Commission but have not taken effect or been

1 finally adopted by January 1, 2016, shall become proposed rules
2 of the Department on January 1, 2016, and any rulemaking
3 procedures that have already been completed by the Commission
4 for those proposed rules need not be repealed.

5 As soon as it is practical after January 1, 2016, the
6 Department shall revise and clarify the rules transferred to it
7 under Public Act 99-6 ~~this amendatory Act of the 99th General~~
8 ~~Assembly~~ to reflect the transfer of rights, powers, duties, and
9 functions effected by Public Act 99-6 ~~this amendatory Act of~~
10 ~~the 99th General Assembly~~ using the procedures for
11 recodification of rules available under the Illinois
12 Administrative Procedure Act, except that existing title,
13 part, and section numbering for the affected rules may be
14 retained. The Department may propose and adopt under the
15 Illinois Administrative Procedure Act any other rules
16 necessary to consolidate and clarify those rules.

17 (c) The rights, powers, duties, and functions transferred
18 to the Department by Public Act 99-6 ~~this amendatory Act of the~~
19 ~~99th General Assembly~~ shall be vested in and exercised by the
20 Department subject to the provisions of this Act and the
21 Wireless Emergency Telephone Safety Act. An act done by the
22 Department or an officer, employee, or agent of the Department
23 in the exercise of the transferred rights, powers, duties, and
24 functions shall have the same legal effect as if done by the
25 Commission or an officer, employee, or agent of the Commission.

26 The transfer of rights, powers, duties, and functions to

1 the Department under Public Act 99-6 ~~this amendatory Act of the~~
2 ~~99th General Assembly~~ does not invalidate any previous action
3 taken by or in respect to the Commission, its officers,
4 employees, or agents. References to the Commission or its
5 officers, employees, or agents in any document, contract,
6 agreement, or law shall, in appropriate contexts, be deemed to
7 refer to the Department or its officers, employees, or agents.

8 The transfer of rights, powers, duties, and functions to
9 the Department under Public Act 99-6 ~~this amendatory Act of the~~
10 ~~99th General Assembly~~ does not affect any person's rights,
11 obligations, or duties, including any civil or criminal
12 penalties applicable thereto, arising out of those transferred
13 rights, powers, duties, and functions.

14 Public Act 99-6 ~~This amendatory Act of the 99th General~~
15 ~~Assembly~~ does not affect any act done, ratified, or cancelled,
16 any right occurring or established, or any action or proceeding
17 commenced in an administrative, civil, or criminal case before
18 January 1, 2016. Any such action or proceeding that pertains to
19 a right, power, duty, or function transferred to the Department
20 under Public Act 99-6 ~~this amendatory Act of the 99th General~~
21 ~~Assembly~~ that is pending on that date may be prosecuted,
22 defended, or continued by the Commission.

23 For the purposes of Section 9b of the State Finance Act,
24 the Department is the successor to the Commission with respect
25 to the rights, duties, powers, and functions transferred by
26 Public Act 99-6 ~~this amendatory Act of the 99th General~~

1 ~~Assembly.~~

2 (d) ~~(e)~~ The Department is authorized to enter into an
3 intergovernmental agreement with the Commission for the
4 purpose of having the Commission assist the Department and the
5 Statewide 9-1-1 Administrator in carrying out their duties and
6 functions under this Act. The agreement may provide for funding
7 for the Commission for its assistance to the Department and the
8 Statewide 9-1-1 Administrator.

9 (Source: P.A. 99-6, eff. 6-29-15; revised 11-9-15.)

10 Section 205. The Counties Code is amended by changing
11 Sections 3-3013, 3-8007, 3-9005, 5-1006.5, 5-1006.7, 5-12020,
12 and 6-1003 as follows:

13 (55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

14 Sec. 3-3013. Preliminary investigations; blood and urine
15 analysis; summoning jury; reports. Every coroner, whenever, as
16 soon as he knows or is informed that the dead body of any
17 person is found, or lying within his county, whose death is
18 suspected of being:

19 (a) A sudden or violent death, whether apparently
20 suicidal, homicidal or accidental, including but not
21 limited to deaths apparently caused or contributed to by
22 thermal, traumatic, chemical, electrical or radiational
23 injury, or a complication of any of them, or by drowning or
24 suffocation, or as a result of domestic violence as defined

1 in the Illinois Domestic Violence Act of 1986;

2 (b) A maternal or fetal death due to abortion, or any
3 death due to a sex crime or a crime against nature;

4 (c) A death where the circumstances are suspicious,
5 obscure, mysterious or otherwise unexplained or where, in
6 the written opinion of the attending physician, the cause
7 of death is not determined;

8 (d) A death where addiction to alcohol or to any drug
9 may have been a contributory cause; or

10 (e) A death where the decedent was not attended by a
11 licensed physician;

12 shall go to the place where the dead body is, and take charge
13 of the same and shall make a preliminary investigation into the
14 circumstances of the death. In the case of death without
15 attendance by a licensed physician the body may be moved with
16 the coroner's consent from the place of death to a mortuary in
17 the same county. Coroners in their discretion shall notify such
18 physician as is designated in accordance with Section 3-3014 to
19 attempt to ascertain the cause of death, either by autopsy or
20 otherwise.

21 In cases of accidental death involving a motor vehicle in
22 which the decedent was (1) the operator or a suspected operator
23 of a motor vehicle, or (2) a pedestrian 16 years of age or
24 older, the coroner shall require that a blood specimen of at
25 least 30 cc., and if medically possible a urine specimen of at
26 least 30 cc. or as much as possible up to 30 cc., be withdrawn

1 from the body of the decedent in a timely fashion after the
2 accident causing his death, by such physician as has been
3 designated in accordance with Section 3-3014, or by the coroner
4 or deputy coroner or a qualified person designated by such
5 physician, coroner, or deputy coroner. If the county does not
6 maintain laboratory facilities for making such analysis, the
7 blood and urine so drawn shall be sent to the Department of
8 State Police or any other accredited or State-certified
9 laboratory for analysis of the alcohol, carbon monoxide, and
10 dangerous or narcotic drug content of such blood and urine
11 specimens. Each specimen submitted shall be accompanied by
12 pertinent information concerning the decedent upon a form
13 prescribed by such laboratory. Any person drawing blood and
14 urine and any person making any examination of the blood and
15 urine under the terms of this Division shall be immune from all
16 liability, civil or criminal, that might otherwise be incurred
17 or imposed.

18 In all other cases coming within the jurisdiction of the
19 coroner and referred to in subparagraphs (a) through (e) above,
20 blood, and whenever possible, urine samples shall be analyzed
21 for the presence of alcohol and other drugs. When the coroner
22 suspects that drugs may have been involved in the death, either
23 directly or indirectly, a toxicological examination shall be
24 performed which may include analyses of blood, urine, bile,
25 gastric contents and other tissues. When the coroner suspects a
26 death is due to toxic substances, other than drugs, the coroner

1 shall consult with the toxicologist prior to collection of
2 samples. Information submitted to the toxicologist shall
3 include information as to height, weight, age, sex and race of
4 the decedent as well as medical history, medications used by
5 and the manner of death of decedent.

6 When the coroner or medical examiner finds that the cause
7 of death is due to homicidal means, the coroner or medical
8 examiner shall cause blood and buccal specimens (tissue may be
9 submitted if no uncontaminated blood or buccal specimen can be
10 obtained), whenever possible, to be withdrawn from the body of
11 the decedent in a timely fashion. For proper preservation of
12 the specimens, collected blood and buccal specimens shall be
13 dried and tissue specimens shall be frozen if available
14 equipment exists. As soon as possible, but no later than 30
15 days after the collection of the specimens, the coroner or
16 medical examiner shall release those specimens to the police
17 agency responsible for investigating the death. As soon as
18 possible, but no later than 30 days after the receipt from the
19 coroner or medical examiner, the police agency shall submit the
20 specimens using the agency case number to a National DNA Index
21 System (NDIS) participating laboratory within this State, such
22 as the Illinois Department of State Police, Division of
23 Forensic Services, for analysis and categorizing into genetic
24 marker groupings. The results of the analysis and categorizing
25 into genetic marker groupings shall be provided to the Illinois
26 Department of State Police and shall be maintained by the

1 Illinois Department of State Police in the State central
2 repository in the same manner, and subject to the same
3 conditions, as provided in Section 5-4-3 of the Unified Code of
4 Corrections. The requirements of this paragraph are in addition
5 to any other findings, specimens, or information that the
6 coroner or medical examiner is required to provide during the
7 conduct of a criminal investigation.

8 In all counties, in cases of apparent suicide, homicide, or
9 accidental death or in other cases, within the discretion of
10 the coroner, the coroner may summon 8 persons of lawful age
11 from those persons drawn for petit jurors in the county. The
12 summons shall command these persons to present themselves
13 personally at such a place and time as the coroner shall
14 determine, and may be in any form which the coroner shall
15 determine and may incorporate any reasonable form of request
16 for acknowledgement which the coroner deems practical and
17 provides a reliable proof of service. The summons may be served
18 by first class mail. From the 8 persons so summoned, the
19 coroner shall select 6 to serve as the jury for the inquest.
20 Inquests may be continued from time to time, as the coroner may
21 deem necessary. The 6 jurors selected in a given case may view
22 the body of the deceased. If at any continuation of an inquest
23 one or more of the original jurors shall be unable to continue
24 to serve, the coroner shall fill the vacancy or vacancies. A
25 juror serving pursuant to this paragraph shall receive
26 compensation from the county at the same rate as the rate of

1 compensation that is paid to petit or grand jurors in the
2 county. The coroner shall furnish to each juror without fee at
3 the time of his discharge a certificate of the number of days
4 in attendance at an inquest, and, upon being presented with
5 such certificate, the county treasurer shall pay to the juror
6 the sum provided for his services.

7 In counties which have a jury commission, in cases of
8 apparent suicide or homicide or of accidental death, the
9 coroner may conduct an inquest. The jury commission shall
10 provide at least 8 jurors to the coroner, from whom the coroner
11 shall select any 6 to serve as the jury for the inquest.
12 Inquests may be continued from time to time as the coroner may
13 deem necessary. The 6 jurors originally chosen in a given case
14 may view the body of the deceased. If at any continuation of an
15 inquest one or more of the 6 jurors originally chosen shall be
16 unable to continue to serve, the coroner shall fill the vacancy
17 or vacancies. At the coroner's discretion, additional jurors to
18 fill such vacancies shall be supplied by the jury commission. A
19 juror serving pursuant to this paragraph in such county shall
20 receive compensation from the county at the same rate as the
21 rate of compensation that is paid to petit or grand jurors in
22 the county.

23 In every case in which a fire is determined to be a
24 contributing factor in a death, the coroner shall report the
25 death to the Office of the State Fire Marshal. The coroner
26 shall provide a copy of the death certificate (i) within 30

1 days after filing the permanent death certificate and (ii) in a
2 manner that is agreed upon by the coroner and the State Fire
3 Marshal.

4 In every case in which a drug overdose is determined to be
5 the cause or a contributing factor in the death, the coroner or
6 medical examiner shall report the death to the Department of
7 Public Health. The Department of Public Health shall adopt
8 rules regarding specific information that must be reported in
9 the event of such a death. If possible, the coroner shall
10 report the cause of the overdose. As used in this Section,
11 "overdose" has the same meaning as it does in Section 414 of
12 the Illinois Controlled Substances Act. The Department of
13 Public Health shall issue a semiannual report to the General
14 Assembly summarizing the reports received. The Department
15 shall also provide on its website a monthly report of overdose
16 death figures organized by location, age, and any other
17 factors, the Department deems appropriate.

18 In addition, in every case in which domestic violence is
19 determined to be a contributing factor in a death, the coroner
20 shall report the death to the Department of State Police.

21 All deaths in State institutions and all deaths of wards of
22 the State in private care facilities or in programs funded by
23 the Department of Human Services under its powers relating to
24 mental health and developmental disabilities or alcoholism and
25 substance abuse or funded by the Department of Children and
26 Family Services shall be reported to the coroner of the county

1 in which the facility is located. If the coroner has reason to
2 believe that an investigation is needed to determine whether
3 the death was caused by maltreatment or negligent care of the
4 ward of the State, the coroner may conduct a preliminary
5 investigation of the circumstances of such death as in cases of
6 death under circumstances set forth in paragraphs (a) through
7 (e) of this Section.

8 (Source: P.A. 99-354, eff. 1-1-16; 99-480, eff. 9-9-15; revised
9 10-20-15.)

10 (55 ILCS 5/3-8007) (from Ch. 34, par. 3-8007)

11 Sec. 3-8007. Duties and jurisdiction of commission. The
12 Merit Commission shall have the duties, pursuant to recognized
13 merit principles of public employment, of certification for
14 employment and promotion, and, upon complaint of the sheriff or
15 State's Attorney ~~states attorney~~ as limited in this Division,
16 to discipline or discharge as the circumstances may warrant.
17 All full time deputy sheriffs shall be under the jurisdiction
18 of this Act and the county board may provide that other
19 positions, including jail officers, as defined in "An Act to
20 revise the law in relation to jails and jailers", approved
21 March 3, 1874, as now or hereafter amended (repealed), shall be
22 under the jurisdiction of the Commission. There may be exempted
23 from coverage by resolution of the county board a "chief
24 deputy" or "chief deputies" who shall be vested with all
25 authorities granted to deputy sheriffs pursuant to Section

1 3-6015. "Chief Deputy" or "Chief Deputies" as used in this
2 Section include the personal assistant or assistants of the
3 sheriff whether titled "chief deputy", "undersheriff" "~~under~~
4 ~~sheriff~~", or "administrative assistant".

5 (Source: P.A. 86-962; revised 11-9-15.)

6 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)

7 Sec. 3-9005. Powers and duties of State's attorney.

8 (a) The duty of each State's attorney shall be:

9 (1) To commence and prosecute all actions, suits,
10 indictments and prosecutions, civil and criminal, in the
11 circuit court for his county, in which the people of the
12 State or county may be concerned.

13 (2) To prosecute all forfeited bonds and
14 recognizances, and all actions and proceedings for the
15 recovery of debts, revenues, moneys, fines, penalties and
16 forfeitures accruing to the State or his county, or to any
17 school district or road district in his county; also, to
18 prosecute all suits in his county against railroad or
19 transportation companies, which may be prosecuted in the
20 name of the People of the State of Illinois.

21 (3) To commence and prosecute all actions and
22 proceedings brought by any county officer in his official
23 capacity.

24 (4) To defend all actions and proceedings brought
25 against his county, or against any county or State officer,

1 in his official capacity, within his county.

2 (5) To attend the examination of all persons brought
3 before any judge on habeas corpus, when the prosecution is
4 in his county.

5 (6) To attend before judges and prosecute charges of
6 felony or misdemeanor, for which the offender is required
7 to be recognized to appear before the circuit court, when
8 in his power so to do.

9 (7) To give his opinion, without fee or reward, to any
10 county officer in his county, upon any question or law
11 relating to any criminal or other matter, in which the
12 people or the county may be concerned.

13 (8) To assist the attorney general whenever it may be
14 necessary, and in cases of appeal from his county to the
15 Supreme Court, to which it is the duty of the attorney
16 general to attend, he shall furnish the attorney general at
17 least 10 days before such is due to be filed, a manuscript
18 of a proposed statement, brief and argument to be printed
19 and filed on behalf of the people, prepared in accordance
20 with the rules of the Supreme Court. However, if such
21 brief, argument or other document is due to be filed by law
22 or order of court within this 10-day ~~10-day~~ period, then
23 the State's attorney shall furnish such as soon as may be
24 reasonable.

25 (9) To pay all moneys received by him in trust, without
26 delay, to the officer who by law is entitled to the custody

1 thereof.

2 (10) To notify, by first class mail, complaining
3 witnesses of the ultimate disposition of the cases arising
4 from an indictment or an information.

5 (11) To perform such other and further duties as may,
6 from time to time, be enjoined on him by law.

7 (12) To appear in all proceedings by collectors of
8 taxes against delinquent taxpayers for judgments to sell
9 real estate, and see that all the necessary preliminary
10 steps have been legally taken to make the judgment legal
11 and binding.

12 (13) To notify, by first-class mail, the State
13 Superintendent of Education, the applicable regional
14 superintendent of schools, and the superintendent of the
15 employing school district or the chief school
16 administrator of the employing nonpublic school, if any,
17 upon the conviction of any individual known to possess a
18 certificate or license issued pursuant to Article 21 or
19 21B, respectively, of the School Code of any offense set
20 forth in Section 21B-80 of the School Code or any other
21 felony conviction, providing the name of the certificate
22 holder, the fact of the conviction, and the name and
23 location of the court where the conviction occurred. The
24 certificate holder must also be contemporaneously sent a
25 copy of the notice.

26 (b) The State's Attorney of each county shall have

1 authority to appoint one or more special investigators to serve
2 subpoenas ~~and~~ summonses, make return of process, and conduct
3 investigations which assist the State's Attorney in the
4 performance of his duties. In counties of the first and second
5 class, the fees for service of subpoenas and summonses are
6 allowed by this Section and shall be consistent with those set
7 forth in Section 4-5001 of this Act, except when increased by
8 county ordinance as provided for in Section 4-5001. In counties
9 of the third class, the fees for service of subpoenas and
10 summonses are allowed by this Section and shall be consistent
11 with those set forth in Section 4-12001 of this Act. A special
12 investigator shall not carry firearms except with permission of
13 the State's Attorney and only while carrying appropriate
14 identification indicating his employment and in the
15 performance of his assigned duties.

16 Subject to the qualifications set forth in this subsection,
17 special investigators shall be peace officers and shall have
18 all the powers possessed by investigators under the State's
19 Attorneys Appellate Prosecutor's Act.

20 No special investigator employed by the State's Attorney
21 shall have peace officer status or exercise police powers
22 unless he or she successfully completes the basic police
23 training course mandated and approved by the Illinois Law
24 Enforcement Training Standards Board or such board waives the
25 training requirement by reason of the special investigator's
26 prior law enforcement experience or training or both. Any

1 State's Attorney appointing a special investigator shall
2 consult with all affected local police agencies, to the extent
3 consistent with the public interest, if the special
4 investigator is assigned to areas within that agency's
5 jurisdiction.

6 Before a person is appointed as a special investigator, his
7 fingerprints shall be taken and transmitted to the Department
8 of State Police. The Department shall examine its records and
9 submit to the State's Attorney of the county in which the
10 investigator seeks appointment any conviction information
11 concerning the person on file with the Department. No person
12 shall be appointed as a special investigator if he has been
13 convicted of a felony or other offense involving moral
14 turpitude. A special investigator shall be paid a salary and be
15 reimbursed for actual expenses incurred in performing his
16 assigned duties. The county board shall approve the salary and
17 actual expenses and appropriate the salary and expenses in the
18 manner prescribed by law or ordinance.

19 (c) The State's Attorney may request and receive from
20 employers, labor unions, telephone companies, and utility
21 companies location information concerning putative fathers and
22 noncustodial parents for the purpose of establishing a child's
23 paternity or establishing, enforcing, or modifying a child
24 support obligation. In this subsection, "location information"
25 means information about (i) the physical whereabouts of a
26 putative father or noncustodial parent, (ii) the putative

1 father or noncustodial parent's employer, or (iii) the salary,
2 wages, and other compensation paid and the health insurance
3 coverage provided to the putative father or noncustodial parent
4 by the employer of the putative father or noncustodial parent
5 or by a labor union of which the putative father or
6 noncustodial parent is a member.

7 (d) For each State fiscal year, the State's Attorney of
8 Cook County shall appear before the General Assembly and
9 request appropriations to be made from the Capital Litigation
10 Trust Fund to the State Treasurer for the purpose of providing
11 assistance in the prosecution of capital cases in Cook County
12 and for the purpose of providing assistance to the State in
13 post-conviction proceedings in capital cases under Article 122
14 of the Code of Criminal Procedure of 1963 and in relation to
15 petitions filed under Section 2-1401 of the Code of Civil
16 Procedure in relation to capital cases. The State's Attorney
17 may appear before the General Assembly at other times during
18 the State's fiscal year to request supplemental appropriations
19 from the Trust Fund to the State Treasurer.

20 (e) The State's Attorney shall have the authority to enter
21 into a written agreement with the Department of Revenue for
22 pursuit of civil liability under subsection (E) of Section 17-1
23 of the Criminal Code of 2012 against persons who have issued to
24 the Department checks or other orders in violation of the
25 provisions of paragraph (1) of subsection (B) of Section 17-1
26 of the Criminal Code of 2012, with the Department to retain the

1 amount owing upon the dishonored check or order along with the
2 dishonored check fee imposed under the Uniform Penalty and
3 Interest Act, with the balance of damages, fees, and costs
4 collected under subsection (E) of Section 17-1 of the Criminal
5 Code of 2012 or under Section 17-1a of that Code to be retained
6 by the State's Attorney. The agreement shall not affect the
7 allocation of fines and costs imposed in any criminal
8 prosecution.

9 (Source: P.A. 99-169, eff. 7-28-15; revised 11-9-15.)

10 (55 ILCS 5/5-1006.5)

11 Sec. 5-1006.5. Special County Retailers' Occupation Tax
12 For Public Safety, Public Facilities, or Transportation.

13 (a) The county board of any county may impose a tax upon
14 all persons engaged in the business of selling tangible
15 personal property, other than personal property titled or
16 registered with an agency of this State's government, at retail
17 in the county on the gross receipts from the sales made in the
18 course of business to provide revenue to be used exclusively
19 for public safety, public facility, or transportation purposes
20 in that county, if a proposition for the tax has been submitted
21 to the electors of that county and approved by a majority of
22 those voting on the question. If imposed, this tax shall be
23 imposed only in one-quarter percent increments. By resolution,
24 the county board may order the proposition to be submitted at
25 any election. If the tax is imposed for transportation purposes

1 for expenditures for public highways or as authorized under the
2 Illinois Highway Code, the county board must publish notice of
3 the existence of its long-range highway transportation plan as
4 required or described in Section 5-301 of the Illinois Highway
5 Code and must make the plan publicly available prior to
6 approval of the ordinance or resolution imposing the tax. If
7 the tax is imposed for transportation purposes for expenditures
8 for passenger rail transportation, the county board must
9 publish notice of the existence of its long-range passenger
10 rail transportation plan and must make the plan publicly
11 available prior to approval of the ordinance or resolution
12 imposing the tax.

13 If a tax is imposed for public facilities purposes, then
14 the name of the project may be included in the proposition at
15 the discretion of the county board as determined in the
16 enabling resolution. For example, the "XXX Nursing Home" or the
17 "YYY Museum".

18 The county clerk shall certify the question to the proper
19 election authority, who shall submit the proposition at an
20 election in accordance with the general election law.

21 (1) The proposition for public safety purposes shall be
22 in substantially the following form:

23 "To pay for public safety purposes, shall (name of
24 county) be authorized to impose an increase on its share of
25 local sales taxes by (insert rate)?"

26 As additional information on the ballot below the

1 question shall appear the following:

2 "This would mean that a consumer would pay an
3 additional (insert amount) in sales tax for every \$100 of
4 tangible personal property bought at retail."

5 The county board may also opt to establish a sunset
6 provision at which time the additional sales tax would
7 cease being collected, if not terminated earlier by a vote
8 of the county board. If the county board votes to include a
9 sunset provision, the proposition for public safety
10 purposes shall be in substantially the following form:

11 "To pay for public safety purposes, shall (name of
12 county) be authorized to impose an increase on its share of
13 local sales taxes by (insert rate) for a period not to
14 exceed (insert number of years)?"

15 As additional information on the ballot below the
16 question shall appear the following:

17 "This would mean that a consumer would pay an
18 additional (insert amount) in sales tax for every \$100 of
19 tangible personal property bought at retail. If imposed,
20 the additional tax would cease being collected at the end
21 of (insert number of years), if not terminated earlier by a
22 vote of the county board."

23 For the purposes of the paragraph, "public safety
24 purposes" means crime prevention, detention, fire
25 fighting, police, medical, ambulance, or other emergency
26 services.

1 Votes shall be recorded as "Yes" or "No".

2 Beginning on the January 1 or July 1, whichever is first,
3 that occurs not less than 30 days after May 31, 2015 (the
4 effective date of Public Act 99-4) ~~this amendatory Act of the~~
5 ~~99th General Assembly~~, Adams County may impose a public safety
6 retailers' occupation tax and service occupation tax at the
7 rate of 0.25%, as provided in the referendum approved by the
8 voters on April 7, 2015, notwithstanding the omission of the
9 additional information that is otherwise required to be printed
10 on the ballot below the question pursuant to this item (1).

11 (2) The proposition for transportation purposes shall
12 be in substantially the following form:

13 "To pay for improvements to roads and other
14 transportation purposes, shall (name of county) be
15 authorized to impose an increase on its share of local
16 sales taxes by (insert rate)?"

17 As additional information on the ballot below the
18 question shall appear the following:

19 "This would mean that a consumer would pay an
20 additional (insert amount) in sales tax for every \$100 of
21 tangible personal property bought at retail."

22 The county board may also opt to establish a sunset
23 provision at which time the additional sales tax would
24 cease being collected, if not terminated earlier by a vote
25 of the county board. If the county board votes to include a
26 sunset provision, the proposition for transportation

1 purposes shall be in substantially the following form:

2 "To pay for road improvements and other transportation
3 purposes, shall (name of county) be authorized to impose an
4 increase on its share of local sales taxes by (insert rate)
5 for a period not to exceed (insert number of years)?"

6 As additional information on the ballot below the
7 question shall appear the following:

8 "This would mean that a consumer would pay an
9 additional (insert amount) in sales tax for every \$100 of
10 tangible personal property bought at retail. If imposed,
11 the additional tax would cease being collected at the end
12 of (insert number of years), if not terminated earlier by a
13 vote of the county board."

14 For the purposes of this paragraph, transportation
15 purposes means construction, maintenance, operation, and
16 improvement of public highways, any other purpose for which
17 a county may expend funds under the Illinois Highway Code,
18 and passenger rail transportation.

19 The votes shall be recorded as "Yes" or "No".

20 (3) The proposition for public facilities purposes
21 shall be in substantially the following form:

22 "To pay for public facilities purposes, shall (name of
23 county) be authorized to impose an increase on its share of
24 local sales taxes by (insert rate)?"

25 As additional information on the ballot below the
26 question shall appear the following:

1 "This would mean that a consumer would pay an
2 additional (insert amount) in sales tax for every \$100 of
3 tangible personal property bought at retail."

4 The county board may also opt to establish a sunset
5 provision at which time the additional sales tax would
6 cease being collected, if not terminated earlier by a vote
7 of the county board. If the county board votes to include a
8 sunset provision, the proposition for public facilities
9 purposes shall be in substantially the following form:

10 "To pay for public facilities purposes, shall (name of
11 county) be authorized to impose an increase on its share of
12 local sales taxes by (insert rate) for a period not to
13 exceed (insert number of years)?"

14 As additional information on the ballot below the
15 question shall appear the following:

16 "This would mean that a consumer would pay an
17 additional (insert amount) in sales tax for every \$100 of
18 tangible personal property bought at retail. If imposed,
19 the additional tax would cease being collected at the end
20 of (insert number of years), if not terminated earlier by a
21 vote of the county board."

22 For purposes of this Section, "public facilities
23 purposes" means the acquisition, development,
24 construction, reconstruction, rehabilitation, improvement,
25 financing, architectural planning, and installation of
26 capital facilities consisting of buildings, structures,

1 and durable equipment and for the acquisition and
2 improvement of real property and interest in real property
3 required, or expected to be required, in connection with
4 the public facilities, for use by the county for the
5 furnishing of governmental services to its citizens,
6 including but not limited to museums and nursing homes.

7 The votes shall be recorded as "Yes" or "No".

8 If a majority of the electors voting on the proposition
9 vote in favor of it, the county may impose the tax. A county
10 may not submit more than one proposition authorized by this
11 Section to the electors at any one time.

12 This additional tax may not be imposed on the sales of food
13 for human consumption that is to be consumed off the premises
14 where it is sold (other than alcoholic beverages, soft drinks,
15 and food which has been prepared for immediate consumption) and
16 prescription and non-prescription medicines, drugs, medical
17 appliances and insulin, urine testing materials, syringes, and
18 needles used by diabetics. The tax imposed by a county under
19 this Section and all civil penalties that may be assessed as an
20 incident of the tax shall be collected and enforced by the
21 Illinois Department of Revenue and deposited into a special
22 fund created for that purpose. The certificate of registration
23 that is issued by the Department to a retailer under the
24 Retailers' Occupation Tax Act shall permit the retailer to
25 engage in a business that is taxable without registering
26 separately with the Department under an ordinance or resolution

1 under this Section. The Department has full power to administer
2 and enforce this Section, to collect all taxes and penalties
3 due under this Section, to dispose of taxes and penalties so
4 collected in the manner provided in this Section, and to
5 determine all rights to credit memoranda arising on account of
6 the erroneous payment of a tax or penalty under this Section.
7 In the administration of and compliance with this Section, the
8 Department and persons who are subject to this Section shall
9 (i) have the same rights, remedies, privileges, immunities,
10 powers, and duties, (ii) be subject to the same conditions,
11 restrictions, limitations, penalties, and definitions of
12 terms, and (iii) employ the same modes of procedure as are
13 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m,
14 1n, 2 through 2-70 (in respect to all provisions contained in
15 those Sections other than the State rate of tax), 2a, 2b, 2c, 3
16 (except provisions relating to transaction returns and quarter
17 monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
18 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13
19 of the Retailers' Occupation Tax Act and Section 3-7 of the
20 Uniform Penalty and Interest Act as if those provisions were
21 set forth in this Section.

22 Persons subject to any tax imposed under the authority
23 granted in this Section may reimburse themselves for their
24 sellers' tax liability by separately stating the tax as an
25 additional charge, which charge may be stated in combination,
26 in a single amount, with State tax which sellers are required

1 to collect under the Use Tax Act, pursuant to such bracketed
2 schedules as the Department may prescribe.

3 Whenever the Department determines that a refund should be
4 made under this Section to a claimant instead of issuing a
5 credit memorandum, the Department shall notify the State
6 Comptroller, who shall cause the order to be drawn for the
7 amount specified and to the person named in the notification
8 from the Department. The refund shall be paid by the State
9 Treasurer out of the County Public Safety or Transportation
10 Retailers' Occupation Tax Fund.

11 (b) If a tax has been imposed under subsection (a), a
12 service occupation tax shall also be imposed at the same rate
13 upon all persons engaged, in the county, in the business of
14 making sales of service, who, as an incident to making those
15 sales of service, transfer tangible personal property within
16 the county as an incident to a sale of service. This tax may
17 not be imposed on sales of food for human consumption that is
18 to be consumed off the premises where it is sold (other than
19 alcoholic beverages, soft drinks, and food prepared for
20 immediate consumption) and prescription and non-prescription
21 medicines, drugs, medical appliances and insulin, urine
22 testing materials, syringes, and needles used by diabetics. The
23 tax imposed under this subsection and all civil penalties that
24 may be assessed as an incident thereof shall be collected and
25 enforced by the Department of Revenue. The Department has full
26 power to administer and enforce this subsection; to collect all

1 taxes and penalties due hereunder; to dispose of taxes and
2 penalties so collected in the manner hereinafter provided; and
3 to determine all rights to credit memoranda arising on account
4 of the erroneous payment of tax or penalty hereunder. In the
5 administration of, and compliance with this subsection, the
6 Department and persons who are subject to this paragraph shall
7 (i) have the same rights, remedies, privileges, immunities,
8 powers, and duties, (ii) be subject to the same conditions,
9 restrictions, limitations, penalties, exclusions, exemptions,
10 and definitions of terms, and (iii) employ the same modes of
11 procedure as are prescribed in Sections 2 (except that the
12 reference to State in the definition of supplier maintaining a
13 place of business in this State shall mean the county), 2a, 2b,
14 2c, 3 through 3-50 (in respect to all provisions therein other
15 than the State rate of tax), 4 (except that the reference to
16 the State shall be to the county), 5, 7, 8 (except that the
17 jurisdiction to which the tax shall be a debt to the extent
18 indicated in that Section 8 shall be the county), 9 (except as
19 to the disposition of taxes and penalties collected), 10, 11,
20 12 (except the reference therein to Section 2b of the
21 Retailers' Occupation Tax Act), 13 (except that any reference
22 to the State shall mean the county), Section 15, 16, 17, 18, 19
23 and 20 of the Service Occupation Tax Act and Section 3-7 of the
24 Uniform Penalty and Interest Act, as fully as if those
25 provisions were set forth herein.

26 Persons subject to any tax imposed under the authority

1 granted in this subsection may reimburse themselves for their
2 serviceman's tax liability by separately stating the tax as an
3 additional charge, which charge may be stated in combination,
4 in a single amount, with State tax that servicemen are
5 authorized to collect under the Service Use Tax Act, in
6 accordance with such bracket schedules as the Department may
7 prescribe.

8 Whenever the Department determines that a refund should be
9 made under this subsection to a claimant instead of issuing a
10 credit memorandum, the Department shall notify the State
11 Comptroller, who shall cause the warrant to be drawn for the
12 amount specified, and to the person named, in the notification
13 from the Department. The refund shall be paid by the State
14 Treasurer out of the County Public Safety or Transportation
15 Retailers' Occupation Fund.

16 Nothing in this subsection shall be construed to authorize
17 the county to impose a tax upon the privilege of engaging in
18 any business which under the Constitution of the United States
19 may not be made the subject of taxation by the State.

20 (c) The Department shall immediately pay over to the State
21 Treasurer, ex officio, as trustee, all taxes and penalties
22 collected under this Section to be deposited into the County
23 Public Safety or Transportation Retailers' Occupation Tax
24 Fund, which shall be an unappropriated trust fund held outside
25 of the State treasury.

26 As soon as possible after the first day of each month,

1 beginning January 1, 2011, upon certification of the Department
2 of Revenue, the Comptroller shall order transferred, and the
3 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
4 local sales tax increment, as defined in the Innovation
5 Development and Economy Act, collected under this Section
6 during the second preceding calendar month for sales within a
7 STAR bond district.

8 After the monthly transfer to the STAR Bonds Revenue Fund,
9 on or before the 25th day of each calendar month, the
10 Department shall prepare and certify to the Comptroller the
11 disbursement of stated sums of money to the counties from which
12 retailers have paid taxes or penalties to the Department during
13 the second preceding calendar month. The amount to be paid to
14 each county, and deposited by the county into its special fund
15 created for the purposes of this Section, shall be the amount
16 (not including credit memoranda) collected under this Section
17 during the second preceding calendar month by the Department
18 plus an amount the Department determines is necessary to offset
19 any amounts that were erroneously paid to a different taxing
20 body, and not including (i) an amount equal to the amount of
21 refunds made during the second preceding calendar month by the
22 Department on behalf of the county, (ii) any amount that the
23 Department determines is necessary to offset any amounts that
24 were payable to a different taxing body but were erroneously
25 paid to the county, and (iii) any amounts that are transferred
26 to the STAR Bonds Revenue Fund. Within 10 days after receipt by

1 the Comptroller of the disbursement certification to the
2 counties provided for in this Section to be given to the
3 Comptroller by the Department, the Comptroller shall cause the
4 orders to be drawn for the respective amounts in accordance
5 with directions contained in the certification.

6 In addition to the disbursement required by the preceding
7 paragraph, an allocation shall be made in March of each year to
8 each county that received more than \$500,000 in disbursements
9 under the preceding paragraph in the preceding calendar year.
10 The allocation shall be in an amount equal to the average
11 monthly distribution made to each such county under the
12 preceding paragraph during the preceding calendar year
13 (excluding the 2 months of highest receipts). The distribution
14 made in March of each year subsequent to the year in which an
15 allocation was made pursuant to this paragraph and the
16 preceding paragraph shall be reduced by the amount allocated
17 and disbursed under this paragraph in the preceding calendar
18 year. The Department shall prepare and certify to the
19 Comptroller for disbursement the allocations made in
20 accordance with this paragraph.

21 A county may direct, by ordinance, that all or a portion of
22 the taxes and penalties collected under the Special County
23 Retailers' Occupation Tax For Public Safety or Transportation
24 be deposited into the Transportation Development Partnership
25 Trust Fund.

26 (d) For the purpose of determining the local governmental

1 unit whose tax is applicable, a retail sale by a producer of
2 coal or another mineral mined in Illinois is a sale at retail
3 at the place where the coal or other mineral mined in Illinois
4 is extracted from the earth. This paragraph does not apply to
5 coal or another mineral when it is delivered or shipped by the
6 seller to the purchaser at a point outside Illinois so that the
7 sale is exempt under the United States Constitution as a sale
8 in interstate or foreign commerce.

9 (e) Nothing in this Section shall be construed to authorize
10 a county to impose a tax upon the privilege of engaging in any
11 business that under the Constitution of the United States may
12 not be made the subject of taxation by this State.

13 (e-5) If a county imposes a tax under this Section, the
14 county board may, by ordinance, discontinue or lower the rate
15 of the tax. If the county board lowers the tax rate or
16 discontinues the tax, a referendum must be held in accordance
17 with subsection (a) of this Section in order to increase the
18 rate of the tax or to reimpose the discontinued tax.

19 (f) Beginning April 1, 1998 and through December 31, 2013,
20 the results of any election authorizing a proposition to impose
21 a tax under this Section or effecting a change in the rate of
22 tax, or any ordinance lowering the rate or discontinuing the
23 tax, shall be certified by the county clerk and filed with the
24 Illinois Department of Revenue either (i) on or before the
25 first day of April, whereupon the Department shall proceed to
26 administer and enforce the tax as of the first day of July next

1 following the filing; or (ii) on or before the first day of
2 October, whereupon the Department shall proceed to administer
3 and enforce the tax as of the first day of January next
4 following the filing.

5 Beginning January 1, 2014, the results of any election
6 authorizing a proposition to impose a tax under this Section or
7 effecting an increase in the rate of tax, along with the
8 ordinance adopted to impose the tax or increase the rate of the
9 tax, or any ordinance adopted to lower the rate or discontinue
10 the tax, shall be certified by the county clerk and filed with
11 the Illinois Department of Revenue either (i) on or before the
12 first day of May, whereupon the Department shall proceed to
13 administer and enforce the tax as of the first day of July next
14 following the adoption and filing; or (ii) on or before the
15 first day of October, whereupon the Department shall proceed to
16 administer and enforce the tax as of the first day of January
17 next following the adoption and filing.

18 (g) When certifying the amount of a monthly disbursement to
19 a county under this Section, the Department shall increase or
20 decrease the amounts by an amount necessary to offset any
21 miscalculation of previous disbursements. The offset amount
22 shall be the amount erroneously disbursed within the previous 6
23 months from the time a miscalculation is discovered.

24 (h) This Section may be cited as the "Special County
25 Occupation Tax For Public Safety, Public Facilities, or
26 Transportation Law".

1 (i) For purposes of this Section, "public safety" includes,
2 but is not limited to, crime prevention, detention, fire
3 fighting, police, medical, ambulance, or other emergency
4 services. The county may share tax proceeds received under this
5 Section for public safety purposes, including proceeds
6 received before August 4, 2009 (the effective date of Public
7 Act 96-124), with any fire protection district located in the
8 county. For the purposes of this Section, "transportation"
9 includes, but is not limited to, the construction, maintenance,
10 operation, and improvement of public highways, any other
11 purpose for which a county may expend funds under the Illinois
12 Highway Code, and passenger rail transportation. For the
13 purposes of this Section, "public facilities purposes"
14 includes, but is not limited to, the acquisition, development,
15 construction, reconstruction, rehabilitation, improvement,
16 financing, architectural planning, and installation of capital
17 facilities consisting of buildings, structures, and durable
18 equipment and for the acquisition and improvement of real
19 property and interest in real property required, or expected to
20 be required, in connection with the public facilities, for use
21 by the county for the furnishing of governmental services to
22 its citizens, including but not limited to museums and nursing
23 homes.

24 (j) The Department may promulgate rules to implement Public
25 Act 95-1002 only to the extent necessary to apply the existing
26 rules for the Special County Retailers' Occupation Tax for

1 Public Safety to this new purpose for public facilities.

2 (Source: P.A. 98-584, eff. 8-27-13; 99-4, eff. 5-31-15; 99-217,
3 eff. 7-31-15; revised 11-6-15.)

4 (55 ILCS 5/5-1006.7)

5 Sec. 5-1006.7. School facility occupation taxes.

6 (a) In any county, a tax shall be imposed upon all persons
7 engaged in the business of selling tangible personal property,
8 other than personal property titled or registered with an
9 agency of this State's government, at retail in the county on
10 the gross receipts from the sales made in the course of
11 business to provide revenue to be used exclusively for school
12 facility purposes if a proposition for the tax has been
13 submitted to the electors of that county and approved by a
14 majority of those voting on the question as provided in
15 subsection (c). The tax under this Section shall be imposed
16 only in one-quarter percent increments and may not exceed 1%.

17 This additional tax may not be imposed on the sale of food
18 for human consumption that is to be consumed off the premises
19 where it is sold (other than alcoholic beverages, soft drinks,
20 and food that has been prepared for immediate consumption) and
21 prescription and non-prescription medicines, drugs, medical
22 appliances and insulin, urine testing materials, syringes and
23 needles used by diabetics. The Department of Revenue has full
24 power to administer and enforce this subsection, to collect all
25 taxes and penalties due under this subsection, to dispose of

1 taxes and penalties so collected in the manner provided in this
2 subsection, and to determine all rights to credit memoranda
3 arising on account of the erroneous payment of a tax or penalty
4 under this subsection. The Department shall deposit all taxes
5 and penalties collected under this subsection into a special
6 fund created for that purpose.

7 In the administration of and compliance with this
8 subsection, the Department and persons who are subject to this
9 subsection (i) have the same rights, remedies, privileges,
10 immunities, powers, and duties, (ii) are subject to the same
11 conditions, restrictions, limitations, penalties, and
12 definitions of terms, and (iii) shall employ the same modes of
13 procedure as are set forth in Sections 1 through 10, 2 through
14 2-70 (in respect to all provisions contained in those Sections
15 other than the State rate of tax), 2a through 2h, 3 (except as
16 to the disposition of taxes and penalties collected), 4, 5, 5a,
17 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
18 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation
19 Tax Act and all provisions of the Uniform Penalty and Interest
20 Act as if those provisions were set forth in this subsection.

21 The certificate of registration that is issued by the
22 Department to a retailer under the Retailers' Occupation Tax
23 Act permits the retailer to engage in a business that is
24 taxable without registering separately with the Department
25 under an ordinance or resolution under this subsection.

26 Persons subject to any tax imposed under the authority

1 granted in this subsection may reimburse themselves for their
2 seller's tax liability by separately stating that tax as an
3 additional charge, which may be stated in combination, in a
4 single amount, with State tax that sellers are required to
5 collect under the Use Tax Act, pursuant to any bracketed
6 schedules set forth by the Department.

7 (b) If a tax has been imposed under subsection (a), then a
8 service occupation tax must also be imposed at the same rate
9 upon all persons engaged, in the county, in the business of
10 making sales of service, who, as an incident to making those
11 sales of service, transfer tangible personal property within
12 the county as an incident to a sale of service.

13 This tax may not be imposed on sales of food for human
14 consumption that is to be consumed off the premises where it is
15 sold (other than alcoholic beverages, soft drinks, and food
16 prepared for immediate consumption) and prescription and
17 non-prescription medicines, drugs, medical appliances and
18 insulin, urine testing materials, syringes, and needles used by
19 diabetics.

20 The tax imposed under this subsection and all civil
21 penalties that may be assessed as an incident thereof shall be
22 collected and enforced by the Department and deposited into a
23 special fund created for that purpose. The Department has full
24 power to administer and enforce this subsection, to collect all
25 taxes and penalties due under this subsection, to dispose of
26 taxes and penalties so collected in the manner provided in this

1 subsection, and to determine all rights to credit memoranda
2 arising on account of the erroneous payment of a tax or penalty
3 under this subsection.

4 In the administration of and compliance with this
5 subsection, the Department and persons who are subject to this
6 subsection shall (i) have the same rights, remedies,
7 privileges, immunities, powers and duties, (ii) be subject to
8 the same conditions, restrictions, limitations, penalties and
9 definition of terms, and (iii) employ the same modes of
10 procedure as are set forth in Sections 2 (except that that
11 reference to State in the definition of supplier maintaining a
12 place of business in this State means the county), 2a through
13 2d, 3 through 3-50 (in respect to all provisions contained in
14 those Sections other than the State rate of tax), 4 (except
15 that the reference to the State shall be to the county), 5, 7,
16 8 (except that the jurisdiction to which the tax is a debt to
17 the extent indicated in that Section 8 is the county), 9
18 (except as to the disposition of taxes and penalties
19 collected), 10, 11, 12 (except the reference therein to Section
20 2b of the Retailers' Occupation Tax Act), 13 (except that any
21 reference to the State means the county), Section 15, 16, 17,
22 18, 19, and 20 of the Service Occupation Tax Act and all
23 provisions of the Uniform Penalty and Interest Act, as fully as
24 if those provisions were set forth herein.

25 Persons subject to any tax imposed under the authority
26 granted in this subsection may reimburse themselves for their

1 serviceman's tax liability by separately stating the tax as an
2 additional charge, which may be stated in combination, in a
3 single amount, with State tax that servicemen are authorized to
4 collect under the Service Use Tax Act, pursuant to any
5 bracketed schedules set forth by the Department.

6 (c) The tax under this Section may not be imposed until the
7 question of imposing the tax has been submitted to the electors
8 of the county at a regular election and approved by a majority
9 of the electors voting on the question. For all regular
10 elections held prior to August 23, 2011 (the effective date of
11 Public Act 97-542) ~~this amendatory Act of the 97th General~~
12 ~~Assembly~~, upon a resolution by the county board or a resolution
13 by school district boards that represent at least 51% of the
14 student enrollment within the county, the county board must
15 certify the question to the proper election authority in
16 accordance with the Election Code.

17 For all regular elections held prior to August 23, 2011
18 (the effective date of Public Act 97-542) ~~this amendatory Act~~
19 ~~of the 97th General Assembly~~, the election authority must
20 submit the question in substantially the following form:

21 Shall (name of county) be authorized to impose a
22 retailers' occupation tax and a service occupation tax
23 (commonly referred to as a "sales tax") at a rate of
24 (insert rate) to be used exclusively for school facility
25 purposes?

26 The election authority must record the votes as "Yes" or "No".

1 If a majority of the electors voting on the question vote
2 in the affirmative, then the county may, thereafter, impose the
3 tax.

4 For all regular elections held on or after August 23, 2011
5 (the effective date of Public Act 97-542) ~~this amendatory Act~~
6 ~~of the 97th General Assembly~~, the regional superintendent of
7 schools for the county must, upon receipt of a resolution or
8 resolutions of school district boards that represent more than
9 50% of the student enrollment within the county, certify the
10 question to the proper election authority for submission to the
11 electors of the county at the next regular election at which
12 the question lawfully may be submitted to the electors, all in
13 accordance with the Election Code.

14 For all regular elections held on or after August 23, 2011
15 (the effective date of Public Act 97-542) ~~this amendatory Act~~
16 ~~of the 97th General Assembly~~, the election authority must
17 submit the question in substantially the following form:

18 Shall a retailers' occupation tax and a service
19 occupation tax (commonly referred to as a "sales tax") be
20 imposed in (name of county) at a rate of (insert rate) to
21 be used exclusively for school facility purposes?

22 The election authority must record the votes as "Yes" or "No".

23 If a majority of the electors voting on the question vote
24 in the affirmative, then the tax shall be imposed at the rate
25 set forth in the question.

26 For the purposes of this subsection (c), "enrollment" means

1 the head count of the students residing in the county on the
2 last school day of September of each year, which must be
3 reported on the Illinois State Board of Education Public School
4 Fall Enrollment/Housing Report.

5 (d) The Department shall immediately pay over to the State
6 Treasurer, ex officio, as trustee, all taxes and penalties
7 collected under this Section to be deposited into the School
8 Facility Occupation Tax Fund, which shall be an unappropriated
9 trust fund held outside the State treasury.

10 On or before the 25th day of each calendar month, the
11 Department shall prepare and certify to the Comptroller the
12 disbursement of stated sums of money to the regional
13 superintendents of schools in counties from which retailers or
14 servicemen have paid taxes or penalties to the Department
15 during the second preceding calendar month. The amount to be
16 paid to each regional superintendent of schools and disbursed
17 to him or her in accordance with Section 3-14.31 of the School
18 Code, is equal to the amount (not including credit memoranda)
19 collected from the county under this Section during the second
20 preceding calendar month by the Department, (i) less 2% of that
21 amount, which shall be deposited into the Tax Compliance and
22 Administration Fund and shall be used by the Department,
23 subject to appropriation, to cover the costs of the Department
24 in administering and enforcing the provisions of this Section,
25 on behalf of the county, (ii) plus an amount that the
26 Department determines is necessary to offset any amounts that

1 were erroneously paid to a different taxing body; (iii) less an
2 amount equal to the amount of refunds made during the second
3 preceding calendar month by the Department on behalf of the
4 county; and (iv) less any amount that the Department determines
5 is necessary to offset any amounts that were payable to a
6 different taxing body but were erroneously paid to the county.
7 When certifying the amount of a monthly disbursement to a
8 regional superintendent of schools under this Section, the
9 Department shall increase or decrease the amounts by an amount
10 necessary to offset any miscalculation of previous
11 disbursements within the previous 6 months from the time a
12 miscalculation is discovered.

13 Within 10 days after receipt by the Comptroller from the
14 Department of the disbursement certification to the regional
15 superintendents of the schools provided for in this Section,
16 the Comptroller shall cause the orders to be drawn for the
17 respective amounts in accordance with directions contained in
18 the certification.

19 If the Department determines that a refund should be made
20 under this Section to a claimant instead of issuing a credit
21 memorandum, then the Department shall notify the Comptroller,
22 who shall cause the order to be drawn for the amount specified
23 and to the person named in the notification from the
24 Department. The refund shall be paid by the Treasurer out of
25 the School Facility Occupation Tax Fund.

26 (e) For the purposes of determining the local governmental

1 unit whose tax is applicable, a retail sale by a producer of
2 coal or another mineral mined in Illinois is a sale at retail
3 at the place where the coal or other mineral mined in Illinois
4 is extracted from the earth. This subsection does not apply to
5 coal or another mineral when it is delivered or shipped by the
6 seller to the purchaser at a point outside Illinois so that the
7 sale is exempt under the United States Constitution as a sale
8 in interstate or foreign commerce.

9 (f) Nothing in this Section may be construed to authorize a
10 tax to be imposed upon the privilege of engaging in any
11 business that under the Constitution of the United States may
12 not be made the subject of taxation by this State.

13 (g) If a county board imposes a tax under this Section
14 pursuant to a referendum held before August 23, 2011 (the
15 effective date of Public Act 97-542) ~~this amendatory Act of the~~
16 ~~97th General Assembly~~ at a rate below the rate set forth in the
17 question approved by a majority of electors of that county
18 voting on the question as provided in subsection (c), then the
19 county board may, by ordinance, increase the rate of the tax up
20 to the rate set forth in the question approved by a majority of
21 electors of that county voting on the question as provided in
22 subsection (c). If a county board imposes a tax under this
23 Section pursuant to a referendum held before August 23, 2011
24 (the effective date of Public Act 97-542) ~~this amendatory Act~~
25 ~~of the 97th General Assembly~~, then the board may, by ordinance,
26 discontinue or reduce the rate of the tax. If a tax is imposed

1 under this Section pursuant to a referendum held on or after
2 August 23, 2011 (the effective date of Public Act 97-542) ~~this~~
3 ~~amendatory Act of the 97th General Assembly~~, then the county
4 board may reduce or discontinue the tax, but only in accordance
5 with subsection (h-5) of this Section. If, however, a school
6 board issues bonds that are secured by the proceeds of the tax
7 under this Section, then the county board may not reduce the
8 tax rate or discontinue the tax if that rate reduction or
9 discontinuance would adversely affect the school board's
10 ability to pay the principal and interest on those bonds as
11 they become due or necessitate the extension of additional
12 property taxes to pay the principal and interest on those
13 bonds. If the county board reduces the tax rate or discontinues
14 the tax, then a referendum must be held in accordance with
15 subsection (c) of this Section in order to increase the rate of
16 the tax or to reimpose the discontinued tax.

17 Until January 1, 2014, the results of any election that
18 imposes, reduces, or discontinues a tax under this Section must
19 be certified by the election authority, and any ordinance that
20 increases or lowers the rate or discontinues the tax must be
21 certified by the county clerk and, in each case, filed with the
22 Illinois Department of Revenue either (i) on or before the
23 first day of April, whereupon the Department shall proceed to
24 administer and enforce the tax or change in the rate as of the
25 first day of July next following the filing; or (ii) on or
26 before the first day of October, whereupon the Department shall

1 proceed to administer and enforce the tax or change in the rate
2 as of the first day of January next following the filing.

3 Beginning January 1, 2014, the results of any election that
4 imposes, reduces, or discontinues a tax under this Section must
5 be certified by the election authority, and any ordinance that
6 increases or lowers the rate or discontinues the tax must be
7 certified by the county clerk and, in each case, filed with the
8 Illinois Department of Revenue either (i) on or before the
9 first day of May, whereupon the Department shall proceed to
10 administer and enforce the tax or change in the rate as of the
11 first day of July next following the filing; or (ii) on or
12 before the first day of October, whereupon the Department shall
13 proceed to administer and enforce the tax or change in the rate
14 as of the first day of January next following the filing.

15 (h) For purposes of this Section, "school facility
16 purposes" means (i) the acquisition, development,
17 construction, reconstruction, rehabilitation, improvement,
18 financing, architectural planning, and installation of capital
19 facilities consisting of buildings, structures, and durable
20 equipment and for the acquisition and improvement of real
21 property and interest in real property required, or expected to
22 be required, in connection with the capital facilities and (ii)
23 the payment of bonds or other obligations heretofore or
24 hereafter issued, including bonds or other obligations
25 heretofore or hereafter issued to refund or to continue to
26 refund bonds or other obligations issued, for school facility

1 purposes, provided that the taxes levied to pay those bonds are
2 abated by the amount of the taxes imposed under this Section
3 that are used to pay those bonds. "School-facility purposes"
4 also includes fire prevention, safety, energy conservation,
5 accessibility, school security, and specified repair purposes
6 set forth under Section 17-2.11 of the School Code.

7 (h-5) A county board in a county where a tax has been
8 imposed under this Section pursuant to a referendum held on or
9 after August 23, 2011 (the effective date of Public Act 97-542)
10 ~~this amendatory Act of the 97th General Assembly~~ may, by
11 ordinance or resolution, submit to the voters of the county the
12 question of reducing or discontinuing the tax. In the ordinance
13 or resolution, the county board shall certify the question to
14 the proper election authority in accordance with the Election
15 Code. The election authority must submit the question in
16 substantially the following form:

17 Shall the school facility retailers' occupation tax
18 and service occupation tax (commonly referred to as the
19 "school facility sales tax") currently imposed in (name of
20 county) at a rate of (insert rate) be (reduced to (insert
21 rate)) (discontinued)?

22 If a majority of the electors voting on the question vote in
23 the affirmative, then, subject to the provisions of subsection
24 (g) of this Section, the tax shall be reduced or discontinued
25 as set forth in the question.

26 (i) This Section does not apply to Cook County.

1 (j) This Section may be cited as the County School Facility
2 Occupation Tax Law.

3 (Source: P.A. 98-584, eff. 8-27-13; 99-143, eff. 7-27-15;
4 99-217, eff. 7-31-15; revised 11-6-15.)

5 (55 ILCS 5/5-12020)

6 Sec. 5-12020. Wind farms. Notwithstanding any other
7 provision of law, a county may establish standards for wind
8 farms and electric-generating wind devices. The standards may
9 include, without limitation, the height of the devices and the
10 number of devices that may be located within a geographic area.
11 A county may also regulate the siting of wind farms and
12 electric-generating wind devices in unincorporated areas of
13 the county outside of the zoning jurisdiction of a municipality
14 and the 1.5 mile radius surrounding the zoning jurisdiction of
15 a municipality. There shall be at least one public hearing not
16 more than 30 days prior to a siting decision by the county
17 board. Notice of the hearing shall be published in a newspaper
18 of general circulation in the county. A commercial wind energy
19 facility owner, as defined in the Wind Energy Facilities
20 Agricultural Impact Mitigation Act, must enter into an
21 agricultural impact mitigation agreement with the Department
22 of Agriculture prior to the date of the required public
23 hearing. A commercial wind energy facility owner seeking an
24 extension of a permit granted by a county prior to July 24,
25 2015 (the effective date of Public Act 99-132) ~~this amendatory~~

1 ~~Act of the 99th General Assembly~~ must enter into an
2 agricultural impact mitigation agreement with the Department
3 of Agriculture prior to a decision by the county to grant the
4 permit extension. Counties may allow test wind towers to be
5 sited without formal approval by the county board. Any
6 provision of a county zoning ordinance pertaining to wind farms
7 that is in effect before August 16, 2007 (the effective date of
8 Public Act 95-203) ~~this amendatory Act of the 95th General~~
9 ~~Assembly~~ may continue in effect notwithstanding any
10 requirements of this Section.

11 A county may not require a wind tower or other renewable
12 energy system that is used exclusively by an end user to be
13 setback more than 1.1 times the height of the renewable energy
14 system from the end user's property line.

15 (Source: P.A. 99-123, eff. 1-1-16; 99-132, eff. 7-24-15;
16 revised 11-6-15.)

17 (55 ILCS 5/6-1003) (from Ch. 34, par. 6-1003)

18 Sec. 6-1003. Further appropriations barred; transfers.
19 After the adoption of the county budget, no further
20 appropriations shall be made at any other time during such
21 fiscal year, except as provided in this Division.
22 Appropriations in excess of those authorized by the budget in
23 order to meet an immediate emergency may be made at any meeting
24 of the board by a two-thirds vote of all the members
25 constituting such board, the vote to be taken by ayes and nays

1 and entered on the record of the meeting. After the adoption of
2 the county budget, transfers of appropriations may be made
3 without a vote of the board; however, transfers of
4 appropriations affecting personnel and capital may be made at
5 any meeting of the board by a two-thirds vote of all the
6 members constituting such board, the vote to be taken by ayes
7 and nays and entered on the record of the meeting, provided for
8 any type of transfer that the total amount appropriated for the
9 fund is not affected.

10 (Source: P.A. 99-356, eff. 8-13-15; revised 11-9-15.)

11 Section 210. The County Economic Development Project Area
12 Property Tax Allocation Act is amended by changing Section 10
13 as follows:

14 (55 ILCS 85/10) (from Ch. 34, par. 7010)

15 Sec. 10. Conflicts of interests, disclosure. If any member
16 of the corporate authorities of a county, or any employee or
17 consultant of the county involved in the planning, analysis,
18 preparation or administration of an economic development plan
19 or an economic development project, or any proposed economic
20 development plan or any proposed economic development project,
21 owns or controls any interest, direct or indirect, in any
22 property included in any economic development project area or
23 proposed economic development project area, he or she shall
24 disclose the same in writing to the county clerk, which

1 disclosure shall include the dates, terms and conditions of any
2 disposition of any such interest. The disclosures shall be
3 acknowledged by the corporate authorities of the county and
4 entered upon the official records and files of the corporate
5 authorities. Any such individual holding any such interest
6 shall refrain from any further official involvement regarding
7 such established or proposed economic development project
8 area, economic development plan or economic development
9 project, and shall also refrain from ~~form~~ voting on any matter
10 pertaining to that project, plan or area and from communicating
11 with any members of the corporate authorities of the county and
12 no employee of the county shall acquire any interest, direct or
13 indirect, in any real or personal property or rights or
14 interest therein within an economic development project area or
15 a proposed economic development project area after that person
16 obtains knowledge of the project, plan or area or after the
17 first public notice of the project, plan or area is given by
18 the county, whichever shall first occur.

19 (Source: P.A. 86-1388; revised 11-9-15.)

20 Section 215. The Illinois Municipal Code is amended by
21 changing Sections 8-11-1.6 and 11-13-26 as follows:

22 (65 ILCS 5/8-11-1.6)

23 Sec. 8-11-1.6. Non-home rule municipal retailers
24 occupation tax; municipalities between 20,000 and 25,000. The

1 corporate authorities of a non-home rule municipality with a
2 population of more than 20,000 but less than 25,000 that has,
3 prior to January 1, 1987, established a Redevelopment Project
4 Area that has been certified as a State Sales Tax Boundary and
5 has issued bonds or otherwise incurred indebtedness to pay for
6 costs in excess of \$5,000,000, which is secured in part by a
7 tax increment allocation fund, in accordance with the
8 provisions of Division 11-74.4 of this Code may, by passage of
9 an ordinance, impose a tax upon all persons engaged in the
10 business of selling tangible personal property, other than on
11 an item of tangible personal property that is titled and
12 registered by an agency of this State's Government, at retail
13 in the municipality. This tax may not be imposed on the sales
14 of food for human consumption that is to be consumed off the
15 premises where it is sold (other than alcoholic beverages, soft
16 drinks, and food that has been prepared for immediate
17 consumption) and prescription and nonprescription medicines,
18 drugs, medical appliances and insulin, urine testing
19 materials, syringes, and needles used by diabetics. If imposed,
20 the tax shall only be imposed in .25% increments of the gross
21 receipts from such sales made in the course of business. Any
22 tax imposed by a municipality under this Section ~~Sec.~~ and all
23 civil penalties that may be assessed as an incident thereof
24 shall be collected and enforced by the State Department of
25 Revenue. An ordinance imposing a tax hereunder or effecting a
26 change in the rate thereof shall be adopted and a certified

1 copy thereof filed with the Department on or before the first
2 day of October, whereupon the Department shall proceed to
3 administer and enforce this Section as of the first day of
4 January next following such adoption and filing. The
5 certificate of registration that is issued by the Department to
6 a retailer under the Retailers' Occupation Tax Act shall permit
7 the retailer to engage in a business that is taxable under any
8 ordinance or resolution enacted under this Section without
9 registering separately with the Department under the ordinance
10 or resolution or under this Section. The Department shall have
11 full power to administer and enforce this Section, to collect
12 all taxes and penalties due hereunder, to dispose of taxes and
13 penalties so collected in the manner hereinafter provided, and
14 to determine all rights to credit memoranda, arising on account
15 of the erroneous payment of tax or penalty hereunder. In the
16 administration of, and compliance with this Section, the
17 Department and persons who are subject to this Section shall
18 have the same rights, remedies, privileges, immunities,
19 powers, and duties, and be subject to the same conditions,
20 restrictions, limitations, penalties, and definitions of
21 terms, and employ the same modes of procedure, as are
22 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 2
23 through 2-65 (in respect to all provisions therein other than
24 the State rate of tax), 2c, 3 (except as to the disposition of
25 taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
26 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12

1 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of
2 the Uniform Penalty and Interest Act as fully as if those
3 provisions were set forth herein.

4 A tax may not be imposed by a municipality under this
5 Section unless the municipality also imposes a tax at the same
6 rate under Section 8-11-1.7 of this Act.

7 Persons subject to any tax imposed under the authority
8 granted in this Section, may reimburse themselves for their
9 seller's tax liability hereunder by separately stating the tax
10 as an additional charge, which charge may be stated in
11 combination, in a single amount, with State tax which sellers
12 are required to collect under the Use Tax Act, pursuant to such
13 bracket schedules as the Department may prescribe.

14 Whenever the Department determines that a refund should be
15 made under this Section to a claimant, instead of issuing a
16 credit memorandum, the Department shall notify the State
17 Comptroller, who shall cause the order to be drawn for the
18 amount specified, and to the person named in the notification
19 from the Department. The refund shall be paid by the State
20 Treasurer out of the Non-Home Rule Municipal Retailers'
21 Occupation Tax Fund, which is hereby created.

22 The Department shall forthwith pay over to the State
23 Treasurer, ex officio, as trustee, all taxes and penalties
24 collected hereunder.

25 As soon as possible after the first day of each month,
26 beginning January 1, 2011, upon certification of the Department

1 of Revenue, the Comptroller shall order transferred, and the
2 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
3 local sales tax increment, as defined in the Innovation
4 Development and Economy Act, collected under this Section
5 during the second preceding calendar month for sales within a
6 STAR bond district.

7 After the monthly transfer to the STAR Bonds Revenue Fund,
8 on or before the 25th day of each calendar month, the
9 Department shall prepare and certify to the Comptroller the
10 disbursement of stated sums of money to named municipalities,
11 the municipalities to be those from which retailers have paid
12 taxes or penalties hereunder to the Department during the
13 second preceding calendar month. The amount to be paid to each
14 municipality shall be the amount (not including credit
15 memoranda) collected hereunder during the second preceding
16 calendar month by the Department plus an amount the Department
17 determines is necessary to offset any amounts that were
18 erroneously paid to a different taxing body, and not including
19 an amount equal to the amount of refunds made during the second
20 preceding calendar month by the Department on behalf of the
21 municipality, and not including any amount that the Department
22 determines is necessary to offset any amounts that were payable
23 to a different taxing body but were erroneously paid to the
24 municipality, and not including any amounts that are
25 transferred to the STAR Bonds Revenue Fund. Within 10 days
26 after receipt by the Comptroller of the disbursement

1 certification to the municipalities provided for in this
2 Section to be given to the Comptroller by the Department, the
3 Comptroller shall cause the orders to be drawn for the
4 respective amounts in accordance with the directions contained
5 in the certification.

6 For the purpose of determining the local governmental unit
7 whose tax is applicable, a retail sale by a producer of coal or
8 other mineral mined in Illinois is a sale at retail at the
9 place where the coal or other mineral mined in Illinois is
10 extracted from the earth. This paragraph does not apply to coal
11 or other mineral when it is delivered or shipped by the seller
12 to the purchaser at a point outside Illinois so that the sale
13 is exempt under the federal Constitution as a sale in
14 interstate or foreign commerce.

15 Nothing in this Section shall be construed to authorize a
16 municipality to impose a tax upon the privilege of engaging in
17 any business which under the constitution of the United States
18 may not be made the subject of taxation by this State.

19 When certifying the amount of a monthly disbursement to a
20 municipality under this Section, the Department shall increase
21 or decrease the amount by an amount necessary to offset any
22 misallocation of previous disbursements. The offset amount
23 shall be the amount erroneously disbursed within the previous 6
24 months from the time a misallocation is discovered.

25 As used in this Section, "municipal" and "municipality"
26 means a city, village, or incorporated town, including an

1 incorporated town that has superseded a civil township.

2 (Source: P.A. 99-217, eff. 7-31-15; revised 11-9-15.)

3 (65 ILCS 5/11-13-26)

4 Sec. 11-13-26. Wind farms. Notwithstanding any other
5 provision of law:

6 (a) A municipality may regulate wind farms and
7 electric-generating wind devices within its zoning
8 jurisdiction and within the 1.5 mile radius surrounding its
9 zoning jurisdiction. There shall be at least one public hearing
10 not more than 30 days prior to a siting decision by the
11 corporate authorities of a municipality. Notice of the hearing
12 shall be published in a newspaper of general circulation in the
13 municipality. A commercial wind energy facility owner, as
14 defined in the Wind Energy Facilities Agricultural Impact
15 Mitigation Act, must enter into an agricultural impact
16 mitigation agreement with the Department of Agriculture prior
17 to the date of the required public hearing. A commercial wind
18 energy facility owner seeking an extension of a permit granted
19 by a municipality prior to July 24, 2015 (the effective date of
20 Public Act 99-132) ~~this amendatory Act of the 99th General~~
21 ~~Assembly~~ must enter into an agricultural impact mitigation
22 agreement with the Department of Agriculture prior to a
23 decision by the municipality to grant the permit extension. A
24 municipality may allow test wind towers to be sited without
25 formal approval by the corporate authorities of the

1 municipality. Test wind towers must be dismantled within 3
2 years of installation. For the purposes of this Section, "test
3 wind towers" are wind towers that are designed solely to
4 collect wind generation data.

5 (b) A municipality may not require a wind tower or other
6 renewable energy system that is used exclusively by an end user
7 to be setback more than 1.1 times the height of the renewable
8 energy system from the end user's property line. A setback
9 requirement imposed by a municipality on a renewable energy
10 system may not be more restrictive than as provided under this
11 subsection. This subsection is a limitation of home rule powers
12 and functions under subsection (i) of Section 6 of Article VII
13 of the Illinois Constitution on the concurrent exercise by home
14 rule units of powers and functions exercised by the State.

15 (Source: P.A. 99-123, eff. 1-1-16; 99-132, eff. 7-24-15;
16 revised 11-6-15.)

17 Section 220. The Civic Center Code is amended by changing
18 Sections 170-50 and 240-50 as follows:

19 (70 ILCS 200/170-50)

20 Sec. 170-50. Contracts. All contracts for sale of property
21 of the value of more than \$10,000 or for a ~~an~~ concession in or
22 lease of property, including air rights, of the Authority for a
23 term of more than one year shall be awarded to the highest
24 responsible bidder, after advertising for bids. All

1 construction contracts and contracts for supplies, materials,
2 equipment and services, when the expense thereof will exceed
3 \$10,000, shall be let to the lowest responsible bidder, after
4 advertising for bids, excepting (1) when repair parts,
5 accessories, equipment or services are required for equipment
6 or services previously furnished or contracted for; (2) when
7 the nature of the services required is such that competitive
8 bidding is not in the best interest of the public, including,
9 without limiting the generality of the foregoing, the services
10 of accountants, architects, attorneys, engineers, physicians,
11 superintendents of construction, and others possessing a high
12 degree of skill; and (3) when services such as water, light,
13 heat, power, telephone or telegraph are required.

14 All contracts involving less than \$10,000 shall be let by
15 competitive bidding to the lowest responsible bidder whenever
16 possible, and in any event in a manner calculated to ensure the
17 best interests of the public.

18 In determining the responsibility of any bidder, the Board
19 may take into account the past record of dealings with the
20 bidder, the bidder's experience, adequacy of equipment, and
21 ability to complete performance within the time set, and other
22 factors besides financial responsibility, but in no case shall
23 any such contracts be awarded to any other than the highest
24 bidder (in case of sale, concession or lease) or the lowest
25 bidder (in case of purchase or expenditure) unless authorized
26 or approved by a vote of at least three-fourths of the members

1 of the Board, and unless such action is accompanied by a
2 statement in writing setting forth the reasons for not awarding
3 the contract to the highest or lowest bidder, as the case may
4 be, which statement shall be kept on file in the principal
5 office of the Authority and open to public inspection.

6 From the group of responsible bidders the lowest bidder
7 shall be selected in the following manner: to all bids for
8 sales the gross receipts of which are not taxable under the
9 Retailers' Occupation Tax Act, there shall be added an amount
10 equal to the tax which would be payable under said Act, if
11 applicable, and the lowest in amount of said adjusted bids and
12 bids for sales the gross receipts of which are taxable under
13 said Act shall be considered the lowest bid; provided, that, if
14 said lowest bid relates to a sale not taxable under said Act,
15 any contract entered into thereon shall be in the amount of the
16 original bid not adjusted as aforesaid.

17 Contracts shall not be split into parts involving
18 expenditures of less than \$10,000 for the purposes of avoiding
19 the provisions of this Section, and all such split contracts
20 shall be void. If any collusion occurs among bidders or
21 prospective bidders in restraint of freedom of competition, by
22 agreement to bid a fixed amount or to refrain from bidding or
23 otherwise, the bids of such bidders shall be void. Each bidder
24 shall accompany his bid with a sworn statement that he has not
25 been a party to any such agreement.

26 Members of the Board, officers and employees of the

1 Authority, and their relatives within the fourth degree of
2 consanguinity by the terms of the civil law, are forbidden to
3 be interested directly or indirectly in any contract for
4 construction or maintenance work or for the delivery of
5 materials, supplies or equipment.

6 The Board shall have the right to reject all bids and to
7 readvertise for bids. If after any such advertisement no
8 responsible and satisfactory bid, within the terms of the
9 advertisement, shall be received, the Board may award such
10 contract, without competitive bidding, provided that it shall
11 not be less advantageous to the Authority than any valid bid
12 received pursuant to advertisement.

13 The Board shall adopt rules and regulations to carry into
14 effect the provisions of this Section.

15 (Source: P.A. 93-491, eff. 1-1-04; revised 10-13-15.)

16 (70 ILCS 200/240-50)

17 Sec. 240-50. Contracts. All contracts for sale of property
18 of the value of more than \$10,000 or for a ~~an~~ concession in or
19 lease of property including air rights, of the Authority for a
20 term of more than one year shall be awarded to the highest
21 responsible bidder, after advertising for bids. All
22 construction contracts and contracts for supplies, materials,
23 equipment and services, when the expense thereof will exceed
24 \$10,000, shall be let to the lowest responsible bidder, after
25 advertising for bids, excepting (1) when repair parts,

1 accessories, equipment or services are required for equipment
2 or services previously furnished or contracted for; (2) when
3 the nature of the services required is such that competitive
4 bidding is not in the best interest of the public, including,
5 without limiting the generality of the foregoing, the services
6 of accountants, architects, attorneys, engineers, physicians,
7 superintendents of construction, and others possessing a high
8 degree of skill; and (3) when services such as water, light,
9 heat, power, telephone or telegraph are required.

10 All contracts involving less than \$10,000 shall be let by
11 competitive bidding to the lowest responsible bidder whenever
12 possible, and in any event in a manner calculated to ensure the
13 best interests of the public.

14 In determining the responsibility of any bidder, the Board
15 may take in account the past record of dealings with the
16 bidder, experience, adequacy of equipment, ability to complete
17 performance within the time set, and other factors besides
18 financial responsibility, but in no case shall any such
19 contracts be awarded to any other than the highest bidder (in
20 case of sale, concession or lease) or the lowest bidder (in
21 case of purchase or expenditure) unless authorized or approved
22 by the affirmative vote of at least 6 of the members of the
23 Board present at a meeting at which a quorum is present, and
24 unless such action is accompanied by a statement in writing
25 setting forth the reasons for not awarding the contract to the
26 highest or lowest bidder, as the case may be, which statement

1 shall be kept on file in the principal office of the Authority
2 and open to public inspection.

3 From the group of responsible bidders the lowest bidder
4 shall be selected in the following manner: to all bids for
5 sales the gross receipts of which are not taxable under the
6 Retailers' Occupation Tax Act, there shall be added an amount
7 equal to the tax which would be payable under said Act, if
8 applicable, and the lowest in amount of said adjusted bids and
9 bids for sales the gross receipts of which are taxable under
10 said Act shall be considered the lowest bid; provided, that, if
11 said lowest bid relates to a sale not taxable under said Act,
12 any contract entered into thereon shall be in the amount of the
13 original bid not adjusted as aforesaid.

14 Contracts shall not be split into parts involving
15 expenditures of less than \$10,000 for the purposes of avoiding
16 the provisions of this Section, and all such split contracts
17 shall be void. If any collusion occurs among bidders or
18 prospective bidders in restraint of freedom of competition, by
19 agreement to bid a fixed amount or to refrain from bidding or
20 otherwise, the bids of such bidders shall be void. Each bidder
21 shall accompany his bid with a sworn statement that he has not
22 been a party to any such agreement.

23 Members of the Board, officers and employees of the
24 Authority, and their relatives within the fourth degree of
25 consanguinity by the terms of the civil law, are forbidden to
26 be interested directly or indirectly in any contract for

1 construction or maintenance work or for the delivery of
2 materials, supplies or equipment.

3 The Board shall have the right to reject all bids and to
4 readvertise for bids. If after any such advertisement no
5 responsible and satisfactory bid, within the terms of the
6 advertisement, shall be received, the Board may award such
7 contract, without competitive bidding, provided that it shall
8 not be less advantageous to the Authority than any valid bid
9 received pursuant to advertisement.

10 The Board shall adopt rules and regulations to carry into
11 effect the provisions of this Section.

12 (Source: P.A. 93-491, eff. 1-1-04; revised 10-13-15.)

13 Section 225. The Flood Prevention District Act is amended
14 by changing Section 25 as follows:

15 (70 ILCS 750/25)

16 Sec. 25. Flood prevention retailers' and service
17 occupation taxes.

18 (a) If the Board of Commissioners of a flood prevention
19 district determines that an emergency situation exists
20 regarding levee repair or flood prevention, and upon an
21 ordinance confirming the determination adopted by the
22 affirmative vote of a majority of the members of the county
23 board of the county in which the district is situated, the
24 county may impose a flood prevention retailers' occupation tax

1 upon all persons engaged in the business of selling tangible
2 personal property at retail within the territory of the
3 district to provide revenue to pay the costs of providing
4 emergency levee repair and flood prevention and to secure the
5 payment of bonds, notes, and other evidences of indebtedness
6 issued under this Act for a period not to exceed 25 years or as
7 required to repay the bonds, notes, and other evidences of
8 indebtedness issued under this Act. The tax rate shall be 0.25%
9 of the gross receipts from all taxable sales made in the course
10 of that business. The tax imposed under this Section and all
11 civil penalties that may be assessed as an incident thereof
12 shall be collected and enforced by the State Department of
13 Revenue. The Department shall have full power to administer and
14 enforce this Section; to collect all taxes and penalties so
15 collected in the manner hereinafter provided; and to determine
16 all rights to credit memoranda arising on account of the
17 erroneous payment of tax or penalty hereunder.

18 In the administration of and compliance with this
19 subsection, the Department and persons who are subject to this
20 subsection (i) have the same rights, remedies, privileges,
21 immunities, powers, and duties, (ii) are subject to the same
22 conditions, restrictions, limitations, penalties, and
23 definitions of terms, and (iii) shall employ the same modes of
24 procedure as are set forth in Sections 1 through 10, 2 through
25 2-70 (in respect to all provisions contained in those Sections
26 other than the State rate of tax), 2a through 2h, 3 (except as

1 to the disposition of taxes and penalties collected), 4, 5, 5a,
2 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9,
3 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act
4 and all provisions of the Uniform Penalty and Interest Act as
5 if those provisions were set forth in this subsection.

6 Persons subject to any tax imposed under this Section may
7 reimburse themselves for their seller's tax liability
8 hereunder by separately stating the tax as an additional
9 charge, which charge may be stated in combination in a single
10 amount with State taxes that sellers are required to collect
11 under the Use Tax Act, under any bracket schedules the
12 Department may prescribe.

13 If a tax is imposed under this subsection (a), a tax shall
14 also be imposed under subsection (b) of this Section.

15 (b) If a tax has been imposed under subsection (a), a flood
16 prevention service occupation tax shall also be imposed upon
17 all persons engaged within the territory of the district in the
18 business of making sales of service, who, as an incident to
19 making the sales of service, transfer tangible personal
20 property, either in the form of tangible personal property or
21 in the form of real estate as an incident to a sale of service
22 to provide revenue to pay the costs of providing emergency
23 levee repair and flood prevention and to secure the payment of
24 bonds, notes, and other evidences of indebtedness issued under
25 this Act for a period not to exceed 25 years or as required to
26 repay the bonds, notes, and other evidences of indebtedness.

1 The tax rate shall be 0.25% of the selling price of all
2 tangible personal property transferred.

3 The tax imposed under this subsection and all civil
4 penalties that may be assessed as an incident thereof shall be
5 collected and enforced by the State Department of Revenue. The
6 Department shall have full power to administer and enforce this
7 subsection; to collect all taxes and penalties due hereunder;
8 to dispose of taxes and penalties collected in the manner
9 hereinafter provided; and to determine all rights to credit
10 memoranda arising on account of the erroneous payment of tax or
11 penalty hereunder.

12 In the administration of and compliance with this
13 subsection, the Department and persons who are subject to this
14 subsection shall (i) have the same rights, remedies,
15 privileges, immunities, powers, and duties, (ii) be subject to
16 the same conditions, restrictions, limitations, penalties, and
17 definitions of terms, and (iii) employ the same modes of
18 procedure as are set forth in Sections 2 (except that the
19 reference to State in the definition of supplier maintaining a
20 place of business in this State means the district), 2a through
21 2d, 3 through 3-50 (in respect to all provisions contained in
22 those Sections other than the State rate of tax), 4 (except
23 that the reference to the State shall be to the district), 5,
24 7, 8 (except that the jurisdiction to which the tax is a debt
25 to the extent indicated in that Section 8 is the district), 9
26 (except as to the disposition of taxes and penalties

1 collected), 10, 11, 12 (except the reference therein to Section
2 2b of the Retailers' Occupation Tax Act), 13 (except that any
3 reference to the State means the district), Section 15, 16, 17,
4 18, 19, and 20 of the Service Occupation Tax Act and all
5 provisions of the Uniform Penalty and Interest Act, as fully as
6 if those provisions were set forth herein.

7 Persons subject to any tax imposed under the authority
8 granted in this subsection may reimburse themselves for their
9 serviceman's tax liability hereunder by separately stating the
10 tax as an additional charge, that charge may be stated in
11 combination in a single amount with State tax that servicemen
12 are authorized to collect under the Service Use Tax Act, under
13 any bracket schedules the Department may prescribe.

14 (c) The taxes imposed in subsections (a) and (b) may not be
15 imposed on personal property titled or registered with an
16 agency of the State; food for human consumption that is to be
17 consumed off the premises where it is sold (other than
18 alcoholic beverages, soft drinks, and food that has been
19 prepared for immediate consumption); prescription and
20 non-prescription medicines, drugs, and medical appliances;
21 modifications to a motor vehicle for the purpose of rendering
22 it usable by a person with a disability; or insulin, urine
23 testing materials, and syringes and needles used by diabetics.

24 (d) Nothing in this Section shall be construed to authorize
25 the district to impose a tax upon the privilege of engaging in
26 any business that under the Constitution of the United States

1 may not be made the subject of taxation by the State.

2 (e) The certificate of registration that is issued by the
3 Department to a retailer under the Retailers' Occupation Tax
4 Act or a serviceman under the Service Occupation Tax Act
5 permits the retailer or serviceman to engage in a business that
6 is taxable without registering separately with the Department
7 under an ordinance or resolution under this Section.

8 (f) The Department shall immediately pay over to the State
9 Treasurer, *ex officio*, as trustee, all taxes and penalties
10 collected under this Section to be deposited into the Flood
11 Prevention Occupation Tax Fund, which shall be an
12 unappropriated trust fund held outside the State treasury.

13 On or before the 25th day of each calendar month, the
14 Department shall prepare and certify to the Comptroller the
15 disbursement of stated sums of money to the counties from which
16 retailers or servicemen have paid taxes or penalties to the
17 Department during the second preceding calendar month. The
18 amount to be paid to each county is equal to the amount (not
19 including credit memoranda) collected from the county under
20 this Section during the second preceding calendar month by the
21 Department, (i) less 2% of that amount, which shall be
22 deposited into the Tax Compliance and Administration Fund and
23 shall be used by the Department in administering and enforcing
24 the provisions of this Section on behalf of the county, (ii)
25 plus an amount that the Department determines is necessary to
26 offset any amounts that were erroneously paid to a different

1 taxing body; (iii) less an amount equal to the amount of
2 refunds made during the second preceding calendar month by the
3 Department on behalf of the county; and (iv) less any amount
4 that the Department determines is necessary to offset any
5 amounts that were payable to a different taxing body but were
6 erroneously paid to the county. When certifying the amount of a
7 monthly disbursement to a county under this Section, the
8 Department shall increase or decrease the amounts by an amount
9 necessary to offset any miscalculation of previous
10 disbursements within the previous 6 months from the time a
11 miscalculation is discovered.

12 Within 10 days after receipt by the Comptroller from the
13 Department of the disbursement certification to the counties
14 provided for in this Section, the Comptroller shall cause the
15 orders to be drawn for the respective amounts in accordance
16 with directions contained in the certification.

17 If the Department determines that a refund should be made
18 under this Section to a claimant instead of issuing a credit
19 memorandum, then the Department shall notify the Comptroller,
20 who shall cause the order to be drawn for the amount specified
21 and to the person named in the notification from the
22 Department. The refund shall be paid by the Treasurer out of
23 the Flood Prevention Occupation Tax Fund.

24 (g) If a county imposes a tax under this Section, then the
25 county board shall, by ordinance, discontinue the tax upon the
26 payment of all indebtedness of the flood prevention district.

1 The tax shall not be discontinued until all indebtedness of the
2 District has been paid.

3 (h) Any ordinance imposing the tax under this Section, or
4 any ordinance that discontinues the tax, must be certified by
5 the county clerk and filed with the Illinois Department of
6 Revenue either (i) on or before the first day of April,
7 whereupon the Department shall proceed to administer and
8 enforce the tax or change in the rate as of the first day of
9 July next following the filing; or (ii) on or before the first
10 day of October, whereupon the Department shall proceed to
11 administer and enforce the tax or change in the rate as of the
12 first day of January next following the filing.

13 (j) County Flood Prevention Occupation Tax Fund. All
14 proceeds received by a county from a tax distribution under
15 this Section must be maintained in a special fund known as the
16 [name of county] flood prevention occupation tax fund. The
17 county shall, at the direction of the flood prevention
18 district, use moneys in the fund to pay the costs of providing
19 emergency levee repair and flood prevention and to pay bonds,
20 notes, and other evidences of indebtedness issued under this
21 Act.

22 (k) This Section may be cited as the Flood Prevention
23 Occupation Tax Law.

24 (Source: P.A. 99-143, eff. 7-27-15; 99-217, eff. 7-31-15;
25 revised 11-6-15.)

1 Section 230. The Mt. Carmel Regional Port District Act is
2 amended by changing Section 22 as follows:

3 (70 ILCS 1835/22) (from Ch. 19, par. 722)

4 Sec. 22. Members of the Board shall hold office until their
5 respective successors have been appointed and qualified. Any
6 member may resign from his office to take effect when his
7 successor has been appointed and qualified. The Governor may
8 remove any member of the Board in case of incompetency, neglect
9 of duty or malfeasance in office. He shall give such member a
10 copy of the charges against him and an opportunity to be
11 publicly heard in person or by counsel in his own defense upon
12 not less than 10 days' ~~day's~~ notice. In case of failure to
13 qualify within the time required, or of abandonment of his
14 office, or in case of death, conviction of a felony or removal
15 from office, the office of such member shall become vacant.
16 Each vacancy shall be filled for the unexpired term by
17 appointment in like manner as in case of expiration of the term
18 of a member of the Board.

19 (Source: P.A. 76-1788; revised 10-9-15.)

20 Section 235. The Local Mass Transit District Act is amended
21 by changing Section 5 as follows:

22 (70 ILCS 3610/5) (from Ch. 111 2/3, par. 355)

23 Sec. 5. (a) The Board of Trustees of every District may

1 establish or acquire any or all manner of mass transit
2 facility. The Board may engage in the business of
3 transportation of passengers on scheduled routes and by
4 contract on nonscheduled routes within the territorial limits
5 of the counties or municipalities creating the District, by
6 whatever means it may decide. Its routes may be extended beyond
7 such territorial limits with the consent of the governing
8 bodies of the municipalities or counties into which such
9 operation is extended.

10 (b) The Board of Trustees of every District may for the
11 purposes of the District, acquire by gift, purchase, lease,
12 legacy, condemnation, or otherwise and hold, use, improve,
13 maintain, operate, own, manage or lease, as lessor or lessee,
14 such cars, buses, equipment, buildings, structures, real and
15 personal property, and interests therein, and services, lands
16 for terminal and other related facilities, improvements and
17 services, or any interest therein, including all or any part of
18 the plant, land, buildings, equipment, vehicles, licenses,
19 franchises, patents, property, service contracts and
20 agreements of every kind and nature. Real property may be so
21 acquired if it is situated within or partially within the area
22 served by the District or if it is outside the area if it is
23 desirable or necessary for the purposes of the District.

24 (c) The Board of Trustees of every District which
25 establishes, provides, or acquires mass transit facilities or
26 services may contract with any person or corporation or public

1 or private entity for the operation or provision thereof upon
2 such terms and conditions as the District shall determine.

3 (d) The Board of Trustees of every District shall have the
4 authority to contract for any and all purposes of the District,
5 including with an interstate transportation authority, or with
6 another local Mass Transit District or any other municipal,
7 public, or private corporation entity in the transportation
8 business including the authority to contract to lease its or
9 otherwise provide land, buildings, and equipment, and other
10 related facilities, improvements, and services, for the
11 carriage of passengers beyond the territorial limits of the
12 District or to subsidize transit operations by a public or
13 private or municipal corporation operating entity providing
14 mass transit facilities.

15 (e) The Board of Trustees of every District shall have the
16 authority to establish, alter and discontinue transportation
17 routes and services and any or all ancillary or supporting
18 facilities and services, and to establish and amend rate
19 schedules for the transportation of persons thereon or for the
20 public or private use thereof which rate schedules shall,
21 together with any grants, receipts or income from other
22 sources, be sufficient to pay the expenses of the District, the
23 repair, maintenance and the safe and adequate operation of its
24 mass transit facilities and public mass transportation system
25 and to fulfill the terms of its debts, undertakings, and
26 obligations.

1 (f) The Board of Trustees of every District shall have
2 perpetual succession and shall have the following powers in
3 addition to any others in this Act granted:

4 (1) to sue and be sued;

5 (2) to adopt and use a seal;

6 (3) to make and execute contracts loans, leases,
7 subleases, installment purchase agreements, contracts,
8 notes and other instruments evidencing financial
9 obligations, and other instruments necessary or convenient
10 in the exercise of its powers;

11 (4) to make, amend and repeal bylaws, rules and
12 regulations not inconsistent with this Act;

13 (5) to sell, lease, sublease, license, transfer,
14 convey or otherwise dispose of any of its real or personal
15 property, or interests therein, in whole or in part, at any
16 time upon such terms and conditions as it may determine,
17 with public bidding if the value exceeds \$1,000 at
18 negotiated, competitive, public, or private sale;

19 (6) to invest funds, not required for immediate
20 disbursement, in property, agreements, or securities legal
21 for investment of public funds controlled by savings banks
22 under applicable law;

23 (7) to mortgage, pledge, hypothecate or otherwise
24 encumber all or any part of its real or personal property
25 or other assets, or interests therein;

26 (8) to apply for, accept and use grants, loans or other

1 financial assistance from any private entity or municipal,
2 county, State or Federal governmental agency or other
3 public entity;

4 (9) to borrow money from the United States Government
5 or any agency thereof, or from any other public or private
6 source, for the purposes of the District and, as evidence
7 thereof, to issue its revenue bonds, payable solely from
8 the revenue derived from the operation of the District.
9 These bonds may be issued with maturities not exceeding 40
10 years from the date of the bonds, and in such amounts as
11 may be necessary to provide sufficient funds, together with
12 interest, for the purposes of the District. These bonds
13 shall bear interest at a rate of not more than the maximum
14 rate authorized by the Bond Authorization Act, as amended
15 at the time of the making of the contract of sale, payable
16 semi-annually, may be made registerable as to principal,
17 and may be made payable and callable as provided on any
18 interest payment date at a price of par and accrued
19 interest under such terms and conditions as may be fixed by
20 the ordinance authorizing the issuance of the bonds. Bonds
21 issued under this Section are negotiable instruments. They
22 shall be executed by the chairman and members of the Board
23 of Trustees, attested by the secretary, and shall be sealed
24 with the corporate seal of the District. In case any
25 Trustee or officer whose signature appears on the bonds or
26 coupons ceases to hold that office before the bonds are

1 delivered, such officer's signature, shall nevertheless be
2 valid and sufficient for all purposes, the same as though
3 such officer had remained in office until the bonds were
4 delivered. The bonds shall be sold in such manner and upon
5 such terms as the Board of Trustees shall determine, except
6 that the selling price shall be such that the interest cost
7 to the District of the proceeds of the bonds shall not
8 exceed the maximum rate authorized by the Bond
9 Authorization Act, as amended at the time of the making of
10 the contract of sale, payable semi-annually, computed to
11 maturity according to the standard table of bond values.

12 The ordinance shall fix the amount of revenue bonds
13 proposed to be issued, the maturity or maturities, the
14 interest rate, which shall not exceed the maximum rate
15 authorized by the Bond Authorization Act, as amended at the
16 time of the making of the contract of sale, and all the
17 details in connection with the bonds. The ordinance may
18 contain such covenants and restrictions upon the issuance
19 of additional revenue bonds thereafter, which will share
20 equally in the revenue of the District, as may be deemed
21 necessary or advisable for the assurance of the payment of
22 the bonds first issued. Any District may also provide in
23 the ordinance authorizing the issuance of bonds under this
24 Section that the bonds, or such ones thereof as may be
25 specified, shall, to the extent and in the manner
26 prescribed, be subordinated and be junior in standing, with

1 respect to the payment of principal and interest and the
2 security thereof, to such other bonds as are designated in
3 the ordinance.

4 The ordinance shall pledge the revenue derived from the
5 operations of the District for the purpose of paying the
6 cost of operation and maintenance of the District, and, as
7 applicable, providing adequate depreciation funds, and
8 paying the principal of and interest on the bonds of the
9 District issued under this Section;~~;~~

10 (10) subject to Section 5.1, to levy a tax on property
11 within the District at the rate of not to exceed .25% on
12 the assessed value of such property in the manner provided
13 in the "The Illinois Municipal Budget Law", ~~approved July~~
14 ~~12, 1937, as amended;~~

15 (11) to issue tax anticipation warrants;

16 (12) to contract with any school district in this State
17 to provide for the transportation of pupils to and from
18 school within such district pursuant to the provisions of
19 Section 29-15 of the School Code;

20 (13) to provide for the insurance of any property,
21 directors, officers, employees or operations of the
22 District against any risk or hazard, and to self-insure or
23 participate in joint self-insurance pools or entities to
24 insure against such risk or hazard;

25 (14) to use its established funds, personnel, and other
26 resources to acquire, construct, operate, and maintain

1 bikeways and trails. Districts may cooperate with other
2 governmental and private agencies in bikeway and trail
3 programs; and

4 (15) to acquire, own, maintain, construct,
5 reconstruct, improve, repair, operate or lease any
6 light-rail public transportation system, terminal,
7 terminal facility, public airport, or bridge or toll bridge
8 across waters with any city, state, or both.

9 With respect to instruments for the payment of money issued
10 under this Section either before, on, or after June 6, 1989
11 (the effective date of Public Act 86-4) ~~this amendatory Act of~~
12 ~~1989~~, it is and always has been the intention of the General
13 Assembly (i) that the Omnibus Bond Acts are and always have
14 been supplementary grants of power to issue instruments in
15 accordance with the Omnibus Bond Acts, regardless of any
16 provision of this Act that may appear to be or to have been
17 more restrictive than those Acts, (ii) that the provisions of
18 this Section are not a limitation on the supplementary
19 authority granted by the Omnibus Bond Acts, and (iii) that
20 instruments issued under this Section within the supplementary
21 authority granted by the Omnibus Bond Acts are not invalid
22 because of any provision of this Act that may appear to be or
23 to have been more restrictive than those Acts.

24 This Section shall be liberally construed to give effect to
25 its purposes.

26 (Source: P.A. 93-590, eff. 1-1-04; revised 10-13-15.)

1 Section 240. The Regional Transportation Authority Act is
2 amended by changing Section 4.03 as follows:

3 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

4 Sec. 4.03. Taxes.

5 (a) In order to carry out any of the powers or purposes of
6 the Authority, the Board may by ordinance adopted with the
7 concurrence of 12 of the then Directors, impose throughout the
8 metropolitan region any or all of the taxes provided in this
9 Section. Except as otherwise provided in this Act, taxes
10 imposed under this Section and civil penalties imposed incident
11 thereto shall be collected and enforced by the State Department
12 of Revenue. The Department shall have the power to administer
13 and enforce the taxes and to determine all rights for refunds
14 for erroneous payments of the taxes. Nothing in Public Act
15 95-708 ~~this amendatory Act of the 95th General Assembly~~ is
16 intended to invalidate any taxes currently imposed by the
17 Authority. The increased vote requirements to impose a tax
18 shall only apply to actions taken after January 1, 2008 (the
19 effective date of Public Act 95-708) ~~this amendatory Act of the~~
20 ~~95th General Assembly~~.

21 (b) The Board may impose a public transportation tax upon
22 all persons engaged in the metropolitan region in the business
23 of selling at retail motor fuel for operation of motor vehicles
24 upon public highways. The tax shall be at a rate not to exceed

1 5% of the gross receipts from the sales of motor fuel in the
2 course of the business. As used in this Act, the term "motor
3 fuel" shall have the same meaning as in the Motor Fuel Tax Law.
4 The Board may provide for details of the tax. The provisions of
5 any tax shall conform, as closely as may be practicable, to the
6 provisions of the Municipal Retailers Occupation Tax Act,
7 including without limitation, conformity to penalties with
8 respect to the tax imposed and as to the powers of the State
9 Department of Revenue to promulgate and enforce rules and
10 regulations relating to the administration and enforcement of
11 the provisions of the tax imposed, except that reference in the
12 Act to any municipality shall refer to the Authority and the
13 tax shall be imposed only with regard to receipts from sales of
14 motor fuel in the metropolitan region, at rates as limited by
15 this Section.

16 (c) In connection with the tax imposed under paragraph (b)
17 of this Section the Board may impose a tax upon the privilege
18 of using in the metropolitan region motor fuel for the
19 operation of a motor vehicle upon public highways, the tax to
20 be at a rate not in excess of the rate of tax imposed under
21 paragraph (b) of this Section. The Board may provide for
22 details of the tax.

23 (d) The Board may impose a motor vehicle parking tax upon
24 the privilege of parking motor vehicles at off-street parking
25 facilities in the metropolitan region at which a fee is
26 charged, and may provide for reasonable classifications in and

1 exemptions to the tax, for administration and enforcement
2 thereof and for civil penalties and refunds thereunder and may
3 provide criminal penalties thereunder, the maximum penalties
4 not to exceed the maximum criminal penalties provided in the
5 Retailers' Occupation Tax Act. The Authority may collect and
6 enforce the tax itself or by contract with any unit of local
7 government. The State Department of Revenue shall have no
8 responsibility for the collection and enforcement unless the
9 Department agrees with the Authority to undertake the
10 collection and enforcement. As used in this paragraph, the term
11 "parking facility" means a parking area or structure having
12 parking spaces for more than 2 vehicles at which motor vehicles
13 are permitted to park in return for an hourly, daily, or other
14 periodic fee, whether publicly or privately owned, but does not
15 include parking spaces on a public street, the use of which is
16 regulated by parking meters.

17 (e) The Board may impose a Regional Transportation
18 Authority Retailers' Occupation Tax upon all persons engaged in
19 the business of selling tangible personal property at retail in
20 the metropolitan region. In Cook County the tax rate shall be
21 1.25% of the gross receipts from sales of food for human
22 consumption that is to be consumed off the premises where it is
23 sold (other than alcoholic beverages, soft drinks and food that
24 has been prepared for immediate consumption) and prescription
25 and nonprescription medicines, drugs, medical appliances and
26 insulin, urine testing materials, syringes and needles used by

1 diabetics, and 1% of the gross receipts from other taxable
2 sales made in the course of that business. In DuPage, Kane,
3 Lake, McHenry, and Will Counties, the tax rate shall be 0.75%
4 of the gross receipts from all taxable sales made in the course
5 of that business. The tax imposed under this Section and all
6 civil penalties that may be assessed as an incident thereof
7 shall be collected and enforced by the State Department of
8 Revenue. The Department shall have full power to administer and
9 enforce this Section; to collect all taxes and penalties so
10 collected in the manner hereinafter provided; and to determine
11 all rights to credit memoranda arising on account of the
12 erroneous payment of tax or penalty hereunder. In the
13 administration of, and compliance with this Section, the
14 Department and persons who are subject to this Section shall
15 have the same rights, remedies, privileges, immunities, powers
16 and duties, and be subject to the same conditions,
17 restrictions, limitations, penalties, exclusions, exemptions
18 and definitions of terms, and employ the same modes of
19 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
20 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
21 therein other than the State rate of tax), 2c, 3 (except as to
22 the disposition of taxes and penalties collected), 4, 5, 5a,
23 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
24 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act
25 and Section 3-7 of the Uniform Penalty and Interest Act, as
26 fully as if those provisions were set forth herein.

1 Persons subject to any tax imposed under the authority
2 granted in this Section may reimburse themselves for their
3 seller's tax liability hereunder by separately stating the tax
4 as an additional charge, which charge may be stated in
5 combination in a single amount with State taxes that sellers
6 are required to collect under the Use Tax Act, under any
7 bracket schedules the Department may prescribe.

8 Whenever the Department determines that a refund should be
9 made under this Section to a claimant instead of issuing a
10 credit memorandum, the Department shall notify the State
11 Comptroller, who shall cause the warrant to be drawn for the
12 amount specified, and to the person named, in the notification
13 from the Department. The refund shall be paid by the State
14 Treasurer out of the Regional Transportation Authority tax fund
15 established under paragraph (n) of this Section.

16 If a tax is imposed under this subsection (e), a tax shall
17 also be imposed under subsections (f) and (g) of this Section.

18 For the purpose of determining whether a tax authorized
19 under this Section is applicable, a retail sale by a producer
20 of coal or other mineral mined in Illinois, is a sale at retail
21 at the place where the coal or other mineral mined in Illinois
22 is extracted from the earth. This paragraph does not apply to
23 coal or other mineral when it is delivered or shipped by the
24 seller to the purchaser at a point outside Illinois so that the
25 sale is exempt under the Federal Constitution as a sale in
26 interstate or foreign commerce.

1 No tax shall be imposed or collected under this subsection
2 on the sale of a motor vehicle in this State to a resident of
3 another state if that motor vehicle will not be titled in this
4 State.

5 Nothing in this Section shall be construed to authorize the
6 Regional Transportation Authority to impose a tax upon the
7 privilege of engaging in any business that under the
8 Constitution of the United States may not be made the subject
9 of taxation by this State.

10 (f) If a tax has been imposed under paragraph (e), a
11 Regional Transportation Authority Service Occupation Tax shall
12 also be imposed upon all persons engaged, in the metropolitan
13 region in the business of making sales of service, who as an
14 incident to making the sales of service, transfer tangible
15 personal property within the metropolitan region, either in the
16 form of tangible personal property or in the form of real
17 estate as an incident to a sale of service. In Cook County, the
18 tax rate shall be: (1) 1.25% of the serviceman's cost price of
19 food prepared for immediate consumption and transferred
20 incident to a sale of service subject to the service occupation
21 tax by an entity licensed under the Hospital Licensing Act, the
22 Nursing Home Care Act, the Specialized Mental Health
23 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
24 the MC/DD Act that is located in the metropolitan region; (2)
25 1.25% of the selling price of food for human consumption that
26 is to be consumed off the premises where it is sold (other than

1 alcoholic beverages, soft drinks and food that has been
2 prepared for immediate consumption) and prescription and
3 nonprescription medicines, drugs, medical appliances and
4 insulin, urine testing materials, syringes and needles used by
5 diabetics; and (3) 1% of the selling price from other taxable
6 sales of tangible personal property transferred. In DuPage,
7 Kane, Lake, McHenry and Will Counties the rate shall be 0.75%
8 of the selling price of all tangible personal property
9 transferred.

10 The tax imposed under this paragraph and all civil
11 penalties that may be assessed as an incident thereof shall be
12 collected and enforced by the State Department of Revenue. The
13 Department shall have full power to administer and enforce this
14 paragraph; to collect all taxes and penalties due hereunder; to
15 dispose of taxes and penalties collected in the manner
16 hereinafter provided; and to determine all rights to credit
17 memoranda arising on account of the erroneous payment of tax or
18 penalty hereunder. In the administration of and compliance with
19 this paragraph, the Department and persons who are subject to
20 this paragraph shall have the same rights, remedies,
21 privileges, immunities, powers and duties, and be subject to
22 the same conditions, restrictions, limitations, penalties,
23 exclusions, exemptions and definitions of terms, and employ the
24 same modes of procedure, as are prescribed in Sections 1a-1, 2,
25 2a, 3 through 3-50 (in respect to all provisions therein other
26 than the State rate of tax), 4 (except that the reference to

1 the State shall be to the Authority), 5, 7, 8 (except that the
2 jurisdiction to which the tax shall be a debt to the extent
3 indicated in that Section 8 shall be the Authority), 9 (except
4 as to the disposition of taxes and penalties collected, and
5 except that the returned merchandise credit for this tax may
6 not be taken against any State tax), 10, 11, 12 (except the
7 reference therein to Section 2b of the Retailers' Occupation
8 Tax Act), 13 (except that any reference to the State shall mean
9 the Authority), the first paragraph of Section 15, 16, 17, 18,
10 19 and 20 of the Service Occupation Tax Act and Section 3-7 of
11 the Uniform Penalty and Interest Act, as fully as if those
12 provisions were set forth herein.

13 Persons subject to any tax imposed under the authority
14 granted in this paragraph may reimburse themselves for their
15 serviceman's tax liability hereunder by separately stating the
16 tax as an additional charge, that charge may be stated in
17 combination in a single amount with State tax that servicemen
18 are authorized to collect under the Service Use Tax Act, under
19 any bracket schedules the Department may prescribe.

20 Whenever the Department determines that a refund should be
21 made under this paragraph to a claimant instead of issuing a
22 credit memorandum, the Department shall notify the State
23 Comptroller, who shall cause the warrant to be drawn for the
24 amount specified, and to the person named in the notification
25 from the Department. The refund shall be paid by the State
26 Treasurer out of the Regional Transportation Authority tax fund

1 established under paragraph (n) of this Section.

2 Nothing in this paragraph shall be construed to authorize
3 the Authority to impose a tax upon the privilege of engaging in
4 any business that under the Constitution of the United States
5 may not be made the subject of taxation by the State.

6 (g) If a tax has been imposed under paragraph (e), a tax
7 shall also be imposed upon the privilege of using in the
8 metropolitan region, any item of tangible personal property
9 that is purchased outside the metropolitan region at retail
10 from a retailer, and that is titled or registered with an
11 agency of this State's government. In Cook County the tax rate
12 shall be 1% of the selling price of the tangible personal
13 property, as "selling price" is defined in the Use Tax Act. In
14 DuPage, Kane, Lake, McHenry and Will counties the tax rate
15 shall be 0.75% of the selling price of the tangible personal
16 property, as "selling price" is defined in the Use Tax Act. The
17 tax shall be collected from persons whose Illinois address for
18 titling or registration purposes is given as being in the
19 metropolitan region. The tax shall be collected by the
20 Department of Revenue for the Regional Transportation
21 Authority. The tax must be paid to the State, or an exemption
22 determination must be obtained from the Department of Revenue,
23 before the title or certificate of registration for the
24 property may be issued. The tax or proof of exemption may be
25 transmitted to the Department by way of the State agency with
26 which, or the State officer with whom, the tangible personal

1 property must be titled or registered if the Department and the
2 State agency or State officer determine that this procedure
3 will expedite the processing of applications for title or
4 registration.

5 The Department shall have full power to administer and
6 enforce this paragraph; to collect all taxes, penalties and
7 interest due hereunder; to dispose of taxes, penalties and
8 interest collected in the manner hereinafter provided; and to
9 determine all rights to credit memoranda or refunds arising on
10 account of the erroneous payment of tax, penalty or interest
11 hereunder. In the administration of and compliance with this
12 paragraph, the Department and persons who are subject to this
13 paragraph shall have the same rights, remedies, privileges,
14 immunities, powers and duties, and be subject to the same
15 conditions, restrictions, limitations, penalties, exclusions,
16 exemptions and definitions of terms and employ the same modes
17 of procedure, as are prescribed in Sections 2 (except the
18 definition of "retailer maintaining a place of business in this
19 State"), 3 through 3-80 (except provisions pertaining to the
20 State rate of tax, and except provisions concerning collection
21 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
22 19 (except the portions pertaining to claims by retailers and
23 except the last paragraph concerning refunds), 20, 21 and 22 of
24 the Use Tax Act, and are not inconsistent with this paragraph,
25 as fully as if those provisions were set forth herein.

26 Whenever the Department determines that a refund should be

1 made under this paragraph to a claimant instead of issuing a
2 credit memorandum, the Department shall notify the State
3 Comptroller, who shall cause the order to be drawn for the
4 amount specified, and to the person named in the notification
5 from the Department. The refund shall be paid by the State
6 Treasurer out of the Regional Transportation Authority tax fund
7 established under paragraph (n) of this Section.

8 (h) The Authority may impose a replacement vehicle tax of
9 \$50 on any passenger car as defined in Section 1-157 of the
10 Illinois Vehicle Code purchased within the metropolitan region
11 by or on behalf of an insurance company to replace a passenger
12 car of an insured person in settlement of a total loss claim.
13 The tax imposed may not become effective before the first day
14 of the month following the passage of the ordinance imposing
15 the tax and receipt of a certified copy of the ordinance by the
16 Department of Revenue. The Department of Revenue shall collect
17 the tax for the Authority in accordance with Sections 3-2002
18 and 3-2003 of the Illinois Vehicle Code.

19 The Department shall immediately pay over to the State
20 Treasurer, ex officio, as trustee, all taxes collected
21 hereunder.

22 As soon as possible after the first day of each month,
23 beginning January 1, 2011, upon certification of the Department
24 of Revenue, the Comptroller shall order transferred, and the
25 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
26 local sales tax increment, as defined in the Innovation

1 Development and Economy Act, collected under this Section
2 during the second preceding calendar month for sales within a
3 STAR bond district.

4 After the monthly transfer to the STAR Bonds Revenue Fund,
5 on or before the 25th day of each calendar month, the
6 Department shall prepare and certify to the Comptroller the
7 disbursement of stated sums of money to the Authority. The
8 amount to be paid to the Authority shall be the amount
9 collected hereunder during the second preceding calendar month
10 by the Department, less any amount determined by the Department
11 to be necessary for the payment of refunds, and less any
12 amounts that are transferred to the STAR Bonds Revenue Fund.
13 Within 10 days after receipt by the Comptroller of the
14 disbursement certification to the Authority provided for in
15 this Section to be given to the Comptroller by the Department,
16 the Comptroller shall cause the orders to be drawn for that
17 amount in accordance with the directions contained in the
18 certification.

19 (i) The Board may not impose any other taxes except as it
20 may from time to time be authorized by law to impose.

21 (j) A certificate of registration issued by the State
22 Department of Revenue to a retailer under the Retailers'
23 Occupation Tax Act or under the Service Occupation Tax Act
24 shall permit the registrant to engage in a business that is
25 taxed under the tax imposed under paragraphs (b), (e), (f) or
26 (g) of this Section and no additional registration shall be

1 required under the tax. A certificate issued under the Use Tax
2 Act or the Service Use Tax Act shall be applicable with regard
3 to any tax imposed under paragraph (c) of this Section.

4 (k) The provisions of any tax imposed under paragraph (c)
5 of this Section shall conform as closely as may be practicable
6 to the provisions of the Use Tax Act, including without
7 limitation conformity as to penalties with respect to the tax
8 imposed and as to the powers of the State Department of Revenue
9 to promulgate and enforce rules and regulations relating to the
10 administration and enforcement of the provisions of the tax
11 imposed. The taxes shall be imposed only on use within the
12 metropolitan region and at rates as provided in the paragraph.

13 (l) The Board in imposing any tax as provided in paragraphs
14 (b) and (c) of this Section, shall, after seeking the advice of
15 the State Department of Revenue, provide means for retailers,
16 users or purchasers of motor fuel for purposes other than those
17 with regard to which the taxes may be imposed as provided in
18 those paragraphs to receive refunds of taxes improperly paid,
19 which provisions may be at variance with the refund provisions
20 as applicable under the Municipal Retailers Occupation Tax Act.
21 The State Department of Revenue may provide for certificates of
22 registration for users or purchasers of motor fuel for purposes
23 other than those with regard to which taxes may be imposed as
24 provided in paragraphs (b) and (c) of this Section to
25 facilitate the reporting and nontaxability of the exempt sales
26 or uses.

1 (m) Any ordinance imposing or discontinuing any tax under
2 this Section shall be adopted and a certified copy thereof
3 filed with the Department on or before June 1, whereupon the
4 Department of Revenue shall proceed to administer and enforce
5 this Section on behalf of the Regional Transportation Authority
6 as of September 1 next following such adoption and filing.
7 Beginning January 1, 1992, an ordinance or resolution imposing
8 or discontinuing the tax hereunder shall be adopted and a
9 certified copy thereof filed with the Department on or before
10 the first day of July, whereupon the Department shall proceed
11 to administer and enforce this Section as of the first day of
12 October next following such adoption and filing. Beginning
13 January 1, 1993, an ordinance or resolution imposing,
14 increasing, decreasing, or discontinuing the tax hereunder
15 shall be adopted and a certified copy thereof filed with the
16 Department, whereupon the Department shall proceed to
17 administer and enforce this Section as of the first day of the
18 first month to occur not less than 60 days following such
19 adoption and filing. Any ordinance or resolution of the
20 Authority imposing a tax under this Section and in effect on
21 August 1, 2007 shall remain in full force and effect and shall
22 be administered by the Department of Revenue under the terms
23 and conditions and rates of tax established by such ordinance
24 or resolution until the Department begins administering and
25 enforcing an increased tax under this Section as authorized by
26 Public Act 95-708 ~~this amendatory Act of the 95th General~~

1 ~~Assembly~~. The tax rates authorized by Public Act 95-708 ~~this~~
2 ~~amendatory Act of the 95th General Assembly~~ are effective only
3 if imposed by ordinance of the Authority.

4 (n) The State Department of Revenue shall, upon collecting
5 any taxes as provided in this Section, pay the taxes over to
6 the State Treasurer as trustee for the Authority. The taxes
7 shall be held in a trust fund outside the State Treasury. On or
8 before the 25th day of each calendar month, the State
9 Department of Revenue shall prepare and certify to the
10 Comptroller of the State of Illinois and to the Authority (i)
11 the amount of taxes collected in each County other than Cook
12 County in the metropolitan region, (ii) the amount of taxes
13 collected within the City of Chicago, and (iii) the amount
14 collected in that portion of Cook County outside of Chicago,
15 each amount less the amount necessary for the payment of
16 refunds to taxpayers located in those areas described in items
17 (i), (ii), and (iii). Within 10 days after receipt by the
18 Comptroller of the certification of the amounts, the
19 Comptroller shall cause an order to be drawn for the payment of
20 two-thirds of the amounts certified in item (i) of this
21 subsection to the Authority and one-third of the amounts
22 certified in item (i) of this subsection to the respective
23 counties other than Cook County and the amount certified in
24 items (ii) and (iii) of this subsection to the Authority.

25 In addition to the disbursement required by the preceding
26 paragraph, an allocation shall be made in July 1991 and each

1 year thereafter to the Regional Transportation Authority. The
2 allocation shall be made in an amount equal to the average
3 monthly distribution during the preceding calendar year
4 (excluding the 2 months of lowest receipts) and the allocation
5 shall include the amount of average monthly distribution from
6 the Regional Transportation Authority Occupation and Use Tax
7 Replacement Fund. The distribution made in July 1992 and each
8 year thereafter under this paragraph and the preceding
9 paragraph shall be reduced by the amount allocated and
10 disbursed under this paragraph in the preceding calendar year.
11 The Department of Revenue shall prepare and certify to the
12 Comptroller for disbursement the allocations made in
13 accordance with this paragraph.

14 (o) Failure to adopt a budget ordinance or otherwise to
15 comply with Section 4.01 of this Act or to adopt a Five-year
16 Capital Program or otherwise to comply with paragraph (b) of
17 Section 2.01 of this Act shall not affect the validity of any
18 tax imposed by the Authority otherwise in conformity with law.

19 (p) At no time shall a public transportation tax or motor
20 vehicle parking tax authorized under paragraphs (b), (c) and
21 (d) of this Section be in effect at the same time as any
22 retailers' occupation, use or service occupation tax
23 authorized under paragraphs (e), (f) and (g) of this Section is
24 in effect.

25 Any taxes imposed under the authority provided in
26 paragraphs (b), (c) and (d) shall remain in effect only until

1 the time as any tax authorized by paragraphs (e), (f) or (g) of
2 this Section are imposed and becomes effective. Once any tax
3 authorized by paragraphs (e), (f) or (g) is imposed the Board
4 may not reimpose taxes as authorized in paragraphs (b), (c) and
5 (d) of the Section unless any tax authorized by paragraphs (e),
6 (f) or (g) of this Section becomes ineffective by means other
7 than an ordinance of the Board.

8 (q) Any existing rights, remedies and obligations
9 (including enforcement by the Regional Transportation
10 Authority) arising under any tax imposed under paragraphs (b),
11 (c) or (d) of this Section shall not be affected by the
12 imposition of a tax under paragraphs (e), (f) or (g) of this
13 Section.

14 (Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15;
15 99-217, eff. 7-31-15; revised 10-9-15.)

16 Section 245. The Water Commission Act of 1985 is amended by
17 changing Section 4 as follows:

18 (70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

19 Sec. 4. Taxes.

20 (a) The board of commissioners of any county water
21 commission may, by ordinance, impose throughout the territory
22 of the commission any or all of the taxes provided in this
23 Section for its corporate purposes. However, no county water
24 commission may impose any such tax unless the commission

1 certifies the proposition of imposing the tax to the proper
 2 election officials, who shall submit the proposition to the
 3 voters residing in the territory at an election in accordance
 4 with the general election law, and the proposition has been
 5 approved by a majority of those voting on the proposition.

6 The proposition shall be in the form provided in Section 5
 7 or shall be substantially in the following form:

8 -----

9 Shall the (insert corporate	
10 name of county water commission)	YES
11 impose (state type of tax or	-----
12 taxes to be imposed) at the	NO
13 rate of 1/4%?	

14 -----

15 Taxes imposed under this Section and civil penalties
 16 imposed incident thereto shall be collected and enforced by the
 17 State Department of Revenue. The Department shall have the
 18 power to administer and enforce the taxes and to determine all
 19 rights for refunds for erroneous payments of the taxes.

20 (b) The board of commissioners may impose a County Water
 21 Commission Retailers' Occupation Tax upon all persons engaged
 22 in the business of selling tangible personal property at retail
 23 in the territory of the commission at a rate of 1/4% of the
 24 gross receipts from the sales made in the course of such
 25 business within the territory. The tax imposed under this
 26 paragraph and all civil penalties that may be assessed as an

1 incident thereof shall be collected and enforced by the State
2 Department of Revenue. The Department shall have full power to
3 administer and enforce this paragraph; to collect all taxes and
4 penalties due hereunder; to dispose of taxes and penalties so
5 collected in the manner hereinafter provided; and to determine
6 all rights to credit memoranda arising on account of the
7 erroneous payment of tax or penalty hereunder. In the
8 administration of, and compliance with, this paragraph, the
9 Department and persons who are subject to this paragraph shall
10 have the same rights, remedies, privileges, immunities, powers
11 and duties, and be subject to the same conditions,
12 restrictions, limitations, penalties, exclusions, exemptions
13 and definitions of terms, and employ the same modes of
14 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
15 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
16 therein other than the State rate of tax except that food for
17 human consumption that is to be consumed off the premises where
18 it is sold (other than alcoholic beverages, soft drinks, and
19 food that has been prepared for immediate consumption) and
20 prescription and nonprescription medicine, drugs, medical
21 appliances and insulin, urine testing materials, syringes, and
22 needles used by diabetics, for human use, shall not be subject
23 to tax hereunder), 2c, 3 (except as to the disposition of taxes
24 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h,
25 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12 and 13 of
26 the Retailers' Occupation Tax Act and Section 3-7 of the

1 Uniform Penalty and Interest Act, as fully as if those
2 provisions were set forth herein.

3 Persons subject to any tax imposed under the authority
4 granted in this paragraph may reimburse themselves for their
5 seller's tax liability hereunder by separately stating the tax
6 as an additional charge, which charge may be stated in
7 combination, in a single amount, with State taxes that sellers
8 are required to collect under the Use Tax Act and under
9 subsection (e) of Section 4.03 of the Regional Transportation
10 Authority Act, in accordance with such bracket schedules as the
11 Department may prescribe.

12 Whenever the Department determines that a refund should be
13 made under this paragraph to a claimant instead of issuing a
14 credit memorandum, the Department shall notify the State
15 Comptroller, who shall cause the warrant to be drawn for the
16 amount specified, and to the person named, in the notification
17 from the Department. The refund shall be paid by the State
18 Treasurer out of a county water commission tax fund established
19 under paragraph (g) of this Section.

20 For the purpose of determining whether a tax authorized
21 under this paragraph is applicable, a retail sale by a producer
22 of coal or other mineral mined in Illinois is a sale at retail
23 at the place where the coal or other mineral mined in Illinois
24 is extracted from the earth. This paragraph does not apply to
25 coal or other mineral when it is delivered or shipped by the
26 seller to the purchaser at a point outside Illinois so that the

1 sale is exempt under the Federal Constitution as a sale in
2 interstate or foreign commerce.

3 If a tax is imposed under this subsection (b) a tax shall
4 also be imposed under subsections (c) and (d) of this Section.

5 No tax shall be imposed or collected under this subsection
6 on the sale of a motor vehicle in this State to a resident of
7 another state if that motor vehicle will not be titled in this
8 State.

9 Nothing in this paragraph shall be construed to authorize a
10 county water commission to impose a tax upon the privilege of
11 engaging in any business which under the Constitution of the
12 United States may not be made the subject of taxation by this
13 State.

14 (c) If a tax has been imposed under subsection (b), a
15 County Water Commission Service Occupation Tax shall also be
16 imposed upon all persons engaged, in the territory of the
17 commission, in the business of making sales of service, who, as
18 an incident to making the sales of service, transfer tangible
19 personal property within the territory. The tax rate shall be
20 1/4% of the selling price of tangible personal property so
21 transferred within the territory. The tax imposed under this
22 paragraph and all civil penalties that may be assessed as an
23 incident thereof shall be collected and enforced by the State
24 Department of Revenue. The Department shall have full power to
25 administer and enforce this paragraph; to collect all taxes and
26 penalties due hereunder; to dispose of taxes and penalties so

1 collected in the manner hereinafter provided; and to determine
2 all rights to credit memoranda arising on account of the
3 erroneous payment of tax or penalty hereunder. In the
4 administration of, and compliance with, this paragraph, the
5 Department and persons who are subject to this paragraph shall
6 have the same rights, remedies, privileges, immunities, powers
7 and duties, and be subject to the same conditions,
8 restrictions, limitations, penalties, exclusions, exemptions
9 and definitions of terms, and employ the same modes of
10 procedure, as are prescribed in Sections 1a-1, 2 (except that
11 the reference to State in the definition of supplier
12 maintaining a place of business in this State shall mean the
13 territory of the commission), 2a, 3 through 3-50 (in respect to
14 all provisions therein other than the State rate of tax except
15 that food for human consumption that is to be consumed off the
16 premises where it is sold (other than alcoholic beverages, soft
17 drinks, and food that has been prepared for immediate
18 consumption) and prescription and nonprescription medicines,
19 drugs, medical appliances and insulin, urine testing
20 materials, syringes, and needles used by diabetics, for human
21 use, shall not be subject to tax hereunder), 4 (except that the
22 reference to the State shall be to the territory of the
23 commission), 5, 7, 8 (except that the jurisdiction to which the
24 tax shall be a debt to the extent indicated in that Section 8
25 shall be the commission), 9 (except as to the disposition of
26 taxes and penalties collected and except that the returned

1 merchandise credit for this tax may not be taken against any
2 State tax), 10, 11, 12 (except the reference therein to Section
3 2b of the Retailers' Occupation Tax Act), 13 (except that any
4 reference to the State shall mean the territory of the
5 commission), the first paragraph of Section 15, 15.5, 16, 17,
6 18, 19 and 20 of the Service Occupation Tax Act as fully as if
7 those provisions were set forth herein.

8 Persons subject to any tax imposed under the authority
9 granted in this paragraph may reimburse themselves for their
10 serviceman's tax liability hereunder by separately stating the
11 tax as an additional charge, which charge may be stated in
12 combination, in a single amount, with State tax that servicemen
13 are authorized to collect under the Service Use Tax Act, and
14 any tax for which servicemen may be liable under subsection (f)
15 of Section ~~Sec.~~ 4.03 of the Regional Transportation Authority
16 Act, in accordance with such bracket schedules as the
17 Department may prescribe.

18 Whenever the Department determines that a refund should be
19 made under this paragraph to a claimant instead of issuing a
20 credit memorandum, the Department shall notify the State
21 Comptroller, who shall cause the warrant to be drawn for the
22 amount specified, and to the person named, in the notification
23 from the Department. The refund shall be paid by the State
24 Treasurer out of a county water commission tax fund established
25 under paragraph (g) of this Section.

26 Nothing in this paragraph shall be construed to authorize a

1 county water commission to impose a tax upon the privilege of
2 engaging in any business which under the Constitution of the
3 United States may not be made the subject of taxation by the
4 State.

5 (d) If a tax has been imposed under subsection (b), a tax
6 shall also imposed upon the privilege of using, in the
7 territory of the commission, any item of tangible personal
8 property that is purchased outside the territory at retail from
9 a retailer, and that is titled or registered with an agency of
10 this State's government, at a rate of 1/4% of the selling price
11 of the tangible personal property within the territory, as
12 "selling price" is defined in the Use Tax Act. The tax shall be
13 collected from persons whose Illinois address for titling or
14 registration purposes is given as being in the territory. The
15 tax shall be collected by the Department of Revenue for a
16 county water commission. The tax must be paid to the State, or
17 an exemption determination must be obtained from the Department
18 of Revenue, before the title or certificate of registration for
19 the property may be issued. The tax or proof of exemption may
20 be transmitted to the Department by way of the State agency
21 with which, or the State officer with whom, the tangible
22 personal property must be titled or registered if the
23 Department and the State agency or State officer determine that
24 this procedure will expedite the processing of applications for
25 title or registration.

26 The Department shall have full power to administer and

1 enforce this paragraph; to collect all taxes, penalties and
2 interest due hereunder; to dispose of taxes, penalties and
3 interest so collected in the manner hereinafter provided; and
4 to determine all rights to credit memoranda or refunds arising
5 on account of the erroneous payment of tax, penalty or interest
6 hereunder. In the administration of, and compliance with this
7 paragraph, the Department and persons who are subject to this
8 paragraph shall have the same rights, remedies, privileges,
9 immunities, powers and duties, and be subject to the same
10 conditions, restrictions, limitations, penalties, exclusions,
11 exemptions and definitions of terms and employ the same modes
12 of procedure, as are prescribed in Sections 2 (except the
13 definition of "retailer maintaining a place of business in this
14 State"), 3 through 3-80 (except provisions pertaining to the
15 State rate of tax, and except provisions concerning collection
16 or refunding of the tax by retailers, and except that food for
17 human consumption that is to be consumed off the premises where
18 it is sold (other than alcoholic beverages, soft drinks, and
19 food that has been prepared for immediate consumption) and
20 prescription and nonprescription medicines, drugs, medical
21 appliances and insulin, urine testing materials, syringes, and
22 needles used by diabetics, for human use, shall not be subject
23 to tax hereunder), 4, 11, 12, 12a, 14, 15, 19 (except the
24 portions pertaining to claims by retailers and except the last
25 paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act
26 and Section 3-7 of the Uniform Penalty and Interest Act that

1 are not inconsistent with this paragraph, as fully as if those
2 provisions were set forth herein.

3 Whenever the Department determines that a refund should be
4 made under this paragraph to a claimant instead of issuing a
5 credit memorandum, the Department shall notify the State
6 Comptroller, who shall cause the order to be drawn for the
7 amount specified, and to the person named, in the notification
8 from the Department. The refund shall be paid by the State
9 Treasurer out of a county water commission tax fund established
10 under paragraph (g) of this Section.

11 (e) A certificate of registration issued by the State
12 Department of Revenue to a retailer under the Retailers'
13 Occupation Tax Act or under the Service Occupation Tax Act
14 shall permit the registrant to engage in a business that is
15 taxed under the tax imposed under paragraphs (b), (c) or (d) of
16 this Section and no additional registration shall be required
17 under the tax. A certificate issued under the Use Tax Act or
18 the Service Use Tax Act shall be applicable with regard to any
19 tax imposed under paragraph (c) of this Section.

20 (f) Any ordinance imposing or discontinuing any tax under
21 this Section shall be adopted and a certified copy thereof
22 filed with the Department on or before June 1, whereupon the
23 Department of Revenue shall proceed to administer and enforce
24 this Section on behalf of the county water commission as of
25 September 1 next following the adoption and filing. Beginning
26 January 1, 1992, an ordinance or resolution imposing or

1 discontinuing the tax hereunder shall be adopted and a
2 certified copy thereof filed with the Department on or before
3 the first day of July, whereupon the Department shall proceed
4 to administer and enforce this Section as of the first day of
5 October next following such adoption and filing. Beginning
6 January 1, 1993, an ordinance or resolution imposing or
7 discontinuing the tax hereunder shall be adopted and a
8 certified copy thereof filed with the Department on or before
9 the first day of October, whereupon the Department shall
10 proceed to administer and enforce this Section as of the first
11 day of January next following such adoption and filing.

12 (g) The State Department of Revenue shall, upon collecting
13 any taxes as provided in this Section, pay the taxes over to
14 the State Treasurer as trustee for the commission. The taxes
15 shall be held in a trust fund outside the State Treasury.

16 As soon as possible after the first day of each month,
17 beginning January 1, 2011, upon certification of the Department
18 of Revenue, the Comptroller shall order transferred, and the
19 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
20 local sales tax increment, as defined in the Innovation
21 Development and Economy Act, collected under this Section
22 during the second preceding calendar month for sales within a
23 STAR bond district.

24 After the monthly transfer to the STAR Bonds Revenue Fund,
25 on or before the 25th day of each calendar month, the State
26 Department of Revenue shall prepare and certify to the

1 Comptroller of the State of Illinois the amount to be paid to
2 the commission, which shall be the amount (not including credit
3 memoranda) collected under this Section during the second
4 preceding calendar month by the Department plus an amount the
5 Department determines is necessary to offset any amounts that
6 were erroneously paid to a different taxing body, and not
7 including any amount equal to the amount of refunds made during
8 the second preceding calendar month by the Department on behalf
9 of the commission, and not including any amount that the
10 Department determines is necessary to offset any amounts that
11 were payable to a different taxing body but were erroneously
12 paid to the commission, and less any amounts that are
13 transferred to the STAR Bonds Revenue Fund. Within 10 days
14 after receipt by the Comptroller of the certification of the
15 amount to be paid to the commission, the Comptroller shall
16 cause an order to be drawn for the payment for the amount in
17 accordance with the direction in the certification.

18 (h) Beginning June 1, 2016, any tax imposed pursuant to
19 this Section may no longer be imposed or collected, unless a
20 continuation of the tax is approved by the voters at a
21 referendum as set forth in this Section.

22 (Source: P.A. 98-298, eff. 8-9-13; 99-217, eff. 7-31-15;
23 revised 11-9-15.)

24 Section 250. The School Code is amended by changing
25 Sections 2-3.25a, 2-3.25f, 2-3.64a-5, 5-2.2, 10-17a, 10-29,

1 14-8.02, 19-1, 21B-20, 21B-45, 22-30, 27-8.1, 27-24.2, 27A-5,
2 32-5, 34-2.4, and 34-8.1, by setting forth and renumbering
3 multiple versions of Sections 2-3.163 and 22-80, and by setting
4 forth, renumbering, and changing multiple versions of Section
5 10-20.56 as follows:

6 (105 ILCS 5/2-3.25a) (from Ch. 122, par. 2-3.25a)

7 Sec. 2-3.25a. "School district" defined; additional
8 standards.

9 (a) For the purposes of this Section and Sections 3.25b,
10 3.25c, 3.25d, 3.25e, and 3.25f of this Code, "school district"
11 includes other public entities responsible for administering
12 public schools, such as cooperatives, joint agreements,
13 charter schools, special charter districts, regional offices
14 of education, local agencies, and the Department of Human
15 Services.

16 (b) In addition to the standards established pursuant to
17 Section 2-3.25, the State Board of Education shall develop
18 recognition standards for student performance and school
19 improvement for all school districts and their individual
20 schools, which must be an outcomes-based, balanced
21 accountability measure. The State Board of Education is
22 prohibited from having separate performance standards for
23 students based on race or ethnicity.

24 Subject to the availability of federal, State, public, or
25 private funds, the balanced accountability measure must be

1 designed to focus on 2 components, student performance and
2 professional practice. The student performance component shall
3 count for 30% of the total balanced accountability measure, and
4 the professional practice component shall count for 70% of the
5 total balanced accountability measure. The student performance
6 component shall focus on student outcomes and closing the
7 achievement gaps within each school district and its individual
8 schools using a Multiple Measure Index and Annual Measurable
9 Objectives, as set forth in Section 2-3.25d of this Code. The
10 professional practice component shall focus on the degree to
11 which a school district, as well as its individual schools, is
12 implementing evidence-based, best professional practices and
13 exhibiting continued improvement. Beginning with the 2015-2016
14 school year, the balanced accountability measure shall consist
15 of only the student performance component, which shall account
16 for 100% of the total balanced accountability measure. From the
17 2016-2017 school year through the 2021-2022 school year, the
18 State Board of Education and a Balanced Accountability Measure
19 Committee shall identify a number of school districts per the
20 designated school years to begin implementing the balanced
21 accountability measure, which includes both the student
22 performance and professional practice components. By the
23 2021-2022 school year, all school districts must be
24 implementing the balanced accountability measure, which
25 includes both components. The Balanced Accountability Measure
26 Committee shall consist of the following individuals: a

1 representative of a statewide association representing
2 regional superintendents of schools, a representative of a
3 statewide association representing principals, a
4 representative of an association representing principals in a
5 city having a population exceeding 500,000, a representative of
6 a statewide association representing school administrators, a
7 representative of a statewide professional teachers'
8 organization, a representative of a different statewide
9 professional teachers' organization, an additional
10 representative from either statewide professional teachers'
11 organization, a representative of a professional teachers'
12 organization in a city having a population exceeding 500,000, a
13 representative of a statewide association representing school
14 boards, and a representative of a school district organized
15 under Article 34 of this Code. The head of each association or
16 entity listed in this paragraph shall appoint its respective
17 representative. The State Superintendent of Education, in
18 consultation with the Committee, may appoint no more than 2
19 additional individuals to the Committee, which individuals
20 shall serve in an advisory role and must not have voting or
21 other decision-making rights. The Committee is abolished on
22 June 1, 2022.

23 Using a Multiple Measure Index consistent with subsection
24 (a) of Section 2-3.25d of this Code, the student performance
25 component shall consist of the following subcategories, each of
26 which must be valued at 10%:

- 1 (1) achievement status;
- 2 (2) achievement growth; and
- 3 (3) Annual Measurable Objectives, as set forth in
- 4 subsection (b) of Section 2-3.25d of this Code.

5 Achievement status shall measure and assess college and career
6 readiness, as well as the graduation rate. Achievement growth
7 shall measure the school district's and its individual schools'
8 student growth via this State's growth value tables. Annual
9 Measurable Objectives shall measure the degree to which school
10 districts, as well as their individual schools, are closing
11 their achievement gaps among their student population and
12 subgroups.

13 The professional practice component shall consist of the
14 following subcategories:

- 15 (A) compliance;
- 16 (B) evidence-based best practices; and
- 17 (C) contextual improvement.

18 Compliance, which shall count for 10%, shall measure the degree
19 to which a school district and its individual schools meet the
20 current State compliance requirements. Evidence-based best
21 practices, which shall count for 30%, shall measure the degree
22 to which school districts and their individual schools are
23 adhering to a set of evidence-based quality standards and best
24 practice for effective schools that include (i) continuous
25 improvement, (ii) culture and climate, (iii) shared
26 leadership, (iv) governance, (v) education and employee

1 quality, (vi) family and community connections, and (vii)
2 student and learning development and are further developed in
3 consultation with the State Board of Education and the Balanced
4 Accountability Measure Committee set forth in this subsection
5 (b). Contextual improvement, which shall count for 30%, shall
6 provide school districts and their individual schools the
7 opportunity to demonstrate improved outcomes through local
8 data, including without limitation school climate, unique
9 characteristics, and barriers that impact the educational
10 environment and hinder the development and implementation of
11 action plans to address areas of school district and individual
12 school improvement. Each school district, in good faith
13 cooperation with its teachers or, where applicable, the
14 exclusive bargaining representatives of its teachers, shall
15 develop 2 measurable objectives to demonstrate contextual
16 improvement, each of which must be equally weighted. Each
17 school district shall begin such good faith cooperative
18 development of these objectives no later than 6 months prior to
19 the beginning of the school year in which the school district
20 is to implement the professional practice component of the
21 balanced accountability measure. The professional practice
22 component must be scored using trained peer review teams that
23 observe and verify school district practices using an
24 evidence-based framework.

25 The balanced accountability measure shall combine the
26 student performance and professional practice components into

1 one summative score based on 100 points at the school district
2 and individual-school level. A school district shall be
3 designated as "Exceeds Standards - Exemplar" if the overall
4 score is 100 to 90, "Meets Standards - Proficient" if the
5 overall score is 89 to 75, "Approaching Standards - Needs
6 Improvement" if the overall score is 74 to 60, and "Below
7 Standards - Unsatisfactory" if the overall score is 59 to 0.
8 The balanced accountability measure shall also detail both
9 incentives that reward school districts for continued improved
10 performance, as provided in Section 2-3.25c of this Code, and
11 consequences for school districts that fail to provide evidence
12 of continued improved performance, which may include
13 presentation of a barrier analysis, additional school board and
14 administrator training, or additional State assistance. Based
15 on its summative score, a school district may be exempt from
16 the balanced accountability measure for one or more school
17 years. The State Board of Education, in collaboration with the
18 Balanced Accountability Measure Committee set forth in this
19 subsection (b), shall adopt rules that further implementation
20 in accordance with the requirements of this Section.

21 (Source: P.A. 99-84, eff. 1-1-16; 99-193, eff. 7-30-15; revised
22 10-9-15.)

23 (105 ILCS 5/2-3.25f) (from Ch. 122, par. 2-3.25f)

24 Sec. 2-3.25f. State interventions.

25 (a) The State Board of Education shall provide technical

1 assistance to assist with the development and implementation of
2 School and District Improvement Plans.

3 Schools or school districts that fail to make reasonable
4 efforts to implement an approved Improvement Plan may suffer
5 loss of State funds by school district, attendance center, or
6 program as the State Board of Education deems appropriate.

7 (a-5) (Blank).

8 (b) Beginning in 2017, if, after 3 years following its
9 identification as a priority district under Section 2-3.25d-5
10 of this Code, a district does not make progress as measured by
11 a reduction in achievement gaps commensurate with the targets
12 in this State's approved accountability plan with the U.S.
13 Department of Education, then the State Board of Education may
14 (i) change the recognition status of the school district or
15 school to nonrecognized or (ii) authorize the State
16 Superintendent of Education to direct the reassignment of
17 pupils or direct the reassignment or replacement of school
18 district personnel. If a school district is nonrecognized in
19 its entirety, it shall automatically be dissolved on July 1
20 following that nonrecognition and its territory realigned with
21 another school district or districts by the regional board of
22 school trustees in accordance with the procedures set forth in
23 Section 7-11 of the School Code. The effective date of the
24 nonrecognition of a school shall be July 1 following the
25 nonrecognition.

26 (b-5) The State Board of Education shall also develop a

1 system to provide assistance and resources to lower performing
2 school districts. At a minimum, the State Board shall identify
3 school districts to receive priority services, to be known as
4 priority districts under Section 2-3.25d-5 of this Code. The
5 school district shall provide the exclusive bargaining
6 representative with a 5-day notice that the district has been
7 identified as a priority district. In addition, the State Board
8 may, by rule, develop other categories of low-performing
9 schools and school districts to receive services.

10 Based on the results of the district needs assessment under
11 Section 2-3.25d-5 of this Code, the State Board of Education
12 shall work with the district to provide technical assistance
13 and professional development, in partnership with the
14 district, to implement a continuous improvement plan that would
15 increase outcomes for students. The plan for continuous
16 improvement shall be based on the results of the district needs
17 assessment and shall be used to determine the types of services
18 that are to be provided to each priority district. Potential
19 services for a district may include monitoring adult and
20 student practices, reviewing and reallocating district
21 resources, developing a district leadership team, providing
22 access to curricular content area specialists, and providing
23 online resources and professional development.

24 The State Board of Education may require priority districts
25 identified as having deficiencies in one or more core functions
26 of the district needs assessment to undergo an accreditation

1 process as provided in subsection (d) of Section 2-3.25f-5 of
2 this Code.

3 (c) All federal requirements apply to schools and school
4 districts utilizing federal funds under Title I, Part A of the
5 federal Elementary and Secondary Education Act of 1965.

6 (Source: P.A. 98-1155, eff. 1-9-15; 99-193, eff. 7-30-15;
7 99-203, eff. 7-30-15; revised 10-9-15.)

8 (105 ILCS 5/2-3.64a-5)

9 Sec. 2-3.64a-5. State goals and assessment.

10 (a) For the assessment and accountability purposes of this
11 Section, "students" includes those students enrolled in a
12 public or State-operated elementary school, secondary school,
13 or cooperative or joint agreement with a governing body or
14 board of control, a charter school operating in compliance with
15 the Charter Schools Law, a school operated by a regional office
16 of education under Section 13A-3 of this Code, or a public
17 school administered by a local public agency or the Department
18 of Human Services.

19 (b) The State Board of Education shall establish the
20 academic standards that are to be applicable to students who
21 are subject to State assessments under this Section. The State
22 Board of Education shall not establish any such standards in
23 final form without first providing opportunities for public
24 participation and local input in the development of the final
25 academic standards. Those opportunities shall include a

1 well-publicized period of public comment and opportunities to
2 file written comments.

3 (c) Beginning no later than the 2014-2015 school year, the
4 State Board of Education shall annually assess all students
5 enrolled in grades 3 through 8 in English language arts and
6 mathematics.

7 Beginning no later than the 2017-2018 school year, the
8 State Board of Education shall annually assess all students in
9 science at one grade in grades 3 through 5, at one grade in
10 grades 6 through 8, and at one grade in grades 9 through 12.

11 The State Board of Education shall annually assess schools
12 that operate a secondary education program, as defined in
13 Section 22-22 of this Code, in English language arts and
14 mathematics. The State Board of Education shall administer no
15 more than 3 assessments, per student, of English language arts
16 and mathematics for students in a secondary education program.
17 One of these assessments shall include a college and career
18 ready determination that shall be accepted by this State's
19 public institutions of higher education, as defined in the
20 Board of Higher Education Act, for the purpose of student
21 application or admissions consideration.

22 Students who are not assessed for college and career ready
23 determinations may not receive a regular high school diploma
24 unless the student is exempted from taking State assessments
25 under subsection (d) of this Section because (i) the student's
26 individualized educational program developed under Article 14

1 of this Code identifies the State assessment as inappropriate
2 for the student, (ii) the student is enrolled in a program of
3 adult and continuing education, as defined in the Adult
4 Education Act, (iii) the school district is not required to
5 assess the individual student for purposes of accountability
6 under federal No Child Left Behind Act of 2001 requirements,
7 (iv) the student has been determined to be an English learner
8 and has been enrolled in schools in the United States for less
9 than 12 months, or (v) the student is otherwise identified by
10 the State Board of Education, through rules, as being exempt
11 from the assessment.

12 The State Board of Education shall not assess students
13 under this Section in subjects not required by this Section.

14 Districts shall inform their students of the timelines and
15 procedures applicable to their participation in every yearly
16 administration of the State assessments. The State Board of
17 Education shall establish periods of time in each school year
18 during which State assessments shall occur to meet the
19 objectives of this Section.

20 (d) Every individualized educational program as described
21 in Article 14 shall identify if the State assessment or
22 components thereof are appropriate for the student. The State
23 Board of Education shall develop rules governing the
24 administration of an alternate assessment that may be available
25 to students for whom participation in this State's regular
26 assessments is not appropriate, even with accommodations as

1 allowed under this Section.

2 Students receiving special education services whose
3 individualized educational programs identify them as eligible
4 for the alternative State assessments nevertheless shall have
5 the option of taking this State's regular assessment that
6 includes a college and career ready determination, which shall
7 be administered in accordance with the eligible accommodations
8 appropriate for meeting these students' respective needs.

9 All students determined to be English learners shall
10 participate in the State assessments, excepting those students
11 who have been enrolled in schools in the United States for less
12 than 12 months. Such students may be exempted from
13 participation in one annual administration of the English
14 language arts assessment. Any student determined to be an
15 English learner shall receive appropriate assessment
16 accommodations, including language supports, which shall be
17 established by rule. Approved assessment accommodations must
18 be provided until the student's English language skills develop
19 to the extent that the student is no longer considered to be an
20 English learner, as demonstrated through a State-identified
21 English language proficiency assessment.

22 (e) The results or scores of each assessment taken under
23 this Section shall be made available to the parents of each
24 student.

25 In each school year, the scores attained by a student on
26 the State assessment that includes a college and career ready

1 determination must be placed in the student's permanent record
2 and must be entered on the student's transcript pursuant to
3 rules that the State Board of Education shall adopt for that
4 purpose in accordance with Section 3 of the Illinois School
5 Student Records Act. In each school year, the scores attained
6 by a student on the State assessments administered in grades 3
7 through 8 must be placed in the student's temporary record.

8 (f) All schools shall administer an academic assessment of
9 English language proficiency in oral language (listening and
10 speaking) and reading and writing skills to all children
11 determined to be English learners.

12 (g) All schools in this State that are part of the sample
13 drawn by the National Center for Education Statistics, in
14 collaboration with their school districts and the State Board
15 of Education, shall administer the biennial academic
16 assessments under the National Assessment of Educational
17 Progress carried out under Section 411(b)(2) of the federal
18 National Education Statistics Act of 1994 (20 U.S.C. 9010) if
19 the U.S. Secretary of Education pays the costs of administering
20 the assessments.

21 (h) Subject to available funds to this State for the
22 purpose of student assessment, the State Board of Education
23 shall provide additional assessments and assessment resources
24 that may be used by school districts for local assessment
25 purposes. The State Board of Education shall annually
26 distribute a listing of these additional resources.

1 (i) For the purposes of this subsection (i), "academically
2 based assessments" means assessments consisting of questions
3 and answers that are measurable and quantifiable to measure the
4 knowledge, skills, and ability of students in the subject
5 matters covered by the assessments. All assessments
6 administered pursuant to this Section must be academically
7 based assessments. The scoring of academically based
8 assessments shall be reliable, valid, and fair and shall meet
9 the guidelines for assessment development and use prescribed by
10 the American Psychological Association, the National Council
11 on Measurement in Education, and the American Educational
12 Research Association.

13 The State Board of Education shall review the use of all
14 assessment item types in order to ensure that they are valid
15 and reliable indicators of student performance aligned to the
16 learning standards being assessed and that the development,
17 administration, and scoring of these item types are justifiable
18 in terms of cost.

19 (j) The State Superintendent of Education shall appoint a
20 committee of no more than 21 members, consisting of parents,
21 teachers, school administrators, school board members,
22 assessment experts, regional superintendents of schools, and
23 citizens, to review the State assessments administered by the
24 State Board of Education. The Committee shall select one of its
25 members as its chairperson. The Committee shall meet on an
26 ongoing basis to review the content and design of the

1 assessments (including whether the requirements of subsection
2 (i) of this Section have been met), the time and money expended
3 at the local and State levels to prepare for and administer the
4 assessments, the collective results of the assessments as
5 measured against the stated purpose of assessing student
6 performance, and other issues involving the assessments
7 identified by the Committee. The Committee shall make periodic
8 recommendations to the State Superintendent of Education and
9 the General Assembly concerning the assessments.

10 (k) The State Board of Education may adopt rules to
11 implement this Section.

12 (Source: P.A. 98-972, eff. 8-15-14; 99-30, eff. 7-10-15;
13 99-185, eff. 1-1-16; revised 10-16-15.)

14 (105 ILCS 5/2-3.163)

15 Sec. 2-3.163. Prioritization of Urgency of Need for
16 Services database.

17 (a) The General Assembly makes all of the following
18 findings:

19 (1) The Department of Human Services maintains a
20 statewide database known as the Prioritization of Urgency
21 of Need for Services that records information about
22 individuals with developmental disabilities who are
23 potentially in need of services.

24 (2) The Department of Human Services uses the data on
25 Prioritization of Urgency of Need for Services to select

1 individuals for services as funding becomes available, to
2 develop proposals and materials for budgeting, and to plan
3 for future needs.

4 (3) Prioritization of Urgency of Need for Services is
5 available for children and adults with a developmental
6 disability who have an unmet service need anticipated in
7 the next 5 years.

8 (4) Prioritization of Urgency of Need for Services is
9 the first step toward getting developmental disabilities
10 services in this State. If individuals are not on the
11 Prioritization of Urgency of Need for Services waiting
12 list, they are not in queue for State developmental
13 disabilities services.

14 (5) Prioritization of Urgency of Need for Services may
15 be underutilized by children and their parents or guardians
16 due to lack of awareness or lack of information.

17 (b) The State Board of Education may work with school
18 districts to inform all students with developmental
19 disabilities and their parents or guardians about the
20 Prioritization of Urgency of Need for Services database.

21 (c) Subject to appropriation, the Department of Human
22 Services and State Board of Education shall develop and
23 implement an online, computer-based training program for at
24 least one designated employee in every public school in this
25 State to educate him or her about the Prioritization of Urgency
26 of Need for Services database and steps to be taken to ensure

1 children and adolescents are enrolled. The training shall
2 include instruction for at least one designated employee in
3 every public school in contacting the appropriate
4 developmental disabilities Independent Service Coordination
5 agency to enroll children and adolescents in the database. At
6 least one designated employee in every public school shall
7 ensure the opportunity to enroll in the Prioritization of
8 Urgency of Need for Services database is discussed during
9 annual individualized education program (IEP) meetings for all
10 children and adolescents believed to have a developmental
11 disability.

12 (d) The State Board of Education, in consultation with the
13 Department of Human Services, shall inform parents and
14 guardians of students through school districts about the
15 Prioritization of Urgency of Need for Services waiting list.

16 (Source: P.A. 99-144, eff. 1-1-16.)

17 (105 ILCS 5/2-3.164)

18 (Section scheduled to be repealed on December 16, 2020)

19 Sec. 2-3.164 ~~2-3.163~~. Attendance Commission.

20 (a) The Attendance Commission is created within the State
21 Board of Education to study the issue of chronic absenteeism in
22 this State and make recommendations for strategies to prevent
23 chronic absenteeism. The Commission shall consist of all of the
24 following members:

25 (1) The Director of the Department of Children and

1 Family Services or his or her designee.

2 (2) The Chairperson of the State Board of Education or
3 his or her designee.

4 (3) The Chairperson of the Board of Higher Education or
5 his or her designee.

6 (4) The Secretary of the Department of Human Services
7 or his or her designee.

8 (5) The Director of the Department of Public Health or
9 his or her designee.

10 (6) The Chairperson of the Illinois Community College
11 Board or his or her designee.

12 (7) The Chairperson of the State Charter School
13 Commission or his or her designee.

14 (8) An individual that deals with children's
15 disabilities, impairments, and social emotional issues,
16 appointed by the State Superintendent of Education.

17 (9) One member from each of the following
18 organizations, appointed by the State Superintendent of
19 Education:

20 (A) A non-profit organization that advocates for
21 students in temporary living situations.

22 (B) An Illinois-focused, non-profit organization
23 that advocates for the well-being of all children and
24 families in this State.

25 (C) An Illinois non-profit, anti-crime
26 organization of law enforcement that researches and

1 recommends early learning and youth development
2 strategies to reduce crime.

3 (D) An Illinois non-profit organization that
4 conducts community-organizing around family issues.

5 (E) A statewide professional teachers'
6 organization.

7 (F) A different statewide professional teachers'
8 organization.

9 (G) A professional teachers' organization in a
10 city having a population exceeding 500,000.

11 (H) An association representing school
12 administrators.

13 (I) An association representing school board
14 members.

15 (J) An association representing school principals.

16 (K) An association representing regional
17 superintendents of schools.

18 (L) An association representing parents.

19 (M) An association representing high school
20 districts.

21 (N) An association representing large unit
22 districts.

23 (O) An organization that advocates for healthier
24 school environments in Illinois.

25 (P) An organization that advocates for the health
26 and safety of Illinois youth and families by providing

1 capacity building services.

2 (Q) A statewide association of local philanthropic
3 organizations that advocates for effective
4 educational, health, and human service policies to
5 improve this State's communities.

6 (R) A statewide organization that advocates for
7 partnerships among schools, families, and the
8 community that provide access to support and remove
9 barriers to learning and development, using schools as
10 hubs.

11 (S) An organization representing statewide
12 programs actively involved in truancy intervention.

13 Attendance Commission members shall serve without
14 compensation but shall be reimbursed for their travel expenses
15 from appropriations to the State Board of Education available
16 for that purpose and subject to the rules of the appropriate
17 travel control board.

18 (b) The Attendance Commission shall meet initially at the
19 call of the State Superintendent of Education. The members
20 shall elect a chairperson at their initial meeting. Thereafter,
21 the Attendance Commission shall meet at the call of the
22 chairperson. The Attendance Commission shall hold hearings on a
23 periodic basis to receive testimony from the public regarding
24 attendance.

25 (c) The Attendance Commission shall identify strategies,
26 mechanisms, and approaches to help parents, educators,

1 principals, superintendents, and the State Board of Education
2 address and prevent chronic absenteeism and shall recommend to
3 the General Assembly and State Board of Education:

4 (1) a standard for attendance and chronic absenteeism,
5 defining attendance as a calculation of standard clock
6 hours in a day that equal a full day based on instructional
7 minutes for both a half day and a full day per learning
8 environment;

9 (2) mechanisms to improve data systems to monitor and
10 track chronic absenteeism across this State in a way that
11 identifies trends from prekindergarten through grade 12
12 and allows the identification of students who need
13 individualized chronic absenteeism prevention plans;

14 (3) mechanisms for reporting and accountability for
15 schools and districts across this State, including
16 creating multiple measure indexes for reporting;

17 (4) best practices for utilizing attendance and
18 chronic absenteeism data to create multi-tiered systems of
19 support and prevention that will result in students being
20 ready for college and career; and

21 (5) new initiatives and responses to ongoing
22 challenges presented by chronic absenteeism.

23 (d) The State Board of Education shall provide
24 administrative support to the Commission. The Attendance
25 Commission shall submit an annual report to the General
26 Assembly and the State Board of Education no later than

1 December 15 of each year.

2 (e) The Attendance Commission is abolished and this Section
3 is repealed on December 16, 2020.

4 (Source: P.A. 99-432, eff. 8-21-15; revised 10-5-15.)

5 (105 ILCS 5/2-3.165)

6 (Section scheduled to be repealed on June 1, 2016)

7 Sec. 2-3.165 ~~2-3.163~~. Virtual education review committee.

8 (a) The State Superintendent of Education shall establish a
9 review committee to review virtual education and course choice.
10 The review committee shall consist of all of the following
11 individuals appointed by the State Superintendent:

12 (1) One representative of the State Board of Education,
13 who shall serve as chairperson.

14 (2) One parent.

15 (3) One educator representing a statewide professional
16 teachers' organization.

17 (4) One educator representing a different statewide
18 professional teachers' organization.

19 (5) One educator representing a professional teachers'
20 organization in a city having a population exceeding
21 500,000.

22 (6) One school district administrator representing an
23 association that represents school administrators.

24 (7) One school principal representing an association
25 that represents school principals.

1 (8) One school board member representing an
2 association that represents school board members.

3 (9) One special education administrator representing
4 an association that represents special education
5 administrators.

6 (10) One representative of a school district in a city
7 having a population exceeding 500,000.

8 (11) One school principal representing an association
9 that represents school principals in a city having a
10 population exceeding 500,000.

11 (12) One representative of an education advocacy group
12 that works with parents.

13 (13) One representative of an education public policy
14 organization.

15 (14) One representative of an institution of higher
16 education.

17 (15) One representative of a virtual school in this
18 State.

19 The review committee shall also consist of all of the following
20 members appointed as follows:

21 (A) One member of the Senate appointed by the President
22 of the Senate.

23 (B) One member of the Senate appointed by the Minority
24 Leader of the Senate.

25 (C) One member of the House of Representatives
26 appointed by the Speaker of the House of Representatives.

1 (D) One member of the House of Representatives
2 appointed by the Minority Leader of the House of
3 Representatives.

4 Members of the review committee shall serve without
5 compensation, but, subject to appropriation, members may be
6 reimbursed for travel.

7 (b) The review committee shall meet at least 4 times, at
8 the call of the chairperson, to review virtual education and
9 course choice. This review shall include a discussion on
10 virtual course access programs, including the ability of
11 students to enroll in online coursework and access technology
12 to complete courses. The review committee shall make
13 recommendations on changes and improvements and provide best
14 practices for virtual education and course choice in this
15 State. The review committee shall determine funding mechanisms
16 and district cost projections to administer course access
17 programs.

18 (c) The State Board of Education shall provide
19 administrative and other support to the review committee.

20 (d) The review committee shall report its findings and
21 recommendations to the Governor and General Assembly no later
22 than May 31, 2016. Upon filing its report, the review committee
23 is dissolved.

24 (e) This Section is repealed on June 1, 2016.

25 (Source: P.A. 99-442, eff. 8-21-15; revised 10-5-15.)

1 (105 ILCS 5/2-3.166)

2 Sec. 2-3.166 ~~2-3.163~~. Youth suicide awareness and
3 prevention.

4 (a) This Section may be referred to as Ann Marie's Law.

5 (b) The State Board of Education shall do both of the
6 following:

7 (1) In consultation with a youth suicide prevention
8 organization operating in this State and organizations
9 representing school boards and school personnel, develop a
10 model youth suicide awareness and prevention policy that is
11 consistent with subsection (c) of this Section.

12 (2) Compile, develop, and post on its publicly
13 accessible Internet website both of the following, which
14 may include materials already publicly available:

15 (A) Recommended guidelines and educational
16 materials for training and professional development.

17 (B) Recommended resources and age-appropriate
18 educational materials on youth suicide awareness and
19 prevention.

20 (c) The model policy developed by the State Board of
21 Education under subsection (b) of this Section and any policy
22 adopted by a school board under subsection (d) of this Section
23 shall include all of the following:

24 (1) A statement on youth suicide awareness and
25 prevention.

26 (2) Protocols for administering youth suicide

1 awareness and prevention education to staff and students.

2 (3) Methods of prevention, including procedures for
3 early identification and referral of students at risk of
4 suicide.

5 (4) Methods of intervention, including procedures that
6 address an emotional or mental health safety plan for
7 students identified as being at increased risk of suicide.

8 (5) Methods of responding to a student or staff suicide
9 or suicide attempt.

10 (6) Reporting procedures.

11 (7) Recommended resources on youth suicide awareness
12 and prevention programs, including current contact
13 information for such programs.

14 (d) Beginning with the 2015-2016 school year, each school
15 board shall review and update its current suicide awareness and
16 prevention policy to be consistent with subsection (c) of this
17 Section or adopt an age-appropriate youth suicide awareness and
18 prevention policy consistent with subsection (c) of this
19 Section, inform each school district employee and the parent or
20 legal guardian of each student enrolled in the school district
21 of such policy, and post such policy on the school district's
22 publicly accessible Internet website. The policy adopted by a
23 school board under this subsection (d) may be based upon the
24 model policy developed by the State Board of Education under
25 subsection (b) of this Section.

26 (Source: P.A. 99-443, eff. 8-21-15; revised 10-5-15.)

1 (105 ILCS 5/5-2.2)

2 Sec. 5-2.2. Designation of trustees; Township 36 North,
3 Range 13 East. After the April 5, 2011 consolidated election,
4 the trustees of schools in Township 36 North, Range 13 East
5 shall no longer be elected pursuant to the provisions of
6 Sections 5-2, 5-2.1, 5-3, 5-4, 5-12, and 5-13 of this Code. Any
7 such trustees elected before such date may complete the term to
8 which that trustee was elected, but shall not be succeeded by
9 election. Instead, the board of education or board of school
10 directors of each of the elementary and high school districts
11 that are subject to the jurisdiction of Township 36 North,
12 Range 13 East shall appoint one of the members to serve as
13 trustee of schools. The trustees of schools shall be appointed
14 by each board of education or board of school directors within
15 60 days after the effective date of this amendatory Act of the
16 97th General Assembly and shall reorganize within 30 days after
17 all the trustees of schools have been appointed or within 30
18 days after all the trustees of schools were due to have been
19 appointed, whichever is sooner. Trustees of schools so
20 appointed shall serve at the pleasure of the board of education
21 or board of school directors appointing them, but in no event
22 longer than 2 years unless reappointed.

23 A majority of members of the trustees of schools shall
24 constitute a quorum for the transaction of business. The
25 trustees shall organize by appointing one of their number

1 president, who shall hold the office for 2 years. If the
2 president is absent from any meeting, or refuses to perform any
3 of the duties of the office, a president pro-tempore may be
4 appointed. Trustees who serve on the board as a result of
5 appointment or election at the time of the reorganization shall
6 continue to serve as a member of the trustees of schools, with
7 no greater or lesser ~~lessor~~ authority than any other trustee,
8 until such time as their elected term expires.

9 Each trustee of schools appointed by a board of education
10 or board of school directors shall be entitled to
11 indemnification and protection against claims and suits by the
12 board that appointed that trustee of schools for acts or
13 omissions as a trustee of schools in the same manner and to the
14 same extent as the trustee of schools is entitled to
15 indemnification and protection for acts or omissions as a
16 member of the board of education or board of school directors
17 under Section 10-20.20 of this Code.

18 (Source: P.A. 97-631, eff. 12-8-11; revised 10-15-15.)

19 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

20 Sec. 10-17a. State, school district, and school report
21 cards.

22 (1) By October 31, 2013 and October 31 of each subsequent
23 school year, the State Board of Education, through the State
24 Superintendent of Education, shall prepare a State report card,
25 school district report cards, and school report cards, and

1 shall by the most economic means provide to each school
2 district in this State, including special charter districts and
3 districts subject to the provisions of Article 34, the report
4 cards for the school district and each of its schools.

5 (2) In addition to any information required by federal law,
6 the State Superintendent shall determine the indicators and
7 presentation of the school report card, which must include, at
8 a minimum, the most current data possessed by the State Board
9 of Education related to the following:

10 (A) school characteristics and student demographics,
11 including average class size, average teaching experience,
12 student racial/ethnic breakdown, and the percentage of
13 students classified as low-income; the percentage of
14 students classified as English learners; the percentage of
15 students who have individualized education plans or 504
16 plans that provide for special education services; the
17 percentage of students who annually transferred in or out
18 of the school district; the per-pupil operating
19 expenditure of the school district; and the per-pupil State
20 average operating expenditure for the district type
21 (elementary, high school, or unit);

22 (B) curriculum information, including, where
23 applicable, Advanced Placement, International
24 Baccalaureate or equivalent courses, dual enrollment
25 courses, foreign language classes, school personnel
26 resources (including Career Technical Education teachers),

1 before and after school programs, extracurricular
2 activities, subjects in which elective classes are
3 offered, health and wellness initiatives (including the
4 average number of days of Physical Education per week per
5 student), approved programs of study, awards received,
6 community partnerships, and special programs such as
7 programming for the gifted and talented, students with
8 disabilities, and work-study students;

9 (C) student outcomes, including, where applicable, the
10 percentage of students deemed proficient on assessments of
11 State standards, the percentage of students in the eighth
12 grade who pass Algebra, the percentage of students enrolled
13 in post-secondary institutions (including colleges,
14 universities, community colleges, trade/vocational
15 schools, and training programs leading to career
16 certification within 2 semesters of high school
17 graduation), the percentage of students graduating from
18 high school who are college and career ready, and the
19 percentage of graduates enrolled in community colleges,
20 colleges, and universities who are in one or more courses
21 that the community college, college, or university
22 identifies as a developmental course;

23 (D) student progress, including, where applicable, the
24 percentage of students in the ninth grade who have earned 5
25 credits or more without failing more than one core class, a
26 measure of students entering kindergarten ready to learn, a

1 measure of growth, and the percentage of students who enter
2 high school on track for college and career readiness;

3 (E) the school environment, including, where
4 applicable, the percentage of students with less than 10
5 absences in a school year, the percentage of teachers with
6 less than 10 absences in a school year for reasons other
7 than professional development, leaves taken pursuant to
8 the federal Family Medical Leave Act of 1993, long-term
9 disability, or parental leaves, the 3-year average of the
10 percentage of teachers returning to the school from the
11 previous year, the number of different principals at the
12 school in the last 6 years, 2 or more indicators from any
13 school climate survey selected or approved by the State and
14 administered pursuant to Section 2-3.153 of this Code, with
15 the same or similar indicators included on school report
16 cards for all surveys selected or approved by the State
17 pursuant to Section 2-3.153 of this Code, and the combined
18 percentage of teachers rated as proficient or excellent in
19 their most recent evaluation; and

20 (F) a school district's and its individual schools'
21 balanced accountability measure, in accordance with
22 Section 2-3.25a of this Code.

23 The school report card shall also provide information that
24 allows for comparing the current outcome, progress, and
25 environment data to the State average, to the school data from
26 the past 5 years, and to the outcomes, progress, and

1 environment of similar schools based on the type of school and
2 enrollment of low-income students, special education students,
3 and English learners.

4 (3) At the discretion of the State Superintendent, the
5 school district report card shall include a subset of the
6 information identified in paragraphs (A) through (E) of
7 subsection (2) of this Section, as well as information relating
8 to the operating expense per pupil and other finances of the
9 school district, and the State report card shall include a
10 subset of the information identified in paragraphs (A) through
11 (E) of subsection (2) of this Section.

12 (4) Notwithstanding anything to the contrary in this
13 Section, in consultation with key education stakeholders, the
14 State Superintendent shall at any time have the discretion to
15 amend or update any and all metrics on the school, district, or
16 State report card.

17 (5) Annually, no more than 30 calendar days after receipt
18 of the school district and school report cards from the State
19 Superintendent of Education, each school district, including
20 special charter districts and districts subject to the
21 provisions of Article 34, shall present such report cards at a
22 regular school board meeting subject to applicable notice
23 requirements, post the report cards on the school district's
24 Internet web site, if the district maintains an Internet web
25 site, make the report cards available to a newspaper of general
26 circulation serving the district, and, upon request, send the

1 report cards home to a parent (unless the district does not
2 maintain an Internet web site, in which case the report card
3 shall be sent home to parents without request). If the district
4 posts the report card on its Internet web site, the district
5 shall send a written notice home to parents stating (i) that
6 the report card is available on the web site, (ii) the address
7 of the web site, (iii) that a printed copy of the report card
8 will be sent to parents upon request, and (iv) the telephone
9 number that parents may call to request a printed copy of the
10 report card.

11 (6) Nothing contained in this amendatory Act of the 98th
12 General Assembly repeals, supersedes, invalidates, or
13 nullifies final decisions in lawsuits pending on the effective
14 date of this amendatory Act of the 98th General Assembly in
15 Illinois courts involving the interpretation of Public Act
16 97-8.

17 (Source: P.A. 98-463, eff. 8-16-13; 98-648, eff. 7-1-14; 99-30,
18 eff. 7-10-15; 99-193, eff. 7-30-15; revised 10-21-15.)

19 (105 ILCS 5/10-20.56)

20 Sec. 10-20.56. E-learning days.

21 (a) The State Board of Education shall establish and
22 maintain, for implementation in selected school districts
23 during the 2015-2016, 2016-2017, and 2017-2018 school years, a
24 pilot program for use of electronic-learning (e-learning)
25 days, as described in this Section. The State Superintendent of

1 Education shall select up to 3 school districts for this
2 program, at least one of which may be an elementary or unit
3 school district. The use of e-learning days may not begin until
4 the second semester of the 2015-2016 school year, and the pilot
5 program shall conclude with the end of the 2017-2018 school
6 year. On or before June 1, 2019, the State Board shall report
7 its recommendation for expansion, revision, or discontinuation
8 of the program to the Governor and General Assembly.

9 (b) The school board of a school district selected by the
10 State Superintendent of Education under subsection (a) of this
11 Section may, by resolution, adopt a research-based program or
12 research-based programs for e-learning days district-wide that
13 shall permit student instruction to be received electronically
14 while students are not physically present in lieu of the
15 district's scheduled emergency days as required by Section
16 10-19 of this Code. The research-based program or programs may
17 not exceed the minimum number of emergency days in the approved
18 school calendar and must be submitted to the State
19 Superintendent for approval on or before September 1st annually
20 to ensure access for all students. The State Superintendent
21 shall approve programs that ensure that the specific needs of
22 all students are met, including special education students and
23 English learners, and that all mandates are still met using the
24 proposed research-based program. The e-learning program may
25 utilize the Internet, telephones, texts, chat rooms, or other
26 similar means of electronic communication for instruction and

1 interaction between teachers and students that meet the needs
2 of all learners.

3 (c) Before its adoption by a school board, a school
4 district's initial proposal for an e-learning program or for
5 renewal of such a program must be approved by the State Board
6 of Education and shall follow a public hearing, at a regular or
7 special meeting of the school board, in which the terms of the
8 proposal must be substantially presented and an opportunity for
9 allowing public comments must be provided. Notice of such
10 public hearing must be provided at least 10 days prior to the
11 hearing by:

12 (1) publication in a newspaper of general circulation
13 in the school district;

14 (2) written or electronic notice designed to reach the
15 parents or guardians of all students enrolled in the school
16 district; and

17 (3) written or electronic notice designed to reach any
18 exclusive collective bargaining representatives of school
19 district employees and all those employees not in a
20 collective bargaining unit.

21 (d) A proposal for an e-learning program must be timely
22 approved by the State Board of Education if the requirements
23 specified in this Section have been met and if, in the view of
24 the State Board of Education, the proposal contains provisions
25 designed to reasonably and practicably accomplish the
26 following:

1 (1) to ensure and verify at least 5 clock hours of
2 instruction or school work for each student participating
3 in an e-learning day;

4 (2) to ensure access from home or other appropriate
5 remote facility for all students participating, including
6 computers, the Internet, and other forms of electronic
7 communication that must be utilized in the proposed
8 program;

9 (3) to ensure appropriate learning opportunities for
10 students with special needs;

11 (4) to monitor and verify each student's electronic
12 participation;

13 (5) to address the extent to which student
14 participation is within the student's control as to the
15 time, pace, and means of learning;

16 (6) to provide effective notice to students and their
17 parents or guardians of the use of particular days for
18 e-learning;

19 (7) to provide staff and students with adequate
20 training for e-learning days' participation;

21 (8) to ensure an opportunity for any collective
22 bargaining negotiations with representatives of the school
23 district's employees that would be legally required; and

24 (9) to review and revise the program as implemented to
25 address difficulties confronted.

26 The State Board of Education's approval of a school

1 district's initial e-learning program and renewal of the
2 e-learning program shall be for a term of 3 years.

3 (e) The State Board of Education may adopt rules governing
4 its supervision and review of e-learning programs consistent
5 with the provision of this Section. However, in the absence of
6 such rules, school districts may submit proposals for State
7 Board of Education consideration under the authority of this
8 Section.

9 (Source: P.A. 99-194, eff. 7-30-15.)

10 (105 ILCS 5/10-20.57)

11 Sec. 10-20.57 ~~10-20.56~~. Carbon monoxide alarm required.

12 (a) In this Section:

13 "Approved carbon monoxide alarm" and "alarm" have the
14 meaning ascribed to those terms in the Carbon Monoxide Alarm
15 Detector Act.

16 "Carbon monoxide detector" and "detector" mean a device
17 having a sensor that responds to carbon monoxide gas and that
18 is connected to an alarm control unit and approved in
19 accordance with rules adopted by the State Fire Marshal.

20 (b) A school board shall require that each school under its
21 authority be equipped with approved carbon monoxide alarms or
22 carbon monoxide detectors. The alarms must be powered as
23 follows:

24 (1) For a school designed before January 1, 2016 (the
25 effective date of Public Act 99-470) ~~this amendatory Act of~~

1 ~~the 99th General Assembly~~, alarms powered by batteries are
2 permitted. In accordance with Section 17-2.11 of this Code,
3 alarms permanently powered by the building's electrical
4 system and monitored by any required fire alarm system are
5 also permitted. Fire prevention and safety tax levy
6 proceeds or bond proceeds may be used for alarms.

7 (2) For a school designed on or after January 1, 2016
8 (the effective date of Public Act 99-470) ~~this amendatory~~
9 ~~Act of the 99th General Assembly~~, alarms must be
10 permanently powered by the building's electrical system or
11 be an approved carbon monoxide detection system. An
12 installation required in this subdivision (2) must be
13 monitored by any required fire alarm system.

14 Alarms or detectors must be located within 20 feet of a
15 carbon monoxide emitting device. Alarms or detectors must be in
16 operating condition and be inspected annually. A school is
17 exempt from the requirements of this Section if it does not
18 have or is not close to any sources of carbon monoxide. A
19 school must require plans, protocols, and procedures in
20 response to the activation of a carbon monoxide alarm or carbon
21 monoxide detection system.

22 (Source: P.A. 99-470, eff. 1-1-16; revised 10-19-15.)

23 (105 ILCS 5/10-29)

24 Sec. 10-29. Remote educational programs.

25 (a) For purposes of this Section, "remote educational

1 program" means an educational program delivered to students in
2 the home or other location outside of a school building that
3 meets all of the following criteria:

4 (1) A student may participate in the program only after
5 the school district, pursuant to adopted school board
6 policy, and a person authorized to enroll the student under
7 Section 10-20.12b of this Code determine that a remote
8 educational program will best serve the student's
9 individual learning needs. The adopted school board policy
10 shall include, but not be limited to, all of the following:

11 (A) Criteria for determining that a remote
12 educational program will best serve a student's
13 individual learning needs. The criteria must include
14 consideration of, at a minimum, a student's prior
15 attendance, disciplinary record, and academic history.

16 (B) Any limitations on the number of students or
17 grade levels that may participate in a remote
18 educational program.

19 (C) A description of the process that the school
20 district will use to approve participation in the
21 remote educational program. The process must include
22 without limitation a requirement that, for any student
23 who qualifies to receive services pursuant to the
24 federal Individuals with Disabilities Education
25 Improvement Act of 2004, the student's participation
26 in a remote educational program receive prior approval

1 from the student's individualized education program
2 team.

3 (D) A description of the process the school
4 district will use to develop and approve a written
5 remote educational plan that meets the requirements of
6 subdivision (5) of this subsection (a).

7 (E) A description of the system the school district
8 will establish to calculate the number of clock hours a
9 student is participating in instruction in accordance
10 with the remote educational program.

11 (F) A description of the process for renewing a
12 remote educational program at the expiration of its
13 term.

14 (G) Such other terms and provisions as the school
15 district deems necessary to provide for the
16 establishment and delivery of a remote educational
17 program.

18 (2) The school district has determined that the remote
19 educational program's curriculum is aligned to State
20 learning standards and that the program offers instruction
21 and educational experiences consistent with those given to
22 students at the same grade level in the district.

23 (3) The remote educational program is delivered by
24 instructors that meet the following qualifications:

25 (A) they are certificated under Article 21 of this
26 Code;

1 (B) they meet applicable highly qualified criteria
2 under the federal No Child Left Behind Act of 2001; and

3 (C) they have responsibility for all of the
4 following elements of the program: planning
5 instruction, diagnosing learning needs, prescribing
6 content delivery through class activities, assessing
7 learning, reporting outcomes to administrators and
8 parents and guardians, and evaluating the effects of
9 instruction.

10 (4) During the period of time from and including the
11 opening date to the closing date of the regular school term
12 of the school district established pursuant to Section
13 10-19 of this Code, participation in a remote educational
14 program may be claimed for general State aid purposes under
15 Section 18-8.05 of this Code on any calendar day,
16 notwithstanding whether the day is a day of pupil
17 attendance or institute day on the school district's
18 calendar or any other provision of law restricting
19 instruction on that day. If the district holds year-round
20 classes in some buildings, the district shall classify each
21 student's participation in a remote educational program as
22 either on a year-round or a non-year-round schedule for
23 purposes of claiming general State aid. Outside of the
24 regular school term of the district, the remote educational
25 program may be offered as part of any summer school program
26 authorized by this Code.

1 (5) Each student participating in a remote educational
2 program must have a written remote educational plan that
3 has been approved by the school district and a person
4 authorized to enroll the student under Section 10-20.12b of
5 this Code. The school district and a person authorized to
6 enroll the student under Section 10-20.12b of this Code
7 must approve any amendment to a remote educational plan.
8 The remote educational plan must include, but is not
9 limited to, all of the following:

10 (A) Specific achievement goals for the student
11 aligned to State learning standards.

12 (B) A description of all assessments that will be
13 used to measure student progress, which description
14 shall indicate the assessments that will be
15 administered at an attendance center within the school
16 district.

17 (C) A description of the progress reports that will
18 be provided to the school district and the person or
19 persons authorized to enroll the student under Section
20 10-20.12b of this Code.

21 (D) Expectations, processes, and schedules for
22 interaction between a teacher and student.

23 (E) A description of the specific responsibilities
24 of the student's family and the school district with
25 respect to equipment, materials, phone and Internet
26 service, and any other requirements applicable to the

1 home or other location outside of a school building
2 necessary for the delivery of the remote educational
3 program.

4 (F) If applicable, a description of how the remote
5 educational program will be delivered in a manner
6 consistent with the student's individualized education
7 program required by Section 614(d) of the federal
8 Individuals with Disabilities Education Improvement
9 Act of 2004 or plan to ensure compliance with Section
10 504 of the federal Rehabilitation Act of 1973.

11 (G) A description of the procedures and
12 opportunities for participation in academic and
13 extra-curricular activities and programs within the
14 school district.

15 (H) The identification of a parent, guardian, or
16 other responsible adult who will provide direct
17 supervision of the program. The plan must include an
18 acknowledgment by the parent, guardian, or other
19 responsible adult that he or she may engage only in
20 non-teaching duties not requiring instructional
21 judgment or the evaluation of a student. The plan shall
22 designate the parent, guardian, or other responsible
23 adult as non-teaching personnel or volunteer personnel
24 under subsection (a) of Section 10-22.34 of this Code.

25 (I) The identification of a school district
26 administrator who will oversee the remote educational

1 program on behalf of the school district and who may be
2 contacted by the student's parents with respect to any
3 issues or concerns with the program.

4 (J) The term of the student's participation in the
5 remote educational program, which may not extend for
6 longer than 12 months, unless the term is renewed by
7 the district in accordance with subdivision (7) of this
8 subsection (a).

9 (K) A description of the specific location or
10 locations in which the program will be delivered. If
11 the remote educational program is to be delivered to a
12 student in any location other than the student's home,
13 the plan must include a written determination by the
14 school district that the location will provide a
15 learning environment appropriate for the delivery of
16 the program. The location or locations in which the
17 program will be delivered shall be deemed a long
18 distance teaching reception area under subsection (a)
19 of Section 10-22.34 of this Code.

20 (L) Certification by the school district that the
21 plan meets all other requirements of this Section.

22 (6) Students participating in a remote educational
23 program must be enrolled in a school district attendance
24 center pursuant to the school district's enrollment policy
25 or policies. A student participating in a remote
26 educational program must be tested as part of all

1 assessments administered by the school district pursuant
2 to Section 2-3.64a-5 of this Code at the attendance center
3 in which the student is enrolled and in accordance with the
4 attendance center's assessment policies and schedule. The
5 student must be included within all accountability
6 determinations for the school district and attendance
7 center under State and federal law.

8 (7) The term of a student's participation in a remote
9 educational program may not extend for longer than 12
10 months, unless the term is renewed by the school district.
11 The district may only renew a student's participation in a
12 remote educational program following an evaluation of the
13 student's progress in the program, a determination that the
14 student's continuation in the program will best serve the
15 student's individual learning needs, and an amendment to
16 the student's written remote educational plan addressing
17 any changes for the upcoming term of the program.

18 For purposes of this Section, a remote educational program
19 does not include instruction delivered to students through an
20 e-learning program approved under Section 10-20.56 of this
21 Code.

22 (b) A school district may, by resolution of its school
23 board, establish a remote educational program.

24 (c) Clock hours of instruction by students in a remote
25 educational program meeting the requirements of this Section
26 may be claimed by the school district and shall be counted as

1 school work for general State aid purposes in accordance with
2 and subject to the limitations of Section 18-8.05 of this Code.

3 (d) The impact of remote educational programs on wages,
4 hours, and terms and conditions of employment of educational
5 employees within the school district shall be subject to local
6 collective bargaining agreements.

7 (e) The use of a home or other location outside of a school
8 building for a remote educational program shall not cause the
9 home or other location to be deemed a public school facility.

10 (f) A remote educational program may be used, but is not
11 required, for instruction delivered to a student in the home or
12 other location outside of a school building that is not claimed
13 for general State aid purposes under Section 18-8.05 of this
14 Code.

15 (g) School districts that, pursuant to this Section, adopt
16 a policy for a remote educational program must submit to the
17 State Board of Education a copy of the policy and any
18 amendments thereto, as well as data on student participation in
19 a format specified by the State Board of Education. The State
20 Board of Education may perform or contract with an outside
21 entity to perform an evaluation of remote educational programs
22 in this State.

23 (h) The State Board of Education may adopt any rules
24 necessary to ensure compliance by remote educational programs
25 with the requirements of this Section and other applicable
26 legal requirements.

1 (Source: P.A. 98-972, eff. 8-15-14; 99-193, eff. 7-30-15;
2 99-194, eff. 7-30-15; revised 10-9-15.)

3 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

4 Sec. 14-8.02. Identification, Evaluation and Placement of
5 Children.

6 (a) The State Board of Education shall make rules under
7 which local school boards shall determine the eligibility of
8 children to receive special education. Such rules shall ensure
9 that a free appropriate public education be available to all
10 children with disabilities as defined in Section 14-1.02. The
11 State Board of Education shall require local school districts
12 to administer non-discriminatory procedures or tests to
13 English learners coming from homes in which a language other
14 than English is used to determine their eligibility to receive
15 special education. The placement of low English proficiency
16 students in special education programs and facilities shall be
17 made in accordance with the test results reflecting the
18 student's linguistic, cultural and special education needs.
19 For purposes of determining the eligibility of children the
20 State Board of Education shall include in the rules definitions
21 of "case study", "staff conference", "individualized
22 educational program", and "qualified specialist" appropriate
23 to each category of children with disabilities as defined in
24 this Article. For purposes of determining the eligibility of
25 children from homes in which a language other than English is

1 used, the State Board of Education shall include in the rules
2 definitions for "qualified bilingual specialists" and
3 "linguistically and culturally appropriate individualized
4 educational programs". For purposes of this Section, as well as
5 Sections 14-8.02a, 14-8.02b, and 14-8.02c of this Code,
6 "parent" means a parent as defined in the federal Individuals
7 with Disabilities Education Act (20 U.S.C. 1401(23)).

8 (b) No child shall be eligible for special education
9 facilities except with a carefully completed case study fully
10 reviewed by professional personnel in a multidisciplinary
11 staff conference and only upon the recommendation of qualified
12 specialists or a qualified bilingual specialist, if available.
13 At the conclusion of the multidisciplinary staff conference,
14 the parent of the child shall be given a copy of the
15 multidisciplinary conference summary report and
16 recommendations, which includes options considered, and be
17 informed of their right to obtain an independent educational
18 evaluation if they disagree with the evaluation findings
19 conducted or obtained by the school district. If the school
20 district's evaluation is shown to be inappropriate, the school
21 district shall reimburse the parent for the cost of the
22 independent evaluation. The State Board of Education shall,
23 with advice from the State Advisory Council on Education of
24 Children with Disabilities on the inclusion of specific
25 independent educational evaluators, prepare a list of
26 suggested independent educational evaluators. The State Board

1 of Education shall include on the list clinical psychologists
2 licensed pursuant to the Clinical Psychologist Licensing Act.
3 Such psychologists shall not be paid fees in excess of the
4 amount that would be received by a school psychologist for
5 performing the same services. The State Board of Education
6 shall supply school districts with such list and make the list
7 available to parents at their request. School districts shall
8 make the list available to parents at the time they are
9 informed of their right to obtain an independent educational
10 evaluation. However, the school district may initiate an
11 impartial due process hearing under this Section within 5 days
12 of any written parent request for an independent educational
13 evaluation to show that its evaluation is appropriate. If the
14 final decision is that the evaluation is appropriate, the
15 parent still has a right to an independent educational
16 evaluation, but not at public expense. An independent
17 educational evaluation at public expense must be completed
18 within 30 days of a parent written request unless the school
19 district initiates an impartial due process hearing or the
20 parent or school district offers reasonable grounds to show
21 that such 30 day time period should be extended. If the due
22 process hearing decision indicates that the parent is entitled
23 to an independent educational evaluation, it must be completed
24 within 30 days of the decision unless the parent or the school
25 district offers reasonable grounds to show that such 30 day
26 period should be extended. If a parent disagrees with the

1 summary report or recommendations of the multidisciplinary
2 conference or the findings of any educational evaluation which
3 results therefrom, the school district shall not proceed with a
4 placement based upon such evaluation and the child shall remain
5 in his or her regular classroom setting. No child shall be
6 eligible for admission to a special class for children with a
7 mental disability who are educable or for children with a
8 mental disability who are trainable except with a psychological
9 evaluation and recommendation by a school psychologist.
10 Consent shall be obtained from the parent of a child before any
11 evaluation is conducted. If consent is not given by the parent
12 or if the parent disagrees with the findings of the evaluation,
13 then the school district may initiate an impartial due process
14 hearing under this Section. The school district may evaluate
15 the child if that is the decision resulting from the impartial
16 due process hearing and the decision is not appealed or if the
17 decision is affirmed on appeal. The determination of
18 eligibility shall be made and the IEP meeting shall be
19 completed within 60 school days from the date of written
20 parental consent. In those instances when written parental
21 consent is obtained with fewer than 60 pupil attendance days
22 left in the school year, the eligibility determination shall be
23 made and the IEP meeting shall be completed prior to the first
24 day of the following school year. Special education and related
25 services must be provided in accordance with the student's IEP
26 no later than 10 school attendance days after notice is

1 provided to the parents pursuant to Section 300.503 of Title 34
2 of the Code of Federal Regulations and implementing rules
3 adopted by the State Board of Education. The appropriate
4 program pursuant to the individualized educational program of
5 students whose native tongue is a language other than English
6 shall reflect the special education, cultural and linguistic
7 needs. No later than September 1, 1993, the State Board of
8 Education shall establish standards for the development,
9 implementation and monitoring of appropriate bilingual special
10 individualized educational programs. The State Board of
11 Education shall further incorporate appropriate monitoring
12 procedures to verify implementation of these standards. The
13 district shall indicate to the parent and the State Board of
14 Education the nature of the services the child will receive for
15 the regular school term while waiting placement in the
16 appropriate special education class.

17 If the child is deaf, hard of hearing, blind, or visually
18 impaired and he or she might be eligible to receive services
19 from the Illinois School for the Deaf or the Illinois School
20 for the Visually Impaired, the school district shall notify the
21 parents, in writing, of the existence of these schools and the
22 services they provide and shall make a reasonable effort to
23 inform the parents of the existence of other, local schools
24 that provide similar services and the services that these other
25 schools provide. This notification shall include without
26 limitation information on school services, school admissions

1 criteria, and school contact information.

2 In the development of the individualized education program
3 for a student who has a disability on the autism spectrum
4 (which includes autistic disorder, Asperger's disorder,
5 pervasive developmental disorder not otherwise specified,
6 childhood disintegrative disorder, and Rett Syndrome, as
7 defined in the Diagnostic and Statistical Manual of Mental
8 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall
9 consider all of the following factors:

10 (1) The verbal and nonverbal communication needs of the
11 child.

12 (2) The need to develop social interaction skills and
13 proficiencies.

14 (3) The needs resulting from the child's unusual
15 responses to sensory experiences.

16 (4) The needs resulting from resistance to
17 environmental change or change in daily routines.

18 (5) The needs resulting from engagement in repetitive
19 activities and stereotyped movements.

20 (6) The need for any positive behavioral
21 interventions, strategies, and supports to address any
22 behavioral difficulties resulting from autism spectrum
23 disorder.

24 (7) Other needs resulting from the child's disability
25 that impact progress in the general curriculum, including
26 social and emotional development.

1 Public Act 95-257 does not create any new entitlement to a
2 service, program, or benefit, but must not affect any
3 entitlement to a service, program, or benefit created by any
4 other law.

5 If the student may be eligible to participate in the
6 Home-Based Support Services Program for Adults with Mental
7 Disabilities authorized under the Developmental Disability and
8 Mental Disability Services Act upon becoming an adult, the
9 student's individualized education program shall include plans
10 for (i) determining the student's eligibility for those
11 home-based services, (ii) enrolling the student in the program
12 of home-based services, and (iii) developing a plan for the
13 student's most effective use of the home-based services after
14 the student becomes an adult and no longer receives special
15 educational services under this Article. The plans developed
16 under this paragraph shall include specific actions to be taken
17 by specified individuals, agencies, or officials.

18 (c) In the development of the individualized education
19 program for a student who is functionally blind, it shall be
20 presumed that proficiency in Braille reading and writing is
21 essential for the student's satisfactory educational progress.
22 For purposes of this subsection, the State Board of Education
23 shall determine the criteria for a student to be classified as
24 functionally blind. Students who are not currently identified
25 as functionally blind who are also entitled to Braille
26 instruction include: (i) those whose vision loss is so severe

1 that they are unable to read and write at a level comparable to
2 their peers solely through the use of vision, and (ii) those
3 who show evidence of progressive vision loss that may result in
4 functional blindness. Each student who is functionally blind
5 shall be entitled to Braille reading and writing instruction
6 that is sufficient to enable the student to communicate with
7 the same level of proficiency as other students of comparable
8 ability. Instruction should be provided to the extent that the
9 student is physically and cognitively able to use Braille.
10 Braille instruction may be used in combination with other
11 special education services appropriate to the student's
12 educational needs. The assessment of each student who is
13 functionally blind for the purpose of developing the student's
14 individualized education program shall include documentation
15 of the student's strengths and weaknesses in Braille skills.
16 Each person assisting in the development of the individualized
17 education program for a student who is functionally blind shall
18 receive information describing the benefits of Braille
19 instruction. The individualized education program for each
20 student who is functionally blind shall specify the appropriate
21 learning medium or media based on the assessment report.

22 (d) To the maximum extent appropriate, the placement shall
23 provide the child with the opportunity to be educated with
24 children who do not have a disability; provided that children
25 with disabilities who are recommended to be placed into regular
26 education classrooms are provided with supplementary services

1 to assist the children with disabilities to benefit from the
2 regular classroom instruction and are included on the teacher's
3 regular education class register. Subject to the limitation of
4 the preceding sentence, placement in special classes, separate
5 schools or other removal of the child with a disability from
6 the regular educational environment shall occur only when the
7 nature of the severity of the disability is such that education
8 in the regular classes with the use of supplementary aids and
9 services cannot be achieved satisfactorily. The placement of
10 English learners with disabilities shall be in non-restrictive
11 environments which provide for integration with peers who do
12 not have disabilities in bilingual classrooms. Annually, each
13 January, school districts shall report data on students from
14 non-English speaking backgrounds receiving special education
15 and related services in public and private facilities as
16 prescribed in Section 2-3.30. If there is a disagreement
17 between parties involved regarding the special education
18 placement of any child, either in-state or out-of-state, the
19 placement is subject to impartial due process procedures
20 described in Article 10 of the Rules and Regulations to Govern
21 the Administration and Operation of Special Education.

22 (e) No child who comes from a home in which a language
23 other than English is the principal language used may be
24 assigned to any class or program under this Article until he
25 has been given, in the principal language used by the child and
26 used in his home, tests reasonably related to his cultural

1 environment. All testing and evaluation materials and
2 procedures utilized for evaluation and placement shall not be
3 linguistically, racially or culturally discriminatory.

4 (f) Nothing in this Article shall be construed to require
5 any child to undergo any physical examination or medical
6 treatment whose parents object thereto on the grounds that such
7 examination or treatment conflicts with his religious beliefs.

8 (g) School boards or their designee shall provide to the
9 parents of a child prior written notice of any decision (a)
10 proposing to initiate or change, or (b) refusing to initiate or
11 change, the identification, evaluation, or educational
12 placement of the child or the provision of a free appropriate
13 public education to their child, and the reasons therefor. Such
14 written notification shall also inform the parent of the
15 opportunity to present complaints with respect to any matter
16 relating to the educational placement of the student, or the
17 provision of a free appropriate public education and to have an
18 impartial due process hearing on the complaint. The notice
19 shall inform the parents in the parents' native language,
20 unless it is clearly not feasible to do so, of their rights and
21 all procedures available pursuant to this Act and the federal
22 Individuals with Disabilities Education Improvement Act of
23 2004 (Public Law 108-446); it shall be the responsibility of
24 the State Superintendent to develop uniform notices setting
25 forth the procedures available under this Act and the federal
26 Individuals with Disabilities Education Improvement Act of

1 2004 (Public Law 108-446) to be used by all school boards. The
2 notice shall also inform the parents of the availability upon
3 request of a list of free or low-cost legal and other relevant
4 services available locally to assist parents in initiating an
5 impartial due process hearing. Any parent who is deaf, or does
6 not normally communicate using spoken English, who
7 participates in a meeting with a representative of a local
8 educational agency for the purposes of developing an
9 individualized educational program shall be entitled to the
10 services of an interpreter.

11 (g-5) For purposes of this subsection (g-5), "qualified
12 professional" means an individual who holds credentials to
13 evaluate the child in the domain or domains for which an
14 evaluation is sought or an intern working under the direct
15 supervision of a qualified professional, including a master's
16 or doctoral degree candidate.

17 To ensure that a parent can participate fully and
18 effectively with school personnel in the development of
19 appropriate educational and related services for his or her
20 child, the parent, an independent educational evaluator, or a
21 qualified professional retained by or on behalf of a parent or
22 child must be afforded reasonable access to educational
23 facilities, personnel, classrooms, and buildings and to the
24 child as provided in this subsection (g-5). The requirements of
25 this subsection (g-5) apply to any public school facility,
26 building, or program and to any facility, building, or program

1 supported in whole or in part by public funds. Prior to
2 visiting a school, school building, or school facility, the
3 parent, independent educational evaluator, or qualified
4 professional may be required by the school district to inform
5 the building principal or supervisor in writing of the proposed
6 visit, the purpose of the visit, and the approximate duration
7 of the visit. The visitor and the school district shall arrange
8 the visit or visits at times that are mutually agreeable.
9 Visitors shall comply with school safety, security, and
10 visitation policies at all times. School district visitation
11 policies must not conflict with this subsection (g-5). Visitors
12 shall be required to comply with the requirements of applicable
13 privacy laws, including those laws protecting the
14 confidentiality of education records such as the federal Family
15 Educational Rights and Privacy Act and the Illinois School
16 Student Records Act. The visitor shall not disrupt the
17 educational process.

18 (1) A parent must be afforded reasonable access of
19 sufficient duration and scope for the purpose of observing
20 his or her child in the child's current educational
21 placement, services, or program or for the purpose of
22 visiting an educational placement or program proposed for
23 the child.

24 (2) An independent educational evaluator or a
25 qualified professional retained by or on behalf of a parent
26 or child must be afforded reasonable access of sufficient

1 duration and scope for the purpose of conducting an
2 evaluation of the child, the child's performance, the
3 child's current educational program, placement, services,
4 or environment, or any educational program, placement,
5 services, or environment proposed for the child, including
6 interviews of educational personnel, child observations,
7 assessments, tests or assessments of the child's
8 educational program, services, or placement or of any
9 proposed educational program, services, or placement. If
10 one or more interviews of school personnel are part of the
11 evaluation, the interviews must be conducted at a mutually
12 agreed upon time, date, and place that do not interfere
13 with the school employee's school duties. The school
14 district may limit interviews to personnel having
15 information relevant to the child's current educational
16 services, program, or placement or to a proposed
17 educational service, program, or placement.

18 (h) (Blank).

19 (i) (Blank).

20 (j) (Blank).

21 (k) (Blank).

22 (l) (Blank).

23 (m) (Blank).

24 (n) (Blank).

25 (o) (Blank).

26 (Source: P.A. 98-219, eff. 8-9-13; 99-30, eff. 7-10-15; 99-143,

1 eff. 7-27-15; revised 10-21-15.)

2 (105 ILCS 5/19-1)

3 Sec. 19-1. Debt limitations of school districts.

4 (a) School districts shall not be subject to the provisions
5 limiting their indebtedness prescribed in the Local Government
6 Debt Limitation Act ~~"An Act to limit the indebtedness of~~
7 ~~counties having a population of less than 500,000 and~~
8 ~~townships, school districts and other municipal corporations~~
9 ~~having a population of less than 300,000", approved February~~
10 ~~15, 1928, as amended.~~

11 No school districts maintaining grades K through 8 or 9
12 through 12 shall become indebted in any manner or for any
13 purpose to an amount, including existing indebtedness, in the
14 aggregate exceeding 6.9% on the value of the taxable property
15 therein to be ascertained by the last assessment for State and
16 county taxes or, until January 1, 1983, if greater, the sum
17 that is produced by multiplying the school district's 1978
18 equalized assessed valuation by the debt limitation percentage
19 in effect on January 1, 1979, previous to the incurring of such
20 indebtedness.

21 No school districts maintaining grades K through 12 shall
22 become indebted in any manner or for any purpose to an amount,
23 including existing indebtedness, in the aggregate exceeding
24 13.8% on the value of the taxable property therein to be
25 ascertained by the last assessment for State and county taxes

1 or, until January 1, 1983, if greater, the sum that is produced
2 by multiplying the school district's 1978 equalized assessed
3 valuation by the debt limitation percentage in effect on
4 January 1, 1979, previous to the incurring of such
5 indebtedness.

6 No partial elementary unit district, as defined in Article
7 11E of this Code, shall become indebted in any manner or for
8 any purpose in an amount, including existing indebtedness, in
9 the aggregate exceeding 6.9% of the value of the taxable
10 property of the entire district, to be ascertained by the last
11 assessment for State and county taxes, plus an amount,
12 including existing indebtedness, in the aggregate exceeding
13 6.9% of the value of the taxable property of that portion of
14 the district included in the elementary and high school
15 classification, to be ascertained by the last assessment for
16 State and county taxes. Moreover, no partial elementary unit
17 district, as defined in Article 11E of this Code, shall become
18 indebted on account of bonds issued by the district for high
19 school purposes in the aggregate exceeding 6.9% of the value of
20 the taxable property of the entire district, to be ascertained
21 by the last assessment for State and county taxes, nor shall
22 the district become indebted on account of bonds issued by the
23 district for elementary purposes in the aggregate exceeding
24 6.9% of the value of the taxable property for that portion of
25 the district included in the elementary and high school
26 classification, to be ascertained by the last assessment for

1 State and county taxes.

2 Notwithstanding the provisions of any other law to the
3 contrary, in any case in which the voters of a school district
4 have approved a proposition for the issuance of bonds of such
5 school district at an election held prior to January 1, 1979,
6 and all of the bonds approved at such election have not been
7 issued, the debt limitation applicable to such school district
8 during the calendar year 1979 shall be computed by multiplying
9 the value of taxable property therein, including personal
10 property, as ascertained by the last assessment for State and
11 county taxes, previous to the incurring of such indebtedness,
12 by the percentage limitation applicable to such school district
13 under the provisions of this subsection (a).

14 (b) Notwithstanding the debt limitation prescribed in
15 subsection (a) of this Section, additional indebtedness may be
16 incurred in an amount not to exceed the estimated cost of
17 acquiring or improving school sites or constructing and
18 equipping additional building facilities under the following
19 conditions:

20 (1) Whenever the enrollment of students for the next
21 school year is estimated by the board of education to
22 increase over the actual present enrollment by not less
23 than 35% or by not less than 200 students or the actual
24 present enrollment of students has increased over the
25 previous school year by not less than 35% or by not less
26 than 200 students and the board of education determines

1 that additional school sites or building facilities are
2 required as a result of such increase in enrollment; and

3 (2) When the Regional Superintendent of Schools having
4 jurisdiction over the school district and the State
5 Superintendent of Education concur in such enrollment
6 projection or increase and approve the need for such
7 additional school sites or building facilities and the
8 estimated cost thereof; and

9 (3) When the voters in the school district approve a
10 proposition for the issuance of bonds for the purpose of
11 acquiring or improving such needed school sites or
12 constructing and equipping such needed additional building
13 facilities at an election called and held for that purpose.
14 Notice of such an election shall state that the amount of
15 indebtedness proposed to be incurred would exceed the debt
16 limitation otherwise applicable to the school district.
17 The ballot for such proposition shall state what percentage
18 of the equalized assessed valuation will be outstanding in
19 bonds if the proposed issuance of bonds is approved by the
20 voters; or

21 (4) Notwithstanding the provisions of paragraphs (1)
22 through (3) of this subsection (b), if the school board
23 determines that additional facilities are needed to
24 provide a quality educational program and not less than 2/3
25 of those voting in an election called by the school board
26 on the question approve the issuance of bonds for the

1 construction of such facilities, the school district may
2 issue bonds for this purpose; or

3 (5) Notwithstanding the provisions of paragraphs (1)
4 through (3) of this subsection (b), if (i) the school
5 district has previously availed itself of the provisions of
6 paragraph (4) of this subsection (b) to enable it to issue
7 bonds, (ii) the voters of the school district have not
8 defeated a proposition for the issuance of bonds since the
9 referendum described in paragraph (4) of this subsection
10 (b) was held, (iii) the school board determines that
11 additional facilities are needed to provide a quality
12 educational program, and (iv) a majority of those voting in
13 an election called by the school board on the question
14 approve the issuance of bonds for the construction of such
15 facilities, the school district may issue bonds for this
16 purpose.

17 In no event shall the indebtedness incurred pursuant to
18 this subsection (b) and the existing indebtedness of the school
19 district exceed 15% of the value of the taxable property
20 therein to be ascertained by the last assessment for State and
21 county taxes, previous to the incurring of such indebtedness
22 or, until January 1, 1983, if greater, the sum that is produced
23 by multiplying the school district's 1978 equalized assessed
24 valuation by the debt limitation percentage in effect on
25 January 1, 1979.

26 The indebtedness provided for by this subsection (b) shall

1 be in addition to and in excess of any other debt limitation.

2 (c) Notwithstanding the debt limitation prescribed in
3 subsection (a) of this Section, in any case in which a public
4 question for the issuance of bonds of a proposed school
5 district maintaining grades kindergarten through 12 received
6 at least 60% of the valid ballots cast on the question at an
7 election held on or prior to November 8, 1994, and in which the
8 bonds approved at such election have not been issued, the
9 school district pursuant to the requirements of Section 11A-10
10 (now repealed) may issue the total amount of bonds approved at
11 such election for the purpose stated in the question.

12 (d) Notwithstanding the debt limitation prescribed in
13 subsection (a) of this Section, a school district that meets
14 all the criteria set forth in paragraphs (1) and (2) of this
15 subsection (d) may incur an additional indebtedness in an
16 amount not to exceed \$4,500,000, even though the amount of the
17 additional indebtedness authorized by this subsection (d),
18 when incurred and added to the aggregate amount of indebtedness
19 of the district existing immediately prior to the district
20 incurring the additional indebtedness authorized by this
21 subsection (d), causes the aggregate indebtedness of the
22 district to exceed the debt limitation otherwise applicable to
23 that district under subsection (a):

24 (1) The additional indebtedness authorized by this
25 subsection (d) is incurred by the school district through
26 the issuance of bonds under and in accordance with Section

1 17-2.11a for the purpose of replacing a school building
2 which, because of mine subsidence damage, has been closed
3 as provided in paragraph (2) of this subsection (d) or
4 through the issuance of bonds under and in accordance with
5 Section 19-3 for the purpose of increasing the size of, or
6 providing for additional functions in, such replacement
7 school buildings, or both such purposes.

8 (2) The bonds issued by the school district as provided
9 in paragraph (1) above are issued for the purposes of
10 construction by the school district of a new school
11 building pursuant to Section 17-2.11, to replace an
12 existing school building that, because of mine subsidence
13 damage, is closed as of the end of the 1992-93 school year
14 pursuant to action of the regional superintendent of
15 schools of the educational service region in which the
16 district is located under Section 3-14.22 or are issued for
17 the purpose of increasing the size of, or providing for
18 additional functions in, the new school building being
19 constructed to replace a school building closed as the
20 result of mine subsidence damage, or both such purposes.

21 (e) (Blank).

22 (f) Notwithstanding the provisions of subsection (a) of
23 this Section or of any other law, bonds in not to exceed the
24 aggregate amount of \$5,500,000 and issued by a school district
25 meeting the following criteria shall not be considered
26 indebtedness for purposes of any statutory limitation and may

1 be issued in an amount or amounts, including existing
2 indebtedness, in excess of any heretofore or hereafter imposed
3 statutory limitation as to indebtedness:

4 (1) At the time of the sale of such bonds, the board of
5 education of the district shall have determined by
6 resolution that the enrollment of students in the district
7 is projected to increase by not less than 7% during each of
8 the next succeeding 2 school years.

9 (2) The board of education shall also determine by
10 resolution that the improvements to be financed with the
11 proceeds of the bonds are needed because of the projected
12 enrollment increases.

13 (3) The board of education shall also determine by
14 resolution that the projected increases in enrollment are
15 the result of improvements made or expected to be made to
16 passenger rail facilities located in the school district.

17 Notwithstanding the provisions of subsection (a) of this
18 Section or of any other law, a school district that has availed
19 itself of the provisions of this subsection (f) prior to July
20 22, 2004 (the effective date of Public Act 93-799) may also
21 issue bonds approved by referendum up to an amount, including
22 existing indebtedness, not exceeding 25% of the equalized
23 assessed value of the taxable property in the district if all
24 of the conditions set forth in items (1), (2), and (3) of this
25 subsection (f) are met.

26 (g) Notwithstanding the provisions of subsection (a) of

1 this Section or any other law, bonds in not to exceed an
2 aggregate amount of 25% of the equalized assessed value of the
3 taxable property of a school district and issued by a school
4 district meeting the criteria in paragraphs (i) through (iv) of
5 this subsection shall not be considered indebtedness for
6 purposes of any statutory limitation and may be issued pursuant
7 to resolution of the school board in an amount or amounts,
8 including existing indebtedness, in excess of any statutory
9 limitation of indebtedness heretofore or hereafter imposed:

10 (i) The bonds are issued for the purpose of
11 constructing a new high school building to replace two
12 adjacent existing buildings which together house a single
13 high school, each of which is more than 65 years old, and
14 which together are located on more than 10 acres and less
15 than 11 acres of property.

16 (ii) At the time the resolution authorizing the
17 issuance of the bonds is adopted, the cost of constructing
18 a new school building to replace the existing school
19 building is less than 60% of the cost of repairing the
20 existing school building.

21 (iii) The sale of the bonds occurs before July 1, 1997.

22 (iv) The school district issuing the bonds is a unit
23 school district located in a county of less than 70,000 and
24 more than 50,000 inhabitants, which has an average daily
25 attendance of less than 1,500 and an equalized assessed
26 valuation of less than \$29,000,000.

1 (h) Notwithstanding any other provisions of this Section or
2 the provisions of any other law, until January 1, 1998, a
3 community unit school district maintaining grades K through 12
4 may issue bonds up to an amount, including existing
5 indebtedness, not exceeding 27.6% of the equalized assessed
6 value of the taxable property in the district, if all of the
7 following conditions are met:

8 (i) The school district has an equalized assessed
9 valuation for calendar year 1995 of less than \$24,000,000;

10 (ii) The bonds are issued for the capital improvement,
11 renovation, rehabilitation, or replacement of existing
12 school buildings of the district, all of which buildings
13 were originally constructed not less than 40 years ago;

14 (iii) The voters of the district approve a proposition
15 for the issuance of the bonds at a referendum held after
16 March 19, 1996; and

17 (iv) The bonds are issued pursuant to Sections 19-2
18 through 19-7 of this Code.

19 (i) Notwithstanding any other provisions of this Section or
20 the provisions of any other law, until January 1, 1998, a
21 community unit school district maintaining grades K through 12
22 may issue bonds up to an amount, including existing
23 indebtedness, not exceeding 27% of the equalized assessed value
24 of the taxable property in the district, if all of the
25 following conditions are met:

26 (i) The school district has an equalized assessed

1 valuation for calendar year 1995 of less than \$44,600,000;

2 (ii) The bonds are issued for the capital improvement,
3 renovation, rehabilitation, or replacement of existing
4 school buildings of the district, all of which existing
5 buildings were originally constructed not less than 80
6 years ago;

7 (iii) The voters of the district approve a proposition
8 for the issuance of the bonds at a referendum held after
9 December 31, 1996; and

10 (iv) The bonds are issued pursuant to Sections 19-2
11 through 19-7 of this Code.

12 (j) Notwithstanding any other provisions of this Section or
13 the provisions of any other law, until January 1, 1999, a
14 community unit school district maintaining grades K through 12
15 may issue bonds up to an amount, including existing
16 indebtedness, not exceeding 27% of the equalized assessed value
17 of the taxable property in the district if all of the following
18 conditions are met:

19 (i) The school district has an equalized assessed
20 valuation for calendar year 1995 of less than \$140,000,000
21 and a best 3 months average daily attendance for the
22 1995-96 school year of at least 2,800;

23 (ii) The bonds are issued to purchase a site and build
24 and equip a new high school, and the school district's
25 existing high school was originally constructed not less
26 than 35 years prior to the sale of the bonds;

1 (iii) At the time of the sale of the bonds, the board
2 of education determines by resolution that a new high
3 school is needed because of projected enrollment
4 increases;

5 (iv) At least 60% of those voting in an election held
6 after December 31, 1996 approve a proposition for the
7 issuance of the bonds; and

8 (v) The bonds are issued pursuant to Sections 19-2
9 through 19-7 of this Code.

10 (k) Notwithstanding the debt limitation prescribed in
11 subsection (a) of this Section, a school district that meets
12 all the criteria set forth in paragraphs (1) through (4) of
13 this subsection (k) may issue bonds to incur an additional
14 indebtedness in an amount not to exceed \$4,000,000 even though
15 the amount of the additional indebtedness authorized by this
16 subsection (k), when incurred and added to the aggregate amount
17 of indebtedness of the school district existing immediately
18 prior to the school district incurring such additional
19 indebtedness, causes the aggregate indebtedness of the school
20 district to exceed or increases the amount by which the
21 aggregate indebtedness of the district already exceeds the debt
22 limitation otherwise applicable to that school district under
23 subsection (a):

24 (1) the school district is located in 2 counties, and a
25 referendum to authorize the additional indebtedness was
26 approved by a majority of the voters of the school district

1 voting on the proposition to authorize that indebtedness;

2 (2) the additional indebtedness is for the purpose of
3 financing a multi-purpose room addition to the existing
4 high school;

5 (3) the additional indebtedness, together with the
6 existing indebtedness of the school district, shall not
7 exceed 17.4% of the value of the taxable property in the
8 school district, to be ascertained by the last assessment
9 for State and county taxes; and

10 (4) the bonds evidencing the additional indebtedness
11 are issued, if at all, within 120 days of August 14, 1998
12 (the effective date of Public Act 90-757) ~~this amendatory~~
13 ~~Act of 1998.~~

14 (1) Notwithstanding any other provisions of this Section or
15 the provisions of any other law, until January 1, 2000, a
16 school district maintaining grades kindergarten through 8 may
17 issue bonds up to an amount, including existing indebtedness,
18 not exceeding 15% of the equalized assessed value of the
19 taxable property in the district if all of the following
20 conditions are met:

21 (i) the district has an equalized assessed valuation
22 for calendar year 1996 of less than \$10,000,000;

23 (ii) the bonds are issued for capital improvement,
24 renovation, rehabilitation, or replacement of one or more
25 school buildings of the district, which buildings were
26 originally constructed not less than 70 years ago;

1 (iii) the voters of the district approve a proposition
2 for the issuance of the bonds at a referendum held on or
3 after March 17, 1998; and

4 (iv) the bonds are issued pursuant to Sections 19-2
5 through 19-7 of this Code.

6 (m) Notwithstanding any other provisions of this Section or
7 the provisions of any other law, until January 1, 1999, an
8 elementary school district maintaining grades K through 8 may
9 issue bonds up to an amount, excluding existing indebtedness,
10 not exceeding 18% of the equalized assessed value of the
11 taxable property in the district, if all of the following
12 conditions are met:

13 (i) The school district has an equalized assessed
14 valuation for calendar year 1995 or less than \$7,700,000;

15 (ii) The school district operates 2 elementary
16 attendance centers that until 1976 were operated as the
17 attendance centers of 2 separate and distinct school
18 districts;

19 (iii) The bonds are issued for the construction of a
20 new elementary school building to replace an existing
21 multi-level elementary school building of the school
22 district that is not accessible at all levels and parts of
23 which were constructed more than 75 years ago;

24 (iv) The voters of the school district approve a
25 proposition for the issuance of the bonds at a referendum
26 held after July 1, 1998; and

1 (v) The bonds are issued pursuant to Sections 19-2
2 through 19-7 of this Code.

3 (n) Notwithstanding the debt limitation prescribed in
4 subsection (a) of this Section or any other provisions of this
5 Section or of any other law, a school district that meets all
6 of the criteria set forth in paragraphs (i) through (vi) of
7 this subsection (n) may incur additional indebtedness by the
8 issuance of bonds in an amount not exceeding the amount
9 certified by the Capital Development Board to the school
10 district as provided in paragraph (iii) of this subsection (n),
11 even though the amount of the additional indebtedness so
12 authorized, when incurred and added to the aggregate amount of
13 indebtedness of the district existing immediately prior to the
14 district incurring the additional indebtedness authorized by
15 this subsection (n), causes the aggregate indebtedness of the
16 district to exceed the debt limitation otherwise applicable by
17 law to that district:

18 (i) The school district applies to the State Board of
19 Education for a school construction project grant and
20 submits a district facilities plan in support of its
21 application pursuant to Section 5-20 of the School
22 Construction Law.

23 (ii) The school district's application and facilities
24 plan are approved by, and the district receives a grant
25 entitlement for a school construction project issued by,
26 the State Board of Education under the School Construction

1 Law.

2 (iii) The school district has exhausted its bonding
3 capacity or the unused bonding capacity of the district is
4 less than the amount certified by the Capital Development
5 Board to the district under Section 5-15 of the School
6 Construction Law as the dollar amount of the school
7 construction project's cost that the district will be
8 required to finance with non-grant funds in order to
9 receive a school construction project grant under the
10 School Construction Law.

11 (iv) The bonds are issued for a "school construction
12 project", as that term is defined in Section 5-5 of the
13 School Construction Law, in an amount that does not exceed
14 the dollar amount certified, as provided in paragraph (iii)
15 of this subsection (n), by the Capital Development Board to
16 the school district under Section 5-15 of the School
17 Construction Law.

18 (v) The voters of the district approve a proposition
19 for the issuance of the bonds at a referendum held after
20 the criteria specified in paragraphs (i) and (iii) of this
21 subsection (n) are met.

22 (vi) The bonds are issued pursuant to Sections 19-2
23 through 19-7 of the School Code.

24 (o) Notwithstanding any other provisions of this Section or
25 the provisions of any other law, until November 1, 2007, a
26 community unit school district maintaining grades K through 12

1 may issue bonds up to an amount, including existing
2 indebtedness, not exceeding 20% of the equalized assessed value
3 of the taxable property in the district if all of the following
4 conditions are met:

5 (i) the school district has an equalized assessed
6 valuation for calendar year 2001 of at least \$737,000,000
7 and an enrollment for the 2002-2003 school year of at least
8 8,500;

9 (ii) the bonds are issued to purchase school sites,
10 build and equip a new high school, build and equip a new
11 junior high school, build and equip 5 new elementary
12 schools, and make technology and other improvements and
13 additions to existing schools;

14 (iii) at the time of the sale of the bonds, the board
15 of education determines by resolution that the sites and
16 new or improved facilities are needed because of projected
17 enrollment increases;

18 (iv) at least 57% of those voting in a general election
19 held prior to January 1, 2003 approved a proposition for
20 the issuance of the bonds; and

21 (v) the bonds are issued pursuant to Sections 19-2
22 through 19-7 of this Code.

23 (p) Notwithstanding any other provisions of this Section or
24 the provisions of any other law, a community unit school
25 district maintaining grades K through 12 may issue bonds up to
26 an amount, including indebtedness, not exceeding 27% of the

1 equalized assessed value of the taxable property in the
2 district if all of the following conditions are met:

3 (i) The school district has an equalized assessed
4 valuation for calendar year 2001 of at least \$295,741,187
5 and a best 3 months' average daily attendance for the
6 2002-2003 school year of at least 2,394.

7 (ii) The bonds are issued to build and equip 3
8 elementary school buildings; build and equip one middle
9 school building; and alter, repair, improve, and equip all
10 existing school buildings in the district.

11 (iii) At the time of the sale of the bonds, the board
12 of education determines by resolution that the project is
13 needed because of expanding growth in the school district
14 and a projected enrollment increase.

15 (iv) The bonds are issued pursuant to Sections 19-2
16 through 19-7 of this Code.

17 (p-5) Notwithstanding any other provisions of this Section
18 or the provisions of any other law, bonds issued by a community
19 unit school district maintaining grades K through 12 shall not
20 be considered indebtedness for purposes of any statutory
21 limitation and may be issued in an amount or amounts, including
22 existing indebtedness, in excess of any heretofore or hereafter
23 imposed statutory limitation as to indebtedness, if all of the
24 following conditions are met:

25 (i) For each of the 4 most recent years, residential
26 property comprises more than 80% of the equalized assessed

1 valuation of the district.

2 (ii) At least 2 school buildings that were constructed
3 40 or more years prior to the issuance of the bonds will be
4 demolished and will be replaced by new buildings or
5 additions to one or more existing buildings.

6 (iii) Voters of the district approve a proposition for
7 the issuance of the bonds at a regularly scheduled
8 election.

9 (iv) At the time of the sale of the bonds, the school
10 board determines by resolution that the new buildings or
11 building additions are needed because of an increase in
12 enrollment projected by the school board.

13 (v) The principal amount of the bonds, including
14 existing indebtedness, does not exceed 25% of the equalized
15 assessed value of the taxable property in the district.

16 (vi) The bonds are issued prior to January 1, 2007,
17 pursuant to Sections 19-2 through 19-7 of this Code.

18 (p-10) Notwithstanding any other provisions of this
19 Section or the provisions of any other law, bonds issued by a
20 community consolidated school district maintaining grades K
21 through 8 shall not be considered indebtedness for purposes of
22 any statutory limitation and may be issued in an amount or
23 amounts, including existing indebtedness, in excess of any
24 heretofore or hereafter imposed statutory limitation as to
25 indebtedness, if all of the following conditions are met:

26 (i) For each of the 4 most recent years, residential

1 and farm property comprises more than 80% of the equalized
2 assessed valuation of the district.

3 (ii) The bond proceeds are to be used to acquire and
4 improve school sites and build and equip a school building.

5 (iii) Voters of the district approve a proposition for
6 the issuance of the bonds at a regularly scheduled
7 election.

8 (iv) At the time of the sale of the bonds, the school
9 board determines by resolution that the school sites and
10 building additions are needed because of an increase in
11 enrollment projected by the school board.

12 (v) The principal amount of the bonds, including
13 existing indebtedness, does not exceed 20% of the equalized
14 assessed value of the taxable property in the district.

15 (vi) The bonds are issued prior to January 1, 2007,
16 pursuant to Sections 19-2 through 19-7 of this Code.

17 (p-15) In addition to all other authority to issue bonds,
18 the Oswego Community Unit School District Number 308 may issue
19 bonds with an aggregate principal amount not to exceed
20 \$450,000,000, but only if all of the following conditions are
21 met:

22 (i) The voters of the district have approved a
23 proposition for the bond issue at the general election held
24 on November 7, 2006.

25 (ii) At the time of the sale of the bonds, the school
26 board determines, by resolution, that: (A) the building and

1 equipping of the new high school building, new junior high
2 school buildings, new elementary school buildings, early
3 childhood building, maintenance building, transportation
4 facility, and additions to existing school buildings, the
5 altering, repairing, equipping, and provision of
6 technology improvements to existing school buildings, and
7 the acquisition and improvement of school sites, as the
8 case may be, are required as a result of a projected
9 increase in the enrollment of students in the district; and
10 (B) the sale of bonds for these purposes is authorized by
11 legislation that exempts the debt incurred on the bonds
12 from the district's statutory debt limitation.

13 (iii) The bonds are issued, in one or more bond issues,
14 on or before November 7, 2011, but the aggregate principal
15 amount issued in all such bond issues combined must not
16 exceed \$450,000,000.

17 (iv) The bonds are issued in accordance with this
18 Article 19.

19 (v) The proceeds of the bonds are used only to
20 accomplish those projects approved by the voters at the
21 general election held on November 7, 2006.

22 The debt incurred on any bonds issued under this subsection
23 (p-15) shall not be considered indebtedness for purposes of any
24 statutory debt limitation.

25 (p-20) In addition to all other authority to issue bonds,
26 the Lincoln-Way Community High School District Number 210 may

1 issue bonds with an aggregate principal amount not to exceed
2 \$225,000,000, but only if all of the following conditions are
3 met:

4 (i) The voters of the district have approved a
5 proposition for the bond issue at the general primary
6 election held on March 21, 2006.

7 (ii) At the time of the sale of the bonds, the school
8 board determines, by resolution, that: (A) the building and
9 equipping of the new high school buildings, the altering,
10 repairing, and equipping of existing school buildings, and
11 the improvement of school sites, as the case may be, are
12 required as a result of a projected increase in the
13 enrollment of students in the district; and (B) the sale of
14 bonds for these purposes is authorized by legislation that
15 exempts the debt incurred on the bonds from the district's
16 statutory debt limitation.

17 (iii) The bonds are issued, in one or more bond issues,
18 on or before March 21, 2011, but the aggregate principal
19 amount issued in all such bond issues combined must not
20 exceed \$225,000,000.

21 (iv) The bonds are issued in accordance with this
22 Article 19.

23 (v) The proceeds of the bonds are used only to
24 accomplish those projects approved by the voters at the
25 primary election held on March 21, 2006.

26 The debt incurred on any bonds issued under this subsection

1 (p-20) shall not be considered indebtedness for purposes of any
2 statutory debt limitation.

3 (p-25) In addition to all other authority to issue bonds,
4 Rochester Community Unit School District 3A may issue bonds
5 with an aggregate principal amount not to exceed \$18,500,000,
6 but only if all of the following conditions are met:

7 (i) The voters of the district approve a proposition
8 for the bond issuance at the general primary election held
9 in 2008.

10 (ii) At the time of the sale of the bonds, the school
11 board determines, by resolution, that: (A) the building and
12 equipping of a new high school building; the addition of
13 classrooms and support facilities at the high school,
14 middle school, and elementary school; the altering,
15 repairing, and equipping of existing school buildings; and
16 the improvement of school sites, as the case may be, are
17 required as a result of a projected increase in the
18 enrollment of students in the district; and (B) the sale of
19 bonds for these purposes is authorized by a law that
20 exempts the debt incurred on the bonds from the district's
21 statutory debt limitation.

22 (iii) The bonds are issued, in one or more bond issues,
23 on or before December 31, 2012, but the aggregate principal
24 amount issued in all such bond issues combined must not
25 exceed \$18,500,000.

26 (iv) The bonds are issued in accordance with this

1 Article 19.

2 (v) The proceeds of the bonds are used to accomplish
3 only those projects approved by the voters at the primary
4 election held in 2008.

5 The debt incurred on any bonds issued under this subsection
6 (p-25) shall not be considered indebtedness for purposes of any
7 statutory debt limitation.

8 (p-30) In addition to all other authority to issue bonds,
9 Prairie Grove Consolidated School District 46 may issue bonds
10 with an aggregate principal amount not to exceed \$30,000,000,
11 but only if all of the following conditions are met:

12 (i) The voters of the district approve a proposition
13 for the bond issuance at an election held in 2008.

14 (ii) At the time of the sale of the bonds, the school
15 board determines, by resolution, that (A) the building and
16 equipping of a new school building and additions to
17 existing school buildings are required as a result of a
18 projected increase in the enrollment of students in the
19 district and (B) the altering, repairing, and equipping of
20 existing school buildings are required because of the age
21 of the existing school buildings.

22 (iii) The bonds are issued, in one or more bond
23 issuances, on or before December 31, 2012; however, the
24 aggregate principal amount issued in all such bond
25 issuances combined must not exceed \$30,000,000.

26 (iv) The bonds are issued in accordance with this

1 Article.

2 (v) The proceeds of the bonds are used to accomplish
3 only those projects approved by the voters at an election
4 held in 2008.

5 The debt incurred on any bonds issued under this subsection
6 (p-30) shall not be considered indebtedness for purposes of any
7 statutory debt limitation.

8 (p-35) In addition to all other authority to issue bonds,
9 Prairie Hill Community Consolidated School District 133 may
10 issue bonds with an aggregate principal amount not to exceed
11 \$13,900,000, but only if all of the following conditions are
12 met:

13 (i) The voters of the district approved a proposition
14 for the bond issuance at an election held on April 17,
15 2007.

16 (ii) At the time of the sale of the bonds, the school
17 board determines, by resolution, that (A) the improvement
18 of the site of and the building and equipping of a school
19 building are required as a result of a projected increase
20 in the enrollment of students in the district and (B) the
21 repairing and equipping of the Prairie Hill Elementary
22 School building is required because of the age of that
23 school building.

24 (iii) The bonds are issued, in one or more bond
25 issuances, on or before December 31, 2011, but the
26 aggregate principal amount issued in all such bond

1 issuances combined must not exceed \$13,900,000.

2 (iv) The bonds are issued in accordance with this
3 Article.

4 (v) The proceeds of the bonds are used to accomplish
5 only those projects approved by the voters at an election
6 held on April 17, 2007.

7 The debt incurred on any bonds issued under this subsection
8 (p-35) shall not be considered indebtedness for purposes of any
9 statutory debt limitation.

10 (p-40) In addition to all other authority to issue bonds,
11 Mascoutah Community Unit District 19 may issue bonds with an
12 aggregate principal amount not to exceed \$55,000,000, but only
13 if all of the following conditions are met:

14 (1) The voters of the district approve a proposition
15 for the bond issuance at a regular election held on or
16 after November 4, 2008.

17 (2) At the time of the sale of the bonds, the school
18 board determines, by resolution, that (i) the building and
19 equipping of a new high school building is required as a
20 result of a projected increase in the enrollment of
21 students in the district and the age and condition of the
22 existing high school building, (ii) the existing high
23 school building will be demolished, and (iii) the sale of
24 bonds is authorized by statute that exempts the debt
25 incurred on the bonds from the district's statutory debt
26 limitation.

1 (3) The bonds are issued, in one or more bond
2 issuances, on or before December 31, 2011, but the
3 aggregate principal amount issued in all such bond
4 issuances combined must not exceed \$55,000,000.

5 (4) The bonds are issued in accordance with this
6 Article.

7 (5) The proceeds of the bonds are used to accomplish
8 only those projects approved by the voters at a regular
9 election held on or after November 4, 2008.

10 The debt incurred on any bonds issued under this subsection
11 (p-40) shall not be considered indebtedness for purposes of any
12 statutory debt limitation.

13 (p-45) Notwithstanding the provisions of subsection (a) of
14 this Section or of any other law, bonds issued pursuant to
15 Section 19-3.5 of this Code shall not be considered
16 indebtedness for purposes of any statutory limitation if the
17 bonds are issued in an amount or amounts, including existing
18 indebtedness of the school district, not in excess of 18.5% of
19 the value of the taxable property in the district to be
20 ascertained by the last assessment for State and county taxes.

21 (p-50) Notwithstanding the provisions of subsection (a) of
22 this Section or of any other law, bonds issued pursuant to
23 Section 19-3.10 of this Code shall not be considered
24 indebtedness for purposes of any statutory limitation if the
25 bonds are issued in an amount or amounts, including existing
26 indebtedness of the school district, not in excess of 43% of

1 the value of the taxable property in the district to be
2 ascertained by the last assessment for State and county taxes.

3 (p-55) In addition to all other authority to issue bonds,
4 Belle Valley School District 119 may issue bonds with an
5 aggregate principal amount not to exceed \$47,500,000, but only
6 if all of the following conditions are met:

7 (1) The voters of the district approve a proposition
8 for the bond issuance at an election held on or after April
9 7, 2009.

10 (2) Prior to the issuance of the bonds, the school
11 board determines, by resolution, that (i) the building and
12 equipping of a new school building is required as a result
13 of mine subsidence in an existing school building and
14 because of the age and condition of another existing school
15 building and (ii) the issuance of bonds is authorized by
16 statute that exempts the debt incurred on the bonds from
17 the district's statutory debt limitation.

18 (3) The bonds are issued, in one or more bond
19 issuances, on or before March 31, 2014, but the aggregate
20 principal amount issued in all such bond issuances combined
21 must not exceed \$47,500,000.

22 (4) The bonds are issued in accordance with this
23 Article.

24 (5) The proceeds of the bonds are used to accomplish
25 only those projects approved by the voters at an election
26 held on or after April 7, 2009.

1 The debt incurred on any bonds issued under this subsection
2 (p-55) shall not be considered indebtedness for purposes of any
3 statutory debt limitation. Bonds issued under this subsection
4 (p-55) must mature within not to exceed 30 years from their
5 date, notwithstanding any other law to the contrary.

6 (p-60) In addition to all other authority to issue bonds,
7 Wilmington Community Unit School District Number 209-U may
8 issue bonds with an aggregate principal amount not to exceed
9 \$2,285,000, but only if all of the following conditions are
10 met:

11 (1) The proceeds of the bonds are used to accomplish
12 only those projects approved by the voters at the general
13 primary election held on March 21, 2006.

14 (2) Prior to the issuance of the bonds, the school
15 board determines, by resolution, that (i) the projects
16 approved by the voters were and are required because of the
17 age and condition of the school district's prior and
18 existing school buildings and (ii) the issuance of the
19 bonds is authorized by legislation that exempts the debt
20 incurred on the bonds from the district's statutory debt
21 limitation.

22 (3) The bonds are issued in one or more bond issuances
23 on or before March 1, 2011, but the aggregate principal
24 amount issued in all those bond issuances combined must not
25 exceed \$2,285,000.

26 (4) The bonds are issued in accordance with this

1 Article.

2 The debt incurred on any bonds issued under this subsection
3 (p-60) shall not be considered indebtedness for purposes of any
4 statutory debt limitation.

5 (p-65) In addition to all other authority to issue bonds,
6 West Washington County Community Unit School District 10 may
7 issue bonds with an aggregate principal amount not to exceed
8 \$32,200,000 and maturing over a period not exceeding 25 years,
9 but only if all of the following conditions are met:

10 (1) The voters of the district approve a proposition
11 for the bond issuance at an election held on or after
12 February 2, 2010.

13 (2) Prior to the issuance of the bonds, the school
14 board determines, by resolution, that (A) all or a portion
15 of the existing Okawville Junior/Senior High School
16 Building will be demolished; (B) the building and equipping
17 of a new school building to be attached to and the
18 alteration, repair, and equipping of the remaining portion
19 of the Okawville Junior/Senior High School Building is
20 required because of the age and current condition of that
21 school building; and (C) the issuance of bonds is
22 authorized by a statute that exempts the debt incurred on
23 the bonds from the district's statutory debt limitation.

24 (3) The bonds are issued, in one or more bond
25 issuances, on or before March 31, 2014, but the aggregate
26 principal amount issued in all such bond issuances combined

1 must not exceed \$32,200,000.

2 (4) The bonds are issued in accordance with this
3 Article.

4 (5) The proceeds of the bonds are used to accomplish
5 only those projects approved by the voters at an election
6 held on or after February 2, 2010.

7 The debt incurred on any bonds issued under this subsection
8 (p-65) shall not be considered indebtedness for purposes of any
9 statutory debt limitation.

10 (p-70) In addition to all other authority to issue bonds,
11 Cahokia Community Unit School District 187 may issue bonds with
12 an aggregate principal amount not to exceed \$50,000,000, but
13 only if all the following conditions are met:

14 (1) The voters of the district approve a proposition
15 for the bond issuance at an election held on or after
16 November 2, 2010.

17 (2) Prior to the issuance of the bonds, the school
18 board determines, by resolution, that (i) the building and
19 equipping of a new school building is required as a result
20 of the age and condition of an existing school building and
21 (ii) the issuance of bonds is authorized by a statute that
22 exempts the debt incurred on the bonds from the district's
23 statutory debt limitation.

24 (3) The bonds are issued, in one or more issuances, on
25 or before July 1, 2016, but the aggregate principal amount
26 issued in all such bond issuances combined must not exceed

1 \$50,000,000.

2 (4) The bonds are issued in accordance with this
3 Article.

4 (5) The proceeds of the bonds are used to accomplish
5 only those projects approved by the voters at an election
6 held on or after November 2, 2010.

7 The debt incurred on any bonds issued under this subsection
8 (p-70) shall not be considered indebtedness for purposes of any
9 statutory debt limitation. Bonds issued under this subsection
10 (p-70) must mature within not to exceed 25 years from their
11 date, notwithstanding any other law, including Section 19-3 of
12 this Code, to the contrary.

13 (p-75) Notwithstanding the debt limitation prescribed in
14 subsection (a) of this Section or any other provisions of this
15 Section or of any other law, the execution of leases on or
16 after January 1, 2007 and before July 1, 2011 by the Board of
17 Education of Peoria School District 150 with a public building
18 commission for leases entered into pursuant to the Public
19 Building Commission Act shall not be considered indebtedness
20 for purposes of any statutory debt limitation.

21 This subsection (p-75) applies only if the State Board of
22 Education or the Capital Development Board makes one or more
23 grants to Peoria School District 150 pursuant to the School
24 Construction Law. The amount exempted from the debt limitation
25 as prescribed in this subsection (p-75) shall be no greater
26 than the amount of one or more grants awarded to Peoria School

1 District 150 by the State Board of Education or the Capital
2 Development Board.

3 (p-80) In addition to all other authority to issue bonds,
4 Ridgeland School District 122 may issue bonds with an aggregate
5 principal amount not to exceed \$50,000,000 for the purpose of
6 refunding or continuing to refund bonds originally issued
7 pursuant to voter approval at the general election held on
8 November 7, 2000, and the debt incurred on any bonds issued
9 under this subsection (p-80) shall not be considered
10 indebtedness for purposes of any statutory debt limitation.
11 Bonds issued under this subsection (p-80) may be issued in one
12 or more issuances and must mature within not to exceed 25 years
13 from their date, notwithstanding any other law, including
14 Section 19-3 of this Code, to the contrary.

15 (p-85) In addition to all other authority to issue bonds,
16 Hall High School District 502 may issue bonds with an aggregate
17 principal amount not to exceed \$32,000,000, but only if all the
18 following conditions are met:

19 (1) The voters of the district approve a proposition
20 for the bond issuance at an election held on or after April
21 9, 2013.

22 (2) Prior to the issuance of the bonds, the school
23 board determines, by resolution, that (i) the building and
24 equipping of a new school building is required as a result
25 of the age and condition of an existing school building,
26 (ii) the existing school building should be demolished in

1 its entirety or the existing school building should be
2 demolished except for the 1914 west wing of the building,
3 and (iii) the issuance of bonds is authorized by a statute
4 that exempts the debt incurred on the bonds from the
5 district's statutory debt limitation.

6 (3) The bonds are issued, in one or more issuances, not
7 later than 5 years after the date of the referendum
8 approving the issuance of the bonds, but the aggregate
9 principal amount issued in all such bond issuances combined
10 must not exceed \$32,000,000.

11 (4) The bonds are issued in accordance with this
12 Article.

13 (5) The proceeds of the bonds are used to accomplish
14 only those projects approved by the voters at an election
15 held on or after April 9, 2013.

16 The debt incurred on any bonds issued under this subsection
17 (p-85) shall not be considered indebtedness for purposes of any
18 statutory debt limitation. Bonds issued under this subsection
19 (p-85) must mature within not to exceed 30 years from their
20 date, notwithstanding any other law, including Section 19-3 of
21 this Code, to the contrary.

22 (p-90) In addition to all other authority to issue bonds,
23 Lebanon Community Unit School District 9 may issue bonds with
24 an aggregate principal amount not to exceed \$7,500,000, but
25 only if all of the following conditions are met:

26 (1) The voters of the district approved a proposition

1 for the bond issuance at the general primary election on
2 February 2, 2010.

3 (2) At or prior to the time of the sale of the bonds,
4 the school board determines, by resolution, that (i) the
5 building and equipping of a new elementary school building
6 is required as a result of a projected increase in the
7 enrollment of students in the district and the age and
8 condition of the existing Lebanon Elementary School
9 building, (ii) a portion of the existing Lebanon Elementary
10 School building will be demolished and the remaining
11 portion will be altered, repaired, and equipped, and (iii)
12 the sale of bonds is authorized by a statute that exempts
13 the debt incurred on the bonds from the district's
14 statutory debt limitation.

15 (3) The bonds are issued, in one or more bond
16 issuances, on or before April 1, 2014, but the aggregate
17 principal amount issued in all such bond issuances combined
18 must not exceed \$7,500,000.

19 (4) The bonds are issued in accordance with this
20 Article.

21 (5) The proceeds of the bonds are used to accomplish
22 only those projects approved by the voters at the general
23 primary election held on February 2, 2010.

24 The debt incurred on any bonds issued under this subsection
25 (p-90) shall not be considered indebtedness for purposes of any
26 statutory debt limitation.

1 (p-95) In addition to all other authority to issue bonds,
2 Monticello Community Unit School District 25 may issue bonds
3 with an aggregate principal amount not to exceed \$35,000,000,
4 but only if all of the following conditions are met:

5 (1) The voters of the district approve a proposition
6 for the bond issuance at an election held on or after
7 November 4, 2014.

8 (2) Prior to the issuance of the bonds, the school
9 board determines, by resolution, that (i) the building and
10 equipping of a new school building is required as a result
11 of the age and condition of an existing school building and
12 (ii) the issuance of bonds is authorized by a statute that
13 exempts the debt incurred on the bonds from the district's
14 statutory debt limitation.

15 (3) The bonds are issued, in one or more issuances, on
16 or before July 1, 2020, but the aggregate principal amount
17 issued in all such bond issuances combined must not exceed
18 \$35,000,000.

19 (4) The bonds are issued in accordance with this
20 Article.

21 (5) The proceeds of the bonds are used to accomplish
22 only those projects approved by the voters at an election
23 held on or after November 4, 2014.

24 The debt incurred on any bonds issued under this subsection
25 (p-95) shall not be considered indebtedness for purposes of any
26 statutory debt limitation. Bonds issued under this subsection

1 (p-95) must mature within not to exceed 25 years from their
2 date, notwithstanding any other law, including Section 19-3 of
3 this Code, to the contrary.

4 (p-100) In addition to all other authority to issue bonds,
5 the community unit school district created in the territory
6 comprising Milford Community Consolidated School District 280
7 and Milford Township High School District 233, as approved at
8 the general primary election held on March 18, 2014, may issue
9 bonds with an aggregate principal amount not to exceed
10 \$17,500,000, but only if all the following conditions are met:

11 (1) The voters of the district approve a proposition
12 for the bond issuance at an election held on or after
13 November 4, 2014.

14 (2) Prior to the issuance of the bonds, the school
15 board determines, by resolution, that (i) the building and
16 equipping of a new school building is required as a result
17 of the age and condition of an existing school building and
18 (ii) the issuance of bonds is authorized by a statute that
19 exempts the debt incurred on the bonds from the district's
20 statutory debt limitation.

21 (3) The bonds are issued, in one or more issuances, on
22 or before July 1, 2020, but the aggregate principal amount
23 issued in all such bond issuances combined must not exceed
24 \$17,500,000.

25 (4) The bonds are issued in accordance with this
26 Article.

1 (5) The proceeds of the bonds are used to accomplish
2 only those projects approved by the voters at an election
3 held on or after November 4, 2014.

4 The debt incurred on any bonds issued under this subsection
5 (p-100) shall not be considered indebtedness for purposes of
6 any statutory debt limitation. Bonds issued under this
7 subsection (p-100) must mature within not to exceed 25 years
8 from their date, notwithstanding any other law, including
9 Section 19-3 of this Code, to the contrary.

10 (p-105) In addition to all other authority to issue bonds,
11 North Shore School District 112 may issue bonds with an
12 aggregate principal amount not to exceed \$150,000,000, but only
13 if all of the following conditions are met:

14 (1) The voters of the district approve a proposition
15 for the bond issuance at an election held on or after March
16 15, 2016.

17 (2) Prior to the issuance of the bonds, the school
18 board determines, by resolution, that (i) the building and
19 equipping of new buildings and improving the sites thereof
20 and the building and equipping of additions to, altering,
21 repairing, equipping, and renovating existing buildings
22 and improving the sites thereof are required as a result of
23 the age and condition of the district's existing buildings
24 and (ii) the issuance of bonds is authorized by a statute
25 that exempts the debt incurred on the bonds from the
26 district's statutory debt limitation.

1 (3) The bonds are issued, in one or more issuances, not
2 later than 5 years after the date of the referendum
3 approving the issuance of the bonds, but the aggregate
4 principal amount issued in all such bond issuances combined
5 must not exceed \$150,000,000.

6 (4) The bonds are issued in accordance with this
7 Article.

8 (5) The proceeds of the bonds are used to accomplish
9 only those projects approved by the voters at an election
10 held on or after March 15, 2016.

11 The debt incurred on any bonds issued under this subsection
12 (p-105) and on any bonds issued to refund or continue to refund
13 such bonds shall not be considered indebtedness for purposes of
14 any statutory debt limitation. Bonds issued under this
15 subsection (p-105) and any bonds issued to refund or continue
16 to refund such bonds must mature within not to exceed 30 years
17 from their date, notwithstanding any other law, including
18 Section 19-3 of this Code, to the contrary.

19 (p-110) In addition to all other authority to issue bonds,
20 Sandoval Community Unit School District 501 may issue bonds
21 with an aggregate principal amount not to exceed \$2,000,000,
22 but only if all of the following conditions are met:

23 (1) The voters of the district approved a proposition
24 for the bond issuance at an election held on March 20,
25 2012.

26 (2) Prior to the issuance of the bonds, the school

1 board determines, by resolution, that (i) the building and
2 equipping of a new school building is required because of
3 the age and current condition of the Sandoval Elementary
4 School building and (ii) the issuance of bonds is
5 authorized by a statute that exempts the debt incurred on
6 the bonds from the district's statutory debt limitation.

7 (3) The bonds are issued, in one or more bond
8 issuances, on or before March 19, 2017, but the aggregate
9 principal amount issued in all such bond issuances combined
10 must not exceed \$2,000,000.

11 (4) The bonds are issued in accordance with this
12 Article.

13 (5) The proceeds of the bonds are used to accomplish
14 only those projects approved by the voters at the election
15 held on March 20, 2012.

16 The debt incurred on any bonds issued under this subsection
17 (p-110) shall not be considered indebtedness for purposes of
18 any statutory debt limitation.

19 (q) A school district must notify the State Board of
20 Education prior to issuing any form of long-term or short-term
21 debt that will result in outstanding debt that exceeds 75% of
22 the debt limit specified in this Section or any other provision
23 of law.

24 (Source: P.A. 98-617, eff. 1-7-14; 98-912, eff. 8-15-14;
25 98-916, eff. 8-15-14; 99-78, eff. 7-20-15; 99-143, eff.
26 7-27-15; 99-390, eff. 8-18-15; revised 10-13-15.)

1 (105 ILCS 5/21B-20)

2 Sec. 21B-20. Types of licenses. Before July 1, 2013, the
3 State Board of Education shall implement a system of educator
4 licensure, whereby individuals employed in school districts
5 who are required to be licensed must have one of the following
6 licenses: (i) a professional educator license; (ii) a
7 professional educator license with stipulations; or (iii) a
8 substitute teaching license. References in law regarding
9 individuals certified or certificated or required to be
10 certified or certificated under Article 21 of this Code shall
11 also include individuals licensed or required to be licensed
12 under this Article. The first year of all licenses ends on June
13 30 following one full year of the license being issued.

14 The State Board of Education, in consultation with the
15 State Educator Preparation and Licensure Board, may adopt such
16 rules as may be necessary to govern the requirements for
17 licenses and endorsements under this Section.

18 (1) Professional Educator License. Persons who (i)
19 have successfully completed an approved educator
20 preparation program and are recommended for licensure by
21 the Illinois institution offering the educator preparation
22 program, (ii) have successfully completed the required
23 testing under Section 21B-30 of this Code, (iii) have
24 successfully completed coursework on the psychology of,
25 the identification of, and the methods of instruction for

1 the exceptional child, including without limitation
2 children with learning disabilities, (iv) have
3 successfully completed coursework in methods of reading
4 and reading in the content area, and (v) have met all other
5 criteria established by rule of the State Board of
6 Education shall be issued a Professional Educator License.
7 All Professional Educator Licenses are valid until June 30
8 immediately following 5 years of the license being issued.
9 The Professional Educator License shall be endorsed with
10 specific areas and grade levels in which the individual is
11 eligible to practice.

12 Individuals can receive subsequent endorsements on the
13 Professional Educator License. Subsequent endorsements
14 shall require a minimum of 24 semester hours of coursework
15 in the endorsement area, unless otherwise specified by
16 rule, and passage of the applicable content area test.

17 (2) Educator License with Stipulations. An Educator
18 License with Stipulations shall be issued an endorsement
19 that limits the license holder to one particular position
20 or does not require completion of an approved educator
21 program or both.

22 An individual with an Educator License with
23 Stipulations must not be employed by a school district or
24 any other entity to replace any presently employed teacher
25 who otherwise would not be replaced for any reason.

26 An Educator License with Stipulations may be issued

1 with the following endorsements:

2 (A) Provisional educator. A provisional educator
3 endorsement in a specific content area or areas on an
4 Educator License with Stipulations may be issued to an
5 applicant who holds an educator license with a minimum
6 of 15 semester hours in content coursework from another
7 state, U.S. territory, or foreign country and who, at
8 the time of applying for an Illinois license, does not
9 meet the minimum requirements under Section 21B-35 of
10 this Code, but does, at a minimum, meet the following
11 requirements:

12 (i) Holds the equivalent of a minimum of a
13 bachelor's degree, unless a master's degree is
14 required for the endorsement, from a regionally
15 accredited college or university or, for
16 individuals educated in a country other than the
17 United States, the equivalent of a minimum of a
18 bachelor's degree issued in the United States,
19 unless a master's degree is required for the
20 endorsement.

21 (ii) Has passed or passes a test of basic
22 skills and content area test, as required by
23 Section 21B-30 of this Code, prior to or within one
24 year after issuance of the provisional educator
25 endorsement on the Educator License with
26 Stipulations. If an individual who holds an

1 Educator License with Stipulations endorsed for
2 provisional educator has not passed a test of basic
3 skills and applicable content area test or tests
4 within one year after issuance of the endorsement,
5 the endorsement shall expire on June 30 following
6 one full year of the endorsement being issued. If
7 such an individual has passed the test of basic
8 skills and applicable content area test or tests
9 either prior to issuance of the endorsement or
10 within one year after issuance of the endorsement,
11 the endorsement is valid until June 30 immediately
12 following 2 years of the license being issued,
13 during which time any and all coursework
14 deficiencies must be met and any and all additional
15 testing deficiencies must be met.

16 In addition, a provisional educator endorsement for
17 principals or superintendents may be issued if the
18 individual meets the requirements set forth in
19 subdivisions (1) and (3) of subsection (b-5) of Section
20 21B-35 of this Code. Applicants who have not been
21 entitled by an Illinois-approved educator preparation
22 program at an Illinois institution of higher education
23 shall not receive a provisional educator endorsement
24 if the person completed an alternative licensure
25 program in another state, unless the program has been
26 determined to be equivalent to Illinois program

1 requirements.

2 Notwithstanding any other requirements of this
3 Section, a service member or spouse of a service member
4 may obtain a Professional Educator License with
5 Stipulations, and a provisional educator endorsement
6 in a specific content area or areas, if he or she holds
7 a valid teaching certificate or license in good
8 standing from another state, meets the qualifications
9 of educators outlined in Section 21B-15 of this Code,
10 and has not engaged in any misconduct that would
11 prohibit an individual from obtaining a license
12 pursuant to Illinois law, including without limitation
13 any administrative rules of the State Board of
14 Education.

15 In this Section, "service member" means any person
16 who, at the time of application under this Section, is
17 an active duty member of the United States Armed Forces
18 or any reserve component of the United States Armed
19 Forces or the National Guard of any state,
20 commonwealth, or territory of the United States or the
21 District of Columbia.

22 A provisional educator endorsement is valid until
23 June 30 immediately following 2 years of the license
24 being issued, provided that any remaining testing and
25 coursework deficiencies are met as set forth in this
26 Section. Failure to satisfy all stated deficiencies

1 shall mean the individual, including any service
2 member or spouse who has obtained a Professional
3 Educator License with Stipulations and a provisional
4 educator endorsement in a specific content area or
5 areas, is ineligible to receive a Professional
6 Educator License at that time. An Educator License with
7 Stipulations endorsed for provisional educator shall
8 not be renewed for individuals who hold an Educator
9 License with Stipulations and who have held a position
10 in a public school or non-public school recognized by
11 the State Board of Education.

12 (B) Alternative provisional educator. An
13 alternative provisional educator endorsement on an
14 Educator License with Stipulations may be issued to an
15 applicant who, at the time of applying for the
16 endorsement, has done all of the following:

17 (i) Graduated from a regionally accredited
18 college or university with a minimum of a
19 bachelor's degree.

20 (ii) Successfully completed the first phase of
21 the Alternative Educator Licensure Program for
22 Teachers, as described in Section 21B-50 of this
23 Code.

24 (iii) Passed a test of basic skills and content
25 area test, as required under Section 21B-30 of this
26 Code.

1 The alternative provisional educator endorsement
2 is valid for 2 years of teaching and may be renewed for
3 a third year by an individual meeting the requirements
4 set forth in Section 21B-50 of this Code.

5 (C) Alternative provisional superintendent. An
6 alternative provisional superintendent endorsement on
7 an Educator License with Stipulations entitles the
8 holder to serve only as a superintendent or assistant
9 superintendent in a school district's central office.
10 This endorsement may only be issued to an applicant
11 who, at the time of applying for the endorsement, has
12 done all of the following:

13 (i) Graduated from a regionally accredited
14 college or university with a minimum of a master's
15 degree in a management field other than education.

16 (ii) Been employed for a period of at least 5
17 years in a management level position in a field
18 other than education.

19 (iii) Successfully completed the first phase
20 of an alternative route to superintendent
21 endorsement program, as provided in Section 21B-55
22 of this Code.

23 (iv) Passed a test of basic skills and content
24 area tests required under Section 21B-30 of this
25 Code.

26 The endorsement may be registered for 2 fiscal

1 years in order to complete one full year of serving as
2 a superintendent or assistant superintendent.

3 (D) Resident teacher endorsement. A resident
4 teacher endorsement on an Educator License with
5 Stipulations may be issued to an applicant who, at the
6 time of applying for the endorsement, has done all of
7 the following:

8 (i) Graduated from a regionally accredited
9 institution of higher education with a minimum of a
10 bachelor's degree.

11 (ii) Enrolled in an approved Illinois educator
12 preparation program.

13 (iii) Passed a test of basic skills and content
14 area test, as required under Section 21B-30 of this
15 Code.

16 The resident teacher endorsement on an Educator
17 License with Stipulations is valid for 4 years of
18 teaching and shall not be renewed.

19 A resident teacher may teach only under the
20 direction of a licensed teacher, who shall act as the
21 resident mentor teacher, and may not teach in place of
22 a licensed teacher. A resident teacher endorsement on
23 an Educator License with Stipulations shall no longer
24 be valid after June 30, 2017.

25 (E) Career and technical educator. A career and
26 technical educator endorsement on an Educator License

1 with Stipulations may be issued to an applicant who has
2 a minimum of 60 semester hours of coursework from a
3 regionally accredited institution of higher education
4 and has a minimum of 2,000 hours of experience outside
5 of education in each area to be taught.

6 The career and technical educator endorsement on
7 an Educator License with Stipulations is valid until
8 June 30 immediately following 5 years of the
9 endorsement being issued and may be renewed. For
10 individuals who were issued the career and technical
11 educator endorsement on an Educator License with
12 Stipulations on or after January 1, 2015, the license
13 may be renewed if the individual passes a test of basic
14 skills, as required under Section 21B-30 of this Code.

15 (F) Part-time provisional career and technical
16 educator or provisional career and technical educator.
17 A part-time provisional career and technical educator
18 endorsement or a provisional career and technical
19 educator endorsement on an Educator License with
20 Stipulations may be issued to an applicant who has a
21 minimum of 8,000 hours of work experience in the skill
22 for which the applicant is seeking the endorsement. It
23 is the responsibility of each employing school board
24 and regional office of education to provide
25 verification, in writing, to the State Superintendent
26 of Education at the time the application is submitted

1 that no qualified teacher holding a Professional
2 Educator License or an Educator License with
3 Stipulations with a career and technical educator
4 endorsement is available and that actual circumstances
5 require such issuance.

6 The provisional career and technical educator
7 endorsement on an Educator License with Stipulations
8 is valid until June 30 immediately following 5 years of
9 the endorsement being issued and may be renewed only
10 one time for 5 years. For individuals who were issued
11 the provisional career and technical educator
12 endorsement on an Educator License with Stipulations
13 on or after January 1, 2015, the license may be renewed
14 one time if the individual passes a test of basic
15 skills, as required under Section 21B-30 of this Code,
16 and has completed a minimum of 20 semester hours from a
17 regionally accredited institution.

18 A part-time provisional career and technical
19 educator endorsement on an Educator License with
20 Stipulations may be issued for teaching no more than 2
21 courses of study for grades 6 through 12. The part-time
22 provisional career and technical educator endorsement
23 on an Educator License with Stipulations is valid until
24 June 30 immediately following 5 years of the
25 endorsement being issued and may be renewed for 5 years
26 if the individual makes application for renewal.

1 (G) Transitional bilingual educator. A
2 transitional bilingual educator endorsement on an
3 Educator License with Stipulations may be issued for
4 the purpose of providing instruction in accordance
5 with Article 14C of this Code to an applicant who
6 provides satisfactory evidence that he or she meets all
7 of the following requirements:

8 (i) Possesses adequate speaking, reading, and
9 writing ability in the language other than English
10 in which transitional bilingual education is
11 offered.

12 (ii) Has the ability to successfully
13 communicate in English.

14 (iii) Either possessed, within 5 years
15 previous to his or her applying for a transitional
16 bilingual educator endorsement, a valid and
17 comparable teaching certificate or comparable
18 authorization issued by a foreign country or holds
19 a degree from an institution of higher learning in
20 a foreign country that the State Educator
21 Preparation and Licensure Board determines to be
22 the equivalent of a bachelor's degree from a
23 regionally accredited institution of higher
24 learning in the United States.

25 A transitional bilingual educator endorsement
26 shall be valid for prekindergarten through grade 12, is

1 valid until June 30 immediately following 5 years of
2 the endorsement being issued, and shall not be renewed.

3 Persons holding a transitional bilingual educator
4 endorsement shall not be employed to replace any
5 presently employed teacher who otherwise would not be
6 replaced for any reason.

7 (H) Language endorsement. In an effort to
8 alleviate the shortage of teachers speaking a language
9 other than English in the public schools, an individual
10 who holds an Educator License with Stipulations may
11 also apply for a language endorsement, provided that
12 the applicant provides satisfactory evidence that he
13 or she meets all of the following requirements:

14 (i) Holds a transitional bilingual
15 endorsement.

16 (ii) Has demonstrated proficiency in the
17 language for which the endorsement is to be issued
18 by passing the applicable language content test
19 required by the State Board of Education.

20 (iii) Holds a bachelor's degree or higher from
21 a regionally accredited institution of higher
22 education or, for individuals educated in a
23 country other than the United States, holds a
24 degree from an institution of higher learning in a
25 foreign country that the State Educator
26 Preparation and Licensure Board determines to be

1 the equivalent of a bachelor's degree from a
2 regionally accredited institution of higher
3 learning in the United States.

4 (iv) Has passed a test of basic skills, as
5 required under Section 21B-30 of this Code.

6 A language endorsement on an Educator License with
7 Stipulations is valid for prekindergarten through
8 grade 12 for the same validity period as the
9 individual's transitional bilingual educator
10 endorsement on the Educator License with Stipulations
11 and shall not be renewed.

12 (I) Visiting international educator. A visiting
13 international educator endorsement on an Educator
14 License with Stipulations may be issued to an
15 individual who is being recruited by a particular
16 school district that conducts formal recruitment
17 programs outside of the United States to secure the
18 services of qualified teachers and who meets all of the
19 following requirements:

20 (i) Holds the equivalent of a minimum of a
21 bachelor's degree issued in the United States.

22 (ii) Has been prepared as a teacher at the
23 grade level for which he or she will be employed.

24 (iii) Has adequate content knowledge in the
25 subject to be taught.

26 (iv) Has an adequate command of the English

1 language.

2 A holder of a visiting international educator
3 endorsement on an Educator License with Stipulations
4 shall be permitted to teach in bilingual education
5 programs in the language that was the medium of
6 instruction in his or her teacher preparation program,
7 provided that he or she passes the English Language
8 Proficiency Examination or another test of writing
9 skills in English identified by the State Board of
10 Education, in consultation with the State Educator
11 Preparation and Licensure Board.

12 A visiting international educator endorsement on
13 an Educator License with Stipulations is valid for 3
14 years and shall not be renewed.

15 (J) Paraprofessional educator. A paraprofessional
16 educator endorsement on an Educator License with
17 Stipulations may be issued to an applicant who holds a
18 high school diploma or its recognized equivalent and
19 either holds an associate's degree or a minimum of 60
20 semester hours of credit from a regionally accredited
21 institution of higher education or has passed a test of
22 basic skills required under Section 21B-30 of this
23 Code. The paraprofessional educator endorsement is
24 valid until June 30 immediately following 5 years of
25 the endorsement being issued and may be renewed through
26 application and payment of the appropriate fee, as

1 required under Section 21B-40 of this Code. An
2 individual who holds only a paraprofessional educator
3 endorsement is not subject to additional requirements
4 in order to renew the endorsement.

5 (K) Chief school business official. A chief school
6 business official endorsement on an Educator License
7 with Stipulations may be issued to an applicant who
8 qualifies by having a master's degree or higher, 2
9 years of full-time administrative experience in school
10 business management or 2 years of university-approved
11 practical experience, and a minimum of 24 semester
12 hours of graduate credit in a program approved by the
13 State Board of Education for the preparation of school
14 business administrators and by passage of the
15 applicable State tests, including a test of basic
16 skills and applicable content area test.

17 The chief school business official endorsement may
18 also be affixed to the Educator License with
19 Stipulations of any holder who qualifies by having a
20 master's degree in business administration, finance,
21 or accounting and who completes an additional 6
22 semester hours of internship in school business
23 management from a regionally accredited institution of
24 higher education and passes the applicable State
25 tests, including a test of basic skills and applicable
26 content area test. This endorsement shall be required

1 for any individual employed as a chief school business
2 official.

3 The chief school business official endorsement on
4 an Educator License with Stipulations is valid until
5 June 30 immediately following 5 years of the
6 endorsement being issued and may be renewed if the
7 license holder completes renewal requirements as
8 required for individuals who hold a Professional
9 Educator License endorsed for chief school business
10 official under Section 21B-45 of this Code and such
11 rules as may be adopted by the State Board of
12 Education.

13 (3) Substitute Teaching License. A Substitute Teaching
14 License may be issued to qualified applicants for
15 substitute teaching in all grades of the public schools,
16 prekindergarten through grade 12. Substitute Teaching
17 Licenses are not eligible for endorsements. Applicants for
18 a Substitute Teaching License must hold a bachelor's degree
19 or higher from a regionally accredited institution of
20 higher education.

21 Substitute Teaching Licenses are valid for 5 years and
22 may be renewed if the individual has passed a test of basic
23 skills, as authorized under Section 21B-30 of this Code. An
24 individual who has passed a test of basic skills for the
25 first licensure renewal is not required to retake the test
26 again for further renewals.

1 Substitute Teaching Licenses are valid for substitute
2 teaching in every county of this State. If an individual
3 has had his or her Professional Educator License or
4 Educator License with Stipulations suspended or revoked or
5 has not met the renewal requirements for licensure, then
6 that individual is not eligible to obtain a Substitute
7 Teaching License.

8 A substitute teacher may only teach in the place of a
9 licensed teacher who is under contract with the employing
10 board. If, however, there is no licensed teacher under
11 contract because of an emergency situation, then a district
12 may employ a substitute teacher for no longer than 30
13 calendar days per each vacant position in the district if
14 the district notifies the appropriate regional office of
15 education within 5 business days after the employment of
16 the substitute teacher in the emergency situation. An
17 emergency situation is one in which an unforeseen vacancy
18 has occurred and (i) a teacher is unable to fulfill his or
19 her contractual duties or (ii) teacher capacity needs of
20 the district exceed previous indications, and the district
21 is actively engaged in advertising to hire a fully licensed
22 teacher for the vacant position.

23 There is no limit on the number of days that a
24 substitute teacher may teach in a single school district,
25 provided that no substitute teacher may teach for longer
26 than 90 school days for any one licensed teacher under

1 contract in the same school year. A substitute teacher who
2 holds a Professional Educator License or Educator License
3 with Stipulations shall not teach for more than 120 school
4 days for any one licensed teacher under contract in the
5 same school year. The limitations in this paragraph (3) on
6 the number of days a substitute teacher may be employed do
7 not apply to any school district operating under Article 34
8 of this Code.

9 (Source: P.A. 98-28, eff. 7-1-13; 98-751, eff. 1-1-15; 99-35,
10 eff. 1-1-16; 99-58, eff. 7-16-15; 99-143, eff. 7-27-15; revised
11 10-14-15.)

12 (105 ILCS 5/21B-45)

13 Sec. 21B-45. Professional Educator License renewal.

14 (a) Individuals holding a Professional Educator License
15 are required to complete the licensure renewal requirements as
16 specified in this Section, unless otherwise provided in this
17 Code.

18 Individuals holding a Professional Educator License shall
19 meet the renewal requirements set forth in this Section, unless
20 otherwise provided in this Code. If an individual holds a
21 license endorsed in more than one area that has different
22 renewal requirements, that individual shall follow the renewal
23 requirements for the position for which he or she spends the
24 majority of his or her time working.

25 (b) All Professional Educator Licenses not renewed as

1 provided in this Section shall lapse on September 1 of that
2 year. Lapsed licenses may be immediately reinstated upon (i)
3 payment by the applicant of a \$500 penalty to the State Board
4 of Education or (ii) the demonstration of proficiency by
5 completing 9 semester hours of coursework from a regionally
6 accredited institution of higher education in the content area
7 that most aligns with one or more of the educator's endorsement
8 areas. Any and all back fees, including without limitation
9 registration fees owed from the time of expiration of the
10 license until the date of reinstatement, shall be paid and kept
11 in accordance with the provisions in Article 3 of this Code
12 concerning an institute fund and the provisions in Article 21B
13 of this Code concerning fees and requirements for registration.
14 Licenses not registered in accordance with Section 21B-40 of
15 this Code shall lapse after a period of 6 months from the
16 expiration of the last year of registration. An unregistered
17 license is invalid after September 1 for employment and
18 performance of services in an Illinois public or State-operated
19 school or cooperative and in a charter school. Any license or
20 endorsement may be voluntarily surrendered by the license
21 holder. A voluntarily surrendered license, except a substitute
22 teaching license issued under Section 21B-20 of this Code,
23 shall be treated as a revoked license. An Educator License with
24 Stipulations with only a paraprofessional endorsement does not
25 lapse.

26 (c) From July 1, 2013 through June 30, 2014, in order to

1 satisfy the requirements for licensure renewal provided for in
2 this Section, each professional educator licensee with an
3 administrative endorsement who is working in a position
4 requiring such endorsement shall complete one Illinois
5 Administrators' Academy course, as described in Article 2 of
6 this Code, per fiscal year.

7 (d) Beginning July 1, 2014, in order to satisfy the
8 requirements for licensure renewal provided for in this
9 Section, each professional educator licensee may create a
10 professional development plan each year. The plan shall address
11 one or more of the endorsements that are required of his or her
12 educator position if the licensee is employed and performing
13 services in an Illinois public or State-operated school or
14 cooperative. If the licensee is employed in a charter school,
15 the plan shall address that endorsement or those endorsements
16 most closely related to his or her educator position. Licensees
17 employed and performing services in any other Illinois schools
18 may participate in the renewal requirements by adhering to the
19 same process.

20 Except as otherwise provided in this Section, the
21 licensee's professional development activities shall align
22 with one or more of the following criteria:

- 23 (1) activities are of a type that engage participants
24 over a sustained period of time allowing for analysis,
25 discovery, and application as they relate to student
26 learning, social or emotional achievement, or well-being;

1 (2) professional development aligns to the licensee's
2 performance;

3 (3) outcomes for the activities must relate to student
4 growth or district improvement;

5 (4) activities align to State-approved standards; and

6 (5) higher education coursework.

7 (e) For each renewal cycle, each professional educator
8 licensee shall engage in professional development activities.
9 Prior to renewal, the licensee shall enter electronically into
10 the Educator Licensure Information System (ELIS) the name,
11 date, and location of the activity, the number of professional
12 development hours, and the provider's name. The following
13 provisions shall apply concerning professional development
14 activities:

15 (1) Each licensee shall complete a total of 120 hours
16 of professional development per 5-year renewal cycle in
17 order to renew the license, except as otherwise provided in
18 this Section.

19 (2) Beginning with his or her first full 5-year cycle,
20 any licensee with an administrative endorsement who is not
21 working in a position requiring such endorsement shall
22 complete one Illinois Administrators' Academy course, as
23 described in Article 2 of this Code, in each 5-year renewal
24 cycle in which the administrative endorsement was held for
25 at least one year. The Illinois Administrators' Academy
26 course may count toward the total of 120 hours per 5-year

1 cycle.

2 (3) Any licensee with an administrative endorsement
3 who is working in a position requiring such endorsement or
4 an individual with a Teacher Leader endorsement serving in
5 an administrative capacity at least 50% of the day shall
6 complete one Illinois Administrators' Academy course, as
7 described in Article 2 of this Code, each fiscal year in
8 addition to 100 hours of professional development per
9 5-year renewal cycle in accordance with this Code.

10 (4) Any licensee holding a current National Board for
11 Professional Teaching Standards (NBPTS) master teacher
12 designation shall complete a total of 60 hours of
13 professional development per 5-year renewal cycle in order
14 to renew the license.

15 (5) Licensees working in a position that does not
16 require educator licensure or working in a position for
17 less than 50% for any particular year are considered to be
18 exempt and shall be required to pay only the registration
19 fee in order to renew and maintain the validity of the
20 license.

21 (6) Licensees who are retired and qualify for benefits
22 from a State retirement system shall notify the State Board
23 of Education using ELIS, and the license shall be
24 maintained in retired status. An individual with a license
25 in retired status shall not be required to complete
26 professional development activities or pay registration

1 fees until returning to a position that requires educator
2 licensure. Upon returning to work in a position that
3 requires the Professional Educator License, the licensee
4 shall immediately pay a registration fee and complete
5 renewal requirements for that year. A license in retired
6 status cannot lapse.

7 (7) For any renewal cycle in which professional
8 development hours were required, but not fulfilled, the
9 licensee shall complete any missed hours to total the
10 minimum professional development hours required in this
11 Section prior to September 1 of that year. For any fiscal
12 year or renewal cycle in which an Illinois Administrators'
13 Academy course was required but not completed, the licensee
14 shall complete any missed Illinois Administrators' Academy
15 courses prior to September 1 of that year. The licensee may
16 complete all deficient hours and Illinois Administrators'
17 Academy courses while continuing to work in a position that
18 requires that license until September 1 of that year.

19 (8) Any licensee who has not fulfilled the professional
20 development renewal requirements set forth in this Section
21 at the end of any 5-year renewal cycle is ineligible to
22 register his or her license and may submit an appeal to the
23 State Superintendent of Education for reinstatement of the
24 license.

25 (9) If professional development opportunities were
26 unavailable to a licensee, proof that opportunities were

1 unavailable and request for an extension of time beyond
2 August 31 to complete the renewal requirements may be
3 submitted from April 1 through June 30 of that year to the
4 State Educator Preparation and Licensure Board. If an
5 extension is approved, the license shall remain valid
6 during the extension period.

7 (10) Individuals who hold exempt licenses prior to
8 December 27, 2013 (the effective date of Public Act 98-610)
9 ~~this amendatory Act of the 98th General Assembly~~ shall
10 commence the annual renewal process with the first
11 scheduled registration due after December 27, 2013 (the
12 effective date of Public Act 98-610) ~~this amendatory Act of~~
13 ~~the 98th General Assembly~~.

14 (f) At the time of renewal, each licensee shall respond to
15 the required questions under penalty of perjury.

16 (g) The following entities shall be designated as approved
17 to provide professional development activities for the renewal
18 of Professional Educator Licenses:

19 (1) The State Board of Education.

20 (2) Regional offices of education and intermediate
21 service centers.

22 (3) Illinois professional associations representing
23 the following groups that are approved by the State
24 Superintendent of Education:

25 (A) school administrators;

26 (B) principals;

- 1 (C) school business officials;
- 2 (D) teachers, including special education
- 3 teachers;
- 4 (E) school boards;
- 5 (F) school districts;
- 6 (G) parents; and
- 7 (H) school service personnel.

8 (4) Regionally accredited institutions of higher

9 education that offer Illinois-approved educator

10 preparation programs and public community colleges subject

11 to the Public Community College Act.

12 (5) Illinois public school districts, charter schools

13 authorized under Article 27A of this Code, and joint

14 educational programs authorized under Article 10 of this

15 Code for the purposes of providing career and technical

16 education or special education services.

17 (6) A not-for-profit organization that, as of December

18 31, 2014 (the effective date of Public Act 98-1147) ~~this~~

19 ~~amendatory Act of the 98th General Assembly~~, has had or has

20 a grant from or a contract with the State Board of

21 Education to provide professional development services in

22 the area of English Learning to Illinois school districts,

23 teachers, or administrators.

24 (7) State agencies, State boards, and State

25 commissions.

26 (8) ~~(7)~~ Museums as defined in Section 10 of the Museum

1 Disposition of Property Act.

2 (h) Approved providers under subsection (g) of this Section
3 shall make available professional development opportunities
4 that satisfy at least one of the following:

5 (1) increase the knowledge and skills of school and
6 district leaders who guide continuous professional
7 development;

8 (2) improve the learning of students;

9 (3) organize adults into learning communities whose
10 goals are aligned with those of the school and district;

11 (4) deepen educator's content knowledge;

12 (5) provide educators with research-based
13 instructional strategies to assist students in meeting
14 rigorous academic standards;

15 (6) prepare educators to appropriately use various
16 types of classroom assessments;

17 (7) use learning strategies appropriate to the
18 intended goals;

19 (8) provide educators with the knowledge and skills to
20 collaborate; or

21 (9) prepare educators to apply research to
22 decision-making.

23 (i) Approved providers under subsection (g) of this Section
24 shall do the following:

25 (1) align professional development activities to the
26 State-approved national standards for professional

1 learning;

2 (2) meet the professional development criteria for
3 Illinois licensure renewal;

4 (3) produce a rationale for the activity that explains
5 how it aligns to State standards and identify the
6 assessment for determining the expected impact on student
7 learning or school improvement;

8 (4) maintain original documentation for completion of
9 activities; and

10 (5) provide license holders with evidence of
11 completion of activities.

12 (j) The State Board of Education shall conduct annual
13 audits of approved providers, except for school districts,
14 which shall be audited by regional offices of education and
15 intermediate service centers. The State Board of Education
16 shall complete random audits of licensees.

17 (1) Approved providers shall annually submit to the
18 State Board of Education a list of subcontractors used for
19 delivery of professional development activities for which
20 renewal credit was issued and other information as defined
21 by rule.

22 (2) Approved providers shall annually submit data to
23 the State Board of Education demonstrating how the
24 professional development activities impacted one or more
25 of the following:

26 (A) educator and student growth in regards to

1 content knowledge or skills, or both;

2 (B) educator and student social and emotional
3 growth; or

4 (C) alignment to district or school improvement
5 plans.

6 (3) The State Superintendent of Education shall review
7 the annual data collected by the State Board of Education,
8 regional offices of education, and intermediate service
9 centers in audits to determine if the approved provider has
10 met the criteria and should continue to be an approved
11 provider or if further action should be taken as provided
12 in rules.

13 (k) Registration fees shall be paid for the next renewal
14 cycle between April 1 and June 30 in the last year of each
15 5-year renewal cycle using ELIS. If all required professional
16 development hours for the renewal cycle have been completed and
17 entered by the licensee, the licensee shall pay the
18 registration fees for the next cycle using a form of credit or
19 debit card.

20 (l) Beginning July 1, 2014, any professional educator
21 licensee endorsed for school support personnel who is employed
22 and performing services in Illinois public schools and who
23 holds an active and current professional license issued by the
24 Department of Financial and Professional Regulation related to
25 the endorsement areas on the Professional Educator License
26 shall be deemed to have satisfied the continuing professional

1 development requirements provided for in this Section. Such
2 individuals shall be required to pay only registration fees to
3 renew the Professional Educator License. An individual who does
4 not hold a license issued by the Department of Financial and
5 Professional Regulation shall complete professional
6 development requirements for the renewal of a Professional
7 Educator License provided for in this Section.

8 (m) Appeals to the State Educator Preparation and Licensure
9 Board must be made within 30 days after receipt of notice from
10 the State Superintendent of Education that a license will not
11 be renewed based upon failure to complete the requirements of
12 this Section. A licensee may appeal that decision to the State
13 Educator Preparation and Licensure Board in a manner prescribed
14 by rule.

15 (1) Each appeal shall state the reasons why the State
16 Superintendent's decision should be reversed and shall be
17 sent by certified mail, return receipt requested, to the
18 State Board of Education.

19 (2) The State Educator Preparation and Licensure Board
20 shall review each appeal regarding renewal of a license
21 within 90 days after receiving the appeal in order to
22 determine whether the licensee has met the requirements of
23 this Section. The State Educator Preparation and Licensure
24 Board may hold an appeal hearing or may make its
25 determination based upon the record of review, which shall
26 consist of the following:

1 (A) the regional superintendent of education's
2 rationale for recommending nonrenewal of the license,
3 if applicable;

4 (B) any evidence submitted to the State
5 Superintendent along with the individual's electronic
6 statement of assurance for renewal; and

7 (C) the State Superintendent's rationale for
8 nonrenewal of the license.

9 (3) The State Educator Preparation and Licensure Board
10 shall notify the licensee of its decision regarding license
11 renewal by certified mail, return receipt requested, no
12 later than 30 days after reaching a decision. Upon receipt
13 of notification of renewal, the licensee, using ELIS, shall
14 pay the applicable registration fee for the next cycle
15 using a form of credit or debit card.

16 (n) The State Board of Education may adopt rules as may be
17 necessary to implement this Section.

18 (Source: P.A. 98-610, eff. 12-27-13; 98-1147, eff. 12-31-14;
19 99-58, eff. 7-16-15; 99-130, eff. 7-24-15; revised 10-21-15.)

20 (105 ILCS 5/22-30)

21 Sec. 22-30. Self-administration and self-carry of asthma
22 medication and epinephrine auto-injectors; administration of
23 undesignated epinephrine auto-injectors; administration of an
24 opioid antagonist.

25 (a) For the purpose of this Section only, the following

1 terms shall have the meanings set forth below:

2 "Asthma inhaler" means a quick reliever asthma inhaler.

3 "Epinephrine auto-injector" means a single-use device used
4 for the automatic injection of a pre-measured dose of
5 epinephrine into the human body.

6 "Asthma medication" means a medicine, prescribed by (i) a
7 physician licensed to practice medicine in all its branches,
8 (ii) a licensed physician assistant ~~prescriptive authority~~, or
9 (iii) a licensed advanced practice nurse ~~prescriptive~~
10 ~~authority~~ for a pupil that pertains to the pupil's asthma and
11 that has an individual prescription label.

12 "Opioid antagonist" means a drug that binds to opioid
13 receptors and blocks or inhibits the effect of opioids acting
14 on those receptors, including, but not limited to, naloxone
15 hydrochloride or any other similarly acting drug approved by
16 the U.S. Food and Drug Administration.

17 "School nurse" means a registered nurse working in a school
18 with or without licensure endorsed in school nursing.

19 "Self-administration" means a pupil's discretionary use of
20 his or her prescribed asthma medication or epinephrine
21 auto-injector.

22 "Self-carry" means a pupil's ability to carry his or her
23 prescribed asthma medication or epinephrine auto-injector.

24 "Standing protocol" may be issued by (i) a physician
25 licensed to practice medicine in all its branches, (ii) a
26 licensed physician assistant ~~prescriptive authority~~, or (iii)

1 a licensed advanced practice nurse ~~prescriptive~~.

2 "Trained personnel" means any school employee or volunteer
3 personnel authorized in Sections 10-22.34, 10-22.34a, and
4 10-22.34b of this Code who has completed training under
5 subsection (g) of this Section to recognize and respond to
6 anaphylaxis.

7 "Undesignated epinephrine auto-injector" means an
8 epinephrine auto-injector prescribed in the name of a school
9 district, public school, or nonpublic school.

10 (b) A school, whether public or nonpublic, must permit the
11 self-administration and self-carry of asthma medication by a
12 pupil with asthma or the self-administration and self-carry of
13 an epinephrine auto-injector by a pupil, provided that:

14 (1) the parents or guardians of the pupil provide to
15 the school (i) written authorization from the parents or
16 guardians for (A) the self-administration and self-carry
17 of asthma medication or (B) the self-carry of asthma
18 medication or (ii) for (A) the self-administration and
19 self-carry of an epinephrine auto-injector or (B) the
20 self-carry of an epinephrine auto-injector, written
21 authorization from the pupil's physician, physician
22 assistant, or advanced practice nurse; and

23 (2) the parents or guardians of the pupil provide to
24 the school (i) the prescription label, which must contain
25 the name of the asthma medication, the prescribed dosage,
26 and the time at which or circumstances under which the

1 asthma medication is to be administered, or (ii) for the
2 self-administration or self-carry of an epinephrine
3 auto-injector, a written statement from the pupil's
4 physician, physician assistant, or advanced practice nurse
5 containing the following information:

6 (A) the name and purpose of the epinephrine
7 auto-injector;

8 (B) the prescribed dosage; and

9 (C) the time or times at which or the special
10 circumstances under which the epinephrine
11 auto-injector is to be administered.

12 The information provided shall be kept on file in the office of
13 the school nurse or, in the absence of a school nurse, the
14 school's administrator.

15 (b-5) A school district, public school, or nonpublic school
16 may authorize the provision of a student-specific or
17 undesigned epinephrine auto-injector to a student or any
18 personnel authorized under a student's Individual Health Care
19 Action Plan, Illinois Food Allergy Emergency Action Plan and
20 Treatment Authorization Form, or plan pursuant to Section 504
21 of the federal Rehabilitation Act of 1973 to administer an
22 epinephrine auto-injector to the student, that meets the
23 student's prescription on file.

24 (b-10) The school district, public school, or nonpublic
25 school may authorize a school nurse or trained personnel to do
26 the following: (i) provide an undesigned epinephrine

1 auto-injector to a student for self-administration only or any
2 personnel authorized under a student's Individual Health Care
3 Action Plan, Illinois Food Allergy Emergency Action Plan and
4 Treatment Authorization Form, or plan pursuant to Section 504
5 of the federal Rehabilitation Act of 1973 to administer to the
6 student, that meets the student's prescription on file; (ii)
7 administer an undesignated epinephrine auto-injector that
8 meets the prescription on file to any student who has an
9 Individual Health Care Action Plan, Illinois Food Allergy
10 Emergency Action Plan and Treatment Authorization Form, or plan
11 pursuant to Section 504 of the federal Rehabilitation Act of
12 1973 that authorizes the use of an epinephrine auto-injector;
13 (iii) administer an undesignated epinephrine auto-injector to
14 any person that the school nurse or trained personnel in good
15 faith believes is having an anaphylactic reaction; and (iv)
16 administer an opioid antagonist to any person that the school
17 nurse or trained personnel in good faith believes is having an
18 opioid overdose.

19 (c) The school district, public school, or nonpublic school
20 must inform the parents or guardians of the pupil, in writing,
21 that the school district, public school, or nonpublic school
22 and its employees and agents, including a physician, physician
23 assistant, or advanced practice nurse providing standing
24 protocol or prescription for school epinephrine
25 auto-injectors, are to incur no liability or professional
26 discipline, except for willful and wanton conduct, as a result

1 of any injury arising from the administration of asthma
2 medication, an epinephrine auto-injector, or an opioid
3 antagonist regardless of whether authorization was given by the
4 pupil's parents or guardians or by the pupil's physician,
5 physician assistant, or advanced practice nurse. The parents or
6 guardians of the pupil must sign a statement acknowledging that
7 the school district, public school, or nonpublic school and its
8 employees and agents are to incur no liability, except for
9 willful and wanton conduct, as a result of any injury arising
10 from the administration of asthma medication, an epinephrine
11 auto-injector, or an opioid antagonist regardless of whether
12 authorization was given by the pupil's parents or guardians or
13 by the pupil's physician, physician assistant, or advanced
14 practice nurse and that the parents or guardians must indemnify
15 and hold harmless the school district, public school, or
16 nonpublic school and its employees and agents against any
17 claims, except a claim based on willful and wanton conduct,
18 arising out of the administration of asthma medication, an
19 epinephrine auto-injector, or an opioid antagonist regardless
20 of whether authorization was given by the pupil's parents or
21 guardians or by the pupil's physician, physician assistant, or
22 advanced practice nurse.

23 (c-5) When a school nurse or trained personnel administers
24 an undesignated epinephrine auto-injector to a person whom the
25 school nurse or trained personnel in good faith believes is
26 having an anaphylactic reaction, or administers an opioid

1 antagonist to a person whom the school nurse or trained
2 personnel in good faith believes is having an opioid overdose,
3 notwithstanding the lack of notice to the parents or guardians
4 of the pupil or the absence of the parents or guardians signed
5 statement acknowledging no liability, except for willful and
6 wanton conduct, the school district, public school, or
7 nonpublic school and its employees and agents, and a physician,
8 a physician assistant, or an advanced practice nurse providing
9 standing protocol or prescription for undesignated epinephrine
10 auto-injectors, are to incur no liability or professional
11 discipline, except for willful and wanton conduct, as a result
12 of any injury arising from the use of an undesignated
13 epinephrine auto-injector or the use of an opioid antagonist
14 regardless of whether authorization was given by the pupil's
15 parents or guardians or by the pupil's physician, physician
16 assistant, or advanced practice nurse.

17 (d) The permission for self-administration and self-carry
18 of asthma medication or the self-administration and self-carry
19 of an epinephrine auto-injector is effective for the school
20 year for which it is granted and shall be renewed each
21 subsequent school year upon fulfillment of the requirements of
22 this Section.

23 (e) Provided that the requirements of this Section are
24 fulfilled, a pupil with asthma may self-administer and
25 self-carry his or her asthma medication or a pupil may
26 self-administer and self-carry an epinephrine auto-injector

1 (i) while in school, (ii) while at a school-sponsored activity,
2 (iii) while under the supervision of school personnel, or (iv)
3 before or after normal school activities, such as while in
4 before-school or after-school care on school-operated
5 property.

6 (e-5) Provided that the requirements of this Section are
7 fulfilled, a school nurse or trained personnel may administer
8 an undesignated epinephrine auto-injector to any person whom
9 the school nurse or trained personnel in good faith believes to
10 be having an anaphylactic reaction (i) while in school, (ii)
11 while at a school-sponsored activity, (iii) while under the
12 supervision of school personnel, or (iv) before or after normal
13 school activities, such as while in before-school or
14 after-school care on school-operated property. A school nurse
15 or trained personnel may carry undesignated epinephrine
16 auto-injectors on his or her person while in school or at a
17 school-sponsored activity.

18 (e-10) Provided that the requirements of this Section are
19 fulfilled, a school nurse or trained personnel may administer
20 an opioid antagonist to any person whom the school nurse or
21 trained personnel in good faith believes to be having an opioid
22 overdose (i) while in school, (ii) while at a school-sponsored
23 activity, (iii) while under the supervision of school
24 personnel, or (iv) before or after normal school activities,
25 such as while in before-school or after-school care on
26 school-operated property. A school nurse or trained personnel

1 may carry an opioid antagonist on their person while in school
2 or at a school-sponsored activity.

3 (f) The school district, public school, or nonpublic school
4 may maintain a supply of undesignated epinephrine
5 auto-injectors in any secure location where an allergic person
6 is most at risk, including, but not limited to, classrooms and
7 lunchrooms. A physician, a physician assistant who has been
8 delegated prescriptive authority in accordance with Section
9 7.5 of the Physician Assistant Practice Act of 1987, or an
10 advanced practice nurse who has been delegated prescriptive
11 authority in accordance with Section 65-40 of the Nurse
12 Practice Act may prescribe undesignated epinephrine
13 auto-injectors in the name of the school district, public
14 school, or nonpublic school to be maintained for use when
15 necessary. Any supply of epinephrine auto-injectors shall be
16 maintained in accordance with the manufacturer's instructions.

17 The school district, public school, or nonpublic school may
18 maintain a supply of an opioid antagonist in any secure
19 location where an individual may have an opioid overdose. A
20 health care professional who has been delegated prescriptive
21 authority for opioid antagonists in accordance with Section
22 5-23 of the Alcoholism and Other Drug Abuse and Dependency Act
23 may prescribe opioid antagonists in the name of the school
24 district, public school, or nonpublic school, to be maintained
25 for use when necessary. Any supply of opioid antagonists shall
26 be maintained in accordance with the manufacturer's

1 instructions.

2 (f-5) Upon any administration of an epinephrine
3 auto-injector, a school district, public school, or nonpublic
4 school must immediately activate the EMS system and notify the
5 student's parent, guardian, or emergency contact, if known.

6 Upon any administration of an opioid antagonist, a school
7 district, public school, or nonpublic school must immediately
8 activate the EMS system and notify the student's parent,
9 guardian, or emergency contact, if known.

10 (f-10) Within 24 hours of the administration of an
11 undesignated epinephrine auto-injector, a school district,
12 public school, or nonpublic school must notify the physician,
13 physician assistant, or advanced ~~advance~~ practice nurse who
14 provided the standing protocol or prescription for the
15 undesignated epinephrine auto-injector of its use.

16 Within 24 hours after the administration of an opioid
17 antagonist, a school district, public school, or nonpublic
18 school must notify the health care professional who provided
19 the prescription for the opioid antagonist of its use.

20 (g) Prior to the administration of an undesignated
21 epinephrine auto-injector, trained personnel must submit to
22 their ~~his or her~~ school's administration proof of completion of
23 a training curriculum to recognize and respond to anaphylaxis
24 that meets the requirements of subsection (h) of this Section.
25 Training must be completed annually. Trained personnel must
26 also submit to their ~~his or her~~ school's administration proof

1 of cardiopulmonary resuscitation and automated external
2 defibrillator certification. The school district, public
3 school, or nonpublic school must maintain records related to
4 the training curriculum and trained personnel.

5 Prior to the administration of an opioid antagonist,
6 trained personnel must submit to their school's administration
7 proof of completion of a training curriculum to recognize and
8 respond to an opioid overdose, which curriculum must meet the
9 requirements of subsection (h-5) of this Section. Training must
10 be completed annually. Trained personnel must also submit to
11 the school's administration proof of cardiopulmonary
12 resuscitation and automated external defibrillator
13 certification. The school district, public school, or
14 nonpublic school must maintain records relating to the training
15 curriculum and the trained personnel.

16 (h) A training curriculum to recognize and respond to
17 anaphylaxis, including the administration of an undesignated
18 epinephrine auto-injector, may be conducted online or in
19 person. It must include, but is not limited to:

- 20 (1) how to recognize symptoms of an allergic reaction;
- 21 (2) a review of high-risk areas within the school and
22 its related facilities;
- 23 (3) steps to take to prevent exposure to allergens;
- 24 (4) how to respond to an emergency involving an
25 allergic reaction;
- 26 (5) how to administer an epinephrine auto-injector;

1 (6) how to respond to a student with a known allergy as
2 well as a student with a previously unknown allergy;

3 (7) a test demonstrating competency of the knowledge
4 required to recognize anaphylaxis and administer an
5 epinephrine auto-injector; and

6 (8) other criteria as determined in rules adopted
7 pursuant to this Section.

8 In consultation with statewide professional organizations
9 representing physicians licensed to practice medicine in all of
10 its branches, registered nurses, and school nurses, the State
11 Board of Education shall make available resource materials
12 consistent with criteria in this subsection (h) for educating
13 trained personnel to recognize and respond to anaphylaxis. The
14 State Board may take into consideration the curriculum on this
15 subject developed by other states, as well as any other
16 curricular materials suggested by medical experts and other
17 groups that work on life-threatening allergy issues. The State
18 Board is not required to create new resource materials. The
19 State Board shall make these resource materials available on
20 its Internet website.

21 (h-5) A training curriculum to recognize and respond to an
22 opioid overdose, including the administration of an opioid
23 antagonist, may be conducted online or in person. The training
24 must comply with any training requirements under Section 5-23
25 of the Alcoholism and Other Drug Abuse and Dependency Act and
26 the corresponding rules. It must include, but is not limited

1 to:

2 (1) how to recognize symptoms of an opioid overdose;

3 (2) information on drug overdose prevention and
4 recognition;

5 (3) how to perform rescue breathing and resuscitation;

6 (4) how to respond to an emergency involving an opioid
7 overdose;

8 (5) opioid antagonist dosage and administration;

9 (6) the importance of calling 911;

10 (7) care for the overdose victim after administration
11 of the overdose antagonist;

12 (8) a test demonstrating competency of the knowledge
13 required to recognize an opioid overdose and administer a
14 dose of an opioid antagonist; and

15 (9) other criteria as determined in rules adopted
16 pursuant to this Section.

17 (i) Within 3 days after the administration of an
18 undesignated epinephrine auto-injector by a school nurse,
19 trained personnel, or a student at a school or school-sponsored
20 activity, the school must report to the State Board in a form
21 and manner prescribed by the State Board the following
22 information:

23 (1) age and type of person receiving epinephrine
24 (student, staff, visitor);

25 (2) any previously known diagnosis of a severe allergy;

26 (3) trigger that precipitated allergic episode;

- 1 (4) location where symptoms developed;
- 2 (5) number of doses administered;
- 3 (6) type of person administering epinephrine (school
4 nurse, trained personnel, student); and
- 5 (7) any other information required by the State Board.

6 (i-5) Within 3 days after the administration of an opioid
7 antagonist by a school nurse or trained personnel, the school
8 must report to the State Board, in a form and manner prescribed
9 by the State Board, the following information:

- 10 (1) the age and type of person receiving the opioid
11 antagonist (student, staff, or visitor);
- 12 (2) the location where symptoms developed;
- 13 (3) the type of person administering the opioid
14 antagonist (school nurse or trained personnel); and
- 15 (4) any other information required by the State Board.

16 (j) By October 1, 2015 and every year thereafter, the State
17 Board shall submit a report to the General Assembly identifying
18 the frequency and circumstances of epinephrine administration
19 during the preceding academic year. This report shall be
20 published on the State Board's Internet website on the date the
21 report is delivered to the General Assembly.

22 On or before October 1, 2016 and every year thereafter, the
23 State Board shall submit a report to the General Assembly and
24 the Department of Public Health identifying the frequency and
25 circumstances of opioid antagonist administration during the
26 preceding academic year. This report shall be published on the

1 State Board's Internet website on the date the report is
2 delivered to the General Assembly.

3 (k) The State Board may adopt rules necessary to implement
4 this Section.

5 (Source: P.A. 98-795, eff. 8-1-14; 99-173, eff. 7-29-15;
6 99-480, eff. 9-9-15; revised 10-13-15.)

7 (105 ILCS 5/22-80)

8 Sec. 22-80. Student athletes; concussions and head
9 injuries.

10 (a) The General Assembly recognizes all of the following:

11 (1) Concussions are one of the most commonly reported
12 injuries in children and adolescents who participate in
13 sports and recreational activities. The Centers for
14 Disease Control and Prevention estimates that as many as
15 3,900,000 sports-related and recreation-related
16 concussions occur in the United States each year. A
17 concussion is caused by a blow or motion to the head or
18 body that causes the brain to move rapidly inside the
19 skull. The risk of catastrophic injuries or death are
20 significant when a concussion or head injury is not
21 properly evaluated and managed.

22 (2) Concussions are a type of brain injury that can
23 range from mild to severe and can disrupt the way the brain
24 normally works. Concussions can occur in any organized or
25 unorganized sport or recreational activity and can result

1 from a fall or from players colliding with each other, the
2 ground, or with obstacles. Concussions occur with or
3 without loss of consciousness, but the vast majority of
4 concussions occur without loss of consciousness.

5 (3) Continuing to play with a concussion or symptoms of
6 a head injury leaves a young athlete especially vulnerable
7 to greater injury and even death. The General Assembly
8 recognizes that, despite having generally recognized
9 return-to-play standards for concussions and head
10 injuries, some affected youth athletes are prematurely
11 returned to play, resulting in actual or potential physical
12 injury or death to youth athletes in this State.

13 (4) Student athletes who have sustained a concussion
14 may need informal or formal accommodations, modifications
15 of curriculum, and monitoring by medical or academic staff
16 until the student is fully recovered. To that end, all
17 schools are encouraged to establish a return-to-learn
18 protocol that is based on peer-reviewed scientific
19 evidence consistent with Centers for Disease Control and
20 Prevention guidelines and conduct baseline testing for
21 student athletes.

22 (b) In this Section:

23 "Athletic trainer" means an athletic trainer licensed
24 under the Illinois Athletic Trainers Practice Act.

25 "Coach" means any volunteer or employee of a school who is
26 responsible for organizing and supervising students to teach

1 them or train them in the fundamental skills of an
2 interscholastic athletic activity. "Coach" refers to both head
3 coaches and assistant coaches.

4 "Concussion" means a complex pathophysiological process
5 affecting the brain caused by a traumatic physical force or
6 impact to the head or body, which may include temporary or
7 prolonged altered brain function resulting in physical,
8 cognitive, or emotional symptoms or altered sleep patterns and
9 which may or may not involve a loss of consciousness.

10 "Department" means the Department of Financial and
11 Professional Regulation.

12 "Game official" means a person who officiates at an
13 interscholastic athletic activity, such as a referee or umpire,
14 including, but not limited to, persons enrolled as game
15 officials by the Illinois High School Association or Illinois
16 Elementary School Association.

17 "Interscholastic athletic activity" means any organized
18 school-sponsored or school-sanctioned activity for students,
19 generally outside of school instructional hours, under the
20 direction of a coach, athletic director, or band leader,
21 including, but not limited to, baseball, basketball,
22 cheerleading, cross country track, fencing, field hockey,
23 football, golf, gymnastics, ice hockey, lacrosse, marching
24 band, rugby, soccer, skating, softball, swimming and diving,
25 tennis, track (indoor and outdoor), ultimate Frisbee,
26 volleyball, water polo, and wrestling. All interscholastic

1 athletics are deemed to be interscholastic activities.

2 "Licensed healthcare professional" means a person who has
3 experience with concussion management and who is a nurse, a
4 psychologist who holds a license under the Clinical
5 Psychologist Licensing Act and specializes in the practice of
6 neuropsychology, a physical therapist licensed under the
7 Illinois Physical Therapy Act, an occupational therapist
8 licensed under the Illinois Occupational Therapy Practice Act.

9 "Nurse" means a person who is employed by or volunteers at
10 a school and is licensed under the Nurse Practice Act as a
11 registered nurse, practical nurse, or advanced practice nurse.

12 "Physician" means a physician licensed to practice
13 medicine in all of its branches under the Medical Practice Act
14 of 1987.

15 "School" means any public or private elementary or
16 secondary school, including a charter school.

17 "Student" means an adolescent or child enrolled in a
18 school.

19 (c) This Section applies to any interscholastic athletic
20 activity, including practice and competition, sponsored or
21 sanctioned by a school, the Illinois Elementary School
22 Association, or the Illinois High School Association. This
23 Section applies beginning with the 2016-2017 school year.

24 (d) The governing body of each public or charter school and
25 the appropriate administrative officer of a private school with
26 students enrolled who participate in an interscholastic

1 athletic activity shall appoint or approve a concussion
2 oversight team. Each concussion oversight team shall establish
3 a return-to-play protocol, based on peer-reviewed scientific
4 evidence consistent with Centers for Disease Control and
5 Prevention guidelines, for a student's return to
6 interscholastic athletics practice or competition following a
7 force or impact believed to have caused a concussion. Each
8 concussion oversight team shall also establish a
9 return-to-learn protocol, based on peer-reviewed scientific
10 evidence consistent with Centers for Disease Control and
11 Prevention guidelines, for a student's return to the classroom
12 after that student is believed to have experienced a
13 concussion, whether or not the concussion took place while the
14 student was participating in an interscholastic athletic
15 activity.

16 Each concussion oversight team must include to the extent
17 practicable at least one physician. If a school employs an
18 athletic trainer, the athletic trainer must be a member of the
19 school concussion oversight team to the extent practicable. If
20 a school employs a nurse, the nurse must be a member of the
21 school concussion oversight team to the extent practicable. At
22 a minimum, a school shall appoint a person who is responsible
23 for implementing and complying with the return-to-play and
24 return-to-learn protocols adopted by the concussion oversight
25 team. A school may appoint other licensed healthcare
26 professionals to serve on the concussion oversight team.

1 (e) A student may not participate in an interscholastic
2 athletic activity for a school year until the student and the
3 student's parent or guardian or another person with legal
4 authority to make medical decisions for the student have signed
5 a form for that school year that acknowledges receiving and
6 reading written information that explains concussion
7 prevention, symptoms, treatment, and oversight and that
8 includes guidelines for safely resuming participation in an
9 athletic activity following a concussion. The form must be
10 approved by the Illinois High School Association.

11 (f) A student must be removed from an interscholastic
12 athletics practice or competition immediately if one of the
13 following persons believes the student might have sustained a
14 concussion during the practice or competition:

15 (1) a coach;

16 (2) a physician;

17 (3) a game official;

18 (4) an athletic trainer;

19 (5) the student's parent or guardian or another person
20 with legal authority to make medical decisions for the
21 student;

22 (6) the student; or

23 (7) any other person deemed appropriate under the
24 school's return-to-play protocol.

25 (g) A student removed from an interscholastic athletics
26 practice or competition under this Section may not be permitted

1 to practice or compete again following the force or impact
2 believed to have caused the concussion until:

3 (1) the student has been evaluated, using established
4 medical protocols based on peer-reviewed scientific
5 evidence consistent with Centers for Disease Control and
6 Prevention guidelines, by a treating physician (chosen by
7 the student or the student's parent or guardian or another
8 person with legal authority to make medical decisions for
9 the student) or an athletic trainer working under the
10 supervision of a physician;

11 (2) the student has successfully completed each
12 requirement of the return-to-play protocol established
13 under this Section necessary for the student to return to
14 play;

15 (3) the student has successfully completed each
16 requirement of the return-to-learn protocol established
17 under this Section necessary for the student to return to
18 learn;

19 (4) the treating physician or athletic trainer working
20 under the supervision of a physician has provided a written
21 statement indicating that, in the physician's professional
22 judgment, it is safe for the student to return to play and
23 return to learn; and

24 (5) the student and the student's parent or guardian or
25 another person with legal authority to make medical
26 decisions for the student:

1 (A) have acknowledged that the student has
2 completed the requirements of the return-to-play and
3 return-to-learn protocols necessary for the student to
4 return to play;

5 (B) have provided the treating physician's or
6 athletic trainer's written statement under subdivision
7 (4) of this subsection (g) to the person responsible
8 for compliance with the return-to-play and
9 return-to-learn protocols under this subsection (g)
10 and the person who has supervisory responsibilities
11 under this subsection (g); and

12 (C) have signed a consent form indicating that the
13 person signing:

14 (i) has been informed concerning and consents
15 to the student participating in returning to play
16 in accordance with the return-to-play and
17 return-to-learn protocols;

18 (ii) understands the risks associated with the
19 student returning to play and returning to learn
20 and will comply with any ongoing requirements in
21 the return-to-play and return-to-learn protocols;
22 and

23 (iii) consents to the disclosure to
24 appropriate persons, consistent with the federal
25 Health Insurance Portability and Accountability
26 Act of 1996 (Public Law 104-191), of the treating

1 physician's or athletic trainer's written
2 statement under subdivision (4) of this subsection
3 (g) and, if any, the return-to-play and
4 return-to-learn recommendations of the treating
5 physician or the athletic trainer, as the case may
6 be.

7 A coach of an interscholastic athletics team may not
8 authorize a student's return to play or return to learn.

9 The district superintendent or the superintendent's
10 designee in the case of a public elementary or secondary
11 school, the chief school administrator or that person's
12 designee in the case of a charter school, or the appropriate
13 administrative officer or that person's designee in the case of
14 a private school shall supervise an athletic trainer or other
15 person responsible for compliance with the return-to-play
16 protocol and shall supervise the person responsible for
17 compliance with the return-to-learn protocol. The person who
18 has supervisory responsibilities under this paragraph may not
19 be a coach of an interscholastic athletics team.

20 (h) (1) The Illinois High School Association shall approve,
21 for coaches and game officials of interscholastic athletic
22 activities, training courses that provide for not less than 2
23 hours of training in the subject matter of concussions,
24 including evaluation, prevention, symptoms, risks, and
25 long-term effects. The Association shall maintain an updated
26 list of individuals and organizations authorized by the

1 Association to provide the training.

2 (2) The following persons must take a training course in
3 accordance with paragraph (4) of this subsection (h) from an
4 authorized training provider at least once every 2 years:

5 (A) a coach of an interscholastic athletic activity;

6 (B) a nurse who serves as a member of a concussion
7 oversight team and is an employee, representative, or agent
8 of a school;

9 (C) a game official of an interscholastic athletic
10 activity; and

11 (D) a nurse who serves on a volunteer basis as a member
12 of a concussion oversight team for a school.

13 (3) A physician who serves as a member of a concussion
14 oversight team shall, to the greatest extent practicable,
15 periodically take an appropriate continuing medical education
16 course in the subject matter of concussions.

17 (4) For purposes of paragraph (2) of this subsection (h):

18 (A) a coach or game officials, as the case may be, must
19 take a course described in paragraph (1) of this subsection
20 (h).

21 (B) an athletic trainer must take a concussion-related
22 continuing education course from an athletic trainer
23 continuing education sponsor approved by the Department;
24 and

25 (C) a nurse must take a course concerning the subject
26 matter of concussions that has been approved for continuing

1 education credit by the Department.

2 (5) Each person described in paragraph (2) of this
3 subsection (h) must submit proof of timely completion of an
4 approved course in compliance with paragraph (4) of this
5 subsection (h) to the district superintendent or the
6 superintendent's designee in the case of a public elementary or
7 secondary school, the chief school administrator or that
8 person's designee in the case of a charter school, or the
9 appropriate administrative officer or that person's designee
10 in the case of a private school.

11 (6) A physician, athletic trainer, or nurse who is not in
12 compliance with the training requirements under this
13 subsection (h) may not serve on a concussion oversight team in
14 any capacity.

15 (7) A person required under this subsection (h) to take a
16 training course in the subject of concussions must initially
17 complete the training not later than September 1, 2016.

18 (i) The governing body of each public or charter school and
19 the appropriate administrative officer of a private school with
20 students enrolled who participate in an interscholastic
21 athletic activity shall develop a school-specific emergency
22 action plan for interscholastic athletic activities to address
23 the serious injuries and acute medical conditions in which the
24 condition of the student may deteriorate rapidly. The plan
25 shall include a delineation of roles, methods of communication,
26 available emergency equipment, and access to and a plan for

1 emergency transport. This emergency action plan must be:

2 (1) in writing;

3 (2) reviewed by the concussion oversight team;

4 (3) approved by the district superintendent or the
5 superintendent's designee in the case of a public
6 elementary or secondary school, the chief school
7 administrator or that person's designee in the case of a
8 charter school, or the appropriate administrative officer
9 or that person's designee in the case of a private school;

10 (4) distributed to all appropriate personnel;

11 (5) posted conspicuously at all venues utilized by the
12 school; and

13 (6) reviewed annually by all athletic trainers, first
14 responders, coaches, school nurses, athletic directors,
15 and volunteers for interscholastic athletic activities.

16 (j) The State Board of Education may adopt rules as
17 necessary to administer this Section.

18 (Source: P.A. 99-245, eff. 8-3-15; 99-486, eff. 11-20-15.)

19 (105 ILCS 5/22-81)

20 Sec. 22-81 ~~22-80~~. Heroin and opioid prevention pilot
21 program. By January 1, 2017, the State Board of Education and
22 the Department of Human Services shall develop and establish a
23 3-year heroin and opioid drug prevention pilot program that
24 offers educational materials and instruction on heroin and
25 opioid abuse to all school districts in the State for use at

1 their respective public elementary and secondary schools. A
2 school district's participation in the pilot program shall be
3 voluntary. Subject to appropriation, the Department of Human
4 Services shall reimburse a school district that decides to
5 participate in the pilot program for any costs it incurs in
6 connection with its participation in the pilot program. Each
7 school district that participates in the pilot program shall
8 have the discretion to determine which grade levels the school
9 district will instruct under the program.

10 The pilot program must use effective, research-proven,
11 interactive teaching methods and technologies, and must
12 provide students, parents, and school staff with scientific,
13 social, and emotional learning content to help them understand
14 the risk of drug use. Such learning content must specifically
15 target the dangers of prescription pain medication and heroin
16 abuse. The Department may contract with a health education
17 organization to fulfill the requirements of the pilot program.

18 The State Board of Education, the Department of Human
19 Services, and any contracted organization shall submit an
20 annual report to the General Assembly that includes: (i) a list
21 of school districts participating in the pilot program; (ii)
22 the grade levels each school district instructs under the pilot
23 program; and (iii) any findings regarding the effectiveness of
24 the pilot program.

25 (Source: P.A. 99-480, eff. 9-9-15; revised 10-19-15.)

1 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

2 Sec. 27-8.1. Health examinations and immunizations.

3 (1) In compliance with rules and regulations which the
4 Department of Public Health shall promulgate, and except as
5 hereinafter provided, all children in Illinois shall have a
6 health examination as follows: within one year prior to
7 entering kindergarten or the first grade of any public,
8 private, or parochial elementary school; upon entering the
9 sixth and ninth grades of any public, private, or parochial
10 school; prior to entrance into any public, private, or
11 parochial nursery school; and, irrespective of grade,
12 immediately prior to or upon entrance into any public, private,
13 or parochial school or nursery school, each child shall present
14 proof of having been examined in accordance with this Section
15 and the rules and regulations promulgated hereunder. Any child
16 who received a health examination within one year prior to
17 entering the fifth grade for the 2007-2008 school year is not
18 required to receive an additional health examination in order
19 to comply with the provisions of Public Act 95-422 when he or
20 she attends school for the 2008-2009 school year, unless the
21 child is attending school for the first time as provided in
22 this paragraph.

23 A tuberculosis skin test screening shall be included as a
24 required part of each health examination included under this
25 Section if the child resides in an area designated by the
26 Department of Public Health as having a high incidence of

1 tuberculosis. Additional health examinations of pupils,
2 including eye examinations, may be required when deemed
3 necessary by school authorities. Parents are encouraged to have
4 their children undergo eye examinations at the same points in
5 time required for health examinations.

6 (1.5) In compliance with rules adopted by the Department of
7 Public Health and except as otherwise provided in this Section,
8 all children in kindergarten and the second and sixth grades of
9 any public, private, or parochial school shall have a dental
10 examination. Each of these children shall present proof of
11 having been examined by a dentist in accordance with this
12 Section and rules adopted under this Section before May 15th of
13 the school year. If a child in the second or sixth grade fails
14 to present proof by May 15th, the school may hold the child's
15 report card until one of the following occurs: (i) the child
16 presents proof of a completed dental examination or (ii) the
17 child presents proof that a dental examination will take place
18 within 60 days after May 15th. The Department of Public Health
19 shall establish, by rule, a waiver for children who show an
20 undue burden or a lack of access to a dentist. Each public,
21 private, and parochial school must give notice of this dental
22 examination requirement to the parents and guardians of
23 students at least 60 days before May 15th of each school year.

24 (1.10) Except as otherwise provided in this Section, all
25 children enrolling in kindergarten in a public, private, or
26 parochial school on or after the effective date of this

1 amendatory Act of the 95th General Assembly and any student
2 enrolling for the first time in a public, private, or parochial
3 school on or after the effective date of this amendatory Act of
4 the 95th General Assembly shall have an eye examination. Each
5 of these children shall present proof of having been examined
6 by a physician licensed to practice medicine in all of its
7 branches or a licensed optometrist within the previous year, in
8 accordance with this Section and rules adopted under this
9 Section, before October 15th of the school year. If the child
10 fails to present proof by October 15th, the school may hold the
11 child's report card until one of the following occurs: (i) the
12 child presents proof of a completed eye examination or (ii) the
13 child presents proof that an eye examination will take place
14 within 60 days after October 15th. The Department of Public
15 Health shall establish, by rule, a waiver for children who show
16 an undue burden or a lack of access to a physician licensed to
17 practice medicine in all of its branches who provides eye
18 examinations or to a licensed optometrist. Each public,
19 private, and parochial school must give notice of this eye
20 examination requirement to the parents and guardians of
21 students in compliance with rules of the Department of Public
22 Health. Nothing in this Section shall be construed to allow a
23 school to exclude a child from attending because of a parent's
24 or guardian's failure to obtain an eye examination for the
25 child.

26 (2) The Department of Public Health shall promulgate rules

1 and regulations specifying the examinations and procedures
2 that constitute a health examination, which shall include the
3 collection of data relating to obesity (including at a minimum,
4 date of birth, gender, height, weight, blood pressure, and date
5 of exam), and a dental examination and may recommend by rule
6 that certain additional examinations be performed. The rules
7 and regulations of the Department of Public Health shall
8 specify that a tuberculosis skin test screening shall be
9 included as a required part of each health examination included
10 under this Section if the child resides in an area designated
11 by the Department of Public Health as having a high incidence
12 of tuberculosis. The Department of Public Health shall specify
13 that a diabetes screening as defined by rule shall be included
14 as a required part of each health examination. Diabetes testing
15 is not required.

16 Physicians licensed to practice medicine in all of its
17 branches, licensed advanced practice nurses, or licensed
18 physician assistants shall be responsible for the performance
19 of the health examinations, other than dental examinations, eye
20 examinations, and vision and hearing screening, and shall sign
21 all report forms required by subsection (4) of this Section
22 that pertain to those portions of the health examination for
23 which the physician, advanced practice nurse, or physician
24 assistant is responsible. If a registered nurse performs any
25 part of a health examination, then a physician licensed to
26 practice medicine in all of its branches must review and sign

1 all 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. If the student is an
3 out-of-state transfer student and does not have the proof
4 required under this subsection (5) before October 15 of the
5 current year or whatever date is set by the school district,
6 then he or she may only attend classes (i) if he or she has
7 proof that an appointment for the required vaccinations has
8 been scheduled with a party authorized to submit proof of the
9 required vaccinations. If the proof of vaccination required
10 under this subsection (5) is not submitted within 30 days after
11 the student is permitted to attend classes, then the student is
12 not to be permitted to attend classes until proof of the
13 vaccinations has been properly submitted. No school district or
14 employee of a school district shall be held liable for any
15 injury or illness to another person that results from admitting
16 an out-of-state transfer student to class that has an
17 appointment scheduled pursuant to this subsection (5).

18 (6) Every school shall report to the State Board of
19 Education by November 15, in the manner which that agency shall
20 require, the number of children who have received the necessary
21 immunizations and the health examination (other than a dental
22 examination or eye examination) as required, indicating, of
23 those who have not received the immunizations and examination
24 as required, the number of children who are exempt from health
25 examination and immunization requirements on religious or
26 medical grounds as provided in subsection (8). On or before

1 December 1 of each year, every public school district and
2 registered nonpublic school shall make publicly available the
3 immunization data they are required to submit to the State
4 Board of Education by November 15. The immunization data made
5 publicly available must be identical to the data the school
6 district or school has reported to the State Board of
7 Education.

8 Every school shall report to the State Board of Education
9 by June 30, in the manner that the State Board requires, the
10 number of children who have received the required dental
11 examination, indicating, of those who have not received the
12 required dental examination, the number of children who are
13 exempt from the dental examination on religious grounds as
14 provided in subsection (8) of this Section and the number of
15 children who have received a waiver under subsection (1.5) of
16 this Section.

17 Every school shall report to the State Board of Education
18 by June 30, in the manner that the State Board requires, the
19 number of children who have received the required eye
20 examination, indicating, of those who have not received the
21 required eye examination, the number of children who are exempt
22 from the eye examination as provided in subsection (8) of this
23 Section, the number of children who have received a waiver
24 under subsection (1.10) of this Section, and the total number
25 of children in noncompliance with the eye examination
26 requirement.

1 The reported information under this subsection (6) shall be
2 provided to the Department of Public Health by the State Board
3 of Education.

4 (7) Upon determining that the number of pupils who are
5 required to be in compliance with subsection (5) of this
6 Section is below 90% of the number of pupils enrolled in the
7 school district, 10% of each State aid payment made pursuant to
8 Section 18-8.05 to the school district for such year may be
9 withheld by the State Board of Education until the number of
10 students in compliance with subsection (5) is the applicable
11 specified percentage or higher.

12 (8) Children of parents or legal guardians who object to
13 health, dental, or eye examinations or any part thereof, to
14 immunizations, or to vision and hearing screening tests on
15 religious grounds shall not be required to undergo the
16 examinations, tests, or immunizations to which they so object
17 if such parents or legal guardians present to the appropriate
18 local school authority a signed Certificate of Religious
19 Exemption detailing the grounds for objection and the specific
20 immunizations, tests, or examinations to which they object. The
21 grounds for objection must set forth the specific religious
22 belief that conflicts with the examination, test,
23 immunization, or other medical intervention. The signed
24 certificate shall also reflect the parent's or legal guardian's
25 understanding of the school's exclusion policies in the case of
26 a vaccine-preventable disease outbreak or exposure. The

1 certificate must also be signed by the authorized examining
2 health care provider responsible for the performance of the
3 child's health examination confirming that the provider
4 provided education to the parent or legal guardian on the
5 benefits of immunization and the health risks to the student
6 and to the community of the communicable diseases for which
7 immunization is required in this State. However, the health
8 care provider's signature on the certificate reflects only that
9 education was provided and does not allow a health care
10 provider grounds to determine a religious exemption. Those
11 receiving immunizations required under this Code shall be
12 provided with the relevant vaccine information statements that
13 are required to be disseminated by the federal National
14 Childhood Vaccine Injury Act of 1986, which may contain
15 information on circumstances when a vaccine should not be
16 administered, prior to administering a vaccine. A healthcare
17 provider may consider including without limitation the
18 nationally accepted recommendations from federal agencies such
19 as the Advisory Committee on Immunization Practices, the
20 information outlined in the relevant vaccine information
21 statement, and vaccine package inserts, along with the
22 healthcare provider's clinical judgment, to determine whether
23 any child may be more susceptible to experiencing an adverse
24 vaccine reaction than the general population, and, if so, the
25 healthcare provider may exempt the child from an immunization
26 or adopt an individualized immunization schedule. The

1 Certificate of Religious Exemption shall be created by the
2 Department of Public Health and shall be made available and
3 used by parents and legal guardians by the beginning of the
4 2015-2016 school year. Parents or legal guardians must submit
5 the Certificate of Religious Exemption to their local school
6 authority prior to entering kindergarten, sixth grade, and
7 ninth grade for each child for which they are requesting an
8 exemption. The religious objection stated need not be directed
9 by the tenets of an established religious organization.
10 However, general philosophical or moral reluctance to allow
11 physical examinations, eye examinations, immunizations, vision
12 and hearing screenings, or dental examinations does not provide
13 a sufficient basis for an exception to statutory requirements.
14 The local school authority is responsible for determining if
15 the content of the Certificate of Religious Exemption
16 constitutes a valid religious objection. The local school
17 authority shall inform the parent or legal guardian of
18 exclusion procedures, in accordance with the Department's
19 rules under Part 690 of Title 77 of the Illinois Administrative
20 Code, at the time the objection is presented.

21 If the physical condition of the child is such that any one
22 or more of the immunizing agents should not be administered,
23 the examining physician, advanced practice nurse, or physician
24 assistant responsible for the performance of the health
25 examination shall endorse that fact upon the health examination
26 form.

1 Exempting a child from the health, dental, or eye
2 examination does not exempt the child from participation in the
3 program of physical education training provided in Sections
4 27-5 through 27-7 of this Code.

5 (9) For the purposes of this Section, "nursery schools"
6 means those nursery schools operated by elementary school
7 systems or secondary level school units or institutions of
8 higher learning.

9 (Source: P.A. 98-673, eff. 6-30-14; 99-173, eff. 7-29-15;
10 99-249, eff. 8-3-15; revised 10-21-15.)

11 (105 ILCS 5/27-24.2) (from Ch. 122, par. 27-24.2)

12 Sec. 27-24.2. Safety education; driver education course.
13 Instruction shall be given in safety education in each of
14 grades one through ~~through~~ 8, equivalent to one class period
15 each week, and any school district which maintains grades 9
16 through 12 shall offer a driver education course in any such
17 school which it operates. Its curriculum shall include content
18 dealing with Chapters 11, 12, 13, 15, and 16 of the Illinois
19 Vehicle Code, the rules adopted pursuant to those Chapters
20 insofar as they pertain to the operation of motor vehicles, and
21 the portions of the Litter Control Act relating to the
22 operation of motor vehicles. The course of instruction given in
23 grades 10 through 12 shall include an emphasis on the
24 development of knowledge, attitudes, habits, and skills
25 necessary for the safe operation of motor vehicles, including

1 motorcycles insofar as they can be taught in the classroom, and
2 instruction on distracted driving as a major traffic safety
3 issue. In addition, the course shall include instruction on
4 special hazards existing at and required safety and driving
5 precautions that must be observed at emergency situations,
6 highway construction and maintenance zones, and railroad
7 crossings and the approaches thereto. The course of instruction
8 required of each eligible student at the high school level
9 shall consist of a minimum of 30 clock hours of classroom
10 instruction and a minimum of 6 clock hours of individual
11 behind-the-wheel instruction in a dual control car on public
12 roadways taught by a driver education instructor endorsed by
13 the State Board of Education. Both the classroom instruction
14 part and the practice driving part of such driver education
15 course shall be open to a resident or non-resident student
16 attending a non-public school in the district wherein the
17 course is offered. Each student attending any public or
18 non-public high school in the district must receive a passing
19 grade in at least 8 courses during the previous 2 semesters
20 prior to enrolling in a driver education course, or the student
21 shall not be permitted to enroll in the course; provided that
22 the local superintendent of schools (with respect to a student
23 attending a public high school in the district) or chief school
24 administrator (with respect to a student attending a non-public
25 high school in the district) may waive the requirement if the
26 superintendent or chief school administrator, as the case may

1 be, deems it to be in the best interest of the student. A
2 student may be allowed to commence the classroom instruction
3 part of such driver education course prior to reaching age 15
4 if such student then will be eligible to complete the entire
5 course within 12 months after being allowed to commence such
6 classroom instruction.

7 Such a course may be commenced immediately after the
8 completion of a prior course. Teachers of such courses shall
9 meet the certification requirements of this Act and regulations
10 of the State Board as to qualifications.

11 Subject to rules of the State Board of Education, the
12 school district may charge a reasonable fee, not to exceed \$50,
13 to students who participate in the course, unless a student is
14 unable to pay for such a course, in which event the fee for
15 such a student must be waived. However, the district may
16 increase this fee to an amount not to exceed \$250 by school
17 board resolution following a public hearing on the increase,
18 which increased fee must be waived for students who participate
19 in the course and are unable to pay for the course. The total
20 amount from driver education fees and reimbursement from the
21 State for driver education must not exceed the total cost of
22 the driver education program in any year and must be deposited
23 into the school district's driver education fund as a separate
24 line item budget entry. All moneys deposited into the school
25 district's driver education fund must be used solely for the
26 funding of a high school driver education program approved by

1 the State Board of Education that uses driver education
2 instructors endorsed by the State Board of Education.

3 (Source: P.A. 96-734, eff. 8-25-09; 97-145, eff. 7-14-11;
4 revised 10-21-15.)

5 (105 ILCS 5/27A-5)

6 (Text of Section before amendment by P.A. 99-456)

7 Sec. 27A-5. Charter school; legal entity; requirements.

8 (a) A charter school shall be a public, nonsectarian,
9 nonreligious, non-home based, and non-profit school. A charter
10 school shall be organized and operated as a nonprofit
11 corporation or other discrete, legal, nonprofit entity
12 authorized under the laws of the State of Illinois.

13 (b) A charter school may be established under this Article
14 by creating a new school or by converting an existing public
15 school or attendance center to charter school status. Beginning
16 on April 16, 2003 (the effective date of Public Act 93-3) ~~this~~
17 ~~amendatory Act of the 93rd General Assembly~~, in all new
18 applications to establish a charter school in a city having a
19 population exceeding 500,000, operation of the charter school
20 shall be limited to one campus. The changes made to this
21 Section by Public Act 93-3 ~~this amendatory Act of the 93rd~~
22 ~~General Assembly~~ do not apply to charter schools existing or
23 approved on or before April 16, 2003 (the effective date of
24 Public Act 93-3) ~~this amendatory Act~~.

25 (b-5) In this subsection (b-5), "virtual-schooling" means

1 a cyber school where students engage in online curriculum and
2 instruction via the Internet and electronic communication with
3 their teachers at remote locations and with students
4 participating at different times.

5 From April 1, 2013 through December 31, 2016, there is a
6 moratorium on the establishment of charter schools with
7 virtual-schooling components in school districts other than a
8 school district organized under Article 34 of this Code. This
9 moratorium does not apply to a charter school with
10 virtual-schooling components existing or approved prior to
11 April 1, 2013 or to the renewal of the charter of a charter
12 school with virtual-schooling components already approved
13 prior to April 1, 2013.

14 On or before March 1, 2014, the Commission shall submit to
15 the General Assembly a report on the effect of
16 virtual-schooling, including without limitation the effect on
17 student performance, the costs associated with
18 virtual-schooling, and issues with oversight. The report shall
19 include policy recommendations for virtual-schooling.

20 (c) A charter school shall be administered and governed by
21 its board of directors or other governing body in the manner
22 provided in its charter. The governing body of a charter school
23 shall be subject to the Freedom of Information Act and the Open
24 Meetings Act.

25 (d) For purposes of this subsection (d), "non-curricular
26 health and safety requirement" means any health and safety

1 requirement created by statute or rule to provide, maintain,
2 preserve, or safeguard safe or healthful conditions for
3 students and school personnel or to eliminate, reduce, or
4 prevent threats to the health and safety of students and school
5 personnel. "Non-curricular health and safety requirement" does
6 not include any course of study or specialized instructional
7 requirement for which the State Board has established goals and
8 learning standards or which is designed primarily to impart
9 knowledge and skills for students to master and apply as an
10 outcome of their education.

11 A charter school shall comply with all non-curricular
12 health and safety requirements applicable to public schools
13 under the laws of the State of Illinois. On or before September
14 1, 2015, the State Board shall promulgate and post on its
15 Internet website a list of non-curricular health and safety
16 requirements that a charter school must meet. The list shall be
17 updated annually no later than September 1. Any charter
18 contract between a charter school and its authorizer must
19 contain a provision that requires the charter school to follow
20 the list of all non-curricular health and safety requirements
21 promulgated by the State Board and any non-curricular health
22 and safety requirements added by the State Board to such list
23 during the term of the charter. Nothing in this subsection (d)
24 precludes an authorizer from including non-curricular health
25 and safety requirements in a charter school contract that are
26 not contained in the list promulgated by the State Board,

1 including non-curricular health and safety requirements of the
2 authorizing local school board.

3 (e) Except as otherwise provided in the School Code, a
4 charter school shall not charge tuition; provided that a
5 charter school may charge reasonable fees for textbooks,
6 instructional materials, and student activities.

7 (f) A charter school shall be responsible for the
8 management and operation of its fiscal affairs including, but
9 not limited to, the preparation of its budget. An audit of each
10 charter school's finances shall be conducted annually by an
11 outside, independent contractor retained by the charter
12 school. To ensure financial accountability for the use of
13 public funds, on or before December 1 of every year of
14 operation, each charter school shall submit to its authorizer
15 and the State Board a copy of its audit and a copy of the Form
16 990 the charter school filed that year with the federal
17 Internal Revenue Service. In addition, if deemed necessary for
18 proper financial oversight of the charter school, an authorizer
19 may require quarterly financial statements from each charter
20 school.

21 (g) A charter school shall comply with all provisions of
22 this Article, the Illinois Educational Labor Relations Act, all
23 federal and State laws and rules applicable to public schools
24 that pertain to special education and the instruction of
25 English learners, and its charter. A charter school is exempt
26 from all other State laws and regulations in this Code

1 governing public schools and local school board policies;
2 however, a charter school is not exempt from the following:

3 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
4 criminal history records checks and checks of the Statewide
5 Sex Offender Database and Statewide Murderer and Violent
6 Offender Against Youth Database of applicants for
7 employment;

8 (2) Sections 24-24 and 34-84A of this Code regarding
9 discipline of students;

10 (3) the Local Governmental and Governmental Employees
11 Tort Immunity Act;

12 (4) Section 108.75 of the General Not For Profit
13 Corporation Act of 1986 regarding indemnification of
14 officers, directors, employees, and agents;

15 (5) the Abused and Neglected Child Reporting Act;

16 (6) the Illinois School Student Records Act;

17 (7) Section 10-17a of this Code regarding school report
18 cards;

19 (8) the P-20 Longitudinal Education Data System Act;

20 (9) Section 27-23.7 of this Code regarding bullying
21 prevention; ~~and~~

22 (10) Section 2-3.162 of this Code regarding student
23 discipline reporting; and

24 (11) Section 22-80 of this Code.

25 The change made by Public Act 96-104 to this subsection (g)
26 is declaratory of existing law.

1 (h) A charter school may negotiate and contract with a
2 school district, the governing body of a State college or
3 university or public community college, or any other public or
4 for-profit or nonprofit private entity for: (i) the use of a
5 school building and grounds or any other real property or
6 facilities that the charter school desires to use or convert
7 for use as a charter school site, (ii) the operation and
8 maintenance thereof, and (iii) the provision of any service,
9 activity, or undertaking that the charter school is required to
10 perform in order to carry out the terms of its charter.
11 However, a charter school that is established on or after April
12 16, 2003 (the effective date of Public Act 93-3) ~~this~~
13 ~~amendatory Act of the 93rd General Assembly~~ and that operates
14 in a city having a population exceeding 500,000 may not
15 contract with a for-profit entity to manage or operate the
16 school during the period that commences on April 16, 2003 (the
17 effective date of Public Act 93-3) ~~this amendatory Act of the~~
18 ~~93rd General Assembly~~ and concludes at the end of the 2004-2005
19 school year. Except as provided in subsection (i) of this
20 Section, a school district may charge a charter school
21 reasonable rent for the use of the district's buildings,
22 grounds, and facilities. Any services for which a charter
23 school contracts with a school district shall be provided by
24 the district at cost. Any services for which a charter school
25 contracts with a local school board or with the governing body
26 of a State college or university or public community college

1 shall be provided by the public entity at cost.

2 (i) In no event shall a charter school that is established
3 by converting an existing school or attendance center to
4 charter school status be required to pay rent for space that is
5 deemed available, as negotiated and provided in the charter
6 agreement, in school district facilities. However, all other
7 costs for the operation and maintenance of school district
8 facilities that are used by the charter school shall be subject
9 to negotiation between the charter school and the local school
10 board and shall be set forth in the charter.

11 (j) A charter school may limit student enrollment by age or
12 grade level.

13 (k) If the charter school is approved by the Commission,
14 then the Commission charter school is its own local education
15 agency.

16 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,
17 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;
18 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.
19 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.
20 8-10-15; revised 10-19-15.)

21 (Text of Section after amendment by P.A. 99-456)

22 Sec. 27A-5. Charter school; legal entity; requirements.

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24 nonreligious, non-home based, and non-profit school. A charter
25 school shall be organized and operated as a nonprofit

1 corporation or other discrete, legal, nonprofit entity
2 authorized under the laws of the State of Illinois.

3 (b) A charter school may be established under this Article
4 by creating a new school or by converting an existing public
5 school or attendance center to charter school status. Beginning
6 on April 16, 2003 (the effective date of Public Act 93-3) ~~this~~
7 ~~amendatory Act of the 93rd General Assembly~~, in all new
8 applications to establish a charter school in a city having a
9 population exceeding 500,000, operation of the charter school
10 shall be limited to one campus. The changes made to this
11 Section by Public Act 93-3 ~~this amendatory Act of the 93rd~~
12 ~~General Assembly~~ do not apply to charter schools existing or
13 approved on or before April 16, 2003 (the effective date of
14 Public Act 93-3) ~~this amendatory Act~~.

15 (b-5) In this subsection (b-5), "virtual-schooling" means
16 a cyber school where students engage in online curriculum and
17 instruction via the Internet and electronic communication with
18 their teachers at remote locations and with students
19 participating at different times.

20 From April 1, 2013 through December 31, 2016, there is a
21 moratorium on the establishment of charter schools with
22 virtual-schooling components in school districts other than a
23 school district organized under Article 34 of this Code. This
24 moratorium does not apply to a charter school with
25 virtual-schooling components existing or approved prior to
26 April 1, 2013 or to the renewal of the charter of a charter

1 school with virtual-schooling components already approved
2 prior to April 1, 2013.

3 On or before March 1, 2014, the Commission shall submit to
4 the General Assembly a report on the effect of
5 virtual-schooling, including without limitation the effect on
6 student performance, the costs associated with
7 virtual-schooling, and issues with oversight. The report shall
8 include policy recommendations for virtual-schooling.

9 (c) A charter school shall be administered and governed by
10 its board of directors or other governing body in the manner
11 provided in its charter. The governing body of a charter school
12 shall be subject to the Freedom of Information Act and the Open
13 Meetings Act.

14 (d) For purposes of this subsection (d), "non-curricular
15 health and safety requirement" means any health and safety
16 requirement created by statute or rule to provide, maintain,
17 preserve, or safeguard safe or healthful conditions for
18 students and school personnel or to eliminate, reduce, or
19 prevent threats to the health and safety of students and school
20 personnel. "Non-curricular health and safety requirement" does
21 not include any course of study or specialized instructional
22 requirement for which the State Board has established goals and
23 learning standards or which is designed primarily to impart
24 knowledge and skills for students to master and apply as an
25 outcome of their education.

26 A charter school shall comply with all non-curricular

1 health and safety requirements applicable to public schools
2 under the laws of the State of Illinois. On or before September
3 1, 2015, the State Board shall promulgate and post on its
4 Internet website a list of non-curricular health and safety
5 requirements that a charter school must meet. The list shall be
6 updated annually no later than September 1. Any charter
7 contract between a charter school and its authorizer must
8 contain a provision that requires the charter school to follow
9 the list of all non-curricular health and safety requirements
10 promulgated by the State Board and any non-curricular health
11 and safety requirements added by the State Board to such list
12 during the term of the charter. Nothing in this subsection (d)
13 precludes an authorizer from including non-curricular health
14 and safety requirements in a charter school contract that are
15 not contained in the list promulgated by the State Board,
16 including non-curricular health and safety requirements of the
17 authorizing local school board.

18 (e) Except as otherwise provided in the School Code, a
19 charter school shall not charge tuition; provided that a
20 charter school may charge reasonable fees for textbooks,
21 instructional materials, and student activities.

22 (f) A charter school shall be responsible for the
23 management and operation of its fiscal affairs including, but
24 not limited to, the preparation of its budget. An audit of each
25 charter school's finances shall be conducted annually by an
26 outside, independent contractor retained by the charter

1 school. To ensure financial accountability for the use of
2 public funds, on or before December 1 of every year of
3 operation, each charter school shall submit to its authorizer
4 and the State Board a copy of its audit and a copy of the Form
5 990 the charter school filed that year with the federal
6 Internal Revenue Service. In addition, if deemed necessary for
7 proper financial oversight of the charter school, an authorizer
8 may require quarterly financial statements from each charter
9 school.

10 (g) A charter school shall comply with all provisions of
11 this Article, the Illinois Educational Labor Relations Act, all
12 federal and State laws and rules applicable to public schools
13 that pertain to special education and the instruction of
14 English learners, and its charter. A charter school is exempt
15 from all other State laws and regulations in this Code
16 governing public schools and local school board policies;
17 however, a charter school is not exempt from the following:

18 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
19 criminal history records checks and checks of the Statewide
20 Sex Offender Database and Statewide Murderer and Violent
21 Offender Against Youth Database of applicants for
22 employment;

23 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
24 34-84a of this Code regarding discipline of students;

25 (3) the Local Governmental and Governmental Employees
26 Tort Immunity Act;

1 (4) Section 108.75 of the General Not For Profit
2 Corporation Act of 1986 regarding indemnification of
3 officers, directors, employees, and agents;

4 (5) the Abused and Neglected Child Reporting Act;

5 (6) the Illinois School Student Records Act;

6 (7) Section 10-17a of this Code regarding school report
7 cards;

8 (8) the P-20 Longitudinal Education Data System Act;

9 (9) Section 27-23.7 of this Code regarding bullying
10 prevention; ~~and~~

11 (10) Section 2-3.162 of this Code regarding student
12 discipline reporting; and

13 (11) Section 22-80 of this Code.

14 The change made by Public Act 96-104 to this subsection (g)
15 is declaratory of existing law.

16 (h) A charter school may negotiate and contract with a
17 school district, the governing body of a State college or
18 university or public community college, or any other public or
19 for-profit or nonprofit private entity for: (i) the use of a
20 school building and grounds or any other real property or
21 facilities that the charter school desires to use or convert
22 for use as a charter school site, (ii) the operation and
23 maintenance thereof, and (iii) the provision of any service,
24 activity, or undertaking that the charter school is required to
25 perform in order to carry out the terms of its charter.
26 However, a charter school that is established on or after April

1 16, 2003 (the effective date of Public Act 93-3) ~~this~~
2 ~~amendatory Act of the 93rd General Assembly~~ and that operates
3 in a city having a population exceeding 500,000 may not
4 contract with a for-profit entity to manage or operate the
5 school during the period that commences on April 16, 2003 (the
6 effective date of Public Act 93-3) ~~this amendatory Act of the~~
7 ~~93rd General Assembly~~ and concludes at the end of the 2004-2005
8 school year. Except as provided in subsection (i) of this
9 Section, a school district may charge a charter school
10 reasonable rent for the use of the district's buildings,
11 grounds, and facilities. Any services for which a charter
12 school contracts with a school district shall be provided by
13 the district at cost. Any services for which a charter school
14 contracts with a local school board or with the governing body
15 of a State college or university or public community college
16 shall be provided by the public entity at cost.

17 (i) In no event shall a charter school that is established
18 by converting an existing school or attendance center to
19 charter school status be required to pay rent for space that is
20 deemed available, as negotiated and provided in the charter
21 agreement, in school district facilities. However, all other
22 costs for the operation and maintenance of school district
23 facilities that are used by the charter school shall be subject
24 to negotiation between the charter school and the local school
25 board and shall be set forth in the charter.

26 (j) A charter school may limit student enrollment by age or

1 grade level.

2 (k) If the charter school is approved by the Commission,
3 then the Commission charter school is its own local education
4 agency.

5 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,
6 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;
7 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.
8 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.
9 8-10-15; 99-456, eff. 9-15-16; revised 10-19-15.)

10 (105 ILCS 5/32-5) (from Ch. 122, par. 32-5)

11 Sec. 32-5. Bond issues - District boundaries coextensive
12 with city. For the purpose of building or repairing
13 schoolhouses or purchasing or improving school sites,
14 including the purchase of school sites outside the boundaries
15 of the school district and building school buildings thereon as
16 provided by Section 10-20.10 of this Act, any special charter
17 district governed by a special charter, and special or general
18 school laws, whose boundaries are coextensive with or greater
19 than the boundaries of any incorporated city, town or village,
20 where authorized by a majority of all the votes cast on the
21 proposition may borrow money and as evidence of the
22 indebtedness, may issue bonds in denominations of not less than
23 \$100 nor more than \$1,000, for a term not to exceed 20 years
24 bearing interest at a rate not to exceed the maximum rate
25 authorized by the Bond Authorization Act, as amended at the

1 time of the making of the contract, payable annually,
2 semi-annually, or quarterly, ~~et~~ signed by the president and
3 secretary of the school board of the district; provided, that
4 the amount borrowed shall not exceed, including existing
5 indebtedness, 5% of the taxable property of such school
6 district, as ascertained by the last assessment for State and
7 county taxes previous to incurring such indebtedness.

8 With respect to instruments for the payment of money issued
9 under this Section either before, on, or after June 6, 1989
10 (the effective date of Public Act 86-4) ~~this amendatory Act of~~
11 ~~1989~~, it is and always has been the intention of the General
12 Assembly (i) that the Omnibus Bond Acts are and always have
13 been supplementary grants of power to issue instruments in
14 accordance with the Omnibus Bond Acts, regardless of any
15 provision of this Act that may appear to be or to have been
16 more restrictive than those Acts, (ii) that the provisions of
17 this Section are not a limitation on the supplementary
18 authority granted by the Omnibus Bond Acts, and (iii) that
19 instruments issued under this Section within the supplementary
20 authority granted by the Omnibus Bond Acts are not invalid
21 because of any provision of this Act that may appear to be or
22 to have been more restrictive than those Acts.

23 (Source: P.A. 86-4; revised 10-9-15.)

24 (105 ILCS 5/34-2.4) (from Ch. 122, par. 34-2.4)

25 Sec. 34-2.4. School improvement plan. A 3-year ~~3-year~~ local

1 school improvement plan shall be developed and implemented at
2 each attendance center. This plan shall reflect the overriding
3 purpose of the attendance center to improve educational
4 quality. The local school principal shall develop a school
5 improvement plan in consultation with the local school council,
6 all categories of school staff, parents and community
7 residents. Once the plan is developed, reviewed by the
8 professional personnel leadership committee, and approved by
9 the local school council, the principal shall be responsible
10 for directing implementation of the plan, and the local school
11 council shall monitor its implementation. After the
12 termination of the initial 3-year ~~3-year~~ plan, a new 3-year ~~3~~
13 ~~year~~ plan shall be developed and modified as appropriate on an
14 annual basis.

15 The school improvement plan shall be designed to achieve
16 priority goals including but not limited to:

17 (a) assuring that students show significant progress
18 toward meeting and exceeding State performance standards
19 in State mandated learning areas, including the mastery of
20 higher order thinking skills in these areas;

21 (b) assuring that students attend school regularly and
22 graduate from school at such rates that the district
23 average equals or surpasses national norms;

24 (c) assuring that students are adequately prepared for
25 and aided in making a successful transition to further
26 education and life experience;

1 (d) assuring that students are adequately prepared for
2 and aided in making a successful transition to employment;
3 and

4 (e) assuring that students are, to the maximum extent
5 possible, provided with a common learning experience that
6 is of high academic quality and that reflects high
7 expectations for all students' capacities to learn.

8 With respect to these priority goals, the school
9 improvement plan shall include but not be limited to the
10 following:

11 (a) an analysis of data collected in the attendance
12 center and community indicating the specific strengths and
13 weaknesses of the attendance center in light of the goals
14 specified above, including data and analysis specified by
15 the State Board of Education pertaining to specific
16 measurable outcomes for student performance, the
17 attendance centers, and their instructional programs;

18 (b) a description of specific annual objectives the
19 attendance center will pursue in achieving the goals
20 specified above;

21 (c) a description of the specific activities the
22 attendance center will undertake to achieve its
23 objectives;

24 (d) an analysis of the attendance center's staffing
25 pattern and material resources, and an explanation of how
26 the attendance center's planned staffing pattern, the

1 deployment of staff, and the use of material resources
2 furthers the objectives of the plan;

3 (e) a description of the key assumptions and directions
4 of the school's curriculum and the academic and
5 non-academic programs of the attendance center, and an
6 explanation of how this curriculum and these programs
7 further the goals and objectives of the plan;

8 (f) a description of the steps that will be taken to
9 enhance educational opportunities for all students,
10 regardless of gender, including English learners, students
11 with disabilities, low-income students, and minority
12 students;

13 (g) a description of any steps which may be taken by
14 the attendance center to educate parents as to how they can
15 assist children at home in preparing their children to
16 learn effectively;

17 (h) a description of the steps the attendance center
18 will take to coordinate its efforts with, and to gain the
19 participation and support of, community residents,
20 business organizations, and other local institutions and
21 individuals;

22 (i) a description of any staff development program for
23 all school staff and volunteers tied to the priority goals,
24 objectives, and activities specified in the plan;

25 (j) a description of the steps the local school council
26 will undertake to monitor implementation of the plan on an

1 ongoing basis;

2 (k) a description of the steps the attendance center
3 will take to ensure that teachers have working conditions
4 that provide a professional environment conducive to
5 fulfilling their responsibilities;

6 (l) a description of the steps the attendance center
7 will take to ensure teachers the time and opportunity to
8 incorporate new ideas and techniques, both in subject
9 matter and teaching skills, into their own work;

10 (m) a description of the steps the attendance center
11 will take to encourage pride and positive identification
12 with the attendance center through various athletic
13 activities; and

14 (n) a description of the student need for and provision
15 of services to special populations, beyond the standard
16 school programs provided for students in grades K through
17 12 and those enumerated in the categorical programs cited
18 in item d of part 4 of Section 34-2.3, including financial
19 costs of providing same and a timeline for implementing the
20 necessary services, including but not limited, when
21 applicable, to ensuring the provisions of educational
22 services to all eligible children aged 4 years for the
23 1990-91 school year and thereafter, reducing class size to
24 State averages in grades K-3 for the 1991-92 school year
25 and thereafter and in all grades for the 1993-94 school
26 year and thereafter, and providing sufficient staff and

1 facility resources for students not served in the regular
2 classroom setting.

3 Based on the analysis of data collected indicating specific
4 strengths and weaknesses of the attendance center, the school
5 improvement plan may place greater emphasis from year to year
6 on particular priority goals, objectives, and activities.

7 (Source: P.A. 99-30, eff. 7-10-15; 99-143, eff. 7-27-15;
8 revised 10-21-15.)

9 (105 ILCS 5/34-8.1) (from Ch. 122, par. 34-8.1)

10 Sec. 34-8.1. Principals. Principals shall be employed to
11 supervise the operation of each attendance center. Their powers
12 and duties shall include but not be limited to the authority
13 (i) to direct, supervise, evaluate, and suspend with or without
14 pay or otherwise discipline all teachers, assistant
15 principals, and other employees assigned to the attendance
16 center in accordance with board rules and policies and (ii) to
17 direct all other persons assigned to the attendance center
18 pursuant to a contract with a third party to provide services
19 to the school system. The right to employ, discharge, and
20 layoff shall be vested solely with the board, provided that
21 decisions to discharge or suspend non-certified employees,
22 including disciplinary layoffs, and the termination of
23 certified employees from employment pursuant to a layoff or
24 reassignment policy are subject to review under the grievance
25 resolution procedure adopted pursuant to subsection (c) of

1 Section 10 of the Illinois Educational Labor Relations Act. The
2 grievance resolution procedure adopted by the board shall
3 provide for final and binding arbitration, and,
4 notwithstanding any other provision of law to the contrary, the
5 arbitrator's decision may include all make-whole relief,
6 including without limitation reinstatement. The principal
7 shall fill positions by appointment as provided in this Section
8 and may make recommendations to the board regarding the
9 employment, discharge, or layoff of any individual. The
10 authority of the principal shall include the authority to
11 direct the hours during which the attendance center shall be
12 open and available for use provided the use complies with board
13 rules and policies, to determine when and what operations shall
14 be conducted within those hours, and to schedule staff within
15 those hours. Under the direction of, and subject to the
16 authority of the principal, the Engineer In Charge shall be
17 accountable for the safe, economical operation of the plant and
18 grounds and shall also be responsible for orientation,
19 training, and supervising the work of Engineers, Trainees,
20 school maintenance assistants, custodial workers and other
21 plant operation employees under his or her direction.

22 There shall be established by the board a system of
23 semi-annual evaluations conducted by the principal as to
24 performance of the engineer in charge. Nothing in this Section
25 shall prevent the principal from conducting additional
26 evaluations. An overall numerical rating shall be given by the

1 principal based on the evaluation conducted by the principal.
2 An unsatisfactory numerical rating shall result in
3 disciplinary action, which may include, without limitation and
4 in the judgment of the principal, loss of promotion or bidding
5 procedure, reprimand, suspension with or without pay, or
6 recommended dismissal. The board shall establish procedures
7 for conducting the evaluation and reporting the results to the
8 engineer in charge.

9 Under the direction of, and subject to the authority of,
10 the principal, the Food Service Manager is responsible at all
11 times for the proper operation and maintenance of the lunch
12 room to which he is assigned and shall also be responsible for
13 the orientation, training, and supervising the work of cooks,
14 bakers, porters, and lunchroom attendants under his or her
15 direction.

16 There shall be established by the Board a system of
17 semi-annual evaluations conducted by the principal as to the
18 performance of the food service manager. Nothing in this
19 Section shall prevent the principal from conducting additional
20 evaluations. An overall numerical rating shall be given by the
21 principal based on the evaluation conducted by the principal.
22 An unsatisfactory numerical rating shall result in
23 disciplinary action which may include, without limitation and
24 in the judgment of the principal, loss of promotion or bidding
25 procedure, reprimand, suspension with or without pay, or
26 recommended dismissal. The board shall establish rules for

1 conducting the evaluation and reporting the results to the food
2 service manager.

3 Nothing in this Section shall be interpreted to require the
4 employment or assignment of an Engineer-In-Charge or a Food
5 Service Manager for each attendance center.

6 Principals shall be employed to supervise the educational
7 operation of each attendance center. If a principal is absent
8 due to extended illness or leave of ~~or~~ absence, an assistant
9 principal may be assigned as acting principal for a period not
10 to exceed 100 school days. Each principal shall assume
11 administrative responsibility and instructional leadership, in
12 accordance with reasonable rules and regulations of the board,
13 for the planning, operation and evaluation of the educational
14 program of the attendance center to which he is assigned. The
15 principal shall submit recommendations to the general
16 superintendent concerning the appointment, dismissal,
17 retention, promotion, and assignment of all personnel assigned
18 to the attendance center; provided, that from and after
19 September 1, 1989: (i) if any vacancy occurs in a position at
20 the attendance center or if an additional or new position is
21 created at the attendance center, that position shall be filled
22 by appointment made by the principal in accordance with
23 procedures established and provided by the Board whenever the
24 majority of the duties included in that position are to be
25 performed at the attendance center which is under the
26 principal's supervision, and each such appointment so made by

1 the principal shall be made and based upon merit and ability to
2 perform in that position without regard to seniority or length
3 of service, provided, that such appointments shall be subject
4 to the Board's desegregation obligations, including but not
5 limited to the Consent Decree and Desegregation Plan in U.S. v.
6 Chicago Board of Education; (ii) the principal shall submit
7 recommendations based upon merit and ability to perform in the
8 particular position, without regard to seniority or length of
9 service, to the general superintendent concerning the
10 appointment of any teacher, teacher aide, counselor, clerk,
11 hall guard, security guard and any other personnel which is to
12 be made by the general superintendent whenever less than a
13 majority of the duties of that teacher, teacher aide,
14 counselor, clerk, hall guard, and security guard and any other
15 personnel are to be performed at the attendance center which is
16 under the principal's supervision; and (iii) subject to law and
17 the applicable collective bargaining agreements, the authority
18 and responsibilities of a principal with respect to the
19 evaluation of all teachers and other personnel assigned to an
20 attendance center shall commence immediately upon his or her
21 appointment as principal of the attendance center, without
22 regard to the length of time that he or she has been the
23 principal of that attendance center.

24 Notwithstanding the existence of any other law of this
25 State, nothing in this Act shall prevent the board from
26 entering into a contract with a third party for services

1 currently performed by any employee or bargaining unit member.

2 Notwithstanding any other provision of this Article, each
3 principal may approve contracts, binding on the board, in the
4 amount of no more than \$10,000, if the contract is endorsed by
5 the Local School Council.

6 Unless otherwise prohibited by law or by rule of the board,
7 the principal shall provide to local school council members
8 copies of all internal audits and any other pertinent
9 information generated by any audits or reviews of the programs
10 and operation of the attendance center.

11 Each principal shall hold a valid administrative
12 certificate issued or exchanged in accordance with Article 21
13 and endorsed as required by that Article for the position of
14 principal. The board may establish or impose academic,
15 educational, examination, and experience requirements and
16 criteria that are in addition to those established and required
17 by Article 21 for issuance of a valid certificate endorsed for
18 the position of principal as a condition of the nomination,
19 selection, appointment, employment, or continued employment of
20 a person as principal of any attendance center, or as a
21 condition of the renewal of any principal's performance
22 contract.

23 The board shall specify in its formal job description for
24 principals, and from and after July 1, 1990 shall specify in
25 the 4 year performance contracts for use with respect to all
26 principals, that his or her primary responsibility is in the

1 improvement of instruction. A majority of the time spent by a
2 principal shall be spent on curriculum and staff development
3 through both formal and informal activities, establishing
4 clear lines of communication regarding school goals,
5 accomplishments, practices and policies with parents and
6 teachers. The principal, with the assistance of the local
7 school council, shall develop a school improvement plan as
8 provided in Section 34-2.4 and, upon approval of the plan by
9 the local school council, shall be responsible for directing
10 implementation of the plan. The principal, with the assistance
11 of the professional personnel leadership committee, shall
12 develop the specific methods and contents of the school's
13 curriculum within the board's system-wide curriculum standards
14 and objectives and the requirements of the school improvement
15 plan. The board shall ensure that all principals are evaluated
16 on their instructional leadership ability and their ability to
17 maintain a positive education and learning climate. It shall
18 also be the responsibility of the principal to utilize
19 resources of proper law enforcement agencies when the safety
20 and welfare of students and teachers are threatened by illegal
21 use of drugs and alcohol, by illegal use or possession of
22 weapons, or by illegal gang activity.

23 Nothing in this Section shall prohibit the board and the
24 exclusive representative of the district's teachers from
25 entering into an agreement under Section 34-85c of this Code to
26 establish alternative procedures for teacher evaluation,

1 remediation, and removal for cause after remediation,
2 including an alternative system for peer evaluation and
3 recommendations, for teachers assigned to schools identified
4 in that agreement.

5 On or before October 1, 1989, the Board of Education, in
6 consultation with any professional organization representing
7 principals in the district, shall promulgate rules and
8 implement a lottery for the purpose of determining whether a
9 principal's existing performance contract (including the
10 performance contract applicable to any principal's position in
11 which a vacancy then exists) expires on June 30, 1990 or on
12 June 30, 1991, and whether the ensuing 4 year performance
13 contract begins on July 1, 1990 or July 1, 1991. The Board of
14 Education shall establish and conduct the lottery in such
15 manner that of all the performance contracts of principals
16 (including the performance contracts applicable to all
17 principal positions in which a vacancy then exists), 50% of
18 such contracts shall expire on June 30, 1990, and 50% shall
19 expire on June 30, 1991. All persons serving as principal on
20 May 1, 1989, and all persons appointed as principal after May
21 1, 1989 and prior to July 1, 1990 or July 1, 1991, in a manner
22 other than as provided by Section 34-2.3, shall be deemed by
23 operation of law to be serving under a performance contract
24 which expires on June 30, 1990 or June 30, 1991; and unless
25 such performance contract of any such principal is renewed (or
26 such person is again appointed to serve as principal) in the

1 manner provided by Section 34-2.2 or 34-2.3, the employment of
2 such person as principal shall terminate on June 30, 1990 or
3 June 30, 1991.

4 Commencing on July 1, 1990, or on July 1, 1991, and
5 thereafter, the principal of each attendance center shall be
6 the person selected in the manner provided by Section 34-2.3 to
7 serve as principal of that attendance center under a 4 year
8 performance contract. All performance contracts of principals
9 expiring after July 1, 1990, or July 1, 1991, shall commence on
10 the date specified in the contract, and the renewal of their
11 performance contracts and the appointment of principals when
12 their performance contracts are not renewed shall be governed
13 by Sections 34-2.2 and 34-2.3. Whenever a vacancy in the office
14 of a principal occurs for any reason, the vacancy shall be
15 filled by the selection of a new principal to serve under a 4
16 year performance contract in the manner provided by Section
17 34-2.3.

18 The board of education shall develop and prepare, in
19 consultation with the organization representing principals, a
20 performance contract for use at all attendance centers, and
21 shall furnish the same to each local school council. The term
22 of the performance contract shall be 4 years, unless the
23 principal is retained by the decision of a hearing officer
24 pursuant to subdivision 1.5 of Section 34-2.3, in which case
25 the contract shall be extended for 2 years. The performance
26 contract of each principal shall consist of the uniform

1 performance contract, as developed or from time to time
2 modified by the board, and such additional criteria as are
3 established by a local school council pursuant to Section
4 34-2.3 for the performance contract of its principal.

5 During the term of his or her performance contract, a
6 principal may be removed only as provided for in the
7 performance contract except for cause. He or she shall also be
8 obliged to follow the rules of the board of education
9 concerning conduct and efficiency.

10 In the event the performance contract of a principal is not
11 renewed or a principal is not reappointed as principal under a
12 new performance contract, or in the event a principal is
13 appointed to any position of superintendent or higher position,
14 or voluntarily resigns his position of principal, his or her
15 employment as a principal shall terminate and such former
16 principal shall not be reinstated to the position from which he
17 or she was promoted to principal, except that he or she, if
18 otherwise qualified and certified in accordance with Article
19 21, shall be placed by the board on appropriate eligibility
20 lists which it prepares for use in the filling of vacant or
21 additional or newly created positions for teachers. The
22 principal's total years of service to the board as both a
23 teacher and a principal, or in other professional capacities,
24 shall be used in calculating years of experience for purposes
25 of being selected as a teacher into new, additional or vacant
26 positions.

1 In the event the performance contract of a principal is not
2 renewed or a principal is not reappointed as principal under a
3 new performance contract, such principal shall be eligible to
4 continue to receive his or her previously provided level of
5 health insurance benefits for a period of 90 days following the
6 non-renewal of the contract at no expense to the principal,
7 provided that such principal has not retired.

8 (Source: P.A. 95-331, eff. 8-21-07; 95-510, eff. 8-28-07;
9 revised 10-9-15.)

10 Section 255. The University of Illinois Act is amended by
11 changing Section 9 as follows:

12 (110 ILCS 305/9) (from Ch. 144, par. 30)

13 Sec. 9. Scholarships for children of veterans. For each of
14 the following periods of hostilities, each county shall be
15 entitled, annually, to one honorary scholarship in the
16 University, for the benefit of the children of persons who
17 served in the armed forces of the United States, except that
18 the total number of scholarships annually granted to recipients
19 from each county may not exceed 3: any time between September
20 16, 1940 and the termination of World War II, any time during
21 the national emergency between June 25, 1950 and January 31,
22 1955, any time during the Viet Nam conflict between January 1,
23 1961 and May 7, 1975, any time during the siege of Beirut and
24 the Grenada Conflict between June 14, 1982 and December 15,

1 1983, or any time on or after August 2, 1990 and until Congress
2 or the President orders that persons in service are no longer
3 eligible for the Southwest Asia Service Medal, Operation
4 Enduring Freedom, and Operation Iraqi Freedom. Preference for
5 scholarships shall be given to the children of persons who are
6 deceased or to the children of persons who have a disability.
7 Such scholarships shall be granted to such pupils as shall,
8 upon public examination, conducted as the board of trustees of
9 the University may determine, be decided to have attained the
10 greatest proficiency in the branches of learning usually taught
11 in the secondary schools, and who shall be of good moral
12 character, and not less than 15 years of age. Such pupils, so
13 selected, shall be entitled to receive, without charge for
14 tuition, instruction in any or all departments of the
15 University for a term of at least 4 consecutive years. Such
16 pupils shall conform, in all respects, to the rules and
17 regulations of the University, established for the government
18 of the pupils in attendance.

19 (Source: P.A. 99-143, eff. 7-27-15; 99-377, eff. 8-17-15;
20 revised 10-21-15.)

21 Section 260. The Illinois Credit Union Act is amended by
22 changing Section 46 as follows:

23 (205 ILCS 305/46) (from Ch. 17, par. 4447)

24 Sec. 46. Loans and interest rate.

1 (1) A credit union may make loans to its members for such
2 purpose and upon such security and terms, including rates of
3 interest, as the credit committee, credit manager, or loan
4 officer approves. Notwithstanding the provisions of any other
5 law in connection with extensions of credit, a credit union may
6 elect to contract for and receive interest and fees and other
7 charges for extensions of credit subject only to the provisions
8 of this Act and rules promulgated under this Act, except that
9 extensions of credit secured by residential real estate shall
10 be subject to the laws applicable thereto. The rates of
11 interest to be charged on loans to members shall be set by the
12 board of directors of each individual credit union in
13 accordance with Section 30 of this Act and such rates may be
14 less than, but may not exceed, the maximum rate set forth in
15 this Section. A borrower may repay his loan prior to maturity,
16 in whole or in part, without penalty. The credit contract may
17 provide for the payment by the member and receipt by the credit
18 union of all costs and disbursements, including reasonable
19 attorney's fees and collection agency charges, incurred by the
20 credit union to collect or enforce the debt in the event of a
21 delinquency by the member, or in the event of a breach of any
22 obligation of the member under the credit contract. A
23 contingency or hourly arrangement established under an
24 agreement entered into by a credit union with an attorney or
25 collection agency to collect a loan of a member in default
26 shall be presumed prima facie reasonable.

1 (2) Credit unions may make loans based upon the security of
2 any interest or equity in real estate, subject to rules and
3 regulations promulgated by the Secretary. In any contract or
4 loan which is secured by a mortgage, deed of trust, or
5 conveyance in the nature of a mortgage, on residential real
6 estate, the interest which is computed, calculated, charged, or
7 collected pursuant to such contract or loan, or pursuant to any
8 regulation or rule promulgated pursuant to this Act, may not be
9 computed, calculated, charged or collected for any period of
10 time occurring after the date on which the total indebtedness,
11 with the exception of late payment penalties, is paid in full.

12 For purposes of this subsection (2) of this Section 46, a
13 prepayment shall mean the payment of the total indebtedness,
14 with the exception of late payment penalties if incurred or
15 charged, on any date before the date specified in the contract
16 or loan agreement on which the total indebtedness shall be paid
17 in full, or before the date on which all payments, if timely
18 made, shall have been made. In the event of a prepayment of the
19 indebtedness which is made on a date after the date on which
20 interest on the indebtedness was last computed, calculated,
21 charged, or collected but before the next date on which
22 interest on the indebtedness was to be calculated, computed,
23 charged, or collected, the lender may calculate, charge and
24 collect interest on the indebtedness for the period which
25 elapsed between the date on which the prepayment is made and
26 the date on which interest on the indebtedness was last

1 computed, calculated, charged or collected at a rate equal to
2 1/360 of the annual rate for each day which so elapsed, which
3 rate shall be applied to the indebtedness outstanding as of the
4 date of prepayment. The lender shall refund to the borrower any
5 interest charged or collected which exceeds that which the
6 lender may charge or collect pursuant to the preceding
7 sentence. The provisions of Public Act 84-941 ~~this amendatory~~
8 ~~Act of 1985~~ shall apply only to contracts or loans entered into
9 on or after January 1, 1986 (the effective date of Public Act
10 84-941) ~~this amendatory Act~~.

11 (3) (Blank).

12 (4) Notwithstanding any other provisions of this Act, a
13 credit union authorized under this Act to make loans secured by
14 an interest or equity in real property may engage in making
15 revolving credit loans secured by mortgages or deeds of trust
16 on such real property or by security assignments of beneficial
17 interests in land trusts.

18 For purposes of this Section, "revolving credit" has the
19 meaning defined in Section 4.1 of the Interest Act.

20 Any mortgage or deed of trust given to secure a revolving
21 credit loan may, and when so expressed therein shall, secure
22 not only the existing indebtedness but also such future
23 advances, whether such advances are obligatory or to be made at
24 the option of the lender, or otherwise, as are made within
25 twenty years from the date thereof, to the same extent as if
26 such future advances were made on the date of the execution of

1 such mortgage or deed of trust, although there may be no
2 advance made at the time of execution of such mortgage or other
3 instrument, and although there may be no indebtedness
4 outstanding at the time any advance is made. The lien of such
5 mortgage or deed of trust, as to third persons without actual
6 notice thereof, shall be valid as to all such indebtedness and
7 future advances from the time said mortgage or deed of trust is
8 filed for record in the office of the recorder of deeds or the
9 registrar of titles of the county where the real property
10 described therein is located. The total amount of indebtedness
11 that may be so secured may increase or decrease from time to
12 time, but the total unpaid balance so secured at any one time
13 shall not exceed a maximum principal amount which must be
14 specified in such mortgage or deed of trust, plus interest
15 thereon, and any disbursements made for the payment of taxes,
16 special assessments, or insurance on said real property, with
17 interest on such disbursements.

18 Any such mortgage or deed of trust shall be valid and have
19 priority over all subsequent liens and encumbrances, including
20 statutory liens, except taxes and assessments levied on said
21 real property.

22 (4-5) For purposes of this Section, "real estate" and "real
23 property" include a manufactured home as defined in subdivision
24 (53) of Section 9-102 of the Uniform Commercial Code which is
25 real property as defined in Section 5-35 of the Conveyance and
26 Encumbrance of Manufactured Homes as Real Property and

1 Severance Act.

2 (5) Compliance with federal or Illinois preemptive laws or
3 regulations governing loans made by a credit union chartered
4 under this Act shall constitute compliance with this Act.

5 (6) Credit unions may make residential real estate mortgage
6 loans on terms and conditions established by the United States
7 Department of Agriculture through its Rural Development
8 Housing and Community Facilities Program. The portion of any
9 loan in excess of the appraised value of the real estate shall
10 be allocable only to the guarantee fee required under the
11 program.

12 (7) For a renewal, refinancing, or restructuring of an
13 existing loan at the credit union that is secured by an
14 interest or equity in real estate, a new appraisal of the
15 collateral shall not be required when (i) no new moneys are
16 advanced other than funds necessary to cover reasonable closing
17 costs, or (ii) there has been no obvious or material change in
18 market conditions or physical aspects of the real estate that
19 threatens the adequacy of the credit union's real estate
20 collateral protection after the transaction, even with the
21 advancement of new moneys. The Department reserves the right to
22 require an appraisal under this subsection (7) whenever the
23 Department believes it is necessary to address safety and
24 soundness concerns.

25 (Source: P.A. 98-749, eff. 7-16-14; 98-784, eff. 7-24-14;
26 99-78, eff. 7-20-15; 99-149, eff. 1-1-16; 99-331, eff. 1-1-16;

1 revised 10-16-15.)

2 Section 265. The Corporate Fiduciary Act is amended by
3 changing Section 5-10.5 as follows:

4 (205 ILCS 620/5-10.5)

5 Sec. 5-10.5. Disclosure of records. A corporate fiduciary
6 may not disclose to any person, except to the customer or the
7 customer's duly authorized agent, any records pertaining to the
8 fiduciary relationship between the corporate fiduciary and the
9 customer unless:

10 (1) the instrument or court order establishing the
11 fiduciary relationship permits the record to be disclosed
12 under the circumstances;

13 (2) applicable law authorizes the disclosure;

14 (3) disclosure by the corporate fiduciary is necessary
15 to perform a transaction or act that is authorized by the
16 instrument or court order establishing the fiduciary
17 relationship ~~relation-ship~~; or

18 (4) Section 48.1 of the Illinois Banking Act would
19 permit a bank to disclose the record to the same extent
20 under the circumstances.

21 For purposes of this Section, "customer" means the person
22 or individual who contracted to establish the fiduciary
23 relationship or who executed any instrument or document from
24 which the fiduciary relationship was established, a person

1 authorized by the customer to provide such direction or, if the
2 instrument, law, or court order so permits, the beneficiaries
3 of the fiduciary relationship.

4 (Source: P.A. 89-364, eff. 8-18-95; revised 10-14-15.)

5 Section 270. The Ambulatory Surgical Treatment Center Act
6 is amended by changing Section 6.5 as follows:

7 (210 ILCS 5/6.5)

8 Sec. 6.5. Clinical privileges; advanced practice nurses.
9 All ambulatory surgical treatment centers (ASTC) licensed
10 under this Act shall comply with the following requirements:

11 (1) No ASTC policy, rule, regulation, or practice shall
12 be inconsistent with the provision of adequate
13 collaboration and consultation in accordance with Section
14 54.5 of the Medical Practice Act of 1987.

15 (2) Operative surgical procedures shall be performed
16 only by a physician licensed to practice medicine in all
17 its branches under the Medical Practice Act of 1987, a
18 dentist licensed under the Illinois Dental Practice Act, or
19 a podiatric physician licensed under the Podiatric Medical
20 Practice Act of 1987, with medical staff membership and
21 surgical clinical privileges granted by the consulting
22 committee of the ASTC. A licensed physician, dentist, or
23 podiatric physician may be assisted by a physician licensed
24 to practice medicine in all its branches, dentist, dental

1 assistant, podiatric physician, licensed advanced practice
2 nurse, licensed physician assistant, licensed registered
3 nurse, licensed practical nurse, surgical assistant,
4 surgical technician, or other individuals granted clinical
5 privileges to assist in surgery by the consulting committee
6 of the ASTC. Payment for services rendered by an assistant
7 in surgery who is not an ambulatory surgical treatment
8 center employee shall be paid at the appropriate
9 non-physician modifier rate if the payor would have made
10 payment had the same services been provided by a physician.

11 (2.5) A registered nurse licensed under the Nurse
12 Practice Act and qualified by training and experience in
13 operating room nursing shall be present in the operating
14 room and function as the circulating nurse during all
15 invasive or operative procedures. For purposes of this
16 paragraph (2.5), "circulating nurse" means a registered
17 nurse who is responsible for coordinating all nursing care,
18 patient safety needs, and the needs of the surgical team in
19 the operating room during an invasive or operative
20 procedure.

21 (3) An advanced practice nurse is not required to
22 possess prescriptive authority or a written collaborative
23 agreement meeting the requirements of the Nurse Practice
24 Act to provide advanced practice nursing services in an
25 ambulatory surgical treatment center. An advanced practice
26 nurse must possess clinical privileges granted by the

1 consulting medical staff committee and ambulatory surgical
2 treatment center in order to provide services. Individual
3 advanced practice nurses may also be granted clinical
4 privileges to order, select, and administer medications,
5 including controlled substances, to provide delineated
6 care. The attending physician must determine the advanced
7 ~~advance~~ practice nurse's role in providing care for his or
8 her patients, except as otherwise provided in the
9 consulting staff policies. The consulting medical staff
10 committee shall periodically review the services of
11 advanced practice nurses granted privileges.

12 (4) The anesthesia service shall be under the direction
13 of a physician licensed to practice medicine in all its
14 branches who has had specialized preparation or experience
15 in the area or who has completed a residency in
16 anesthesiology. An anesthesiologist, Board certified or
17 Board eligible, is recommended. Anesthesia services may
18 only be administered pursuant to the order of a physician
19 licensed to practice medicine in all its branches, licensed
20 dentist, or licensed podiatric physician.

21 (A) The individuals who, with clinical privileges
22 granted by the medical staff and ASTC, may administer
23 anesthesia services are limited to the following:

24 (i) an anesthesiologist; or

25 (ii) a physician licensed to practice medicine
26 in all its branches; or

1 (iii) a dentist with authority to administer
2 anesthesia under Section 8.1 of the Illinois
3 Dental Practice Act; or

4 (iv) a licensed certified registered nurse
5 anesthetist; or

6 (v) a podiatric physician licensed under the
7 Podiatric Medical Practice Act of 1987.

8 (B) For anesthesia services, an anesthesiologist
9 shall participate through discussion of and agreement
10 with the anesthesia plan and shall remain physically
11 present and be available on the premises during the
12 delivery of anesthesia services for diagnosis,
13 consultation, and treatment of emergency medical
14 conditions. In the absence of 24-hour availability of
15 anesthesiologists with clinical privileges, an
16 alternate policy (requiring participation, presence,
17 and availability of a physician licensed to practice
18 medicine in all its branches) shall be developed by the
19 medical staff consulting committee in consultation
20 with the anesthesia service and included in the medical
21 staff consulting committee policies.

22 (C) A certified registered nurse anesthetist is
23 not required to possess prescriptive authority or a
24 written collaborative agreement meeting the
25 requirements of Section 65-35 of the Nurse Practice Act
26 to provide anesthesia services ordered by a licensed

1 physician, dentist, or podiatric physician. Licensed
2 certified registered nurse anesthetists are authorized
3 to select, order, and administer drugs and apply the
4 appropriate medical devices in the provision of
5 anesthesia services under the anesthesia plan agreed
6 with by the anesthesiologist or, in the absence of an
7 available anesthesiologist with clinical privileges,
8 agreed with by the operating physician, operating
9 dentist, or operating podiatric physician in
10 accordance with the medical staff consulting committee
11 policies of a licensed ambulatory surgical treatment
12 center.

13 (Source: P.A. 98-214, eff. 8-9-13; revised 10-21-15.)

14 Section 275. The Abused and Neglected Long Term Care
15 Facility Residents Reporting Act is amended by changing Section
16 6 as follows:

17 (210 ILCS 30/6) (from Ch. 111 1/2, par. 4166)

18 Sec. 6. All reports of suspected abuse or neglect made
19 under this Act shall be made immediately by telephone to the
20 Department's central register established under Section 14 on
21 the single, State-wide, toll-free telephone number established
22 under Section 13, or in person or by telephone through the
23 nearest Department office. No long term care facility
24 administrator, agent or employee, or any other person, shall

1 screen reports or otherwise withhold any reports from the
2 Department, and no long term care facility, department of State
3 government, or other agency shall establish any rules,
4 criteria, standards or guidelines to the contrary. Every long
5 term care facility, department of State government and other
6 agency whose employees are required to make or cause to be made
7 reports under Section 4 shall notify its employees of the
8 provisions of that Section and of this Section, and provide to
9 the Department documentation that such notification has been
10 given. The Department of Human Services shall train all of its
11 mental health and developmental disabilities employees in the
12 detection and reporting of suspected abuse and neglect of
13 residents. Reports made to the central register through the
14 State-wide, toll-free telephone number shall be transmitted to
15 appropriate Department offices and municipal health
16 departments that have responsibility for licensing long term
17 care facilities under the Nursing Home Care Act, the
18 Specialized Mental Health Rehabilitation Act of 2013, the ID/DD
19 Community Care Act, or the MC/DD Act. All reports received
20 through offices of the Department shall be forwarded to the
21 central register, in a manner and form described by the
22 Department. The Department shall be capable of receiving
23 reports of suspected abuse and neglect 24 hours a day, 7 days a
24 week. Reports shall also be made in writing deposited in the
25 U.S. mail, postage prepaid, within 24 hours after having
26 reasonable cause to believe that the condition of the resident

1 resulted from abuse or neglect. Such reports may in addition be
2 made to the local law enforcement agency in the same manner.
3 However, in the event a report is made to the local law
4 enforcement agency, the reporter also shall immediately so
5 inform the Department. The Department shall initiate an
6 investigation of each report of resident abuse and neglect
7 under this Act, whether oral or written, as provided for in
8 Section 3-702 of the Nursing Home Care Act, Section 2-208 of
9 the Specialized Mental Health Rehabilitation Act of 2013,
10 Section 3-702 of the ID/DD Community Care Act, or Section 3-702
11 of the MC/DD Act, except that reports of abuse which indicate
12 that a resident's life or safety is in imminent danger shall be
13 investigated within 24 hours of such report. The Department may
14 delegate to law enforcement officials or other public agencies
15 the duty to perform such investigation.

16 With respect to investigations of reports of suspected
17 abuse or neglect of residents of mental health and
18 developmental disabilities institutions under the jurisdiction
19 of the Department of Human Services, the Department shall
20 transmit copies of such reports to the Department of State
21 Police, the Department of Human Services, and the Inspector
22 General appointed under Section 1-17 of the Department of Human
23 Services Act. If the Department receives a report of suspected
24 abuse or neglect of a recipient of services as defined in
25 Section 1-123 of the Mental Health and Developmental
26 Disabilities Code, the Department shall transmit copies of such

1 report to the Inspector General and the Directors of the
2 Guardianship and Advocacy Commission and the agency designated
3 by the Governor pursuant to the Protection and Advocacy for
4 Persons with Developmental Disabilities Act. When requested by
5 the Director of the Guardianship and Advocacy Commission, the
6 agency designated by the Governor pursuant to the Protection
7 and Advocacy for Persons with Developmental Disabilities Act,
8 or the Department of Financial and Professional Regulation, the
9 Department, the Department of Human Services and the Department
10 of State Police shall make available a copy of the final
11 investigative report regarding investigations conducted by
12 their respective agencies on incidents of suspected abuse or
13 neglect of residents of mental health and developmental
14 disabilities institutions or individuals receiving services at
15 community agencies under the jurisdiction of the Department of
16 Human Services. Such final investigative report shall not
17 contain witness statements, investigation notes, draft
18 summaries, results of lie detector tests, investigative files
19 or other raw data which was used to compile the final
20 investigative report. Specifically, the final investigative
21 report of the Department of State Police shall mean the
22 Director's final transmittal letter. The Department of Human
23 Services shall also make available a copy of the results of
24 disciplinary proceedings of employees involved in incidents of
25 abuse or neglect to the Directors. All identifiable information
26 in reports provided shall not be further disclosed except as

1 provided by the Mental Health and Developmental Disabilities
2 Confidentiality Act. Nothing in this Section is intended to
3 limit or construe the power or authority granted to the agency
4 designated by the Governor pursuant to the Protection and
5 Advocacy for Persons with Developmental Disabilities Act,
6 pursuant to any other State or federal statute.

7 With respect to investigations of reported resident abuse
8 or neglect, the Department shall effect with appropriate law
9 enforcement agencies formal agreements concerning methods and
10 procedures for the conduct of investigations into the criminal
11 histories of any administrator, staff assistant or employee of
12 the nursing home or other person responsible for the residents
13 care, as well as for other residents in the nursing home who
14 may be in a position to abuse, neglect or exploit the patient.
15 Pursuant to the formal agreements entered into with appropriate
16 law enforcement agencies, the Department may request
17 information with respect to whether the person or persons set
18 forth in this paragraph have ever been charged with a crime and
19 if so, the disposition of those charges. Unless the criminal
20 histories of the subjects involved crimes of violence or
21 resident abuse or neglect, the Department shall be entitled
22 only to information limited in scope to charges and their
23 dispositions. In cases where prior crimes of violence or
24 resident abuse or neglect are involved, a more detailed report
25 can be made available to authorized representatives of the
26 Department, pursuant to the agreements entered into with

1 appropriate law enforcement agencies. Any criminal charges and
2 their disposition information obtained by the Department shall
3 be confidential and may not be transmitted outside the
4 Department, except as required herein, to authorized
5 representatives or delegates of the Department, and may not be
6 transmitted to anyone within the Department who is not duly
7 authorized to handle resident abuse or neglect investigations.

8 The Department shall effect formal agreements with
9 appropriate law enforcement agencies in the various counties
10 and communities to encourage cooperation and coordination in
11 the handling of resident abuse or neglect cases pursuant to
12 this Act. The Department shall adopt and implement methods and
13 procedures to promote statewide uniformity in the handling of
14 reports of abuse and neglect under this Act, and those methods
15 and procedures shall be adhered to by personnel of the
16 Department involved in such investigations and reporting. The
17 Department shall also make information required by this Act
18 available to authorized personnel within the Department, as
19 well as its authorized representatives.

20 The Department shall keep a continuing record of all
21 reports made pursuant to this Act, including indications of the
22 final determination of any investigation and the final
23 disposition of all reports.

24 The Department shall report annually to the General
25 Assembly on the incidence of abuse and neglect of long term
26 care facility residents, with special attention to residents

1 who are persons with mental disabilities. The report shall
2 include but not be limited to data on the number and source of
3 reports of suspected abuse or neglect filed under this Act, the
4 nature of any injuries to residents, the final determination of
5 investigations, the type and number of cases where abuse or
6 neglect is determined to exist, and the final disposition of
7 cases.

8 (Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15;
9 99-180, eff. 7-29-15; revised 10-9-15.)

10 Section 280. The Nursing Home Care Act is amended by
11 changing Sections 1-113, 2-201.5, and 3-702 as follows:

12 (210 ILCS 45/1-113) (from Ch. 111 1/2, par. 4151-113)

13 Sec. 1-113. "Facility" or "long-term care facility" means a
14 private home, institution, building, residence, or any other
15 place, whether operated for profit or not, or a county home for
16 the infirm and chronically ill operated pursuant to Division
17 5-21 or 5-22 of the Counties Code, or any similar institution
18 operated by a political subdivision of the State of Illinois,
19 which provides, through its ownership or management, personal
20 care, sheltered care or nursing for 3 or more persons, not
21 related to the applicant or owner by blood or marriage. It
22 includes skilled nursing facilities and intermediate care
23 facilities as those terms are defined in Title XVIII and Title
24 XIX of the federal ~~Federal~~ Social Security Act. It also

1 includes homes, institutions, or other places operated by or
2 under the authority of the Illinois Department of Veterans'
3 Affairs.

4 "Facility" does not include the following:

5 (1) A home, institution, or other place operated by the
6 federal government or agency thereof, or by the State of
7 Illinois, other than homes, institutions, or other places
8 operated by or under the authority of the Illinois
9 Department of Veterans' Affairs;

10 (2) A hospital, sanitarium, or other institution whose
11 principal activity or business is the diagnosis, care, and
12 treatment of human illness through the maintenance and
13 operation as organized facilities therefor, which is
14 required to be licensed under the Hospital Licensing Act;

15 (3) Any "facility for child care" as defined in the
16 Child Care Act of 1969;

17 (4) Any "Community Living Facility" as defined in the
18 Community Living Facilities Licensing Act;

19 (5) Any "community residential alternative" as defined
20 in the Community Residential Alternatives Licensing Act;

21 (6) Any nursing home or sanatorium operated solely by
22 and for persons who rely exclusively upon treatment by
23 spiritual means through prayer, in accordance with the
24 creed or tenets of any well-recognized church or religious
25 denomination. However, such nursing home or sanatorium
26 shall comply with all local laws and rules relating to

1 sanitation and safety;

2 (7) Any facility licensed by the Department of Human
3 Services as a community-integrated living arrangement as
4 defined in the Community-Integrated Living Arrangements
5 Licensure and Certification Act;

6 (8) Any "Supportive Residence" licensed under the
7 Supportive Residences Licensing Act;

8 (9) Any "supportive living facility" in good standing
9 with the program established under Section 5-5.01a of the
10 Illinois Public Aid Code, except only for purposes of the
11 employment of persons in accordance with Section 3-206.01;

12 (10) Any assisted living or shared housing
13 establishment licensed under the Assisted Living and
14 Shared Housing Act, except only for purposes of the
15 employment of persons in accordance with Section 3-206.01;

16 (11) An Alzheimer's disease management center
17 alternative health care model licensed under the
18 Alternative Health Care Delivery Act;

19 (12) A facility licensed under the ID/DD Community Care
20 Act;

21 (13) A facility licensed under the Specialized Mental
22 Health Rehabilitation Act of 2013; ~~or~~

23 (14) A facility licensed under the MC/DD Act; or

24 (15) ~~(14)~~ A medical foster home, as defined in 38 CFR
25 17.73, that is under the oversight of the United States
26 Department of Veterans Affairs.

1 (Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15;
2 99-376, eff. 1-1-16; revised 10-16-15.)

3 (210 ILCS 45/2-201.5)

4 Sec. 2-201.5. Screening prior to admission.

5 (a) All persons age 18 or older seeking admission to a
6 nursing facility must be screened to determine the need for
7 nursing facility services prior to being admitted, regardless
8 of income, assets, or funding source. Screening for nursing
9 facility services shall be administered through procedures
10 established by administrative rule. Screening may be done by
11 agencies other than the Department as established by
12 administrative rule. This Section applies on and after July 1,
13 1996. No later than October 1, 2010, the Department of
14 Healthcare and Family Services, in collaboration with the
15 Department on Aging, the Department of Human Services, and the
16 Department of Public Health, shall file administrative rules
17 providing for the gathering, during the screening process, of
18 information relevant to determining each person's potential
19 for placing other residents, employees, and visitors at risk of
20 harm.

21 (a-1) Any screening performed pursuant to subsection (a) of
22 this Section shall include a determination of whether any
23 person is being considered for admission to a nursing facility
24 due to a need for mental health services. For a person who
25 needs mental health services, the screening shall also include

1 an evaluation of whether there is permanent supportive housing,
2 or an array of community mental health services, including but
3 not limited to supported housing, assertive community
4 treatment, and peer support services, that would enable the
5 person to live in the community. The person shall be told about
6 the existence of any such services that would enable the person
7 to live safely and humanely and about available appropriate
8 nursing home services that would enable the person to live
9 safely and humanely, and the person shall be given the
10 assistance necessary to avail himself or herself of any
11 available services.

12 (a-2) Pre-screening for persons with a serious mental
13 illness shall be performed by a psychiatrist, a psychologist, a
14 registered nurse certified in psychiatric nursing, a licensed
15 clinical professional counselor, or a licensed clinical social
16 worker, who is competent to (i) perform a clinical assessment
17 of the individual, (ii) certify a diagnosis, (iii) make a
18 determination about the individual's current need for
19 treatment, including substance abuse treatment, and recommend
20 specific treatment, and (iv) determine whether a facility or a
21 community-based program is able to meet the needs of the
22 individual.

23 For any person entering a nursing facility, the
24 pre-screening agent shall make specific recommendations about
25 what care and services the individual needs to receive,
26 beginning at admission, to attain or maintain the individual's

1 highest level of independent functioning and to live in the
2 most integrated setting appropriate for his or her physical and
3 personal care and developmental and mental health needs. These
4 recommendations shall be revised as appropriate by the
5 pre-screening or re-screening agent based on the results of
6 resident review and in response to changes in the resident's
7 wishes, needs, and interest in transition.

8 Upon the person entering the nursing facility, the
9 Department of Human Services or its designee shall assist the
10 person in establishing a relationship with a community mental
11 health agency or other appropriate agencies in order to (i)
12 promote the person's transition to independent living and (ii)
13 support the person's progress in meeting individual goals.

14 (a-3) The Department of Human Services, by rule, shall
15 provide for a prohibition on conflicts of interest for
16 pre-admission screeners. The rule shall provide for waiver of
17 those conflicts by the Department of Human Services if the
18 Department of Human Services determines that a scarcity of
19 qualified pre-admission screeners exists in a given community
20 and that, absent a waiver of conflicts, an insufficient number
21 of pre-admission screeners would be available. If a conflict is
22 waived, the pre-admission screener shall disclose the conflict
23 of interest to the screened individual in the manner provided
24 for by rule of the Department of Human Services. For the
25 purposes of this subsection, a "conflict of interest" includes,
26 but is not limited to, the existence of a professional or

1 financial relationship between (i) a PAS-MH corporate or a
2 PAS-MH agent and (ii) a community provider or long-term care
3 facility.

4 (b) In addition to the screening required by subsection
5 (a), a facility, except for those licensed under the MC/DD Act,
6 shall, within 24 hours after admission, request a criminal
7 history background check pursuant to the Illinois Uniform
8 Conviction Information Act for all persons age 18 or older
9 seeking admission to the facility, unless (i) a background
10 check was initiated by a hospital pursuant to subsection (d) of
11 Section 6.09 of the Hospital Licensing Act or a pre-admission
12 background check was conducted by the Department of Veterans'
13 Affairs 30 days prior to admittance into an Illinois Veterans
14 Home; (ii) the transferring resident is immobile; or (iii) the
15 transferring resident is moving into hospice. The exemption
16 provided in item (ii) or (iii) of this subsection (b) shall
17 apply only if a background check was completed by the facility
18 the resident resided at prior to seeking admission to the
19 facility and the resident was transferred to the facility with
20 no time passing during which the resident was not
21 institutionalized. If item (ii) or (iii) of this subsection (b)
22 applies, the prior facility shall provide a copy of its
23 background check of the resident and all supporting
24 documentation, including, when applicable, the criminal
25 history report and the security assessment, to the facility to
26 which the resident is being transferred. Background checks

1 conducted pursuant to this Section shall be based on the
2 resident's name, date of birth, and other identifiers as
3 required by the Department of State Police. If the results of
4 the background check are inconclusive, the facility shall
5 initiate a fingerprint-based check, unless the fingerprint
6 check is waived by the Director of Public Health based on
7 verification by the facility that the resident is completely
8 immobile or that the resident meets other criteria related to
9 the resident's health or lack of potential risk which may be
10 established by Departmental rule. A waiver issued pursuant to
11 this Section shall be valid only while the resident is immobile
12 or while the criteria supporting the waiver exist. The facility
13 shall provide for or arrange for any required fingerprint-based
14 checks to be taken on the premises of the facility. If a
15 fingerprint-based check is required, the facility shall
16 arrange for it to be conducted in a manner that is respectful
17 of the resident's dignity and that minimizes any emotional or
18 physical hardship to the resident.

19 (c) If the results of a resident's criminal history
20 background check reveal that the resident is an identified
21 offender as defined in Section 1-114.01, the facility shall do
22 the following:

23 (1) Immediately notify the Department of State Police,
24 in the form and manner required by the Department of State
25 Police, in collaboration with the Department of Public
26 Health, that the resident is an identified offender.

1 (2) Within 72 hours, arrange for a fingerprint-based
2 criminal history record inquiry to be requested on the
3 identified offender resident. The inquiry shall be based on
4 the subject's name, sex, race, date of birth, fingerprint
5 images, and other identifiers required by the Department of
6 State Police. The inquiry shall be processed through the
7 files of the Department of State Police and the Federal
8 Bureau of Investigation to locate any criminal history
9 record information that may exist regarding the subject.
10 The Federal Bureau of Investigation shall furnish to the
11 Department of State Police, pursuant to an inquiry under
12 this paragraph (2), any criminal history record
13 information contained in its files.

14 The facility shall comply with all applicable provisions
15 contained in the Illinois Uniform Conviction Information Act.

16 All name-based and fingerprint-based criminal history
17 record inquiries shall be submitted to the Department of State
18 Police electronically in the form and manner prescribed by the
19 Department of State Police. The Department of State Police may
20 charge the facility a fee for processing name-based and
21 fingerprint-based criminal history record inquiries. The fee
22 shall be deposited into the State Police Services Fund. The fee
23 shall not exceed the actual cost of processing the inquiry.

24 (d) (Blank).

25 (e) The Department shall develop and maintain a
26 de-identified database of residents who have injured facility

1 staff, facility visitors, or other residents, and the attendant
2 circumstances, solely for the purposes of evaluating and
3 improving resident pre-screening and assessment procedures
4 (including the Criminal History Report prepared under Section
5 2-201.6) and the adequacy of Department requirements
6 concerning the provision of care and services to residents. A
7 resident shall not be listed in the database until a Department
8 survey confirms the accuracy of the listing. The names of
9 persons listed in the database and information that would allow
10 them to be individually identified shall not be made public.
11 Neither the Department nor any other agency of State government
12 may use information in the database to take any action against
13 any individual, licensee, or other entity, unless the
14 Department or agency receives the information independent of
15 this subsection (e). All information collected, maintained, or
16 developed under the authority of this subsection (e) for the
17 purposes of the database maintained under this subsection (e)
18 shall be treated in the same manner as information that is
19 subject to Part 21 of Article VIII of the Code of Civil
20 Procedure.

21 (Source: P.A. 99-180, eff. 7-29-15; 99-314, eff. 8-7-15;
22 99-453, eff. 8-24-15; revised 10-20-15.)

23 (210 ILCS 45/3-702) (from Ch. 111 1/2, par. 4153-702)

24 Sec. 3-702. (a) A person who believes that this Act or a
25 rule promulgated under this Act may have been violated may

1 request an investigation. The request may be submitted to the
2 Department in writing, by telephone, by electronic means, or by
3 personal visit. An oral complaint shall be reduced to writing
4 by the Department. The Department shall make available, through
5 its website and upon request, information regarding the oral
6 and phone intake processes and the list of questions that will
7 be asked of the complainant. The Department shall request
8 information identifying the complainant, including the name,
9 address and telephone number, to help enable appropriate
10 follow-up. The Department shall act on such complaints via
11 on-site visits or other methods deemed appropriate to handle
12 the complaints with or without such identifying information, as
13 otherwise provided under this Section. The complainant shall be
14 informed that compliance with such request is not required to
15 satisfy the procedures for filing a complaint under this Act.
16 The Department must notify complainants that complaints with
17 less information provided are far more difficult to respond to
18 and investigate.

19 (b) The substance of the complaint shall be provided in
20 writing to the licensee, owner, or administrator no earlier
21 than at the commencement of an on-site inspection of the
22 facility which takes place pursuant to the complaint.

23 (c) The Department shall not disclose the name of the
24 complainant unless the complainant consents in writing to the
25 disclosure or the investigation results in a judicial
26 proceeding, or unless disclosure is essential to the

1 investigation. The complainant shall be given the opportunity
2 to withdraw the complaint before disclosure. Upon the request
3 of the complainant, the Department may permit the complainant
4 or a representative of the complainant to accompany the person
5 making the on-site inspection of the facility.

6 (d) Upon receipt of a complaint, the Department shall
7 determine whether this Act or a rule promulgated under this Act
8 has been or is being violated. The Department shall investigate
9 all complaints alleging abuse or neglect within 7 days after
10 the receipt of the complaint except that complaints of abuse or
11 neglect which indicate that a resident's life or safety is in
12 imminent danger shall be investigated within 24 hours after
13 receipt of the complaint. All other complaints shall be
14 investigated within 30 days after the receipt of the complaint.
15 The Department employees investigating a complaint shall
16 conduct a brief, informal exit conference with the facility to
17 alert its administration of any suspected serious deficiency
18 that poses a direct threat to the health, safety or welfare of
19 a resident to enable an immediate correction for the
20 alleviation or elimination of such threat. Such information and
21 findings discussed in the brief exit conference shall become a
22 part of the investigating record but shall not in any way
23 constitute an official or final notice of violation as provided
24 under Section 3-301. All complaints shall be classified as "an
25 invalid report", "a valid report", or "an undetermined report".
26 For any complaint classified as "a valid report", the

1 Department must determine within 30 working days if any rule or
2 provision of this Act has been or is being violated.

3 (d-1) The Department shall, whenever possible, combine an
4 on-site investigation of a complaint in a facility with other
5 inspections in order to avoid duplication of inspections.

6 (e) In all cases, the Department shall inform the
7 complainant of its findings within 10 days of its determination
8 unless otherwise indicated by the complainant, and the
9 complainant may direct the Department to send a copy of such
10 findings to another person. The Department's findings may
11 include comments or documentation provided by either the
12 complainant or the licensee pertaining to the complaint. The
13 Department shall also notify the facility of such findings
14 within 10 days of the determination, but the name of the
15 complainant or residents shall not be disclosed in this notice
16 to the facility. The notice of such findings shall include a
17 copy of the written determination; the correction order, if
18 any; the warning notice, if any; the inspection report; or the
19 State licensure form on which the violation is listed.

20 (f) A written determination, correction order, or warning
21 notice concerning a complaint, together with the facility's
22 response, shall be available for public inspection, but the
23 name of the complainant or resident shall not be disclosed
24 without his consent.

25 (g) A complainant who is dissatisfied with the
26 determination or investigation by the Department may request a

1 hearing under Section 3-703. The facility shall be given notice
2 of any such hearing and may participate in the hearing as a
3 party. If a facility requests a hearing under Section 3-703
4 which concerns a matter covered by a complaint, the complainant
5 shall be given notice and may participate in the hearing as a
6 party. A request for a hearing by either a complainant or a
7 facility shall be submitted in writing to the Department within
8 30 days after the mailing of the Department's findings as
9 described in subsection (e) of this Section. Upon receipt of
10 the request the Department shall conduct a hearing as provided
11 under Section 3-703.

12 (g-5) The Department shall conduct an annual review and
13 make a report concerning the complaint process that includes
14 the number of complaints received, the breakdown of anonymous
15 and non-anonymous complaints and whether the complaints were
16 substantiated or not, the total number of substantiated
17 complaints, and any other complaint information requested by
18 the Long-Term Care Facility Advisory Board created under
19 Section 2-204 of this Act or the Illinois Long-Term Care
20 Council created under Section 4.04a of the Illinois Act on the
21 Aging. This report shall be provided to the Long-Term Care
22 Facility Advisory Board and the Illinois Long-Term Care
23 Council. The Long-Term Care Facility Advisory Board and the
24 Illinois Long-Term Care Council shall review the report and
25 suggest any changes deemed necessary to the Department for
26 review and action, including how to investigate and

1 substantiate anonymous complaints.

2 (h) Any person who knowingly transmits a false report to
3 the Department commits the offense of disorderly conduct under
4 subsection (a) (8) of Section 26-1 of the Criminal Code of 2012.
5 (Source: P.A. 97-1150, eff. 1-25-13; 98-988, eff. 8-18-14;
6 revised 10-9-15.)

7 Section 285. The MC/DD Act is amended by changing Section
8 2-104.2 as follows:

9 (210 ILCS 46/2-104.2)

10 Sec. 2-104.2. Do Not Resuscitate Orders. Every facility
11 licensed under this Act shall establish a policy for the
12 implementation of physician orders limiting resuscitation such
13 as those commonly referred to as "Do Not Resuscitate" orders.
14 This policy may only prescribe the format, method of
15 documentation and duration of any physician orders limiting
16 resuscitation. Any orders under this policy shall be honored by
17 the facility. The Department of Public Health Uniform POLST
18 ~~DNR/POLST~~ form or a copy of that form or a previous version of
19 the uniform form shall be honored by the facility.

20 (Source: P.A. 99-180, eff. 7-29-15; revised 10-13-15.)

21 Section 290. The ID/DD Community Care Act is amended by
22 changing Sections 1-101.05 and 1-113 as follows:

1 (210 ILCS 47/1-101.05)

2 Sec. 1-101.05. Prior law.

3 (a) This Act provides for licensure of intermediate care
4 facilities for persons with developmental disabilities under
5 this Act instead of under the Nursing Home Care Act. On and
6 after July 1, 2010 (the effective date of this Act), those
7 facilities shall be governed by this Act instead of the Nursing
8 Home Care Act.

9 On and after July 29, 2015 (the effective date of Public
10 Act 99-180) ~~this amendatory Act of the 99th General Assembly,~~
11 long-term care for under age 22 facilities shall be known as
12 medically complex for the developmentally disabled facilities
13 and governed by the MC/DD Act instead of this Act.

14 (b) If any other Act of the General Assembly changes, adds,
15 or repeals a provision of the Nursing Home Care Act that is the
16 same as or substantially similar to a provision of this Act,
17 then that change, addition, or repeal in the Nursing Home Care
18 Act shall be construed together with this Act until July 1,
19 2010 and not thereafter.

20 (c) Nothing in this Act affects the validity or effect of
21 any finding, decision, or action made or taken by the
22 Department or the Director under the Nursing Home Care Act
23 before July 1, 2010 (the effective date of this Act) with
24 respect to a facility subject to licensure under this Act. That
25 finding, decision, or action shall continue to apply to the
26 facility on and after July 1, 2010 (the effective date of this

1 Act). Any finding, decision, or action with respect to the
2 facility made or taken on or after July 1, 2010 (the effective
3 date of this Act) shall be made or taken as provided in this
4 Act.

5 (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;
6 revised 10-14-15.)

7 (210 ILCS 47/1-113)

8 Sec. 1-113. Facility. "ID/DD facility" or "facility" means
9 an intermediate care facility for persons with developmental
10 disabilities, whether operated for profit or not, which
11 provides, through its ownership or management, personal care or
12 nursing for 3 or more persons not related to the applicant or
13 owner by blood or marriage. It includes intermediate care
14 facilities for the intellectually disabled as the term is
15 defined in Title XVIII and Title XIX of the federal Social
16 Security Act.

17 "Facility" does not include the following:

18 (1) A home, institution, or other place operated by the
19 federal government or agency thereof, or by the State of
20 Illinois, other than homes, institutions, or other places
21 operated by or under the authority of the Illinois
22 Department of Veterans' Affairs;

23 (2) A hospital, sanitarium, or other institution whose
24 principal activity or business is the diagnosis, care, and
25 treatment of human illness through the maintenance and

1 operation as organized facilities therefore, which is
2 required to be licensed under the Hospital Licensing Act;

3 (3) Any "facility for child care" as defined in the
4 Child Care Act of 1969;

5 (4) Any "community living facility" as defined in the
6 Community Living Facilities Licensing Act;

7 (5) Any "community residential alternative" as defined
8 in the Community Residential Alternatives Licensing Act;

9 (6) Any nursing home or sanatorium operated solely by
10 and for persons who rely exclusively upon treatment by
11 spiritual means through prayer, in accordance with the
12 creed or tenets of any well recognized church or religious
13 denomination. However, such nursing home or sanatorium
14 shall comply with all local laws and rules relating to
15 sanitation and safety;

16 (7) Any facility licensed by the Department of Human
17 Services as a community-integrated living arrangement as
18 defined in the Community-Integrated Living Arrangements
19 Licensure and Certification Act;

20 (8) Any "supportive residence" licensed under the
21 Supportive Residences Licensing Act;

22 (9) Any "supportive living facility" in good standing
23 with the program established under Section 5-5.01a of the
24 Illinois Public Aid Code, except only for purposes of the
25 employment of persons in accordance with Section 3-206.01;

26 (10) Any assisted living or shared housing

1 establishment licensed under the Assisted Living and
2 Shared Housing Act, except only for purposes of the
3 employment of persons in accordance with Section 3-206.01;

4 (11) An Alzheimer's disease management center
5 alternative health care model licensed under the
6 Alternative Health Care Delivery Act;

7 (12) A home, institution, or other place operated by or
8 under the authority of the Illinois Department of Veterans'
9 Affairs; or

10 (13) Any MC/DD facility licensed under the MC/DD Act.

11 (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;
12 revised 10-14-15.)

13 Section 295. The Hospital Licensing Act is amended by
14 changing Sections 6.09, 10.2, and 10.7 as follows:

15 (210 ILCS 85/6.09) (from Ch. 111 1/2, par. 147.09)

16 Sec. 6.09. (a) In order to facilitate the orderly
17 transition of aged patients and patients with disabilities from
18 hospitals to post-hospital care, whenever a patient who
19 qualifies for the federal Medicare program is hospitalized, the
20 patient shall be notified of discharge at least 24 hours prior
21 to discharge from the hospital. With regard to pending
22 discharges to a skilled nursing facility, the hospital must
23 notify the case coordination unit, as defined in 89 Ill. Adm.
24 Code 240.260, at least 24 hours prior to discharge. When the

1 assessment is completed in the hospital, the case coordination
2 unit shall provide the discharge planner with a copy of the
3 prescreening information and accompanying materials, which the
4 discharge planner shall transmit when the patient is discharged
5 to a skilled nursing facility. If home health services are
6 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, the Specialized Mental Health
22 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
23 the MC/DD Act; (iv) a supportive living facility, as defined in
24 Section 5-5.01a of the Illinois Public Aid Code; or (v) a
25 free-standing hospice facility licensed under the Hospice
26 Program Licensing Act if licensure, certification, or

1 registration is required. The Department of Public Health shall
2 annually provide hospitals with a list of licensed, certified,
3 or registered board and care facilities, assisted living and
4 shared housing establishments, nursing homes, supportive
5 living facilities, facilities licensed under the ID/DD
6 Community Care Act, the MC/DD Act, or the Specialized Mental
7 Health Rehabilitation Act of 2013, and hospice facilities.
8 Reliance upon this list by a hospital shall satisfy compliance
9 with this requirement. The procedure may also include a waiver
10 for any case in which a discharge notice is not feasible due to
11 a short length of stay in the hospital by the patient, or for
12 any case in which the patient voluntarily desires to leave the
13 hospital before the expiration of the 24 hour period.

14 (c) At least 24 hours prior to discharge from the hospital,
15 the patient shall receive written information on the patient's
16 right to appeal the discharge pursuant to the federal Medicare
17 program, including the steps to follow to appeal the discharge
18 and the appropriate telephone number to call in case the
19 patient intends to appeal the discharge.

20 (d) Before transfer of a patient to a long term care
21 facility licensed under the Nursing Home Care Act where elderly
22 persons reside, a hospital shall as soon as practicable
23 initiate a name-based criminal history background check by
24 electronic submission to the Department of State Police for all
25 persons between the ages of 18 and 70 years; provided, however,
26 that a hospital shall be required to initiate such a background

1 check only with respect to patients who:

2 (1) are transferring to a long term care facility for
3 the first time;

4 (2) have been in the hospital more than 5 days;

5 (3) are reasonably expected to remain at the long term
6 care facility for more than 30 days;

7 (4) have a known history of serious mental illness or
8 substance abuse; and

9 (5) are independently ambulatory or mobile for more
10 than a temporary period of time.

11 A hospital may also request a criminal history background
12 check for a patient who does not meet any of the criteria set
13 forth in items (1) through (5).

14 A hospital shall notify a long term care facility if the
15 hospital has initiated a criminal history background check on a
16 patient being discharged to that facility. In all circumstances
17 in which the hospital is required by this subsection to
18 initiate the criminal history background check, the transfer to
19 the long term care facility may proceed regardless of the
20 availability of criminal history results. Upon receipt of the
21 results, the hospital shall promptly forward the results to the
22 appropriate long term care facility. If the results of the
23 background check are inconclusive, the hospital shall have no
24 additional duty or obligation to seek additional information
25 from, or about, the patient.

26 (Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14;

1 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; revised 10-14-15.)

2 (210 ILCS 85/10.2) (from Ch. 111 1/2, par. 151.2)

3 Sec. 10.2. Because the candid and conscientious evaluation
4 of clinical practices is essential to the provision of adequate
5 hospital care, it is the policy of this State to encourage peer
6 review by health care providers. Therefore, no hospital and no
7 individual who is a member, agent, or employee of a hospital,
8 hospital medical staff, hospital administrative staff, or
9 hospital governing board shall be liable for civil damages as a
10 result of the acts, omissions, decisions, or any other conduct,
11 except those involving wilful or wanton misconduct, of a
12 medical utilization committee, medical review committee,
13 patient care audit committee, medical care evaluation
14 committee, quality review committee, credential committee,
15 peer review committee, or any other committee or individual
16 whose purpose, directly or indirectly, is internal quality
17 control or medical study to reduce morbidity or mortality, or
18 for improving patient care within a hospital, or the improving
19 or benefiting of patient care and treatment, whether within a
20 hospital or not, or for the purpose of professional discipline
21 including institution of a summary suspension in accordance
22 with Section 10.4 of this Act and the medical staff bylaws.
23 Nothing in this Section shall relieve any individual or
24 hospital from liability arising from treatment of a patient.
25 ~~Any individual or hospital from liability arising from~~

1 ~~treatment of a patient.~~ For the purposes of this Section,
2 "wilful and wanton misconduct" means a course of action that
3 shows actual or deliberate intention to harm or that, if not
4 intentional, shows an utter indifference to or conscious
5 disregard for a person's own safety and the safety of others.

6 (Source: P.A. 91-448, eff. 8-6-99; revised 10-9-15.)

7 (210 ILCS 85/10.7)

8 Sec. 10.7. Clinical privileges; advanced practice nurses.
9 All hospitals licensed under this Act shall comply with the
10 following requirements:

11 (1) No hospital policy, rule, regulation, or practice
12 shall be inconsistent with the provision of adequate
13 collaboration and consultation in accordance with Section
14 54.5 of the Medical Practice Act of 1987.

15 (2) Operative surgical procedures shall be performed
16 only by a physician licensed to practice medicine in all
17 its branches under the Medical Practice Act of 1987, a
18 dentist licensed under the Illinois Dental Practice Act, or
19 a podiatric physician licensed under the Podiatric Medical
20 Practice Act of 1987, with medical staff membership and
21 surgical clinical privileges granted at the hospital. A
22 licensed physician, dentist, or podiatric physician may be
23 assisted by a physician licensed to practice medicine in
24 all its branches, dentist, dental assistant, podiatric
25 physician, licensed advanced practice nurse, licensed

1 physician assistant, licensed registered nurse, licensed
2 practical nurse, surgical assistant, surgical technician,
3 or other individuals granted clinical privileges to assist
4 in surgery at the hospital. Payment for services rendered
5 by an assistant in surgery who is not a hospital employee
6 shall be paid at the appropriate non-physician modifier
7 rate if the payor would have made payment had the same
8 services been provided by a physician.

9 (2.5) A registered nurse licensed under the Nurse
10 Practice Act and qualified by training and experience in
11 operating room nursing shall be present in the operating
12 room and function as the circulating nurse during all
13 invasive or operative procedures. For purposes of this
14 paragraph (2.5), "circulating nurse" means a registered
15 nurse who is responsible for coordinating all nursing care,
16 patient safety needs, and the needs of the surgical team in
17 the operating room during an invasive or operative
18 procedure.

19 (3) An advanced practice nurse is not required to
20 possess prescriptive authority or a written collaborative
21 agreement meeting the requirements of the Nurse Practice
22 Act to provide advanced practice nursing services in a
23 hospital. An advanced practice nurse must possess clinical
24 privileges recommended by the medical staff and granted by
25 the hospital in order to provide services. Individual
26 advanced practice nurses may also be granted clinical

1 privileges to order, select, and administer medications,
2 including controlled substances, to provide delineated
3 care. The attending physician must determine the advanced
4 ~~advance~~ practice nurse's role in providing care for his or
5 her patients, except as otherwise provided in medical staff
6 bylaws. The medical staff shall periodically review the
7 services of advanced practice nurses granted privileges.
8 This review shall be conducted in accordance with item (2)
9 of subsection (a) of Section 10.8 of this Act for advanced
10 practice nurses employed by the hospital.

11 (4) The anesthesia service shall be under the direction
12 of a physician licensed to practice medicine in all its
13 branches who has had specialized preparation or experience
14 in the area or who has completed a residency in
15 anesthesiology. An anesthesiologist, Board certified or
16 Board eligible, is recommended. Anesthesia services may
17 only be administered pursuant to the order of a physician
18 licensed to practice medicine in all its branches, licensed
19 dentist, or licensed podiatric physician.

20 (A) The individuals who, with clinical privileges
21 granted at the hospital, may administer anesthesia
22 services are limited to the following:

23 (i) an anesthesiologist; or

24 (ii) a physician licensed to practice medicine
25 in all its branches; or

26 (iii) a dentist with authority to administer

1 anesthesia under Section 8.1 of the Illinois
2 Dental Practice Act; or

3 (iv) a licensed certified registered nurse
4 anesthetist; or

5 (v) a podiatric physician licensed under the
6 Podiatric Medical Practice Act of 1987.

7 (B) For anesthesia services, an anesthesiologist
8 shall participate through discussion of and agreement
9 with the anesthesia plan and shall remain physically
10 present and be available on the premises during the
11 delivery of anesthesia services for diagnosis,
12 consultation, and treatment of emergency medical
13 conditions. In the absence of 24-hour availability of
14 anesthesiologists with medical staff privileges, an
15 alternate policy (requiring participation, presence,
16 and availability of a physician licensed to practice
17 medicine in all its branches) shall be developed by the
18 medical staff and licensed hospital in consultation
19 with the anesthesia service.

20 (C) A certified registered nurse anesthetist is
21 not required to possess prescriptive authority or a
22 written collaborative agreement meeting the
23 requirements of Section 65-35 of the Nurse Practice Act
24 to provide anesthesia services ordered by a licensed
25 physician, dentist, or podiatric physician. Licensed
26 certified registered nurse anesthetists are authorized

1 to select, order, and administer drugs and apply the
2 appropriate medical devices in the provision of
3 anesthesia services under the anesthesia plan agreed
4 with by the anesthesiologist or, in the absence of an
5 available anesthesiologist with clinical privileges,
6 agreed with by the operating physician, operating
7 dentist, or operating podiatric physician in
8 accordance with the hospital's alternative policy.

9 (Source: P.A. 98-214, eff. 8-9-13; revised 10-21-15.)

10 Section 300. The Illinois Migrant Labor Camp Law is amended
11 by changing Sections 4 and 6 as follows:

12 (210 ILCS 110/4) (from Ch. 111 1/2, par. 185.4)

13 Sec. 4. Applications for a license to operate or maintain a
14 Migrant Labor Camp or for a renewal thereof shall be made upon
15 paper or electronic forms to be furnished by the Department.
16 Such application shall include:

17 (a) The name and address of the applicant or
18 applicants. If the applicant is a partnership, the names
19 and addresses of all the partners shall also be given. If
20 the applicant is a corporation, the names and addresses of
21 the principal officers of the corporation shall be given.

22 (b) The approximate legal description and the address
23 of the tract of land upon which the applicant proposes to
24 operate and maintain such Migrant Labor Camp.

1 (c) A general plan or sketch of the campsite ~~camp site~~
2 showing the location of the buildings or facilities
3 together with a description of the buildings, of the water
4 supply, of the toilet, bathing, and laundry facilities, and
5 of the fire protection equipment.

6 (d) The date upon which the occupancy and use of the
7 Migrant Labor Camp will commence.

8 The application for the original license or for any renewal
9 thereof shall be accompanied by a fee of \$100.

10 Application for the original license or for a renewal of
11 the license shall be filed with the Department at least 10
12 business days prior to the date on which the occupancy and use
13 of such camp is to commence. The camp shall be ready for
14 inspection at least 5 business days prior to the date upon
15 which the occupancy and use of such camp is to commence.

16 (Source: P.A. 97-135, eff. 7-14-11; 98-1034, eff. 8-25-14;
17 revised 10-14-15.)

18 (210 ILCS 110/6) (from Ch. 111 1/2, par. 185.6)

19 Sec. 6. Upon receipt of an application for a license, the
20 Department shall inspect, at its earliest opportunity, the
21 campsite ~~camp site~~ and the facilities described in the
22 application. If the Department finds that the Migrant Labor
23 Camp described in the application meets and complies with the
24 provisions of this Act and the rules of the Department in
25 relation thereto, the Director shall issue a license to the

1 applicant for the operation of the camp.

2 If the application is denied, the Department shall notify
3 the applicant in writing of such denial setting forth the
4 reasons therefor. If the conditions constituting the basis for
5 such denial are remediable, the applicant may correct such
6 conditions and notify the Department in writing indicating
7 therein the manner in which such conditions have been remedied.
8 Notifications of corrections shall be processed in the same
9 manner as the original application.

10 (Source: P.A. 97-135, eff. 7-14-11; 98-1034, eff. 8-25-14;
11 revised 10-14-15.)

12 Section 305. The Tanning Facility Permit Act is amended by
13 changing Section 80 as follows:

14 (210 ILCS 145/80) (from Ch. 111 1/2, par. 8351-80)

15 Sec. 80. Public nuisance.

16 (a) Any tanning facility operating without a valid permit
17 or operating on a revoked permit shall be guilty of committing
18 a public nuisance.

19 (b) A person convicted of knowingly maintaining a public
20 nuisance commits a Class A misdemeanor. Each subsequent offense
21 under this Section is a Class 4 felony.

22 (c) The Attorney General of this State or the State's
23 ~~States~~ Attorney of the county wherein the nuisance exists may
24 commence an action to abate the nuisance. The court may without

1 notice or bond enter a temporary restraining order or a
2 preliminary injunction to enjoin the defendant from operating
3 in violation of this Act.

4 (Source: P.A. 87-636; revised 10-9-15.)

5 Section 310. The Illinois Insurance Code is amended by
6 changing Sections 131.4, 143a, 147.1, 356g, 356z.2, 460,
7 512.59, 902, and 1202 as follows:

8 (215 ILCS 5/131.4) (from Ch. 73, par. 743.4)

9 Sec. 131.4. Acquisition of control of or merger with
10 domestic company.

11 (a) No person other than the issuer may make a tender for
12 or a request or invitation for tenders of, or enter into an
13 agreement to exchange securities for, or seek to acquire or
14 acquire shareholders' proxies to vote or seek to acquire or
15 acquire in the open market, or otherwise, any voting security
16 of a domestic company or acquire policyholders' proxies of a
17 domestic company or any entity that controls a domestic
18 company, for consideration if, after the consummation thereof,
19 that person would, directly or indirectly, (or by conversion or
20 by exercise of any right to acquire) be in control of the
21 company, and no person may enter into an agreement to merge or
22 consolidate with or otherwise to acquire control of a domestic
23 company, unless the offer, request, invitation, or agreement is
24 conditioned on receiving the approval of the Director based on

1 Section 131.8 of this Article and no such acquisition of
2 control or a merger with a domestic company may be consummated
3 unless the person has filed with the Director and has sent to
4 the company a statement containing the information required by
5 Section 131.5 and the Director has approved the transaction or
6 granted an exemption. Prior to the acquisition, the Director
7 may conclude that a statement need not be filed by the
8 acquiring party if the acquiring party demonstrates to the
9 satisfaction of the Director that:

10 (1) such transaction will not result in the change of
11 control of the domestic company; or

12 (2) (blank);

13 (3) the acquisition of, or attempt to acquire control
14 of, such other person is subject to requirements in the
15 jurisdiction of its domicile which are substantially
16 similar to those contained in this Section and Sections
17 131.5 through 131.12; or

18 (4) the control of the policyholders' proxies is being
19 acquired solely by virtue of the holders official office
20 and not as the result of any agreement or for any
21 consideration.

22 The purpose of this Section is to afford to the Director
23 the opportunity to review acquisitions in order to determine
24 whether or not the acquisition would be adverse to the
25 interests of the existing and future policyholders of the
26 company.

1 (b) For purposes of this Section, any controlling person of
2 a domestic company seeking to divest its controlling interest
3 in the domestic company in any manner shall file with the
4 Director, with a copy to the company, confidential notice of
5 its proposed divestiture at least 30 days prior to the
6 cessation of control. The Director shall determine those
7 instances in which the party or parties seeking to divest or to
8 acquire a controlling interest in a company shall be required
9 to file for and obtain approval of the transaction. The
10 information shall remain confidential until the conclusion of
11 the transaction unless the Director, in his or her discretion,
12 determines that confidential treatment shall interfere with
13 enforcement of this Section. If the statement referred to in
14 subsection (a) of this Section is otherwise filed in connection
15 with the proposed divestiture ~~divesture~~ or related
16 acquisition, this subsection (b) shall not apply.

17 (c) For purposes of this Section, a domestic company shall
18 include any person controlling a domestic company unless the
19 person, as determined by the Director, is either directly or
20 through its affiliates primarily engaged in business other than
21 the business of insurance. For the purposes of this Section,
22 "person" shall not include any securities broker holding, in
23 the usual and customary broker's function, less than 20% of the
24 voting securities of an insurance company or of any person that
25 controls an insurance company.

26 (Source: P.A. 98-609, eff. 1-1-14; revised 10-14-15.)

1 (215 ILCS 5/143a) (from Ch. 73, par. 755a)

2 Sec. 143a. Uninsured and hit and run motor vehicle
3 coverage.

4 (1) No policy insuring against loss resulting from
5 liability imposed by law for bodily injury or death suffered by
6 any person arising out of the ownership, maintenance or use of
7 a motor vehicle that is designed for use on public highways and
8 that is either required to be registered in this State or is
9 principally garaged in this State shall be renewed, delivered,
10 or issued for delivery in this State unless coverage is
11 provided therein or supplemental thereto, in limits for bodily
12 injury or death set forth in Section 7-203 of the Illinois
13 Vehicle Code for the protection of persons insured thereunder
14 who are legally entitled to recover damages from owners or
15 operators of uninsured motor vehicles and hit-and-run motor
16 vehicles because of bodily injury, sickness or disease,
17 including death, resulting therefrom. Uninsured motor vehicle
18 coverage does not apply to bodily injury, sickness, disease, or
19 death resulting therefrom, of an insured while occupying a
20 motor vehicle owned by, or furnished or available for the
21 regular use of the insured, a resident spouse or resident
22 relative, if that motor vehicle is not described in the policy
23 under which a claim is made or is not a newly acquired or
24 replacement motor vehicle covered under the terms of the
25 policy. The limits for any coverage for any vehicle under the

1 policy may not be aggregated with the limits for any similar
2 coverage, whether provided by the same insurer or another
3 insurer, applying to other motor vehicles, for purposes of
4 determining the total limit of insurance coverage available for
5 bodily injury or death suffered by a person in any one
6 accident. No policy shall be renewed, delivered, or issued for
7 delivery in this State unless it is provided therein that any
8 dispute with respect to the coverage and the amount of damages
9 shall be submitted for arbitration to the American Arbitration
10 Association and be subject to its rules for the conduct of
11 arbitration hearings as to all matters except medical opinions.
12 As to medical opinions, if the amount of damages being sought
13 is equal to or less than the amount provided for in Section
14 7-203 of the Illinois Vehicle Code, then the current American
15 Arbitration Association Rules shall apply. If the amount being
16 sought in an American Arbitration Association case exceeds that
17 amount as set forth in Section 7-203 of the Illinois Vehicle
18 Code, then the Rules of Evidence that apply in the circuit
19 court for placing medical opinions into evidence shall govern.
20 Alternatively, disputes with respect to damages and the
21 coverage shall be determined in the following manner: Upon the
22 insured requesting arbitration, each party to the dispute shall
23 select an arbitrator and the 2 arbitrators so named shall
24 select a third arbitrator. If such arbitrators are not selected
25 within 45 days from such request, either party may request that
26 the arbitration be submitted to the American Arbitration

1 Association. Any decision made by the arbitrators shall be
2 binding for the amount of damages not exceeding \$75,000 for
3 bodily injury to or death of any one person, \$150,000 for
4 bodily injury to or death of 2 or more persons in any one motor
5 vehicle accident, or the corresponding policy limits for bodily
6 injury or death, whichever is less. All 3-person arbitration
7 cases proceeding in accordance with any uninsured motorist
8 coverage conducted in this State in which the claimant is only
9 seeking monetary damages up to the limits set forth in Section
10 7-203 of the Illinois Vehicle Code shall be subject to the
11 following rules:

12 (A) If at least 60 days' written notice of the
13 intention to offer the following documents in evidence is
14 given to every other party, accompanied by a copy of the
15 document, a party may offer in evidence, without foundation
16 or other proof:

17 (1) bills, records, and reports of hospitals,
18 doctors, dentists, registered nurses, licensed
19 practical nurses, physical therapists, and other
20 healthcare providers;

21 (2) bills for drugs, medical appliances, and
22 prostheses;

23 (3) property repair bills or estimates, when
24 identified and itemized setting forth the charges for
25 labor and material used or proposed for use in the
26 repair of the property;

1 (4) a report of the rate of earnings and time lost
2 from work or lost compensation prepared by an employer;

3 (5) the written opinion of an opinion witness, the
4 deposition of a witness, and the statement of a witness
5 that the witness would be allowed to express if
6 testifying in person, if the opinion or statement is
7 made by affidavit or by certification as provided in
8 Section 1-109 of the Code of Civil Procedure;

9 (6) any other document not specifically covered by
10 any of the foregoing provisions that is otherwise
11 admissible under the rules of evidence.

12 Any party receiving a notice under this paragraph (A)
13 may apply to the arbitrator or panel of arbitrators, as the
14 case may be, for the issuance of a subpoena directed to the
15 author or maker or custodian of the document that is the
16 subject of the notice, requiring the person subpoenaed to
17 produce copies of any additional documents as may be
18 related to the subject matter of the document that is the
19 subject of the notice. Any such subpoena shall be issued in
20 substantially similar form and served by notice as provided
21 by Illinois Supreme Court Rule 204(a)(4). Any such subpoena
22 shall be returnable not less than 5 days before the
23 arbitration hearing.

24 (B) Notwithstanding the provisions of Supreme Court
25 Rule 213(g), a party who proposes to use a written opinion
26 of an expert or opinion witness or the testimony of an

1 expert or opinion witness at the hearing may do so provided
2 a written notice of that intention is given to every other
3 party not less than 60 days prior to the date of hearing,
4 accompanied by a statement containing the identity of the
5 witness, his or her qualifications, the subject matter, the
6 basis of the witness's conclusions, and his or her opinion.

7 (C) Any other party may subpoena the author or maker of
8 a document admissible under this subsection, at that
9 party's expense, and examine the author or maker as if
10 under cross-examination. The provisions of Section 2-1101
11 of the Code of Civil Procedure shall be applicable to
12 arbitration hearings, and it shall be the duty of a party
13 requesting the subpoena to modify the form to show that the
14 appearance is set before an arbitration panel and to give
15 the time and place set for the hearing.

16 (D) The provisions of Section 2-1102 of the Code of
17 Civil Procedure shall be applicable to arbitration
18 hearings under this subsection.

19 (2) No policy insuring against loss resulting from
20 liability imposed by law for property damage arising out of the
21 ownership, maintenance, or use of a motor vehicle shall be
22 renewed, delivered, or issued for delivery in this State with
23 respect to any private passenger or recreational motor vehicle
24 that is designed for use on public highways and that is either
25 required to be registered in this State or is principally
26 garaged in this State and is not covered by collision insurance

1 under the provisions of such policy, unless coverage is made
2 available in the amount of the actual cash value of the motor
3 vehicle described in the policy or \$15,000 whichever is less,
4 subject to a \$250 deductible, for the protection of persons
5 insured thereunder who are legally entitled to recover damages
6 from owners or operators of uninsured motor vehicles and
7 hit-and-run motor vehicles because of property damage to the
8 motor vehicle described in the policy.

9 There shall be no liability imposed under the uninsured
10 motorist property damage coverage required by this subsection
11 if the owner or operator of the at-fault uninsured motor
12 vehicle or hit-and-run motor vehicle cannot be identified. This
13 subsection shall not apply to any policy which does not provide
14 primary motor vehicle liability insurance for liabilities
15 arising from the maintenance, operation, or use of a
16 specifically insured motor vehicle.

17 Each insurance company providing motor vehicle property
18 damage liability insurance shall advise applicants of the
19 availability of uninsured motor vehicle property damage
20 coverage, the premium therefor, and provide a brief description
21 of the coverage. That information need be given only once and
22 shall not be required in any subsequent renewal, reinstatement
23 or reissuance, substitute, amended, replacement or
24 supplementary policy. No written rejection shall be required,
25 and the absence of a premium payment for uninsured motor
26 vehicle property damage shall constitute conclusive proof that

1 the applicant or policyholder has elected not to accept
2 uninsured motorist property damage coverage.

3 An insurance company issuing uninsured motor vehicle
4 property damage coverage may provide that:

5 (i) Property damage losses recoverable thereunder
6 shall be limited to damages caused by the actual physical
7 contact of an uninsured motor vehicle with the insured
8 motor vehicle.

9 (ii) There shall be no coverage for loss of use of the
10 insured motor vehicle and no coverage for loss or damage to
11 personal property located in the insured motor vehicle.

12 (iii) Any claim submitted shall include the name and
13 address of the owner of the at-fault uninsured motor
14 vehicle, or a registration number and description of the
15 vehicle, or any other available information to establish
16 that there is no applicable motor vehicle property damage
17 liability insurance.

18 Any dispute with respect to the coverage and the amount of
19 damages shall be submitted for arbitration to the American
20 Arbitration Association and be subject to its rules for the
21 conduct of arbitration hearings or for determination in the
22 following manner: Upon the insured requesting arbitration,
23 each party to the dispute shall select an arbitrator and the 2
24 arbitrators so named shall select a third arbitrator. If such
25 arbitrators are not selected within 45 days from such request,
26 either party may request that the arbitration be submitted to

1 the American Arbitration Association. Any arbitration
2 proceeding under this subsection seeking recovery for property
3 damages shall be subject to the following rules:

4 (A) If at least 60 days' written notice of the
5 intention to offer the following documents in evidence is
6 given to every other party, accompanied by a copy of the
7 document, a party may offer in evidence, without foundation
8 or other proof:

9 (1) property repair bills or estimates, when
10 identified and itemized setting forth the charges for
11 labor and material used or proposed for use in the
12 repair of the property;

13 (2) the written opinion of an opinion witness, the
14 deposition of a witness, and the statement of a witness
15 that the witness would be allowed to express if
16 testifying in person, if the opinion or statement is
17 made by affidavit or by certification as provided in
18 Section 1-109 of the Code of Civil Procedure;

19 (3) any other document not specifically covered by
20 any of the foregoing provisions that is otherwise
21 admissible under the rules of evidence.

22 Any party receiving a notice under this paragraph (A)
23 may apply to the arbitrator or panel of arbitrators, as the
24 case may be, for the issuance of a subpoena directed to the
25 author or maker or custodian of the document that is the
26 subject of the notice, requiring the person subpoenaed to

1 produce copies of any additional documents as may be
2 related to the subject matter of the document that is the
3 subject of the notice. Any such subpoena shall be issued in
4 substantially similar form and served by notice as provided
5 by Illinois Supreme Court Rule 204(a)(4). Any such subpoena
6 shall be returnable not less than 5 days before the
7 arbitration hearing.

8 (B) Notwithstanding the provisions of Supreme Court
9 Rule 213(g), a party who proposes to use a written opinion
10 of an expert or opinion witness or the testimony of an
11 expert or opinion witness at the hearing may do so provided
12 a written notice of that intention is given to every other
13 party not less than 60 days prior to the date of hearing,
14 accompanied by a statement containing the identity of the
15 witness, his or her qualifications, the subject matter, the
16 basis of the witness's conclusions, and his or her opinion.

17 (C) Any other party may subpoena the author or maker of
18 a document admissible under this subsection, at that
19 party's expense, and examine the author or maker as if
20 under cross-examination. The provisions of Section 2-1101
21 of the Code of Civil Procedure shall be applicable to
22 arbitration hearings, and it shall be the duty of a party
23 requesting the subpoena to modify the form to show that the
24 appearance is set before an arbitration panel and to give
25 the time and place set for the hearing.

26 (D) The provisions of Section 2-1102 of the Code of

1 Civil Procedure shall be applicable to arbitration
2 hearings under this subsection.

3 (3) For the purpose of the coverage, the term "uninsured
4 motor vehicle" includes, subject to the terms and conditions of
5 the coverage, a motor vehicle where on, before or after the
6 accident date the liability insurer thereof is unable to make
7 payment with respect to the legal liability of its insured
8 within the limits specified in the policy because of the entry
9 by a court of competent jurisdiction of an order of
10 rehabilitation or liquidation by reason of insolvency on or
11 after the accident date. An insurer's extension of coverage, as
12 provided in this subsection, shall be applicable to all
13 accidents occurring after July 1, 1967 during a policy period
14 in which its insured's uninsured motor vehicle coverage is in
15 effect. Nothing in this Section may be construed to prevent any
16 insurer from extending coverage under terms and conditions more
17 favorable to its insureds than is required by this Section.

18 (4) In the event of payment to any person under the
19 coverage required by this Section and subject to the terms and
20 conditions of the coverage, the insurer making the payment
21 shall, to the extent thereof, be entitled to the proceeds of
22 any settlement or judgment resulting from the exercise of any
23 rights of recovery of the person against any person or
24 organization legally responsible for the property damage,
25 bodily injury or death for which the payment is made, including
26 the proceeds recoverable from the assets of the insolvent

1 insurer. With respect to payments made by reason of the
2 coverage described in subsection (3), the insurer making such
3 payment shall not be entitled to any right of recovery against
4 the tortfeasor ~~tort-feasor~~ in excess of the proceeds recovered
5 from the assets of the insolvent insurer of the tortfeasor
6 ~~tort-feasor~~.

7 (5) This amendatory Act of 1967 (Laws of Illinois 1967,
8 page 875) shall not be construed to terminate or reduce any
9 insurance coverage or any right of any party under this Code in
10 effect before July 1, 1967. Public Act 86-1155 ~~This amendatory~~
11 ~~Act of 1990~~ shall not be construed to terminate or reduce any
12 insurance coverage or any right of any party under this Code in
13 effect before its effective date.

14 (6) Failure of the motorist from whom the claimant is
15 legally entitled to recover damages to file the appropriate
16 forms with the Safety Responsibility Section of the Department
17 of Transportation within 120 days of the accident date shall
18 create a rebuttable presumption that the motorist was uninsured
19 at the time of the injurious occurrence.

20 (7) An insurance carrier may upon good cause require the
21 insured to commence a legal action against the owner or
22 operator of an uninsured motor vehicle before good faith
23 negotiation with the carrier. If the action is commenced at the
24 request of the insurance carrier, the carrier shall pay to the
25 insured, before the action is commenced, all court costs, jury
26 fees and sheriff's fees arising from the action.

1 The changes made by Public Act 90-451 ~~this amendatory Act~~
2 ~~of 1997~~ apply to all policies of insurance amended, delivered,
3 issued, or renewed on and after January 1, 1998 (the effective
4 date of Public Act 90-451) ~~this amendatory Act of 1997~~.

5 (8) The changes made by Public Act 98-927 ~~this amendatory~~
6 ~~Act of the 98th General Assembly~~ apply to all policies of
7 insurance amended, delivered, issued, or renewed on and after
8 January 1, 2015 (the effective date of Public Act 98-927) ~~this~~
9 ~~amendatory Act of the 98th General Assembly~~.

10 (Source: P.A. 98-242, eff. 1-1-14; 98-927, eff. 1-1-15; revised
11 10-15-15.)

12 (215 ILCS 5/147.1) (from Ch. 73, par. 759.1)

13 Sec. 147.1. Sale of insurance company shares.

14 (1) No shares of the capital stock of a domestic stock
15 company shall be sold or offered for sale to the public in this
16 State by an issuer, underwriter, dealer or controlling person
17 in respect of such shares without first procuring from the
18 Director a permit so to do.

19 (2) Unless the context otherwise indicates the following
20 terms as used in this Section shall have the following
21 meanings:

22 (a) The word "issuer" shall mean every company which
23 shall have issued or proposes to issue any such shares of
24 capital stock.7

25 (b) The word "underwriter" shall mean any person who

1 has purchased such shares of capital stock from an issuer
2 or controlling person with a view to, or sells such shares
3 of capital stock for an issuer or a controlling person in
4 connection with, the distribution thereof, or participates
5 or has a participation in the direct or indirect
6 underwriting of such distribution; but such term shall not
7 include a person whose interest is limited to a commission
8 or discount from an underwriter or dealer not in excess of
9 the usual and customary distributor's ~~distributor's~~ or
10 seller's commission or discount or not in excess of any
11 applicable statutory maximum commission or discount. An
12 underwriter shall be deemed to be no longer an underwriter
13 of an issue of shares of capital stock after he has
14 completely disposed of his allotment of such shares or, if
15 he did not purchase the shares, after he has ceased to sell
16 such shares for the issuer or controlling person.

17 (c) The word "dealer" shall mean any person other than
18 an issuer, a controlling person, a bank organized under the
19 banking laws of this State or of the United States, a trust
20 company organized under the laws of this State, an
21 insurance company or a salesman, who engages in this State,
22 either for all or part of his time, directly or indirectly,
23 as agent, broker or principal, in the business of offering,
24 selling, buying and selling, or otherwise dealing or
25 trading in shares of capital stock of insurance companies.

26 (d) The words "controlling person" shall mean any

1 person selling such shares of capital stock, or group of
2 persons acting in concert in the sale of such shares,
3 owning beneficially (and in the absence of knowledge, or
4 reasonable grounds of belief, to the contrary, record
5 ownership shall for the purposes hereof be presumed to be
6 beneficial ownership) either:

7 (i) 25% or ~~or~~ more of the outstanding voting shares
8 of the issuer of such shares where no other person owns
9 or controls a greater percentage of such shares, or

10 (ii) such ~~Such~~ number of outstanding number of
11 shares of the issuer as would enable such person, or
12 group of persons, to elect a majority of the Board of
13 Directors of such issuer.

14 (e) The word "salesman" shall mean an individual, other
15 than an issuer, an underwriter, a dealer or a controlling
16 person, employed or appointed or authorized by an issuer,
17 an underwriter, a dealer or a controlling person to sell
18 such shares in this State. The partners or officers of an
19 issuer, an underwriter, a dealer or a controlling person
20 shall not be deemed to be a salesman within the meaning of
21 this definition.

22 (3) The provisions of this Section shall not apply to any
23 of the following transactions:

24 (a) The sale in good faith, whether through a dealer or
25 otherwise, of such shares by a vendor who is not an issuer,
26 underwriter, dealer or controlling person in respect of

1 such shares, and who, being the bona fide owner of such
2 shares deposes thereof for his own account; provided, that
3 such sale is not made directly or indirectly for the
4 benefit of the issuer or of an underwriter or controlling
5 person.

6 (b) The sale, issuance or exchange by an issuer of its
7 shares to or with its own shareholders, if no commission or
8 other remuneration is paid or given directly or indirectly
9 for or on account of the procuring or soliciting of such
10 sale or exchange (other than a fee paid to underwriters
11 based on their undertaking to purchase any shares not
12 purchased by shareholders in connection with such sale or
13 exchange), or the issuance by an issuer of its shares to a
14 holder of convertible securities pursuant to a conversion
15 provision granted at the time of issuance of such
16 convertible securities, provided that no commission or
17 other remuneration is paid or given directly or indirectly
18 thereon on account of the procuring or soliciting of such
19 conversion and no consideration from the holder in addition
20 to the surrender or cancellation of the convertible
21 security is required to effect the conversion.

22 (c) The sale of such shares to any corporation, bank,
23 savings institution, trust company, insurance company,
24 building and loan association, dealer, pension fund or
25 pension trust, employees profit sharing trust or to any
26 association engaged as a substantial part of its business

1 or operations in purchasing or holding securities, or to
2 any trust in respect of which a bank or trust company is
3 trustee or co-trustee.

4 (d) The sale of such shares by an executor,
5 administrator, guardian, receiver or trustee in insolvency
6 or bankruptcy or at any judicial sale or at a public sale
7 by auction held at an advertised time and place or the sale
8 of such shares in good faith and not for the purpose of
9 avoiding the provisions of this Section by a pledgee of
10 such shares pledged for a bona fide debt.

11 (e) Such other transaction as may be declared by ruling
12 of the Director to be exempt from the provisions of this
13 Section.

14 (4) Prior to the issuance of any permit under this Section,
15 there shall be delivered to the Director two copies of the
16 following:

17 (a) the prospectus which is to be used in connection
18 with the sale of such shares;

19 (b) the underwriting and selling agreements, if any;

20 (c) the subscription agreement;

21 (d) the depository agreement under which the
22 subscription proceeds are to be held;

23 (e) any and all other documents, agreements, contracts
24 and other papers of whatever nature which are to be used in
25 connection with or relative to the sale of such shares,
26 which may be required by the Director.

1 (5) The Director shall within a reasonable time examine the
2 documents submitted to him and unless he finds from said
3 documents that the sale of said shares is inequitable or would
4 work or tend to work a fraud or deceit upon the purchasers
5 thereof, he shall issue a permit authorizing the sale of said
6 shares.

7 (6) The Director shall have the power to prescribe such
8 rules and regulations relating to the sale, issuance, and
9 offering of said shares as will effectuate the purpose of this
10 section to the end that no inequity, fraud or deceit will be
11 perpetrated upon the purchasers thereof.

12 (7) If the Director finds that any of the provisions of
13 this Section or of the rules and regulations adopted pursuant
14 hereto have been violated or that the sale, issuance or
15 offering of any such shares is inequitable or works or tends to
16 work a fraud or deceit upon the purchasers thereof he may
17 refuse to issue a permit to sell, issue or offer such shares or
18 may, after notice and hearing, revoke such permit. The action
19 of the Director in refusing, after due application therefor in
20 form prescribed by the Director, or revoking, any such permit
21 shall be subject to judicial review in the manner prescribed by
22 the insurance laws of this State.

23 (8) Any person who violates any of the provisions of this
24 Section shall be guilty of a business offense and, upon
25 conviction thereof shall be fined not less than \$1,000 nor more
26 than the greater of either \$5,000 or twice the whole amount,

1 received upon the sale of shares in violation of this Section
2 and may in addition, if a natural person, be convicted of a
3 Class A misdemeanor.

4 (Source: P.A. 84-502; revised 10-21-15.)

5 (215 ILCS 5/356g) (from Ch. 73, par. 968g)

6 (Text of Section before amendment by P.A. 99-407)

7 Sec. 356g. Mammograms; mastectomies.

8 (a) Every insurer shall provide in each group or individual
9 policy, contract, or certificate of insurance issued or renewed
10 for persons who are residents of this State, coverage for
11 screening by low-dose mammography for all women 35 years of age
12 or older for the presence of occult breast cancer within the
13 provisions of the policy, contract, or certificate. The
14 coverage shall be as follows:

15 (1) A baseline mammogram for women 35 to 39 years of
16 age.

17 (2) An annual mammogram for women 40 years of age or
18 older.

19 (3) A mammogram at the age and intervals considered
20 medically necessary by the woman's health care provider for
21 women under 40 years of age and having a family history of
22 breast cancer, prior personal history of breast cancer,
23 positive genetic testing, or other risk factors.

24 (4) A comprehensive ultrasound screening of an entire
25 breast or breasts if a mammogram demonstrates

1 heterogeneous or dense breast tissue, when medically
2 necessary as determined by a physician licensed to practice
3 medicine in all of its branches.

4 (5) A screening MRI when medically necessary, as
5 determined by a physician licensed to practice medicine in
6 all of its branches.

7 For purposes of this Section, "low-dose mammography" means
8 the x-ray examination of the breast using equipment dedicated
9 specifically for mammography, including the x-ray tube,
10 filter, compression device, and image receptor, with radiation
11 exposure delivery of less than 1 rad per breast for 2 views of
12 an average size breast. The term also includes digital
13 mammography.

14 (a-5) Coverage as described by subsection (a) shall be
15 provided at no cost to the insured and shall not be applied to
16 an annual or lifetime maximum benefit.

17 (a-10) When health care services are available through
18 contracted providers and a person does not comply with plan
19 provisions specific to the use of contracted providers, the
20 requirements of subsection (a-5) are not applicable. When a
21 person does not comply with plan provisions specific to the use
22 of contracted providers, plan provisions specific to the use of
23 non-contracted providers must be applied without distinction
24 for coverage required by this Section and shall be at least as
25 favorable as for other radiological examinations covered by the
26 policy or contract.

1 (b) No policy of accident or health insurance that provides
2 for the surgical procedure known as a mastectomy shall be
3 issued, amended, delivered, or renewed in this State unless
4 that coverage also provides for prosthetic devices or
5 reconstructive surgery incident to the mastectomy. Coverage
6 for breast reconstruction in connection with a mastectomy shall
7 include:

8 (1) reconstruction of the breast upon which the
9 mastectomy has been performed;

10 (2) surgery and reconstruction of the other breast to
11 produce a symmetrical appearance; and

12 (3) prostheses and treatment for physical
13 complications at all stages of mastectomy, including
14 lymphedemas.

15 Care shall be determined in consultation with the attending
16 physician and the patient. The offered coverage for prosthetic
17 devices and reconstructive surgery shall be subject to the
18 deductible and coinsurance conditions applied to the
19 mastectomy, and all other terms and conditions applicable to
20 other benefits. When a mastectomy is performed and there is no
21 evidence of malignancy then the offered coverage may be limited
22 to the provision of prosthetic devices and reconstructive
23 surgery to within 2 years after the date of the mastectomy. As
24 used in this Section, "mastectomy" means the removal of all or
25 part of the breast for medically necessary reasons, as
26 determined by a licensed physician.

1 Written notice of the availability of coverage under this
2 Section shall be delivered to the insured upon enrollment and
3 annually thereafter. An insurer may not deny to an insured
4 eligibility, or continued eligibility, to enroll or to renew
5 coverage under the terms of the plan solely for the purpose of
6 avoiding the requirements of this Section. An insurer may not
7 penalize or reduce or limit the reimbursement of an attending
8 provider or provide incentives (monetary or otherwise) to an
9 attending provider to induce the provider to provide care to an
10 insured in a manner inconsistent with this Section.

11 (c) Rulemaking authority to implement Public Act 95-1045
12 ~~this amendatory Act of the 95th General Assembly~~, if any, is
13 conditioned on the rules being adopted in accordance with all
14 provisions of the Illinois Administrative Procedure Act and all
15 rules and procedures of the Joint Committee on Administrative
16 Rules; any purported rule not so adopted, for whatever reason,
17 is unauthorized.

18 (Source: P.A. 99-433, eff. 8-21-15; revised 10-20-15.)

19 (Text of Section after amendment by P.A. 99-407)

20 Sec. 356g. Mammograms; mastectomies.

21 (a) Every insurer shall provide in each group or individual
22 policy, contract, or certificate of insurance issued or renewed
23 for persons who are residents of this State, coverage for
24 screening by low-dose mammography for all women 35 years of age
25 or older for the presence of occult breast cancer within the

1 provisions of the policy, contract, or certificate. The
2 coverage shall be as follows:

3 (1) A baseline mammogram for women 35 to 39 years of
4 age.

5 (2) An annual mammogram for women 40 years of age or
6 older.

7 (3) A mammogram at the age and intervals considered
8 medically necessary by the woman's health care provider for
9 women under 40 years of age and having a family history of
10 breast cancer, prior personal history of breast cancer,
11 positive genetic testing, or other risk factors.

12 (4) A comprehensive ultrasound screening of an entire
13 breast or breasts if a mammogram demonstrates
14 heterogeneous or dense breast tissue, when medically
15 necessary as determined by a physician licensed to practice
16 medicine in all of its branches.

17 (5) A screening MRI when medically necessary, as
18 determined by a physician licensed to practice medicine in
19 all of its branches.

20 For purposes of this Section, "low-dose mammography" means
21 the x-ray examination of the breast using equipment dedicated
22 specifically for mammography, including the x-ray tube,
23 filter, compression device, and image receptor, with radiation
24 exposure delivery of less than 1 rad per breast for 2 views of
25 an average size breast. The term also includes digital
26 mammography and includes breast tomosynthesis. As used in this

1 Section, the term "breast tomosynthesis" means a radiologic
2 procedure that involves the acquisition of projection images
3 over the stationary breast to produce cross-sectional digital
4 three-dimensional images of the breast.

5 (a-5) Coverage as described by subsection (a) shall be
6 provided at no cost to the insured and shall not be applied to
7 an annual or lifetime maximum benefit.

8 (a-10) When health care services are available through
9 contracted providers and a person does not comply with plan
10 provisions specific to the use of contracted providers, the
11 requirements of subsection (a-5) are not applicable. When a
12 person does not comply with plan provisions specific to the use
13 of contracted providers, plan provisions specific to the use of
14 non-contracted providers must be applied without distinction
15 for coverage required by this Section and shall be at least as
16 favorable as for other radiological examinations covered by the
17 policy or contract.

18 (b) No policy of accident or health insurance that provides
19 for the surgical procedure known as a mastectomy shall be
20 issued, amended, delivered, or renewed in this State unless
21 that coverage also provides for prosthetic devices or
22 reconstructive surgery incident to the mastectomy. Coverage
23 for breast reconstruction in connection with a mastectomy shall
24 include:

25 (1) reconstruction of the breast upon which the
26 mastectomy has been performed;

1 (2) surgery and reconstruction of the other breast to
2 produce a symmetrical appearance; and

3 (3) prostheses and treatment for physical
4 complications at all stages of mastectomy, including
5 lymphedemas.

6 Care shall be determined in consultation with the attending
7 physician and the patient. The offered coverage for prosthetic
8 devices and reconstructive surgery shall be subject to the
9 deductible and coinsurance conditions applied to the
10 mastectomy, and all other terms and conditions applicable to
11 other benefits. When a mastectomy is performed and there is no
12 evidence of malignancy then the offered coverage may be limited
13 to the provision of prosthetic devices and reconstructive
14 surgery to within 2 years after the date of the mastectomy. As
15 used in this Section, "mastectomy" means the removal of all or
16 part of the breast for medically necessary reasons, as
17 determined by a licensed physician.

18 Written notice of the availability of coverage under this
19 Section shall be delivered to the insured upon enrollment and
20 annually thereafter. An insurer may not deny to an insured
21 eligibility, or continued eligibility, to enroll or to renew
22 coverage under the terms of the plan solely for the purpose of
23 avoiding the requirements of this Section. An insurer may not
24 penalize or reduce or limit the reimbursement of an attending
25 provider or provide incentives (monetary or otherwise) to an
26 attending provider to induce the provider to provide care to an

1 insured in a manner inconsistent with this Section.

2 (c) Rulemaking authority to implement Public Act 95-1045
3 ~~this amendatory Act of the 95th General Assembly~~, if any, is
4 conditioned on the rules being adopted in accordance with all
5 provisions of the Illinois Administrative Procedure Act and all
6 rules and procedures of the Joint Committee on Administrative
7 Rules; any purported rule not so adopted, for whatever reason,
8 is unauthorized.

9 (Source: P.A. 99-407 (see Section 99 of P.A. 99-407 for its
10 effective date); 99-433, eff. 8-21-15; revised 10-20-15.)

11 (215 ILCS 5/356z.2)

12 Sec. 356z.2. Coverage for adjunctive services in dental
13 care.

14 (a) An individual or group policy of accident and health
15 insurance amended, delivered, issued, or renewed after January
16 1, 2003 (the effective date of Public Act 92-764) ~~this~~
17 ~~amendatory Act of the 92nd General Assembly~~ shall cover charges
18 incurred, and anesthetics provided, in conjunction with dental
19 care that is provided to a covered individual in a hospital or
20 an ambulatory surgical treatment center if any of the following
21 applies:

22 (1) the individual is a child age 6 or under;

23 (2) the individual has a medical condition that
24 requires hospitalization or general anesthesia for dental
25 care; or

1 (3) the individual is a person with a disability.

2 (a-5) An individual or group policy of accident and health
3 insurance amended, delivered, issued, or renewed after January
4 1, 2016 (the effective date of Public Act 99-141) ~~this~~
5 ~~amendatory Act of the 99th General Assembly~~ shall cover charges
6 incurred, and anesthetics provided by a dentist with a permit
7 provided under Section 8.1 of the Illinois Dental Practice Act,
8 in conjunction with dental care that is provided to a covered
9 individual in a dental office, oral surgeon's office, hospital,
10 or ambulatory surgical treatment center if the individual is
11 under age 19 and has been diagnosed with an autism spectrum
12 disorder as defined in Section 10 of the Autism Spectrum
13 Disorders Reporting Act or a developmental disability. A
14 covered individual shall be required to make 2 visits to the
15 dental care provider prior to accessing other coverage under
16 this subsection.

17 For purposes of this subsection, "developmental
18 disability" means a disability that is attributable to an
19 intellectual disability or a related condition, if the related
20 condition meets all of the following conditions:

21 (1) it is attributable to cerebral palsy, epilepsy, or
22 any other condition, other than mental illness, found to be
23 closely related to an intellectual disability because that
24 condition results in impairment of general intellectual
25 functioning or adaptive behavior similar to that of
26 individuals with an intellectual disability and requires

1 treatment or services similar to those required for those
2 individuals; for purposes of this definition, autism is
3 considered a related condition;

4 (2) it is manifested before the individual reaches age
5 22;

6 (3) it is likely to continue indefinitely; and

7 (4) it results in substantial functional limitations
8 in 3 or more of the following areas of major life activity:
9 self-care, language, learning, mobility, self-direction,
10 and capacity for independent living.

11 (b) For purposes of this Section, "ambulatory surgical
12 treatment center" has the meaning given to that term in Section
13 3 of the Ambulatory Surgical Treatment Center Act.

14 For purposes of this Section, "person with a disability"
15 means a person, regardless of age, with a chronic disability if
16 the chronic disability meets all of the following conditions:

17 (1) It is attributable to a mental or physical
18 impairment or combination of mental and physical
19 impairments.

20 (2) It is likely to continue.

21 (3) It results in substantial functional limitations
22 in one or more of the following areas of major life
23 activity:

24 (A) self-care;

25 (B) receptive and expressive language;

26 (C) learning;

- 1 (D) mobility;
- 2 (E) capacity for independent living; or
- 3 (F) economic self-sufficiency.

4 (c) The coverage required under this Section may be subject
5 to any limitations, exclusions, or cost-sharing provisions
6 that apply generally under the insurance policy.

7 (d) This Section does not apply to a policy that covers
8 only dental care.

9 (e) Nothing in this Section requires that the dental
10 services be covered.

11 (f) The provisions of this Section do not apply to
12 short-term travel, accident-only, limited, or specified
13 disease policies, nor to policies or contracts designed for
14 issuance to persons eligible for coverage under Title XVIII of
15 the Social Security Act, known as Medicare, or any other
16 similar coverage under State or federal governmental plans.

17 (Source: P.A. 99-141, eff. 1-1-16; 99-143, eff. 7-27-15;
18 revised 10-15-15.)

19 (215 ILCS 5/460) (from Ch. 73, par. 1065.7)

20 Sec. 460. Competitive market; approval of rates ~~Market,~~
21 ~~Approval of Rates.~~

22 (a) Beginning January 1, 1983, a competitive market is
23 presumed to exist unless the Director, after a hearing,
24 determines that a reasonable degree of competition does not
25 exist in the market and the Director issues a ruling to that

1 effect. For purposes of this Article only, market shall mean
2 the statewide workers' compensation and employers' liability
3 lines of business. In determining whether a reasonable degree
4 of competition exists, the Director shall consider relevant
5 tests of workable competition pertaining to market structure,
6 market performance and market conduct. Such tests may include,
7 but need not be limited to, the following: size and number of
8 firms actively engaged in the market, market shares and changes
9 in market shares of firms, ease of entry and exit from a given
10 market, underwriting restriction, and whether profitability
11 for companies generally in the market is unreasonably high. The
12 determination of competition involves the interaction of the
13 various tests and the weight given to specific tests depends
14 upon the particular situation and pattern of test results.

15 In determining whether or not a competitive market exists,
16 the Director shall monitor the degree of competition in this
17 State. In doing so, he shall utilize existing relevant
18 information, analytical systems and other sources; cause or
19 participate in the development of new relevant information,
20 analytical systems and other sources; or rely on some
21 combination thereof. Such activities may be conducted
22 internally within the Department of Insurance, in cooperation
23 with other state insurance departments, through outside
24 contractors, or in any other appropriate manner.

25 (b) If the Director finds that a reasonable degree of
26 competition does not exist in a market, he may require that the

1 insurers in that market file supporting information in support
2 of existing rates. If the Director believes that such rates may
3 violate any of the requirements of this Article, he shall call
4 a hearing prior to any disapproval. If the Director determines
5 that a competitive market does not exist in the workers'
6 compensation market as provided in a ruling pursuant to this
7 Section, then every company must prefile every manual of
8 classifications, rules, rates, rating plans, rating schedules,
9 and every modification of the foregoing covered by such rule.
10 Such filing shall be made at least 30 days prior to its taking
11 effect, and such prefiling requirement shall remain in effect
12 as long as there is a ruling in effect pursuant to this Section
13 that a reasonable degree of competition does not exist.

14 (c) The Director shall disapprove a rate if he finds that
15 the rate is excessive, inadequate or unfairly discriminatory as
16 defined in Section 456. An insurer whose rates have been
17 disapproved shall be given a hearing upon a written request
18 made within 30 days after the disapproval order.

19 If the Director disapproves a rate, he shall issue an order
20 specifying in what respects it fails to meet the requirements
21 of this Article and stating when within a reasonable period
22 thereafter such rate shall be discontinued for any policy
23 issued or renewed after a date specified in the order. The
24 order shall be issued within 30 days after the close of the
25 hearing or within such reasonable time extension as the
26 Director may fix. Such order may include a provision for

1 premium adjustment for the period after the effective date of
2 the order for policies in effect on such date.

3 (d) Whenever an insurer has no legally effective rates as a
4 result of the Director's disapproval of rates or other act, the
5 Director shall on request of the insurer specify interim rates
6 for the insurer that are high enough to protect the interest of
7 all parties and may order that a specified portion of the
8 premiums be placed in an escrow account approved by him. When
9 new rates become legally effective, the Director shall order
10 the escrowed funds or any overcharge in the interim rates to be
11 distributed appropriately, except that refunds to
12 policyholders that are de minimis ~~minimus~~ shall not be
13 required.

14 (Source: P.A. 82-939; revised 10-21-15.)

15 (215 ILCS 5/512.59) (from Ch. 73, par. 1065.59-59)

16 (Section scheduled to be repealed on January 1, 2017)

17 Sec. 512.59. Performance standards applicable to all
18 Public Insurance Adjusters.

19 (a) A Public Insurance Adjuster shall not represent that he
20 is a representative of an insurance company, a fire department,
21 or the State of Illinois, or that he is a fire investigator, or
22 that his services are required for the insured to submit a
23 claim to the insured's insurance company, or that he may
24 provide legal advice or representation to the insured. A Public
25 Insurance Adjuster may represent that he has been licensed by

1 the State of Illinois.

2 (b) A Public Insurance Adjuster shall not agree to any loss
3 settlement without the insured's knowledge and consent and
4 shall provide the insured with a document setting forth the
5 scope, amount, and value of the damages prior to requesting the
6 insured for authority to settling any loss.

7 (c) If the Public Insurance Adjuster refers the insured to
8 a contractor, the Public Insurance Adjuster warrants that all
9 work will be performed in a workmanlike manner and conform to
10 all statutes, ordinances and codes. Should the work not be
11 completed in a workmanlike manner, the Public Insurance
12 Adjuster shall be responsible for any and all costs and expense
13 required to complete or repair the work in a workmanlike
14 manner.

15 (d) In all cases where the loss giving rise to the claim
16 for which the Public Insurance Adjuster was retained arise from
17 damage to a personal residence, the insurance proceeds shall be
18 delivered in person to the named insured or his or her
19 designee. Where proceeds paid by an insurance company are paid
20 jointly to the insured and the Public Insurance Adjuster, the
21 insured shall release such portion of the proceeds which are
22 due the Public Insurance Adjuster within 30 calendar days after
23 the insured's receipt of the insurance company's check, money
24 order, draft, or release of funds. If the proceeds are not so
25 released to the insured within 30 calendar days, the insured
26 shall provide the Public Insurance Adjuster with a written

1 explanation of the reason for the delay.

2 (e) A Public Insurance Adjuster may not propose or attempt
3 to propose to any person that the Public Insurance Adjuster
4 represent that person while a loss-producing occurrence is
5 continuing nor while the fire department or its representatives
6 are engaged at the damaged premises nor between the hours of
7 7:00 p.m. and 8:00 a.m.→

8 (f) A Public Insurance Adjuster shall not advance money or
9 any valuable consideration to an insured pending adjustment of
10 a claim.

11 (g) A Public Insurance Adjuster shall not provide legal
12 advice or representation to the insured, or engage in the
13 unauthorized practice of law.

14 (Source: P.A. 95-213, eff. 1-1-08; revised 10-21-15.)

15 (215 ILCS 5/902) (from Ch. 73, par. 1065.602)

16 Sec. 902. "Entire contract ~~Contract~~" specified.→ Each
17 group legal expense insurance policy shall provide that the
18 policy, the application of the employer, or executive officer
19 or trustee of any association, and the individual applications,
20 if any, of the employees, members or employees of members
21 insured shall constitute the entire contract between the
22 parties, and that all statements made by the employer, or the
23 executive officer or trustee, or by the individual employees,
24 members or employees of members shall, in the absence of fraud,
25 be deemed representations and not warranties ~~warrantees~~, and

1 that no such statement shall be used in defense to a claim
2 under the policy, unless it is contained in a written
3 application.

4 (Source: P.A. 81-1361; revised 10-21-15.)

5 (215 ILCS 5/1202) (from Ch. 73, par. 1065.902)

6 Sec. 1202. Duties. The Director shall:

7 (a) determine the relationship of insurance premiums
8 and related income as compared to insurance costs and
9 expenses and provide such information to the General
10 Assembly and the general public;

11 (b) study the insurance system in the State of
12 Illinois, and recommend to the General Assembly what it
13 deems to be the most appropriate and comprehensive cost
14 containment system for the State;

15 (c) respond to the requests by agencies of government
16 and the General Assembly for special studies and analysis
17 of data collected pursuant to this Article. Such reports
18 shall be made available in a form prescribed by the
19 Director. The Director may also determine a fee to be
20 charged to the requesting agency to cover the direct and
21 indirect costs for producing such a report, and shall
22 permit affected insurers the right to review the accuracy
23 of the report before it is released. The fees shall be
24 deposited into the Statistical Services Revolving Fund and
25 credited to the account of the Department of Insurance;

1 (d) make an interim report to the General Assembly no
2 later than August 15, 1987, and an ~~a~~ annual report to the
3 General Assembly no later than July 1 every year thereafter
4 which shall include the Director's findings and
5 recommendations regarding its duties as provided under
6 subsections (a), (b), and (c) of this Section.

7 (Source: P.A. 98-226, eff. 1-1-14; revised 10-21-15.)

8 Section 315. The Public Utilities Act is amended by
9 changing Sections 13-703 and 16-108.5 as follows:

10 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

11 (Section scheduled to be repealed on July 1, 2017)

12 Sec. 13-703. (a) The Commission shall design and implement
13 a program whereby each telecommunications carrier providing
14 local exchange service shall provide a telecommunications
15 device capable of servicing the needs of those persons with a
16 hearing or speech disability together with a single party line,
17 at no charge additional to the basic exchange rate, to any
18 subscriber who is certified as having a hearing or speech
19 disability by a licensed physician, speech-language
20 pathologist, audiologist or a qualified State agency and to any
21 subscriber which is an organization serving the needs of those
22 persons with a hearing or speech disability as determined and
23 specified by the Commission pursuant to subsection (d).

24 (b) The Commission shall design and implement a program,

1 whereby each telecommunications carrier providing local
2 exchange service shall provide a telecommunications relay
3 system, using third party intervention to connect those persons
4 having a hearing or speech disability with persons of normal
5 hearing by way of intercommunications devices and the telephone
6 system, making available reasonable access to all phases of
7 public telephone service to persons who have a hearing or
8 speech disability. In order to design a telecommunications
9 relay system which will meet the requirements of those persons
10 with a hearing or speech disability available at a reasonable
11 cost, the Commission shall initiate an investigation and
12 conduct public hearings to determine the most cost-effective
13 method of providing telecommunications relay service to those
14 persons who have a hearing or speech disability when using
15 telecommunications devices and therein solicit the advice,
16 counsel, and physical assistance of Statewide nonprofit
17 consumer organizations that serve persons with hearing or
18 speech disabilities in such hearings and during the development
19 and implementation of the system. The Commission shall phase in
20 this program, on a geographical basis, as soon as is
21 practicable, but no later than June 30, 1990.

22 (c) The Commission shall establish a competitively neutral
23 rate recovery mechanism that establishes charges in an amount
24 to be determined by the Commission for each line of a
25 subscriber to allow telecommunications carriers providing
26 local exchange service to recover costs as they are incurred

1 under this Section. Beginning no later than April 1, 2016, and
2 on a yearly basis thereafter, the Commission shall initiate a
3 proceeding to establish the competitively neutral amount to be
4 charged or assessed to subscribers of telecommunications
5 carriers and wireless carriers, Interconnected VoIP service
6 providers, and consumers of prepaid wireless
7 telecommunications service in a manner consistent with this
8 subsection (c) and subsection (f) of this Section. The
9 Commission shall issue its order establishing the
10 competitively neutral amount to be charged or assessed to
11 subscribers of telecommunications carriers and wireless
12 carriers, Interconnected VoIP service providers, and
13 purchasers of prepaid wireless telecommunications service on
14 or prior to June 1 of each year, and such amount shall take
15 effect June 1 of each year.

16 Telecommunications carriers, wireless carriers,
17 Interconnected VoIP service providers, and sellers of prepaid
18 wireless telecommunications service shall have 60 days from the
19 date the Commission files its order to implement the new rate
20 established by the order.

21 (d) The Commission shall determine and specify those
22 organizations serving the needs of those persons having a
23 hearing or speech disability that shall receive a
24 telecommunications device and in which offices the equipment
25 shall be installed in the case of an organization having more
26 than one office. For the purposes of this Section,

1 "organizations serving the needs of those persons with hearing
2 or speech disabilities" means centers for independent living as
3 described in Section 12a of the Rehabilitation of Persons with
4 Disabilities Act and not-for-profit organizations whose
5 primary purpose is serving the needs of those persons with
6 hearing or speech disabilities. The Commission shall direct the
7 telecommunications carriers subject to its jurisdiction and
8 this Section to comply with its determinations and
9 specifications in this regard.

10 (e) As used in this Section:

11 "Prepaid wireless telecommunications service" has the
12 meaning given to that term under Section 10 of the Prepaid
13 Wireless 9-1-1 Surcharge Act.

14 "Retail transaction" has the meaning given to that term
15 under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

16 "Seller" has the meaning given to that term under Section
17 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

18 "Telecommunications carrier providing local exchange
19 service" includes, without otherwise limiting the meaning of
20 the term, telecommunications carriers which are purely mutual
21 concerns, having no rates or charges for services, but paying
22 the operating expenses by assessment upon the members of such a
23 company and no other person.

24 "Wireless carrier" has the meaning given to that term under
25 Section 10 of the Wireless Emergency Telephone Safety Act.

26 (f) Interconnected VoIP service providers, sellers of

1 prepaid wireless telecommunications service, and wireless
2 carriers in Illinois shall collect and remit assessments
3 determined in accordance with this Section in a competitively
4 neutral manner in the same manner as a telecommunications
5 carrier providing local exchange service. However, the
6 assessment imposed on consumers of prepaid wireless
7 telecommunications service shall be collected by the seller
8 from the consumer and imposed per retail transaction as a
9 percentage of that retail transaction on all retail
10 transactions occurring in this State. The assessment on
11 subscribers of wireless carriers and consumers of prepaid
12 wireless telecommunications service shall not be imposed or
13 collected prior to June 1, 2016.

14 Sellers of prepaid wireless telecommunications service
15 shall remit the assessments to the Department of Revenue on the
16 same form and in the same manner which they remit the fee
17 collected under the Prepaid Wireless 9-1-1 Surcharge Act. For
18 the purposes of display on the consumers' receipts, the rates
19 of the fee collected under the Prepaid Wireless 9-1-1 Surcharge
20 Act and the assessment under this Section may be combined. In
21 administration and enforcement of this Section, the provisions
22 of Sections 15 and 20 of the Prepaid Wireless 9-1-1 Surcharge
23 Act (except subsections (a), (a-5), (b-5), (e), and (e-5) of
24 Section 15 and subsections (c) and (e) of Section 20 of the
25 Prepaid Wireless 9-1-1 Surcharge Act and, from June 29, 2015
26 (the effective date of Public Act 99-6) ~~this amendatory Act of~~

1 ~~the 99th General Assembly~~, the seller shall be permitted to
2 deduct and retain 3% of the assessments that are collected by
3 the seller from consumers and that are remitted and timely
4 filed with the Department) that are not inconsistent with this
5 Section, shall apply, as far as practicable, to the subject
6 matter of this Section to the same extent as if those
7 provisions were included in this Section. The Department shall
8 deposit all assessments and penalties collected under this
9 Section into the Illinois Telecommunications Access
10 Corporation Fund, a special fund created in the State treasury.
11 On or before the 25th day of each calendar month, the
12 Department shall prepare and certify to the Comptroller the
13 amount available to the Commission for distribution out of the
14 Illinois Telecommunications Access Corporation Fund. The
15 amount certified shall be the amount (not including credit
16 memoranda) collected during the second preceding calendar
17 month by the Department, plus an amount the Department
18 determines is necessary to offset any amounts which were
19 erroneously paid to a different taxing body or fund. The amount
20 paid to the Illinois Telecommunications Access Corporation
21 Fund shall not include any amount equal to the amount of
22 refunds made during the second preceding calendar month by the
23 Department to retailers under this Section or any amount that
24 the Department determines is necessary to offset any amounts
25 which were payable to a different taxing body or fund but were
26 erroneously paid to the Illinois Telecommunications Access

1 Corporation Fund. The Commission shall distribute all the funds
2 to the Illinois Telecommunications Access Corporation and the
3 funds may only be used in accordance with the provisions of
4 this Section. The Department shall deduct 2% of all amounts
5 deposited in the Illinois Telecommunications Access
6 Corporation Fund during every year of remitted assessments. Of
7 the 2% deducted by the Department, one-half shall be
8 transferred into the Tax Compliance and Administration Fund to
9 reimburse the Department for its direct costs of administering
10 the collection and remittance of the assessment. The remaining
11 one-half shall be transferred into the Public Utilities Fund to
12 reimburse the Commission for its costs of distributing to the
13 Illinois Telecommunications Access Corporation the amount
14 certified by the Department for distribution. The amount to be
15 charged or assessed under subsections (c) and (f) is not
16 imposed on a provider or the consumer for wireless Lifeline
17 service where the consumer does not pay the provider for the
18 service. Where the consumer purchases from the provider
19 optional minutes, texts, or other services in addition to the
20 federally funded Lifeline benefit, a consumer must pay the
21 charge or assessment, and it must be collected by the seller
22 according to subsection (f).

23 Interconnected VoIP services shall not be considered an
24 intrastate telecommunications service for the purposes of this
25 Section in a manner inconsistent with federal law or Federal
26 Communications Commission regulation.

1 (g) The provisions of this Section are severable under
2 Section 1.31 of the Statute on Statutes.

3 (h) The Commission may adopt rules necessary to implement
4 this Section.

5 (Source: P.A. 99-6, eff. 6-29-15; 99-143, eff. 7-27-15; revised
6 10-21-15.)

7 (220 ILCS 5/16-108.5)

8 Sec. 16-108.5. Infrastructure investment and
9 modernization; regulatory reform.

10 (a) (Blank).

11 (b) For purposes of this Section, "participating utility"
12 means an electric utility or a combination utility serving more
13 than 1,000,000 customers in Illinois that voluntarily elects
14 and commits to undertake (i) the infrastructure investment
15 program consisting of the commitments and obligations
16 described in this subsection (b) and (ii) the customer
17 assistance program consisting of the commitments and
18 obligations described in subsection (b-10) of this Section,
19 notwithstanding any other provisions of this Act and without
20 obtaining any approvals from the Commission or any other agency
21 other than as set forth in this Section, regardless of whether
22 any such approval would otherwise be required. "Combination
23 utility" means a utility that, as of January 1, 2011, provided
24 electric service to at least one million retail customers in
25 Illinois and gas service to at least 500,000 retail customers

1 in Illinois. A participating utility shall recover the
2 expenditures made under the infrastructure investment program
3 through the ratemaking process, including, but not limited to,
4 the performance-based formula rate and process set forth in
5 this Section.

6 During the infrastructure investment program's peak
7 program year, a participating utility other than a combination
8 utility shall create 2,000 full-time equivalent jobs in
9 Illinois, and a participating utility that is a combination
10 utility shall create 450 full-time equivalent jobs in Illinois
11 related to the provision of electric service. These jobs shall
12 include direct jobs, contractor positions, and induced jobs,
13 but shall not include any portion of a job commitment, not
14 specifically contingent on an amendatory Act of the 97th
15 General Assembly becoming law, between a participating utility
16 and a labor union that existed on December 30, 2011 (the
17 effective date of Public Act 97-646) ~~this amendatory Act of the~~
18 ~~97th General Assembly~~ and that has not yet been fulfilled. A
19 portion of the full-time equivalent jobs created by each
20 participating utility shall include incremental personnel
21 hired subsequent to December 30, 2011 (the effective date of
22 Public Act 97-646) ~~this amendatory Act of the 97th General~~
23 ~~Assembly~~. For purposes of this Section, "peak program year"
24 means the consecutive 12-month period with the highest number
25 of full-time equivalent jobs that occurs between the beginning
26 of investment year 2 and the end of investment year 4.

1 A participating utility shall meet one of the following
2 commitments, as applicable:

3 (1) Beginning no later than 180 days after a
4 participating utility other than a combination utility
5 files a performance-based formula rate tariff pursuant to
6 subsection (c) of this Section, or, beginning no later than
7 January 1, 2012 if such utility files such
8 performance-based formula rate tariff within 14 days of
9 October 26, 2011 (the effective date of Public Act 97-616)
10 ~~this amendatory Act of the 97th General Assembly~~, the
11 participating utility shall, except as provided in
12 subsection (b-5):

13 (A) over a 5-year period, invest an estimated
14 \$1,300,000,000 in electric system upgrades,
15 modernization projects, and training facilities,
16 including, but not limited to:

17 (i) distribution infrastructure improvements
18 totaling an estimated \$1,000,000,000, including
19 underground residential distribution cable
20 injection and replacement and mainline cable
21 system refurbishment and replacement projects;

22 (ii) training facility construction or upgrade
23 projects totaling an estimated \$10,000,000,
24 provided that, at a minimum, one such facility
25 shall be located in a municipality having a
26 population of more than 2 million residents and one

1 such facility shall be located in a municipality
2 having a population of more than 150,000 residents
3 but fewer than 170,000 residents; any such new
4 facility located in a municipality having a
5 population of more than 2 million residents must be
6 designed for the purpose of obtaining, and the
7 owner of the facility shall apply for,
8 certification under the United States Green
9 Building Council's Leadership in Energy Efficiency
10 Design Green Building Rating System;

11 (iii) wood pole inspection, treatment, and
12 replacement programs;

13 (iv) an estimated \$200,000,000 for reducing
14 the susceptibility of certain circuits to
15 storm-related damage, including, but not limited
16 to, high winds, thunderstorms, and ice storms;
17 improvements may include, but are not limited to,
18 overhead to underground conversion and other
19 engineered outcomes for circuits; the
20 participating utility shall prioritize the
21 selection of circuits based on each circuit's
22 historical susceptibility to storm-related damage
23 and the ability to provide the greatest customer
24 benefit upon completion of the improvements; to be
25 eligible for improvement, the participating
26 utility's ability to maintain proper tree

1 clearances surrounding the overhead circuit must
2 not have been impeded by third parties; and

3 (B) over a 10-year period, invest an estimated
4 \$1,300,000,000 to upgrade and modernize its
5 transmission and distribution infrastructure and in
6 Smart Grid electric system upgrades, including, but
7 not limited to:

8 (i) additional smart meters;

9 (ii) distribution automation;

10 (iii) associated cyber secure data
11 communication network; and

12 (iv) substation micro-processor relay
13 upgrades.

14 (2) Beginning no later than 180 days after a
15 participating utility that is a combination utility files a
16 performance-based formula rate tariff pursuant to
17 subsection (c) of this Section, or, beginning no later than
18 January 1, 2012 if such utility files such
19 performance-based formula rate tariff within 14 days of
20 October 26, 2011 (the effective date of Public Act 97-616)
21 ~~this amendatory Act of the 97th General Assembly~~, the
22 participating utility shall, except as provided in
23 subsection (b-5):

24 (A) over a 10-year period, invest an estimated
25 \$265,000,000 in electric system upgrades,
26 modernization projects, and training facilities,

1 including, but not limited to:

2 (i) distribution infrastructure improvements
3 totaling an estimated \$245,000,000, which may
4 include bulk supply substations, transformers,
5 reconductoring, and rebuilding overhead
6 distribution and sub-transmission lines,
7 underground residential distribution cable
8 injection and replacement and mainline cable
9 system refurbishment and replacement projects;

10 (ii) training facility construction or upgrade
11 projects totaling an estimated \$1,000,000; any
12 such new facility must be designed for the purpose
13 of obtaining, and the owner of the facility shall
14 apply for, certification under the United States
15 Green Building Council's Leadership in Energy
16 Efficiency Design Green Building Rating System;
17 and

18 (iii) wood pole inspection, treatment, and
19 replacement programs; and

20 (B) over a 10-year period, invest an estimated
21 \$360,000,000 to upgrade and modernize its transmission
22 and distribution infrastructure and in Smart Grid
23 electric system upgrades, including, but not limited
24 to:

25 (i) additional smart meters;

26 (ii) distribution automation;

- 1 (iii) associated cyber secure data
2 communication network; and
3 (iv) substation micro-processor relay
4 upgrades.

5 For purposes of this Section, "Smart Grid electric system
6 upgrades" shall have the meaning set forth in subsection (a) of
7 Section 16-108.6 of this Act.

8 The investments in the infrastructure investment program
9 described in this subsection (b) shall be incremental to the
10 participating utility's annual capital investment program, as
11 defined by, for purposes of this subsection (b), the
12 participating utility's average capital spend for calendar
13 years 2008, 2009, and 2010 as reported in the applicable
14 Federal Energy Regulatory Commission (FERC) Form 1; provided
15 that where one or more utilities have merged, the average
16 capital spend shall be determined using the aggregate of the
17 merged utilities' capital spend reported in FERC Form 1 for the
18 years 2008, 2009, and 2010. A participating utility may add
19 reasonable construction ramp-up and ramp-down time to the
20 investment periods specified in this subsection (b). For each
21 such investment period, the ramp-up and ramp-down time shall
22 not exceed a total of 6 months.

23 Within 60 days after filing a tariff under subsection (c)
24 of this Section, a participating utility shall submit to the
25 Commission its plan, including scope, schedule, and staffing,
26 for satisfying its infrastructure investment program

1 commitments pursuant to this subsection (b). The submitted plan
2 shall include a schedule and staffing plan for the next
3 calendar year. The plan shall also include a plan for the
4 creation, operation, and administration of a Smart Grid test
5 bed as described in subsection (c) of Section 16-108.8. The
6 plan need not allocate the work equally over the respective
7 periods, but should allocate material increments throughout
8 such periods commensurate with the work to be undertaken. No
9 later than April 1 of each subsequent year, the utility shall
10 submit to the Commission a report that includes any updates to
11 the plan, a schedule for the next calendar year, the
12 expenditures made for the prior calendar year and cumulatively,
13 and the number of full-time equivalent jobs created for the
14 prior calendar year and cumulatively. If the utility is
15 materially deficient in satisfying a schedule or staffing plan,
16 then the report must also include a corrective action plan to
17 address the deficiency. The fact that the plan, implementation
18 of the plan, or a schedule changes shall not imply the
19 imprudence or unreasonableness of the infrastructure
20 investment program, plan, or schedule. Further, no later than
21 45 days following the last day of the first, second, and third
22 quarters of each year of the plan, a participating utility
23 shall submit to the Commission a verified quarterly report for
24 the prior quarter that includes (i) the total number of
25 full-time equivalent jobs created during the prior quarter,
26 (ii) the total number of employees as of the last day of the

1 prior quarter, (iii) the total number of full-time equivalent
2 hours in each job classification or job title, (iv) the total
3 number of incremental employees and contractors in support of
4 the investments undertaken pursuant to this subsection (b) for
5 the prior quarter, and (v) any other information that the
6 Commission may require by rule.

7 With respect to the participating utility's peak job
8 commitment, if, after considering the utility's corrective
9 action plan and compliance thereunder, the Commission enters an
10 order finding, after notice and hearing, that a participating
11 utility did not satisfy its peak job commitment described in
12 this subsection (b) for reasons that are reasonably within its
13 control, then the Commission shall also determine, after
14 consideration of the evidence, including, but not limited to,
15 evidence submitted by the Department of Commerce and Economic
16 Opportunity and the utility, the deficiency in the number of
17 full-time equivalent jobs during the peak program year due to
18 such failure. The Commission shall notify the Department of any
19 proceeding that is initiated pursuant to this paragraph. For
20 each full-time equivalent job deficiency during the peak
21 program year that the Commission finds as set forth in this
22 paragraph, the participating utility shall, within 30 days
23 after the entry of the Commission's order, pay \$6,000 to a fund
24 for training grants administered under Section 605-800 of the
25 ~~The~~ Department of Commerce and Economic Opportunity Law, which
26 shall not be a recoverable expense.

1 With respect to the participating utility's investment
2 amount commitments, if, after considering the utility's
3 corrective action plan and compliance thereunder, the
4 Commission enters an order finding, after notice and hearing,
5 that a participating utility is not satisfying its investment
6 amount commitments described in this subsection (b), then the
7 utility shall no longer be eligible to annually update the
8 performance-based formula rate tariff pursuant to subsection
9 (d) of this Section. In such event, the then current rates
10 shall remain in effect until such time as new rates are set
11 pursuant to Article IX of this Act, subject to retroactive
12 adjustment, with interest, to reconcile rates charged with
13 actual costs.

14 If the Commission finds that a participating utility is no
15 longer eligible to update the performance-based formula rate
16 tariff pursuant to subsection (d) of this Section, or the
17 performance-based formula rate is otherwise terminated, then
18 the participating utility's voluntary commitments and
19 obligations under this subsection (b) shall immediately
20 terminate, except for the utility's obligation to pay an amount
21 already owed to the fund for training grants pursuant to a
22 Commission order.

23 In meeting the obligations of this subsection (b), to the
24 extent feasible and consistent with State and federal law, the
25 investments under the infrastructure investment program should
26 provide employment opportunities for all segments of the

1 population and workforce, including minority-owned and
2 female-owned business enterprises, and shall not, consistent
3 with State and federal law, discriminate based on race or
4 socioeconomic status.

5 (b-5) Nothing in this Section shall prohibit the Commission
6 from investigating the prudence and reasonableness of the
7 expenditures made under the infrastructure investment program
8 during the annual review required by subsection (d) of this
9 Section and shall, as part of such investigation, determine
10 whether the utility's actual costs under the program are
11 prudent and reasonable. The fact that a participating utility
12 invests more than the minimum amounts specified in subsection
13 (b) of this Section or its plan shall not imply imprudence or
14 unreasonableness.

15 If the participating utility finds that it is implementing
16 its plan for satisfying the infrastructure investment program
17 commitments described in subsection (b) of this Section at a
18 cost below the estimated amounts specified in subsection (b) of
19 this Section, then the utility may file a petition with the
20 Commission requesting that it be permitted to satisfy its
21 commitments by spending less than the estimated amounts
22 specified in subsection (b) of this Section. The Commission
23 shall, after notice and hearing, enter its order approving, or
24 approving as modified, or denying each such petition within 150
25 days after the filing of the petition.

26 In no event, absent General Assembly approval, shall the

1 capital investment costs incurred by a participating utility
2 other than a combination utility in satisfying its
3 infrastructure investment program commitments described in
4 subsection (b) of this Section exceed \$3,000,000,000 or, for a
5 participating utility that is a combination utility,
6 \$720,000,000. If the participating utility's updated cost
7 estimates for satisfying its infrastructure investment program
8 commitments described in subsection (b) of this Section exceed
9 the limitation imposed by this subsection (b-5), then it shall
10 submit a report to the Commission that identifies the increased
11 costs and explains the reason or reasons for the increased
12 costs no later than the year in which the utility estimates it
13 will exceed the limitation. The Commission shall review the
14 report and shall, within 90 days after the participating
15 utility files the report, report to the General Assembly its
16 findings regarding the participating utility's report. If the
17 General Assembly does not amend the limitation imposed by this
18 subsection (b-5), then the utility may modify its plan so as
19 not to exceed the limitation imposed by this subsection (b-5)
20 and may propose corresponding changes to the metrics
21 established pursuant to subparagraphs (5) through (8) of
22 subsection (f) of this Section, and the Commission may modify
23 the metrics and incremental savings goals established pursuant
24 to subsection (f) of this Section accordingly.

25 (b-10) All participating utilities shall make
26 contributions for an energy low-income and support program in

1 accordance with this subsection. Beginning no later than 180
2 days after a participating utility files a performance-based
3 formula rate tariff pursuant to subsection (c) of this Section,
4 or beginning no later than January 1, 2012 if such utility
5 files such performance-based formula rate tariff within 14 days
6 of December 30, 2011 (the effective date of Public Act 97-646)
7 ~~this amendatory Act of the 97th General Assembly~~, and without
8 obtaining any approvals from the Commission or any other agency
9 other than as set forth in this Section, regardless of whether
10 any such approval would otherwise be required, a participating
11 utility other than a combination utility shall pay \$10,000,000
12 per year for 5 years and a participating utility that is a
13 combination utility shall pay \$1,000,000 per year for 10 years
14 to the energy low-income and support program, which is intended
15 to fund customer assistance programs with the primary purpose
16 being avoidance of imminent disconnection. Such programs may
17 include:

18 (1) a residential hardship program that may partner
19 with community-based organizations, including senior
20 citizen organizations, and provides grants to low-income
21 residential customers, including low-income senior
22 citizens, who demonstrate a hardship;

23 (2) a program that provides grants and other bill
24 payment concessions to veterans with disabilities who
25 demonstrate a hardship and members of the armed services or
26 reserve forces of the United States or members of the

1 Illinois National Guard who are on active duty pursuant to
2 an executive order of the President of the United States,
3 an act of the Congress of the United States, or an order of
4 the Governor and who demonstrate a hardship;

5 (3) a budget assistance program that provides tools and
6 education to low-income senior citizens to assist them with
7 obtaining information regarding energy usage and effective
8 means of managing energy costs;

9 (4) a non-residential special hardship program that
10 provides grants to non-residential customers such as small
11 businesses and non-profit organizations that demonstrate a
12 hardship, including those providing services to senior
13 citizen and low-income customers; and

14 (5) a performance-based assistance program that
15 provides grants to encourage residential customers to make
16 on-time payments by matching a portion of the customer's
17 payments or providing credits towards arrearages.

18 The payments made by a participating utility pursuant to
19 this subsection (b-10) shall not be a recoverable expense. A
20 participating utility may elect to fund either new or existing
21 customer assistance programs, including, but not limited to,
22 those that are administered by the utility.

23 Programs that use funds that are provided by a
24 participating utility to reduce utility bills may be
25 implemented through tariffs that are filed with and reviewed by
26 the Commission. If a utility elects to file tariffs with the

1 Commission to implement all or a portion of the programs, those
2 tariffs shall, regardless of the date actually filed, be deemed
3 accepted and approved, and shall become effective on December
4 30, 2011 (the effective date of Public Act 97-646) ~~this~~
5 ~~amendatory Act of the 97th General Assembly~~. The participating
6 utilities whose customers benefit from the funds that are
7 disbursed as contemplated in this Section shall file annual
8 reports documenting the disbursement of those funds with the
9 Commission. The Commission has the authority to audit
10 disbursement of the funds to ensure they were disbursed
11 consistently with this Section.

12 If the Commission finds that a participating utility is no
13 longer eligible to update the performance-based formula rate
14 tariff pursuant to subsection (d) of this Section, or the
15 performance-based formula rate is otherwise terminated, then
16 the participating utility's voluntary commitments and
17 obligations under this subsection (b-10) shall immediately
18 terminate.

19 (c) A participating utility may elect to recover its
20 delivery services costs through a performance-based formula
21 rate approved by the Commission, which shall specify the cost
22 components that form the basis of the rate charged to customers
23 with sufficient specificity to operate in a standardized manner
24 and be updated annually with transparent information that
25 reflects the utility's actual costs to be recovered during the
26 applicable rate year, which is the period beginning with the

1 first billing day of January and extending through the last
2 billing day of the following December. In the event the utility
3 recovers a portion of its costs through automatic adjustment
4 clause tariffs on October 26, 2011 (the effective date of
5 Public Act 97-616) ~~this amendatory Act of the 97th General~~
6 ~~Assembly~~, the utility may elect to continue to recover these
7 costs through such tariffs, but then these costs shall not be
8 recovered through the performance-based formula rate. In the
9 event the participating utility, prior to December 30, 2011
10 (the effective date of Public Act 97-646) ~~this amendatory Act~~
11 ~~of the 97th General Assembly~~, filed electric delivery services
12 tariffs with the Commission pursuant to Section 9-201 of this
13 Act that are related to the recovery of its electric delivery
14 services costs that are still pending on December 30, 2011 (the
15 effective date of Public Act 97-646) ~~this amendatory Act of the~~
16 ~~97th General Assembly~~, the participating utility shall, at the
17 time it files its performance-based formula rate tariff with
18 the Commission, also file a notice of withdrawal with the
19 Commission to withdraw the electric delivery services tariffs
20 previously filed pursuant to Section 9-201 of this Act. Upon
21 receipt of such notice, the Commission shall dismiss with
22 prejudice any docket that had been initiated to investigate the
23 electric delivery services tariffs filed pursuant to Section
24 9-201 of this Act, and such tariffs and the record related
25 thereto shall not be the subject of any further hearing,
26 investigation, or proceeding of any kind related to rates for

1 electric delivery services.

2 The performance-based formula rate shall be implemented
3 through a tariff filed with the Commission consistent with the
4 provisions of this subsection (c) that shall be applicable to
5 all delivery services customers. The Commission shall initiate
6 and conduct an investigation of the tariff in a manner
7 consistent with the provisions of this subsection (c) and the
8 provisions of Article IX of this Act to the extent they do not
9 conflict with this subsection (c). Except in the case where the
10 Commission finds, after notice and hearing, that a
11 participating utility is not satisfying its investment amount
12 commitments under subsection (b) of this Section, the
13 performance-based formula rate shall remain in effect at the
14 discretion of the utility. The performance-based formula rate
15 approved by the Commission shall do the following:

16 (1) Provide for the recovery of the utility's actual
17 costs of delivery services that are prudently incurred and
18 reasonable in amount consistent with Commission practice
19 and law. The sole fact that a cost differs from that
20 incurred in a prior calendar year or that an investment is
21 different from that made in a prior calendar year shall not
22 imply the imprudence or unreasonableness of that cost or
23 investment.

24 (2) Reflect the utility's actual year-end capital
25 structure for the applicable calendar year, excluding
26 goodwill, subject to a determination of prudence and

1 reasonableness consistent with Commission practice and
2 law.

3 (3) Include a cost of equity, which shall be calculated
4 as the sum of the following:

5 (A) the average for the applicable calendar year of
6 the monthly average yields of 30-year U.S. Treasury
7 bonds published by the Board of Governors of the
8 Federal Reserve System in its weekly H.15 Statistical
9 Release or successor publication; and

10 (B) 580 basis points.

11 At such time as the Board of Governors of the Federal
12 Reserve System ceases to include the monthly average yields
13 of 30-year U.S. Treasury bonds in its weekly H.15
14 Statistical Release or successor publication, the monthly
15 average yields of the U.S. Treasury bonds then having the
16 longest duration published by the Board of Governors in its
17 weekly H.15 Statistical Release or successor publication
18 shall instead be used for purposes of this paragraph (3).

19 (4) Permit and set forth protocols, subject to a
20 determination of prudence and reasonableness consistent
21 with Commission practice and law, for the following:

22 (A) recovery of incentive compensation expense
23 that is based on the achievement of operational
24 metrics, including metrics related to budget controls,
25 outage duration and frequency, safety, customer
26 service, efficiency and productivity, and

1 environmental compliance. Incentive compensation
2 expense that is based on net income or an affiliate's
3 earnings per share shall not be recoverable under the
4 performance-based formula rate;

5 (B) recovery of pension and other post-employment
6 benefits expense, provided that such costs are
7 supported by an actuarial study;

8 (C) recovery of severance costs, provided that if
9 the amount is over \$3,700,000 for a participating
10 utility that is a combination utility or \$10,000,000
11 for a participating utility that serves more than 3
12 million retail customers, then the full amount shall be
13 amortized consistent with subparagraph (F) of this
14 paragraph (4);

15 (D) investment return at a rate equal to the
16 utility's weighted average cost of long-term debt, on
17 the pension assets as, and in the amount, reported in
18 Account 186 (or in such other Account or Accounts as
19 such asset may subsequently be recorded) of the
20 utility's most recently filed FERC Form 1, net of
21 deferred tax benefits;

22 (E) recovery of the expenses related to the
23 Commission proceeding under this subsection (c) to
24 approve this performance-based formula rate and
25 initial rates or to subsequent proceedings related to
26 the formula, provided that the recovery shall be

1 amortized over a 3-year period; recovery of expenses
2 related to the annual Commission proceedings under
3 subsection (d) of this Section to review the inputs to
4 the performance-based formula rate shall be expensed
5 and recovered through the performance-based formula
6 rate;

7 (F) amortization over a 5-year period of the full
8 amount of each charge or credit that exceeds \$3,700,000
9 for a participating utility that is a combination
10 utility or \$10,000,000 for a participating utility
11 that serves more than 3 million retail customers in the
12 applicable calendar year and that relates to a
13 workforce reduction program's severance costs, changes
14 in accounting rules, changes in law, compliance with
15 any Commission-initiated audit, or a single storm or
16 other similar expense, provided that any unamortized
17 balance shall be reflected in rate base. For purposes
18 of this subparagraph (F), changes in law includes any
19 enactment, repeal, or amendment in a law, ordinance,
20 rule, regulation, interpretation, permit, license,
21 consent, or order, including those relating to taxes,
22 accounting, or to environmental matters, or in the
23 interpretation or application thereof by any
24 governmental authority occurring after October 26,
25 2011 (the effective date of Public Act 97-616) ~~this~~
26 ~~amendatory Act of the 97th General Assembly;~~

1 (G) recovery of existing regulatory assets over
2 the periods previously authorized by the Commission;

3 (H) historical weather normalized billing
4 determinants; and

5 (I) allocation methods for common costs.

6 (5) Provide that if the participating utility's earned
7 rate of return on common equity related to the provision of
8 delivery services for the prior rate year (calculated using
9 costs and capital structure approved by the Commission as
10 provided in subparagraph (2) of this subsection (c),
11 consistent with this Section, in accordance with
12 Commission rules and orders, including, but not limited to,
13 adjustments for goodwill, and after any Commission-ordered
14 disallowances and taxes) is more than 50 basis points
15 higher than the rate of return on common equity calculated
16 pursuant to paragraph (3) of this subsection (c) (after
17 adjusting for any penalties to the rate of return on common
18 equity applied pursuant to the performance metrics
19 provision of subsection (f) of this Section), then the
20 participating utility shall apply a credit through the
21 performance-based formula rate that reflects an amount
22 equal to the value of that portion of the earned rate of
23 return on common equity that is more than 50 basis points
24 higher than the rate of return on common equity calculated
25 pursuant to paragraph (3) of this subsection (c) (after
26 adjusting for any penalties to the rate of return on common

1 equity applied pursuant to the performance metrics
2 provision of subsection (f) of this Section) for the prior
3 rate year, adjusted for taxes. If the participating
4 utility's earned rate of return on common equity related to
5 the provision of delivery services for the prior rate year
6 (calculated using costs and capital structure approved by
7 the Commission as provided in subparagraph (2) of this
8 subsection (c), consistent with this Section, in
9 accordance with Commission rules and orders, including,
10 but not limited to, adjustments for goodwill, and after any
11 Commission-ordered disallowances and taxes) is more than
12 50 basis points less than the return on common equity
13 calculated pursuant to paragraph (3) of this subsection (c)
14 (after adjusting for any penalties to the rate of return on
15 common equity applied pursuant to the performance metrics
16 provision of subsection (f) of this Section), then the
17 participating utility shall apply a charge through the
18 performance-based formula rate that reflects an amount
19 equal to the value of that portion of the earned rate of
20 return on common equity that is more than 50 basis points
21 less than the rate of return on common equity calculated
22 pursuant to paragraph (3) of this subsection (c) (after
23 adjusting for any penalties to the rate of return on common
24 equity applied pursuant to the performance metrics
25 provision of subsection (f) of this Section) for the prior
26 rate year, adjusted for taxes.

1 (6) Provide for an annual reconciliation, as described
2 in subsection (d) of this Section, with interest, of the
3 revenue requirement reflected in rates for each calendar
4 year, beginning with the calendar year in which the utility
5 files its performance-based formula rate tariff pursuant
6 to subsection (c) of this Section, with what the revenue
7 requirement would have been had the actual cost information
8 for the applicable calendar year been available at the
9 filing date.

10 The utility shall file, together with its tariff, final
11 data based on its most recently filed FERC Form 1, plus
12 projected plant additions and correspondingly updated
13 depreciation reserve and expense for the calendar year in which
14 the tariff and data are filed, that shall populate the
15 performance-based formula rate and set the initial delivery
16 services rates under the formula. For purposes of this Section,
17 "FERC Form 1" means the Annual Report of Major Electric
18 Utilities, Licensees and Others that electric utilities are
19 required to file with the Federal Energy Regulatory Commission
20 under the Federal Power Act, Sections 3, 4(a), 304 and 209,
21 modified as necessary to be consistent with 83 Ill. Admin. Code
22 Part 415 as of May 1, 2011. Nothing in this Section is intended
23 to allow costs that are not otherwise recoverable to be
24 recoverable by virtue of inclusion in FERC Form 1.

25 After the utility files its proposed performance-based
26 formula rate structure and protocols and initial rates, the

1 Commission shall initiate a docket to review the filing. The
2 Commission shall enter an order approving, or approving as
3 modified, the performance-based formula rate, including the
4 initial rates, as just and reasonable within 270 days after the
5 date on which the tariff was filed, or, if the tariff is filed
6 within 14 days after October 26, 2011 (the effective date of
7 Public Act 97-616) ~~this amendatory Act of the 97th General~~
8 ~~Assembly~~, then by May 31, 2012. Such review shall be based on
9 the same evidentiary standards, including, but not limited to,
10 those concerning the prudence and reasonableness of the costs
11 incurred by the utility, the Commission applies in a hearing to
12 review a filing for a general increase in rates under Article
13 IX of this Act. The initial rates shall take effect within 30
14 days after the Commission's order approving the
15 performance-based formula rate tariff.

16 Until such time as the Commission approves a different rate
17 design and cost allocation pursuant to subsection (e) of this
18 Section, rate design and cost allocation across customer
19 classes shall be consistent with the Commission's most recent
20 order regarding the participating utility's request for a
21 general increase in its delivery services rates.

22 Subsequent changes to the performance-based formula rate
23 structure or protocols shall be made as set forth in Section
24 9-201 of this Act, but nothing in this subsection (c) is
25 intended to limit the Commission's authority under Article IX
26 and other provisions of this Act to initiate an investigation

1 of a participating utility's performance-based formula rate
2 tariff, provided that any such changes shall be consistent with
3 paragraphs (1) through (6) of this subsection (c). Any change
4 ordered by the Commission shall be made at the same time new
5 rates take effect following the Commission's next order
6 pursuant to subsection (d) of this Section, provided that the
7 new rates take effect no less than 30 days after the date on
8 which the Commission issues an order adopting the change.

9 A participating utility that files a tariff pursuant to
10 this subsection (c) must submit a one-time \$200,000 filing fee
11 at the time the Chief Clerk of the Commission accepts the
12 filing, which shall be a recoverable expense.

13 In the event the performance-based formula rate is
14 terminated, the then current rates shall remain in effect until
15 such time as new rates are set pursuant to Article IX of this
16 Act, subject to retroactive rate adjustment, with interest, to
17 reconcile rates charged with actual costs. At such time that
18 the performance-based formula rate is terminated, the
19 participating utility's voluntary commitments and obligations
20 under subsection (b) of this Section shall immediately
21 terminate, except for the utility's obligation to pay an amount
22 already owed to the fund for training grants pursuant to a
23 Commission order issued under subsection (b) of this Section.

24 (d) Subsequent to the Commission's issuance of an order
25 approving the utility's performance-based formula rate
26 structure and protocols, and initial rates under subsection (c)

1 of this Section, the utility shall file, on or before May 1 of
2 each year, with the Chief Clerk of the Commission its updated
3 cost inputs to the performance-based formula rate for the
4 applicable rate year and the corresponding new charges. Each
5 such filing shall conform to the following requirements and
6 include the following information:

7 (1) The inputs to the performance-based formula rate
8 for the applicable rate year shall be based on final
9 historical data reflected in the utility's most recently
10 filed annual FERC Form 1 plus projected plant additions and
11 correspondingly updated depreciation reserve and expense
12 for the calendar year in which the inputs are filed. The
13 filing shall also include a reconciliation of the revenue
14 requirement that was in effect for the prior rate year (as
15 set by the cost inputs for the prior rate year) with the
16 actual revenue requirement for the prior rate year
17 (determined using a year-end rate base) that uses amounts
18 reflected in the applicable FERC Form 1 that reports the
19 actual costs for the prior rate year. Any over-collection
20 or under-collection indicated by such reconciliation shall
21 be reflected as a credit against, or recovered as an
22 additional charge to, respectively, with interest
23 calculated at a rate equal to the utility's weighted
24 average cost of capital approved by the Commission for the
25 prior rate year, the charges for the applicable rate year.
26 Provided, however, that the first such reconciliation

1 shall be for the calendar year in which the utility files
2 its performance-based formula rate tariff pursuant to
3 subsection (c) of this Section and shall reconcile (i) the
4 revenue requirement or requirements established by the
5 rate order or orders in effect from time to time during
6 such calendar year (weighted, as applicable) with (ii) the
7 revenue requirement determined using a year-end rate base
8 for that calendar year calculated pursuant to the
9 performance-based formula rate using (A) actual costs for
10 that year as reflected in the applicable FERC Form 1, and
11 (B) for the first such reconciliation only, the cost of
12 equity, which shall be calculated as the sum of 590 basis
13 points plus the average for the applicable calendar year of
14 the monthly average yields of 30-year U.S. Treasury bonds
15 published by the Board of Governors of the Federal Reserve
16 System in its weekly H.15 Statistical Release or successor
17 publication. The first such reconciliation is not intended
18 to provide for the recovery of costs previously excluded
19 from rates based on a prior Commission order finding of
20 imprudence or unreasonableness. Each reconciliation shall
21 be certified by the participating utility in the same
22 manner that FERC Form 1 is certified. The filing shall also
23 include the charge or credit, if any, resulting from the
24 calculation required by paragraph (6) of subsection (c) of
25 this Section.

26 Notwithstanding anything that may be to the contrary,

1 the intent of the reconciliation is to ultimately reconcile
2 the revenue requirement reflected in rates for each
3 calendar year, beginning with the calendar year in which
4 the utility files its performance-based formula rate
5 tariff pursuant to subsection (c) of this Section, with
6 what the revenue requirement determined using a year-end
7 rate base for the applicable calendar year would have been
8 had the actual cost information for the applicable calendar
9 year been available at the filing date.

10 (2) The new charges shall take effect beginning on the
11 first billing day of the following January billing period
12 and remain in effect through the last billing day of the
13 next December billing period regardless of whether the
14 Commission enters upon a hearing pursuant to this
15 subsection (d).

16 (3) The filing shall include relevant and necessary
17 data and documentation for the applicable rate year that is
18 consistent with the Commission's rules applicable to a
19 filing for a general increase in rates or any rules adopted
20 by the Commission to implement this Section. Normalization
21 adjustments shall not be required. Notwithstanding any
22 other provision of this Section or Act or any rule or other
23 requirement adopted by the Commission, a participating
24 utility that is a combination utility with more than one
25 rate zone shall not be required to file a separate set of
26 such data and documentation for each rate zone and may

1 combine such data and documentation into a single set of
2 schedules.

3 Within 45 days after the utility files its annual update of
4 cost inputs to the performance-based formula rate, the
5 Commission shall have the authority, either upon complaint or
6 its own initiative, but with reasonable notice, to enter upon a
7 hearing concerning the prudence and reasonableness of the costs
8 incurred by the utility to be recovered during the applicable
9 rate year that are reflected in the inputs to the
10 performance-based formula rate derived from the utility's FERC
11 Form 1. During the course of the hearing, each objection shall
12 be stated with particularity and evidence provided in support
13 thereof, after which the utility shall have the opportunity to
14 rebut the evidence. Discovery shall be allowed consistent with
15 the Commission's Rules of Practice, which Rules shall be
16 enforced by the Commission or the assigned hearing examiner.
17 The Commission shall apply the same evidentiary standards,
18 including, but not limited to, those concerning the prudence
19 and reasonableness of the costs incurred by the utility, in the
20 hearing as it would apply in a hearing to review a filing for a
21 general increase in rates under Article IX of this Act. The
22 Commission shall not, however, have the authority in a
23 proceeding under this subsection (d) to consider or order any
24 changes to the structure or protocols of the performance-based
25 formula rate approved pursuant to subsection (c) of this
26 Section. In a proceeding under this subsection (d), the

1 Commission shall enter its order no later than the earlier of
2 240 days after the utility's filing of its annual update of
3 cost inputs to the performance-based formula rate or December
4 31. The Commission's determinations of the prudence and
5 reasonableness of the costs incurred for the applicable
6 calendar year shall be final upon entry of the Commission's
7 order and shall not be subject to reopening, reexamination, or
8 collateral attack in any other Commission proceeding, case,
9 docket, order, rule or regulation, provided, however, that
10 nothing in this subsection (d) shall prohibit a party from
11 petitioning the Commission to rehear or appeal to the courts
12 the order pursuant to the provisions of this Act.

13 In the event the Commission does not, either upon complaint
14 or its own initiative, enter upon a hearing within 45 days
15 after the utility files the annual update of cost inputs to its
16 performance-based formula rate, then the costs incurred for the
17 applicable calendar year shall be deemed prudent and
18 reasonable, and the filed charges shall not be subject to
19 reopening, reexamination, or collateral attack in any other
20 proceeding, case, docket, order, rule, or regulation.

21 A participating utility's first filing of the updated cost
22 inputs, and any Commission investigation of such inputs
23 pursuant to this subsection (d) shall proceed notwithstanding
24 the fact that the Commission's investigation under subsection
25 (c) of this Section is still pending and notwithstanding any
26 other law, order, rule, or Commission practice to the contrary.

1 (e) Nothing in subsections (c) or (d) of this Section shall
2 prohibit the Commission from investigating, or a participating
3 utility from filing, revenue-neutral tariff changes related to
4 rate design of a performance-based formula rate that has been
5 placed into effect for the utility. Following approval of a
6 participating utility's performance-based formula rate tariff
7 pursuant to subsection (c) of this Section, the utility shall
8 make a filing with the Commission within one year after the
9 effective date of the performance-based formula rate tariff
10 that proposes changes to the tariff to incorporate the findings
11 of any final rate design orders of the Commission applicable to
12 the participating utility and entered subsequent to the
13 Commission's approval of the tariff. The Commission shall,
14 after notice and hearing, enter its order approving, or
15 approving with modification, the proposed changes to the
16 performance-based formula rate tariff within 240 days after the
17 utility's filing. Following such approval, the utility shall
18 make a filing with the Commission during each subsequent 3-year
19 period that either proposes revenue-neutral tariff changes or
20 re-files the existing tariffs without change, which shall
21 present the Commission with an opportunity to suspend the
22 tariffs and consider revenue-neutral tariff changes related to
23 rate design.

24 (f) Within 30 days after the filing of a tariff pursuant to
25 subsection (c) of this Section, each participating utility
26 shall develop and file with the Commission multi-year metrics

1 designed to achieve, ratably (i.e., in equal segments) over a
2 10-year period, improvement over baseline performance values
3 as follows:

4 (1) Twenty percent improvement in the System Average
5 Interruption Frequency Index, using a baseline of the
6 average of the data from 2001 through 2010.

7 (2) Fifteen percent improvement in the system Customer
8 Average Interruption Duration Index, using a baseline of
9 the average of the data from 2001 through 2010.

10 (3) For a participating utility other than a
11 combination utility, 20% improvement in the System Average
12 Interruption Frequency Index for its Southern Region,
13 using a baseline of the average of the data from 2001
14 through 2010. For purposes of this paragraph (3), Southern
15 Region shall have the meaning set forth in the
16 participating utility's most recent report filed pursuant
17 to Section 16-125 of this Act.

18 (3.5) For a participating utility other than a
19 combination utility, 20% improvement in the System Average
20 Interruption Frequency Index for its Northeastern Region,
21 using a baseline of the average of the data from 2001
22 through 2010. For purposes of this paragraph (3.5),
23 Northeastern Region shall have the meaning set forth in the
24 participating utility's most recent report filed pursuant
25 to Section 16-125 of this Act.

26 (4) Seventy-five percent improvement in the total

1 number of customers who exceed the service reliability
2 targets as set forth in subparagraphs (A) through (C) of
3 paragraph (4) of subsection (b) of 83 Ill. Admin. Code Part
4 411.140 as of May 1, 2011, using 2010 as the baseline year.

5 (5) Reduction in issuance of estimated electric bills:
6 90% improvement for a participating utility other than a
7 combination utility, and 56% improvement for a
8 participating utility that is a combination utility, using
9 a baseline of the average number of estimated bills for the
10 years 2008 through 2010.

11 (6) Consumption on inactive meters: 90% improvement
12 for a participating utility other than a combination
13 utility, and 56% improvement for a participating utility
14 that is a combination utility, using a baseline of the
15 average unbilled kilowatthours for the years 2009 and 2010.

16 (7) Unaccounted for energy: 50% improvement for a
17 participating utility other than a combination utility
18 using a baseline of the non-technical line loss unaccounted
19 for energy kilowatthours for the year 2009.

20 (8) Uncollectible expense: reduce uncollectible
21 expense by at least \$30,000,000 for a participating utility
22 other than a combination utility and by at least \$3,500,000
23 for a participating utility that is a combination utility,
24 using a baseline of the average uncollectible expense for
25 the years 2008 through 2010.

26 (9) Opportunities for minority-owned and female-owned

1 business enterprises: design a performance metric
2 regarding the creation of opportunities for minority-owned
3 and female-owned business enterprises consistent with
4 State and federal law using a base performance value of the
5 percentage of the participating utility's capital
6 expenditures that were paid to minority-owned and
7 female-owned business enterprises in 2010.

8 The definitions set forth in 83 Ill. Admin. Code Part
9 411.20 as of May 1, 2011 shall be used for purposes of
10 calculating performance under paragraphs (1) through (3.5) of
11 this subsection (f), provided, however, that the participating
12 utility may exclude up to 9 extreme weather event days from
13 such calculation for each year, and provided further that the
14 participating utility shall exclude 9 extreme weather event
15 days when calculating each year of the baseline period to the
16 extent that there are 9 such days in a given year of the
17 baseline period. For purposes of this Section, an extreme
18 weather event day is a 24-hour calendar day (beginning at 12:00
19 a.m. and ending at 11:59 p.m.) during which any weather event
20 (e.g., storm, tornado) caused interruptions for 10,000 or more
21 of the participating utility's customers for 3 hours or more.
22 If there are more than 9 extreme weather event days in a year,
23 then the utility may choose no more than 9 extreme weather
24 event days to exclude, provided that the same extreme weather
25 event days are excluded from each of the calculations performed
26 under paragraphs (1) through (3.5) of this subsection (f).

1 The metrics shall include incremental performance goals
2 for each year of the 10-year period, which shall be designed to
3 demonstrate that the utility is on track to achieve the
4 performance goal in each category at the end of the 10-year
5 period. The utility shall elect when the 10-year period shall
6 commence for the metrics set forth in subparagraphs (1) through
7 (4) and (9) of this subsection (f), provided that it begins no
8 later than 14 months following the date on which the utility
9 begins investing pursuant to subsection (b) of this Section,
10 and when the 10-year period shall commence for the metrics set
11 forth in subparagraphs (5) through (8) of this subsection (f),
12 provided that it begins no later than 14 months following the
13 date on which the Commission enters its order approving the
14 utility's Advanced Metering Infrastructure Deployment Plan
15 pursuant to subsection (c) of Section 16-108.6 of this Act.

16 The metrics and performance goals set forth in
17 subparagraphs (5) through (8) of this subsection (f) are based
18 on the assumptions that the participating utility may fully
19 implement the technology described in subsection (b) of this
20 Section, including utilizing the full functionality of such
21 technology and that there is no requirement for personal
22 on-site notification. If the utility is unable to meet the
23 metrics and performance goals set forth in subparagraphs (5)
24 through (8) of this subsection (f) for such reasons, and the
25 Commission so finds after notice and hearing, then the utility
26 shall be excused from compliance, but only to the limited

1 extent achievement of the affected metrics and performance
2 goals was hindered by the less than full implementation.

3 (f-5) The financial penalties applicable to the metrics
4 described in subparagraphs (1) through (8) of subsection (f) of
5 this Section, as applicable, shall be applied through an
6 adjustment to the participating utility's return on equity of
7 no more than a total of 30 basis points in each of the first 3
8 years, of no more than a total of 34 basis points in each of the
9 3 years thereafter, and of no more than a total of 38 basis
10 points in each of the 4 years thereafter, as follows:

11 (1) With respect to each of the incremental annual
12 performance goals established pursuant to paragraph (1) of
13 subsection (f) of this Section,

14 (A) for each year that a participating utility
15 other than a combination utility does not achieve the
16 annual goal, the participating utility's return on
17 equity shall be reduced as follows: during years 1
18 through 3, by 5 basis points; during years 4 through 6,
19 by 6 basis points; and during years 7 through 10, by 7
20 basis points; and

21 (B) for each year that a participating utility that
22 is a combination utility does not achieve the annual
23 goal, the participating utility's return on equity
24 shall be reduced as follows: during years 1 through 3,
25 by 10 basis points; during years 4 through 6, by 12
26 basis points; and during years 7 through 10, by 14

1 basis points.

2 (2) With respect to each of the incremental annual
3 performance goals established pursuant to paragraph (2) of
4 subsection (f) of this Section, for each year that the
5 participating utility does not achieve each such goal, the
6 participating utility's return on equity shall be reduced
7 as follows: during years 1 through 3, by 5 basis points;
8 during years 4 through 6, by 6 basis points; and during
9 years 7 through 10, by 7 basis points.

10 (3) With respect to each of the incremental annual
11 performance goals established pursuant to paragraphs (3)
12 and (3.5) of subsection (f) of this Section, for each year
13 that a participating utility other than a combination
14 utility does not achieve both such goals, the participating
15 utility's return on equity shall be reduced as follows:
16 during years 1 through 3, by 5 basis points; during years 4
17 through 6, by 6 basis points; and during years 7 through
18 10, by 7 basis points.

19 (4) With respect to each of the incremental annual
20 performance goals established pursuant to paragraph (4) of
21 subsection (f) of this Section, for each year that the
22 participating utility does not achieve each such goal, the
23 participating utility's return on equity shall be reduced
24 as follows: during years 1 through 3, by 5 basis points;
25 during years 4 through 6, by 6 basis points; and during
26 years 7 through 10, by 7 basis points.

1 (5) With respect to each of the incremental annual
2 performance goals established pursuant to subparagraph (5)
3 of subsection (f) of this Section, for each year that the
4 participating utility does not achieve at least 95% of each
5 such goal, the participating utility's return on equity
6 shall be reduced by 5 basis points for each such unachieved
7 goal.

8 (6) With respect to each of the incremental annual
9 performance goals established pursuant to paragraphs (6),
10 (7), and (8) of subsection (f) of this Section, as
11 applicable, which together measure non-operational
12 customer savings and benefits relating to the
13 implementation of the Advanced Metering Infrastructure
14 Deployment Plan, as defined in Section 16-108.6 of this
15 Act, the performance under each such goal shall be
16 calculated in terms of the percentage of the goal achieved.
17 The percentage of goal achieved for each of the goals shall
18 be aggregated, and an average percentage value calculated,
19 for each year of the 10-year period. If the utility does
20 not achieve an average percentage value in a given year of
21 at least 95%, the participating utility's return on equity
22 shall be reduced by 5 basis points.

23 The financial penalties shall be applied as described in
24 this subsection (f-5) for the 12-month period in which the
25 deficiency occurred through a separate tariff mechanism, which
26 shall be filed by the utility together with its metrics. In the

1 event the formula rate tariff established pursuant to
2 subsection (c) of this Section terminates, the utility's
3 obligations under subsection (f) of this Section and this
4 subsection (f-5) shall also terminate, provided, however, that
5 the tariff mechanism established pursuant to subsection (f) of
6 this Section and this subsection (f-5) shall remain in effect
7 until any penalties due and owing at the time of such
8 termination are applied.

9 The Commission shall, after notice and hearing, enter an
10 order within 120 days after the metrics are filed approving, or
11 approving with modification, a participating utility's tariff
12 or mechanism to satisfy the metrics set forth in subsection (f)
13 of this Section. On June 1 of each subsequent year, each
14 participating utility shall file a report with the Commission
15 that includes, among other things, a description of how the
16 participating utility performed under each metric and an
17 identification of any extraordinary events that adversely
18 impacted the utility's performance. Whenever a participating
19 utility does not satisfy the metrics required pursuant to
20 subsection (f) of this Section, the Commission shall, after
21 notice and hearing, enter an order approving financial
22 penalties in accordance with this subsection (f-5). The
23 Commission-approved financial penalties shall be applied
24 beginning with the next rate year. Nothing in this Section
25 shall authorize the Commission to reduce or otherwise obviate
26 the imposition of financial penalties for failing to achieve

1 one or more of the metrics established pursuant to subparagraph
2 (1) through (4) of subsection (f) of this Section.

3 (g) On or before July 31, 2014, each participating utility
4 shall file a report with the Commission that sets forth the
5 average annual increase in the average amount paid per
6 kilowatthour for residential eligible retail customers,
7 exclusive of the effects of energy efficiency programs,
8 comparing the 12-month period ending May 31, 2012; the 12-month
9 period ending May 31, 2013; and the 12-month period ending May
10 31, 2014. For a participating utility that is a combination
11 utility with more than one rate zone, the weighted average
12 aggregate increase shall be provided. The report shall be filed
13 together with a statement from an independent auditor attesting
14 to the accuracy of the report. The cost of the independent
15 auditor shall be borne by the participating utility and shall
16 not be a recoverable expense. "The average amount paid per
17 kilowatthour" shall be based on the participating utility's
18 tariffed rates actually in effect and shall not be calculated
19 using any hypothetical rate or adjustments to actual charges
20 (other than as specified for energy efficiency) as an input.

21 In the event that the average annual increase exceeds 2.5%
22 as calculated pursuant to this subsection (g), then Sections
23 16-108.5, 16-108.6, 16-108.7, and 16-108.8 of this Act, other
24 than this subsection, shall be inoperative as they relate to
25 the utility and its service area as of the date of the report
26 due to be submitted pursuant to this subsection and the utility

1 shall no longer be eligible to annually update the
2 performance-based formula rate tariff pursuant to subsection
3 (d) of this Section. In such event, the then current rates
4 shall remain in effect until such time as new rates are set
5 pursuant to Article IX of this Act, subject to retroactive
6 adjustment, with interest, to reconcile rates charged with
7 actual costs, and the participating utility's voluntary
8 commitments and obligations under subsection (b) of this
9 Section shall immediately terminate, except for the utility's
10 obligation to pay an amount already owed to the fund for
11 training grants pursuant to a Commission order issued under
12 subsection (b) of this Section.

13 In the event that the average annual increase is 2.5% or
14 less as calculated pursuant to this subsection (g), then the
15 performance-based formula rate shall remain in effect as set
16 forth in this Section.

17 For purposes of this Section, the amount per kilowatthour
18 means the total amount paid for electric service expressed on a
19 per kilowatthour basis, and the total amount paid for electric
20 service includes without limitation amounts paid for supply,
21 transmission, distribution, surcharges, and add-on taxes
22 exclusive of any increases in taxes or new taxes imposed after
23 October 26, 2011 (the effective date of Public Act 97-616) ~~this~~
24 ~~amendatory Act of the 97th General Assembly~~. For purposes of
25 this Section, "eligible retail customers" shall have the
26 meaning set forth in Section 16-111.5 of this Act.

1 The fact that this Section becomes inoperative as set forth
2 in this subsection shall not be construed to mean that the
3 Commission may reexamine or otherwise reopen prudence or
4 reasonableness determinations already made.

5 (h) Sections 16-108.5, 16-108.6, 16-108.7, and 16-108.8 of
6 this Act, other than this subsection, are inoperative after
7 December 31, 2019 for every participating utility, after which
8 time a participating utility shall no longer be eligible to
9 annually update the performance-based formula rate tariff
10 pursuant to subsection (d) of this Section. At such time, the
11 then current rates shall remain in effect until such time as
12 new rates are set pursuant to Article IX of this Act, subject
13 to retroactive adjustment, with interest, to reconcile rates
14 charged with actual costs.

15 By December 31, 2017, the Commission shall prepare and file
16 with the General Assembly a report on the infrastructure
17 program and the performance-based formula rate. The report
18 shall include the change in the average amount per kilowatthour
19 paid by residential customers between June 1, 2011 and May 31,
20 2017. If the change in the total average rate paid exceeds 2.5%
21 compounded annually, the Commission shall include in the report
22 an analysis that shows the portion of the change due to the
23 delivery services component and the portion of the change due
24 to the supply component of the rate. The report shall include
25 separate sections for each participating utility.

26 In the event Sections 16-108.5, 16-108.6, 16-108.7, and

1 16-108.8 of this Act do not become inoperative after December
2 31, 2019, then these Sections are inoperative after December
3 31, 2022 for every participating utility, after which time a
4 participating utility shall no longer be eligible to annually
5 update the performance-based formula rate tariff pursuant to
6 subsection (d) of this Section. At such time, the then current
7 rates shall remain in effect until such time as new rates are
8 set pursuant to Article IX of this Act, subject to retroactive
9 adjustment, with interest, to reconcile rates charged with
10 actual costs.

11 The fact that this Section becomes inoperative as set forth
12 in this subsection shall not be construed to mean that the
13 Commission may reexamine or otherwise reopen prudence or
14 reasonableness determinations already made.

15 (i) While a participating utility may use, develop, and
16 maintain broadband systems and the delivery of broadband
17 services, voice-over-internet-protocol services,
18 telecommunications services, and cable and video programming
19 services for use in providing delivery services and Smart Grid
20 functionality or application to its retail customers,
21 including, but not limited to, the installation,
22 implementation and maintenance of Smart Grid electric system
23 upgrades as defined in Section 16-108.6 of this Act, a
24 participating utility is prohibited from offering to its retail
25 customers broadband services or the delivery of broadband
26 services, voice-over-internet-protocol services,

1 telecommunications services, or cable or video programming
2 services, unless they are part of a service directly related to
3 delivery services or Smart Grid functionality or applications
4 as defined in Section 16-108.6 of this Act, and from recovering
5 the costs of such offerings from retail customers.

6 (j) Nothing in this Section is intended to legislatively
7 overturn the opinion issued in Commonwealth Edison Co. v. Ill.
8 Commerce Comm'n, Nos. 2-08-0959, 2-08-1037, 2-08-1137,
9 1-08-3008, 1-08-3030, 1-08-3054, 1-08-3313 cons. (Ill. App.
10 Ct. 2d Dist. Sept. 30, 2010). Public Act 97-616 ~~This amendatory~~
11 ~~Act of the 97th General Assembly~~ shall not be construed as
12 creating a contract between the General Assembly and the
13 participating utility, and shall not establish a property right
14 in the participating utility.

15 (k) The changes made in subsections (c) and (d) of this
16 Section by Public Act 98-15 ~~this amendatory Act of the 98th~~
17 ~~General Assembly~~ are intended to be a restatement and
18 clarification of existing law, and intended to give binding
19 effect to the provisions of House Resolution 1157 adopted by
20 the House of Representatives of the 97th General Assembly and
21 Senate Resolution 821 adopted by the Senate of the 97th General
22 Assembly that are reflected in paragraph (3) of this
23 subsection. In addition, Public Act 98-15 ~~this amendatory Act~~
24 ~~of the 98th General Assembly~~ preempts and supersedes any final
25 Commission orders entered in Docket Nos. 11-0721, 12-0001,
26 12-0293, and 12-0321 to the extent inconsistent with the

1 amendatory language added to subsections (c) and (d).

2 (1) No earlier than 5 business days after May 22, 2013
3 (the effective date of Public Act 98-15) ~~this amendatory~~
4 ~~Act of the 98th General Assembly~~, each participating
5 utility shall file any tariff changes necessary to
6 implement the amendatory language set forth in subsections
7 (c) and (d) of this Section by Public Act 98-15 ~~this~~
8 ~~amendatory Act of the 98th General Assembly~~ and a revised
9 revenue requirement under the participating utility's
10 performance-based formula rate. The Commission shall enter
11 a final order approving such tariff changes and revised
12 revenue requirement within 21 days after the participating
13 utility's filing.

14 (2) Notwithstanding anything that may be to the
15 contrary, a participating utility may file a tariff to
16 retroactively recover its previously unrecovered actual
17 costs of delivery service that are no longer subject to
18 recovery through a reconciliation adjustment under
19 subsection (d) of this Section. This retroactive recovery
20 shall include any derivative adjustments resulting from
21 the changes to subsections (c) and (d) of this Section by
22 Public Act 98-15 ~~this amendatory Act of the 98th General~~
23 ~~Assembly~~. Such tariff shall allow the utility to assess, on
24 current customer bills over a period of 12 monthly billing
25 periods, a charge or credit related to those unrecovered
26 costs with interest at the utility's weighted average cost

1 of capital during the period in which those costs were
2 unrecovered. A participating utility may file a tariff that
3 implements a retroactive charge or credit as described in
4 this paragraph for amounts not otherwise included in the
5 tariff filing provided for in paragraph (1) of this
6 subsection (k). The Commission shall enter a final order
7 approving such tariff within 21 days after the
8 participating utility's filing.

9 (3) The tariff changes described in paragraphs (1) and
10 (2) of this subsection (k) shall relate only to, and be
11 consistent with, the following provisions of Public Act
12 98-15 ~~this amendatory Act of the 98th General Assembly~~:
13 paragraph (2) of subsection (c) regarding year-end capital
14 structure, subparagraph (D) of paragraph (4) of subsection
15 (c) regarding pension assets, and subsection (d) regarding
16 the reconciliation components related to year-end rate
17 base and interest calculated at a rate equal to the
18 utility's weighted average cost of capital.

19 (4) Nothing in this subsection is intended to effect a
20 dismissal of or otherwise affect an appeal from any final
21 Commission orders entered in Docket Nos. 11-0721, 12-0001,
22 12-0293, and 12-0321 other than to the extent of the
23 amendatory language contained in subsections (c) and (d) of
24 this Section of Public Act 98-15 ~~this amendatory Act of the~~
25 ~~98th General Assembly~~.

26 (1) Each participating utility shall be deemed to have been

1 in full compliance with all requirements of subsection (b) of
2 this Section, subsection (c) of this Section, Section 16-108.6
3 of this Act, and all Commission orders entered pursuant to
4 Sections 16-108.5 and 16-108.6 of this Act, up to and including
5 May 22, 2013 (the effective date of Public Act 98-15) ~~this~~
6 ~~amendatory Act of the 98th General Assembly~~. The Commission
7 shall not undertake any investigation of such compliance and no
8 penalty shall be assessed or adverse action taken against a
9 participating utility for noncompliance with Commission orders
10 associated with subsection (b) of this Section, subsection (c)
11 of this Section, and Section 16-108.6 of this Act prior to such
12 date. Each participating utility other than a combination
13 utility shall be permitted, without penalty, a period of 12
14 months after such effective date to take actions required to
15 ensure its infrastructure investment program is in compliance
16 with subsection (b) of this Section and with Section 16-108.6
17 of this Act. Provided further: ~~(1) if this amendatory Act of~~
18 ~~the 98th General Assembly takes effect on or before June 15,~~
19 ~~2013,~~ the following subparagraphs shall apply to a
20 participating utility other than a combination utility:

21 (A) if the Commission has initiated a proceeding
22 pursuant to subsection (e) of Section 16-108.6 of this Act
23 that is pending as of May 22, 2013 (the effective date of
24 Public Act 98-15) ~~this amendatory Act of the 98th General~~
25 ~~Assembly~~, then the order entered in such proceeding shall,
26 after notice and hearing, accelerate the commencement of

1 the meter deployment schedule approved in the final
2 Commission order on rehearing entered in Docket No.
3 12-0298;

4 (B) if the Commission has entered an order pursuant to
5 subsection (e) of Section 16-108.6 of this Act prior to May
6 22, 2013 (the effective date of Public Act 98-15) ~~this~~
7 ~~amendatory Act of the 98th General Assembly~~ that does not
8 accelerate the commencement of the meter deployment
9 schedule approved in the final Commission order on
10 rehearing entered in Docket No. 12-0298, then the utility
11 shall file with the Commission, within 45 days after such
12 effective date, a plan for accelerating the commencement of
13 the utility's meter deployment schedule approved in the
14 final Commission order on rehearing entered in Docket No.
15 12-0298; the Commission shall reopen the proceeding in
16 which it entered its order pursuant to subsection (e) of
17 Section 16-108.6 of this Act and shall, after notice and
18 hearing, enter an amendatory order that approves or
19 approves as modified such accelerated plan within 90 days
20 after the utility's filing; or

21 (C) if the Commission has not initiated a proceeding
22 pursuant to subsection (e) of Section 16-108.6 of this Act
23 prior to May 22, 2013 (the effective date of Public Act
24 98-15) ~~this amendatory Act of the 98th General Assembly~~,
25 then the utility shall file with the Commission, within 45
26 days after such effective date, a plan for accelerating the

1 commencement of the utility's meter deployment schedule
2 approved in the final Commission order on rehearing entered
3 in Docket No. 12-0298 and the Commission shall, after
4 notice and hearing, approve or approve as modified such
5 plan within 90 days after the utility's filing⁷.

6 ~~(2) if this amendatory Act of the 98th General Assembly~~
7 ~~takes effect after June 15, 2013, then each participating~~
8 ~~utility other than a combination utility shall file with~~
9 ~~the Commission, within 45 days after such effective date, a~~
10 ~~plan for accelerating the commencement of the utility's~~
11 ~~meter deployment schedule approved in the final Commission~~
12 ~~order on rehearing entered in Docket No. 12-0298; the~~
13 ~~Commission shall reopen the most recent proceeding in which~~
14 ~~it entered an order pursuant to subsection (c) of Section~~
15 ~~16-108.6 of this Act and within 90 days after the utility's~~
16 ~~filing shall, after notice and hearing, enter an amendatory~~
17 ~~order that approves or approves as modified such~~
18 ~~accelerated plan, provided that if there was no such prior~~
19 ~~proceeding the Commission shall open a new proceeding and~~
20 ~~within 90 days after the utility's filing shall, after~~
21 ~~notice and hearing, enter an order that approves or~~
22 ~~approves as modified such accelerated plan.~~

23 Any schedule for meter deployment approved by the
24 Commission pursuant to ~~subparagraphs (1) or (2) of~~ this
25 subsection (1) shall take into consideration procurement times
26 for meters and other equipment and operational issues. Nothing

1 in Public Act 98-15 ~~this amendatory Act of the 98th General~~
2 ~~Assembly~~ shall shorten or extend the end dates for the 5-year
3 or 10-year periods set forth in subsection (b) of this Section
4 or Section 16-108.6 of this Act. Nothing in this subsection is
5 intended to address whether a participating utility has, or has
6 not, satisfied any or all of the metrics and performance goals
7 established pursuant to subsection (f) of this Section.

8 (m) The provisions of Public Act 98-15 ~~this amendatory Act~~
9 ~~of the 98th General Assembly~~ are severable under Section 1.31
10 of the Statute on Statutes.

11 (Source: P.A. 98-15, eff. 5-22-13; 98-1175, eff. 6-1-15;
12 99-143, eff. 7-27-15; revised 10-21-15.)

13 Section 320. The Illinois Athletic Trainers Practice Act is
14 amended by changing Section 18 as follows:

15 (225 ILCS 5/18) (from Ch. 111, par. 7618)

16 (Section scheduled to be repealed on January 1, 2026)

17 Sec. 18. Investigations; notice and hearing. The
18 Department may investigate the actions of any applicant or of
19 any person or persons holding or claiming to hold a license.
20 The Department shall, before refusing to issue or to renew a
21 license or disciplining a registrant, at least 30 days prior to
22 the date set for the hearing, notify in writing the applicant
23 or licensee of the nature of the charges and the time and place
24 that a hearing will be held on the charges. The Department

1 shall direct the applicant or licensee to file a written answer
2 under oath within 20 days after the service of the notice. In
3 case the person fails to file an answer after receiving notice,
4 his or her license or certificate may, in the discretion of the
5 Department, be suspended, revoked, or placed on probationary
6 status, or the Department may take whatever disciplinary action
7 deemed proper, including limiting the scope, nature, or extent
8 of the person's practice or the imposition of a fine, without a
9 hearing, if the act or acts charged constitute sufficient
10 grounds for such action under this Act. At the time and place
11 fixed in the notice, the Department shall proceed to hear the
12 charges, and the parties or their counsel shall be accorded
13 ample opportunity to present such statements, testimony,
14 evidence, and argument as may be pertinent to the charges or to
15 their defense. The Department may continue a hearing from time
16 to time. The written notice and any notice in the subsequent
17 proceeding may be served by registered or certified mail to the
18 licensee's address of record.

19 (Source: P.A. 99-469, eff. 8-26-15; revised 10-9-15.)

20 Section 325. The Child Care Act of 1969 is amended by
21 changing Section 2.06 as follows:

22 (225 ILCS 10/2.06) (from Ch. 23, par. 2212.06)

23 Sec. 2.06. "Child care institution" means a child care
24 facility where more than 7 children are received and maintained

1 for the purpose of providing them with care or training or
2 both. The term "child care institution" includes residential
3 schools, primarily serving ambulatory children with
4 disabilities, and those operating a full calendar year, but
5 does not include:

6 (a) any ~~Any~~ State-operated institution for child care
7 established by legislative action;

8 (b) any ~~Any~~ juvenile detention or shelter care home
9 established and operated by any county or child protection
10 district established under the "Child Protection Act";

11 (c) any ~~Any~~ institution, home, place or facility
12 operating under a license pursuant to the Nursing Home Care
13 Act, the Specialized Mental Health Rehabilitation Act of
14 2013, the ID/DD Community Care Act, or the MC/DD Act;

15 (d) any ~~Any~~ bona fide boarding school in which children
16 are primarily taught branches of education corresponding
17 to those taught in public schools, grades one through 12,
18 or taught in public elementary schools, high schools, or
19 both elementary and high schools, and which operates on a
20 regular academic school year basis; or

21 (e) any ~~Any~~ facility licensed as a "group home" as
22 defined in this Act.

23 (Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15;
24 99-180, eff. 7-29-15; revised 10-9-15.)

25 Section 330. The Environmental Health Practitioner

1 Licensing Act is amended by changing Section 130 as follows:

2 (225 ILCS 37/130)

3 (Section scheduled to be repealed on January 1, 2019)

4 Sec. 130. Illinois Administrative Procedure Act. The
5 Illinois Administrative Procedure Act is expressly adopted and
6 incorporated in this Act as if all of the provisions of that
7 Act were included in this Act, except that the provision of
8 paragraph (c) of Section 10-65 ~~16~~ of the Illinois
9 Administrative Procedure Act, which provides that at hearings
10 the certificate holder has the right to show compliance with
11 all lawful requirements for retention, ~~or~~ continuation, or
12 renewal of the certificate, is specifically excluded. For the
13 purpose of this Act, the notice required under Section 10-25 ~~10~~
14 of the Illinois Administrative Procedure Act is deemed
15 sufficient when mailed to the last known address of a party.
16 (Source: P.A. 89-61, eff. 6-30-95; revised 10-9-15.)

17 Section 335. The Patients' Right to Know Act is amended by
18 changing Section 5 as follows:

19 (225 ILCS 61/5)

20 Sec. 5. Definitions. For purposes of this Act, the
21 following definitions shall have the following meanings,
22 except where the context requires otherwise:

23 "Department" means the Department of Financial and

1 Professional Regulation.

2 "Disciplinary Board" means the Medical Disciplinary Board.

3 "Physician" means a person licensed under the Medical
4 Practice Act of 1987 to practice medicine in all of its
5 branches or a chiropractic physician licensed to treat human
6 ailments without the use of drugs and without operative
7 surgery.

8 "Secretary" means the Secretary of the Department of
9 Financial and Professional Regulation.

10 (Source: P.A. 97-280, eff. 8-9-11; revised 10-21-15.)

11 Section 340. The Nurse Practice Act is amended by changing
12 Section 50-10 as follows:

13 (225 ILCS 65/50-10) (was 225 ILCS 65/5-10)

14 (Section scheduled to be repealed on January 1, 2018)

15 Sec. 50-10. Definitions. Each of the following terms, when
16 used in this Act, shall have the meaning ascribed to it in this
17 Section, except where the context clearly indicates otherwise:

18 "Academic year" means the customary annual schedule of
19 courses at a college, university, or approved school,
20 customarily regarded as the school year as distinguished from
21 the calendar year.

22 "Advanced practice nurse" or "APN" means a person who has
23 met the qualifications for a (i) certified nurse midwife (CNM);
24 (ii) certified nurse practitioner (CNP); (iii) certified

1 registered nurse anesthetist (CRNA); or (iv) clinical nurse
2 specialist (CNS) and has been licensed by the Department. All
3 advanced practice nurses licensed and practicing in the State
4 of Illinois shall use the title APN and may use specialty
5 credentials CNM, CNP, CRNA, or CNS after their name. All
6 advanced practice nurses may only practice in accordance with
7 national certification and this Act.

8 "Approved program of professional nursing education" and
9 "approved program of practical nursing education" are programs
10 of professional or practical nursing, respectively, approved
11 by the Department under the provisions of this Act.

12 "Board" means the Board of Nursing appointed by the
13 Secretary.

14 "Collaboration" means a process involving 2 or more health
15 care professionals working together, each contributing one's
16 respective area of expertise to provide more comprehensive
17 patient care.

18 "Consultation" means the process whereby an advanced
19 practice nurse seeks the advice or opinion of another health
20 care professional.

21 "Credentialed" means the process of assessing and
22 validating the qualifications of a health care professional.

23 "Current nursing practice update course" means a planned
24 nursing education curriculum approved by the Department
25 consisting of activities that have educational objectives,
26 instructional methods, content or subject matter, clinical

1 practice, and evaluation methods, related to basic review and
2 updating content and specifically planned for those nurses
3 previously licensed in the United States or its territories and
4 preparing for reentry into nursing practice.

5 "Dentist" means a person licensed to practice dentistry
6 under the Illinois Dental Practice Act.

7 "Department" means the Department of Financial and
8 Professional Regulation.

9 "Hospital affiliate" means a corporation, partnership,
10 joint venture, limited liability company, or similar
11 organization, other than a hospital, that is devoted primarily
12 to the provision, management, or support of health care
13 services and that directly or indirectly controls, is
14 controlled by, or is under common control of the hospital. For
15 the purposes of this definition, "control" means having at
16 least an equal or a majority ownership or membership interest.
17 A hospital affiliate shall be 100% owned or controlled by any
18 combination of hospitals, their parent corporations, or
19 physicians licensed to practice medicine in all its branches in
20 Illinois. "Hospital affiliate" does not include a health
21 maintenance organization regulated under the Health
22 Maintenance Organization Act.

23 "Impaired nurse" means a nurse licensed under this Act who
24 is unable to practice with reasonable skill and safety because
25 of a physical or mental disability as evidenced by a written
26 determination or written consent based on clinical evidence,

1 including loss of motor skills, abuse of drugs or alcohol, or a
2 psychiatric disorder, of sufficient degree to diminish his or
3 her ability to deliver competent patient care.

4 "License-pending advanced practice nurse" means a
5 registered professional nurse who has completed all
6 requirements for licensure as an advanced practice nurse except
7 the certification examination and has applied to take the next
8 available certification exam and received a temporary license
9 from the Department.

10 "License-pending registered nurse" means a person who has
11 passed the Department-approved registered nurse licensure exam
12 and has applied for a license from the Department. A
13 license-pending registered nurse shall use the title "RN lic
14 pend" on all documentation related to nursing practice.

15 "Physician" means a person licensed to practice medicine in
16 all its branches under the Medical Practice Act of 1987.

17 "Podiatric physician" means a person licensed to practice
18 podiatry under the Podiatric Medical Practice Act of 1987.

19 "Practical nurse" or "licensed practical nurse" means a
20 person who is licensed as a practical nurse under this Act and
21 practices practical nursing as defined in this Act. Only a
22 practical nurse licensed under this Act is entitled to use the
23 title "licensed practical nurse" and the abbreviation
24 "L.P.N."

25 "Practical nursing" means the performance of nursing acts
26 requiring the basic nursing knowledge, judgment, and skill

1 acquired by means of completion of an approved practical
2 nursing education program. Practical nursing includes
3 assisting in the nursing process as delegated by a registered
4 professional nurse or an advanced practice nurse. The practical
5 nurse may work under the direction of a licensed physician,
6 dentist, podiatric physician, or other health care
7 professional determined by the Department.

8 "Privileged" means the authorization granted by the
9 governing body of a healthcare facility, agency, or
10 organization to provide specific patient care services within
11 well-defined limits, based on qualifications reviewed in the
12 credentialing process.

13 "Registered Nurse" or "Registered Professional Nurse"
14 means a person who is licensed as a professional nurse under
15 this Act and practices nursing as defined in this Act. Only a
16 registered nurse licensed under this Act is entitled to use the
17 titles "registered nurse" and "registered professional nurse"
18 and the abbreviation, "R.N.".

19 "Registered professional nursing practice" is a scientific
20 process founded on a professional body of knowledge; it is a
21 learned profession based on the understanding of the human
22 condition across the life span and environment and includes all
23 nursing specialties and means the performance of any nursing
24 act based upon professional knowledge, judgment, and skills
25 acquired by means of completion of an approved professional
26 nursing education program. A registered professional nurse

1 provides holistic nursing care through the nursing process to
2 individuals, groups, families, or communities, that includes
3 but is not limited to: (1) the assessment of healthcare needs,
4 nursing diagnosis, planning, implementation, and nursing
5 evaluation; (2) the promotion, maintenance, and restoration of
6 health; (3) counseling, patient education, health education,
7 and patient advocacy; (4) the administration of medications and
8 treatments as prescribed by a physician licensed to practice
9 medicine in all of its branches, a licensed dentist, a licensed
10 podiatric physician, or a licensed optometrist or as prescribed
11 by a physician assistant or by an advanced practice nurse; (5)
12 the coordination and management of the nursing plan of care;
13 (6) the delegation to and supervision of individuals who assist
14 the registered professional nurse implementing the plan of
15 care; and (7) teaching nursing students. The foregoing shall
16 not be deemed to include those acts of medical diagnosis or
17 prescription of therapeutic or corrective measures.

18 "Professional assistance program for nurses" means a
19 professional assistance program that meets criteria
20 established by the Board of Nursing and approved by the
21 Secretary, which provides a non-disciplinary treatment
22 approach for nurses licensed under this Act whose ability to
23 practice is compromised by alcohol or chemical substance
24 addiction.

25 "Secretary" means the Secretary of Financial and
26 Professional Regulation.

1 "Unencumbered license" means a license issued in good
2 standing.

3 "Written collaborative agreement" means a written
4 agreement between an advanced practice nurse and a
5 collaborating physician, dentist, or podiatric physician
6 pursuant to Section 65-35.

7 (Source: P.A. 98-214, eff. 8-9-13; 99-173, eff. 7-29-15;
8 99-330, eff. 1-1-16; revised 10-20-15.)

9 Section 345. The Pharmacy Practice Act is amended by
10 changing Section 19.1 as follows:

11 (225 ILCS 85/19.1)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 19.1. Dispensing opioid antagonists ~~naloxone~~
14 ~~antidotes~~.

15 (a) Due to the recent rise in opioid-related deaths in
16 Illinois and the existence of an opioid antagonist that can
17 reverse the deadly effects of overdose, the General Assembly
18 finds that in order to avoid further loss where possible, it is
19 responsible to allow greater access of such an antagonist to
20 those populations at risk of overdose.

21 (b) Notwithstanding any general or special law to the
22 contrary, a licensed pharmacist may dispense an opioid
23 antagonist in accordance with written, standardized procedures
24 or protocols developed by the Department with the Department of

1 Public Health and the Department of Human Services if the
2 procedures or protocols are filed at the pharmacy before
3 implementation and are available to the Department upon
4 request.

5 (c) Before dispensing an opioid antagonist pursuant to this
6 Section, a pharmacist shall complete a training program
7 approved by the Department of Human Services pursuant to
8 Section 5-23 of the Alcoholism and Other Drug Abuse and
9 Dependency Act. The training program shall include, but not be
10 limited to, proper documentation and quality assurance.

11 (d) For the purpose of this Section, "opioid antagonist"
12 means a drug that binds to opioid receptors and blocks or
13 inhibits the effect of opioids acting on those receptors,
14 including, but not limited to, naloxone hydrochloride or any
15 other similarly acting and equally safe drug approved by the
16 U.S. Food and Drug Administration for the treatment of drug
17 overdose.

18 (Source: P.A. 99-480, eff. 9-9-15; revised 10-16-15.)

19 Section 350. The Illinois Physical Therapy Act is amended
20 by changing Section 1 as follows:

21 (225 ILCS 90/1) (from Ch. 111, par. 4251)

22 (Section scheduled to be repealed on January 1, 2026)

23 Sec. 1. Definitions. As used in this Act:

24 (1) "Physical therapy" means all of the following:

1 (A) Examining, evaluating, and testing individuals who
2 may have mechanical, physiological, or developmental
3 impairments, functional limitations, disabilities, or
4 other health and movement-related conditions, classifying
5 these disorders, determining a rehabilitation prognosis
6 and plan of therapeutic intervention, and assessing the
7 on-going effects of the interventions.

8 (B) Alleviating impairments, functional limitations,
9 or disabilities by designing, implementing, and modifying
10 therapeutic interventions that may include, but are not
11 limited to, the evaluation or treatment of a person through
12 the use of the effective properties of physical measures
13 and heat, cold, light, water, radiant energy, electricity,
14 sound, and air and use of therapeutic massage, therapeutic
15 exercise, mobilization, and rehabilitative procedures,
16 with or without assistive devices, for the purposes of
17 preventing, correcting, or alleviating a physical or
18 mental impairment, functional limitation, or disability.

19 (C) Reducing the risk of injury, impairment,
20 functional limitation, or disability, including the
21 promotion and maintenance of fitness, health, and
22 wellness.

23 (D) Engaging in administration, consultation,
24 education, and research.

25 Physical therapy includes, but is not limited to: (a)
26 performance of specialized tests and measurements, (b)

1 administration of specialized treatment procedures, (c)
2 interpretation of referrals from physicians, dentists,
3 advanced practice nurses, physician assistants, and podiatric
4 physicians, (d) establishment, and modification of physical
5 therapy treatment programs, (e) administration of topical
6 medication used in generally accepted physical therapy
7 procedures when such medication is either prescribed by the
8 patient's physician, licensed to practice medicine in all its
9 branches, the patient's physician licensed to practice
10 podiatric medicine, the patient's advanced practice nurse, the
11 patient's physician assistant, or the patient's dentist or used
12 following the physician's orders or written instructions, and
13 (f) supervision or teaching of physical therapy. Physical
14 therapy does not include radiology, electrosurgery,
15 chiropractic technique or determination of a differential
16 diagnosis; provided, however, the limitation on determining a
17 differential diagnosis shall not in any manner limit a physical
18 therapist licensed under this Act from performing an evaluation
19 pursuant to such license. Nothing in this Section shall limit a
20 physical therapist from employing appropriate physical therapy
21 techniques that he or she is educated and licensed to perform.
22 A physical therapist shall refer to a licensed physician,
23 advanced practice nurse, physician assistant, dentist,
24 podiatric physician, other physical therapist, or other health
25 care provider any patient whose medical condition should, at
26 the time of evaluation or treatment, be determined to be beyond

1 the scope of practice of the physical therapist.

2 (2) "Physical therapist" means a person who practices
3 physical therapy and who has met all requirements as provided
4 in this Act.

5 (3) "Department" means the Department of Professional
6 Regulation.

7 (4) "Director" means the Director of Professional
8 Regulation.

9 (5) "Board" means the Physical Therapy Licensing and
10 Disciplinary Board approved by the Director.

11 (6) "Referral" means a written or oral authorization for
12 physical therapy services for a patient by a physician,
13 dentist, advanced practice nurse, physician assistant, or
14 podiatric physician who maintains medical supervision of the
15 patient and makes a diagnosis or verifies that the patient's
16 condition is such that it may be treated by a physical
17 therapist.

18 (7) "Documented current and relevant diagnosis" for the
19 purpose of this Act means a diagnosis, substantiated by
20 signature or oral verification of a physician, dentist,
21 advanced practice nurse, physician assistant, or podiatric
22 physician, that a patient's condition is such that it may be
23 treated by physical therapy as defined in this Act, which
24 diagnosis shall remain in effect until changed by the
25 physician, dentist, advanced practice nurse, physician
26 assistant, or podiatric physician.

1 (8) "State" includes:

2 (a) the states of the United States of America;

3 (b) the District of Columbia; and

4 (c) the Commonwealth of Puerto Rico.

5 (9) "Physical therapist assistant" means a person licensed
6 to assist a physical therapist and who has met all requirements
7 as provided in this Act and who works under the supervision of
8 a licensed physical therapist to assist in implementing the
9 physical therapy treatment program as established by the
10 licensed physical therapist. The patient care activities
11 provided by the physical therapist assistant shall not include
12 the interpretation of referrals, evaluation procedures, or the
13 planning or major modification of patient programs.

14 (10) "Physical therapy aide" means a person who has
15 received on the job training, specific to the facility in which
16 he is employed.

17 (11) "Advanced practice nurse" means a person licensed as
18 an advanced practice nurse under the Nurse Practice Act.

19 (12) "Physician assistant" means a person licensed under
20 the Physician Assistant Practice Act of 1987.

21 (Source: P.A. 98-214, eff. 8-9-13; 99-173, eff. 7-29-15;
22 99-229, eff. 8-3-15; revised 10-21-15.)

23 Section 355. The Respiratory Care Practice Act is amended
24 by changing Sections 10 and 115 as follows:

1 (225 ILCS 106/10)

2 (Section scheduled to be repealed on January 1, 2026)

3 Sec. 10. Definitions. In this Act:

4 "Address of record" means the designated address recorded
5 by the Department in the applicant's or licensee's application
6 file or license file as maintained by the Department's
7 licensure maintenance unit. It is the duty of the applicant or
8 licensee to inform the Department of any change of address and
9 those changes must be made either through the Department's
10 website or by contacting the Department.

11 "Advanced practice nurse" means an advanced practice nurse
12 licensed under the Nurse Practice Act.

13 "Board" means the Respiratory Care Board appointed by the
14 Secretary.

15 "Basic respiratory care activities" means and includes all
16 of the following activities:

17 (1) Cleaning, disinfecting, and sterilizing equipment
18 used in the practice of respiratory care as delegated by a
19 licensed health care professional or other authorized
20 licensed personnel.

21 (2) Assembling equipment used in the practice of
22 respiratory care as delegated by a licensed health care
23 professional or other authorized licensed personnel.

24 (3) Collecting and reviewing patient data through
25 non-invasive means, provided that the collection and
26 review does not include the individual's interpretation of

1 the clinical significance of the data. Collecting and
2 reviewing patient data includes the performance of pulse
3 oximetry and non-invasive monitoring procedures in order
4 to obtain vital signs and notification to licensed health
5 care professionals and other authorized licensed personnel
6 in a timely manner.

7 (4) Maintaining a nasal cannula or face mask for oxygen
8 therapy in the proper position on the patient's face.

9 (5) Assembling a nasal cannula or face mask for oxygen
10 therapy at patient bedside in preparation for use.

11 (6) Maintaining a patient's natural airway by
12 physically manipulating the jaw and neck, suctioning the
13 oral cavity, or suctioning the mouth or nose with a bulb
14 syringe.

15 (7) Performing assisted ventilation during emergency
16 resuscitation using a manual resuscitator.

17 (8) Using a manual resuscitator at the direction of a
18 licensed health care professional or other authorized
19 licensed personnel who is present and performing routine
20 airway suctioning. These activities do not include care of
21 a patient's artificial airway or the adjustment of
22 mechanical ventilator settings while a patient is
23 connected to the ventilator.

24 "Basic respiratory care activities" does not mean activities
25 that involve any of the following:

26 (1) Specialized knowledge that results from a course of

1 education or training in respiratory care.

2 (2) An unreasonable risk of a negative outcome for the
3 patient.

4 (3) The assessment or making of a decision concerning
5 patient care.

6 (4) The administration of aerosol medication or
7 medical gas.

8 (5) The insertion and maintenance of an artificial
9 airway.

10 (6) Mechanical ventilatory support.

11 (7) Patient assessment.

12 (8) Patient education.

13 (9) The transferring of oxygen devices, for purposes of
14 patient transport, with a liter flow greater than 6 liters
15 per minute, and the transferring of oxygen devices at any
16 liter flow being delivered to patients less than 12 years
17 of age.

18 "Department" means the Department of Financial and
19 Professional Regulation.

20 "Licensed" means that which is required to hold oneself out
21 as a respiratory care practitioner as defined in this Act.

22 "Licensed health care professional" means a physician
23 licensed to practice medicine in all its branches, a licensed
24 advanced practice nurse, or a licensed physician assistant.

25 "Order" means a written, oral, or telecommunicated
26 authorization for respiratory care services for a patient by

1 (i) a licensed health care professional who maintains medical
2 supervision of the patient and makes a diagnosis or verifies
3 that the patient's condition is such that it may be treated by
4 a respiratory care practitioner or (ii) a certified registered
5 nurse anesthetist in a licensed hospital or ambulatory surgical
6 treatment center.

7 "Other authorized licensed personnel" means a licensed
8 respiratory care practitioner, a licensed registered nurse, or
9 a licensed practical nurse whose scope of practice authorizes
10 the professional to supervise an individual who is not
11 licensed, certified, or registered as a health professional.

12 "Proximate supervision" means a situation in which an
13 individual is responsible for directing the actions of another
14 individual in the facility and is physically close enough to be
15 readily available, if needed, by the supervised individual.

16 "Respiratory care" and "cardiorespiratory care" mean
17 preventative services, evaluation and assessment services,
18 therapeutic services, cardiopulmonary disease management, and
19 rehabilitative services under the order of a licensed health
20 care professional for an individual with a disorder, disease,
21 or abnormality of the cardiopulmonary system. These terms
22 include, but are not limited to, measuring, observing,
23 assessing, and monitoring signs and symptoms, reactions,
24 general behavior, and general physical response of individuals
25 to respiratory care services, including the determination of
26 whether those signs, symptoms, reactions, behaviors, or

1 general physical responses exhibit abnormal characteristics;
2 the administration of pharmacological and therapeutic agents
3 and procedures related to respiratory care services; the
4 collection of blood specimens and other bodily fluids and
5 tissues for, and the performance of, cardiopulmonary
6 diagnostic testing procedures, including, but not limited to,
7 blood gas analysis; development, implementation, and
8 modification of respiratory care treatment plans based on
9 assessed abnormalities of the cardiopulmonary system,
10 respiratory care guidelines, referrals, and orders of a
11 licensed health care professional; application, operation, and
12 management of mechanical ventilatory support and other means of
13 life support, including, but not limited to, hemodynamic
14 cardiovascular support; and the initiation of emergency
15 procedures under the rules promulgated by the Department. A
16 respiratory care practitioner shall refer to a physician
17 licensed to practice medicine in all its branches any patient
18 whose condition, at the time of evaluation or treatment, is
19 determined to be beyond the scope of practice of the
20 respiratory care practitioner.

21 "Respiratory care education program" means a course of
22 academic study leading to eligibility for registry or
23 certification in respiratory care. The training is to be
24 approved by an accrediting agency recognized by the Board and
25 shall include an evaluation of competence through a
26 standardized testing mechanism that is determined by the Board

1 to be both valid and reliable.

2 "Respiratory care practitioner" means a person who is
3 licensed by the Department of Professional Regulation and meets
4 all of the following criteria:

5 (1) The person is engaged in the practice of
6 cardiorespiratory care and has the knowledge and skill
7 necessary to administer respiratory care.

8 (2) The person is capable of serving as a resource to
9 the licensed health care professional in relation to the
10 technical aspects of cardiorespiratory care and the safe
11 and effective methods for administering cardiorespiratory
12 care modalities.

13 (3) The person is able to function in situations of
14 unsupervised patient contact requiring great individual
15 judgment.

16 "Secretary" means the Secretary of Financial and
17 Professional Regulation.

18 (Source: P.A. 99-173, eff. 7-29-15; 99-230, eff. 8-3-15;
19 revised 10-20-15.)

20 (225 ILCS 106/115)

21 (Section scheduled to be repealed on January 1, 2026)

22 Sec. 115. Subpoena; depositions; oaths. The Department has
23 the power to subpoena and to bring before it any person,
24 exhibit, book, document, record, file, or any other material
25 and to take testimony either orally or by deposition, or both,

1 with the same fees and mileage and in the same manner as
2 prescribed ~~proscribed~~ in civil cases in the courts of this
3 State.

4 The Secretary, the designated hearing officer, and every
5 member of the Board has the power to administer oaths to
6 witnesses at any hearing which the Department is authorized to
7 conduct, and any other oaths authorized in any Act administered
8 by the Department.

9 (Source: P.A. 99-230, eff. 8-3-15; revised 10-21-15.)

10 Section 360. The Perfusionist Practice Act is amended by
11 changing Section 125 as follows:

12 (225 ILCS 125/125)

13 (Section scheduled to be repealed on January 1, 2020)

14 Sec. 125. Record of proceedings. The Department, at its
15 expense, shall preserve a record of all proceedings at a formal
16 hearing conducted pursuant to Section 120 of this Act. The
17 notice of hearing, complaint, and all other documents in the
18 nature of pleadings and written motions filed in the
19 proceedings, the transcript of testimony, the report of the
20 Board or hearing officer, and orders of the Department shall be
21 the record of the proceeding. The Department shall supply a
22 transcript of the record to a person interested in the hearing
23 on payment of the fee required under Section 2105-115 of the
24 Department of Professional Regulation Law ~~Section 60f of the~~

1 ~~Civil Administrative Code of Illinois.~~

2 (Source: P.A. 91-580, eff. 1-1-00; revised 10-16-15.)

3 Section 365. The Barber, Cosmetology, Esthetics, Hair
4 Braiding, and Nail Technology Act of 1985 is amended by
5 changing Section 2-4 as follows:

6 (225 ILCS 410/2-4) (from Ch. 111, par. 1702-4)

7 (Section scheduled to be repealed on January 1, 2026)

8 Sec. 2-4. Licensure as a barber teacher; qualifications. A
9 person is qualified to receive a license as a barber teacher if
10 that person files an application on forms provided by the
11 Department, pays the required fee, and:

- 12 a. Is at least 18 years of age;
13 b. Has graduated from high school or its equivalent;
14 c. Has a current license as a barber or cosmetologist;
15 d. Has graduated from a barber school or school of
16 cosmetology approved by the Department having:

17 (1) completed a total of 500 hours in barber
18 teacher training extending over a period of not less
19 than 3 months nor more than 2 years and has had 3 years
20 of practical experience as a licensed barber;

21 (2) completed a total of 1,000 hours of barber
22 teacher training extending over a period of not less
23 than 6 months nor more than 2 years; or

24 (3) completed the cosmetology teacher training as

1 specified in paragraph (4) of subsection (a) of Section
2 3-4 of this Act and completed a supplemental barbering
3 course as established by rule;

4 e. Has passed an examination authorized by the
5 Department to determine fitness to receive a license as a
6 barber teacher or a cosmetology teacher; and

7 f. Has met any other requirements set forth in this
8 Act.

9 An applicant who is issued a license as a barber teacher is
10 not required to maintain a barber license in order to practice
11 barbering as defined in this Act.

12 (Source: P.A. 98-911, eff. 1-1-15; 99-78, eff. 7-20-15; 99-427,
13 eff. 8-21-15; revised 10-19-15.)

14 Section 370. The Collection Agency Act is amended by
15 changing Section 2.04 as follows:

16 (225 ILCS 425/2.04) (from Ch. 111, par. 2005.1)

17 (Section scheduled to be repealed on January 1, 2026)

18 Sec. 2.04. Child support debt.

19 (a) Collection agencies engaged in the business of
20 collecting child support debt owing under a court order as
21 provided under the Illinois Public Aid Code, the Illinois
22 Marriage and Dissolution of Marriage Act, the Non-Support
23 Punishment Act, the Illinois Parentage Act of 1984, the
24 Illinois Parentage Act of 2015, or similar laws of other states

1 are not restricted (i) in the frequency of contact with an
2 obligor who is in arrears, whether by phone, mail, or other
3 means, (ii) from contacting the employer of an obligor who is
4 in arrears, (iii) from publishing or threatening to publish a
5 list of obligors in arrears, (iv) from disclosing or
6 threatening to disclose an arrearage that the obligor disputes,
7 but for which a verified notice of delinquency has been served
8 under the Income Withholding for Support Act (or any of its
9 predecessors, Section 10-16.2 of the Illinois Public Aid Code,
10 Section 706.1 of the Illinois Marriage and Dissolution of
11 Marriage Act, Section 22 of the Non-Support Punishment Act,
12 Section 26.1 of the Revised Uniform Reciprocal Enforcement of
13 Support Act, or Section 20 of the Illinois Parentage Act of
14 1984), or (v) from engaging in conduct that would not cause a
15 reasonable person mental or physical illness. For purposes of
16 this subsection, "obligor" means an individual who owes a duty
17 to make periodic payments, under a court order, for the support
18 of a child. "Arrearage" means the total amount of an obligor's
19 unpaid child support obligations.

20 (a-5) A collection agency may not impose a fee or charge,
21 including costs, for any child support payments collected
22 through the efforts of a federal, State, or local government
23 agency, including but not limited to child support collected
24 from federal or State tax refunds, unemployment benefits, or
25 Social Security benefits.

26 No collection agency that collects child support payments

1 shall (i) impose a charge or fee, including costs, for
2 collection of a current child support payment, (ii) fail to
3 apply collections to current support as specified in the order
4 for support before applying collection to arrears or other
5 amounts, or (iii) designate a current child support payment as
6 arrears or other amount owed. In all circumstances, the
7 collection agency shall turn over to the obligee all support
8 collected in a month up to the amount of current support
9 required to be paid for that month.

10 As to any fees or charges, including costs, retained by the
11 collection agency, that agency shall provide documentation to
12 the obligee demonstrating that the child support payments
13 resulted from the actions of the agency.

14 After collection of the total amount or arrearage,
15 including statutory interest, due as of the date of execution
16 of the collection contract, no further fees may be charged.

17 (a-10) The Department shall determine a fee rate of not
18 less than 25% but not greater than 35%, based upon presentation
19 by the licensees as to costs to provide the service and a fair
20 rate of return. This rate shall be established by
21 administrative rule.

22 Without prejudice to the determination by the Department of
23 the appropriate rate through administrative rule, a collection
24 agency shall impose a fee of not more than 29% of the amount of
25 child support actually collected by the collection agency
26 subject to the provisions of subsection (a-5). This interim

1 rate is based upon the March 2002 General Account Office report
2 "Child Support Enforcement", GAO-02-349. This rate shall apply
3 until a fee rate is established by administrative rule.

4 (b) The Department shall adopt rules necessary to
5 administer and enforce the provisions of this Section.

6 (Source: P.A. 99-85, eff. 1-1-16; 99-227, eff. 8-3-15; revised
7 10-21-15.)

8 Section 375. The Illinois Livestock Dealer Licensing Act is
9 amended by changing Section 9 as follows:

10 (225 ILCS 645/9) (from Ch. 111, par. 409)

11 Sec. 9. The Department may refuse to issue or renew or may
12 suspend or revoke a license on any of the following grounds:

13 a. Material misstatement in the application for
14 original license or in the application for any renewal
15 license under this Act;

16 b. Wilful disregard or violation of this Act, or of any
17 other Act relative to the purchase and sale of livestock,
18 feeder swine or horses, or of any regulation or rule issued
19 pursuant thereto;

20 c. Wilfully aiding or abetting another in the violation
21 of this Act or of any regulation or rule issued pursuant
22 thereto;

23 d. Allowing one's license under this Act to be used by
24 an unlicensed person;

1 e. Conviction of any felony, if the Department
2 determines, after investigation, that such person has not
3 been sufficiently rehabilitated to warrant the public
4 trust;

5 f. Conviction of any crime an essential element of
6 which is misstatement, fraud or dishonesty;

7 g. Conviction of a violation of any law in Illinois or
8 any Departmental rule or regulation relating to livestock;

9 h. Making substantial misrepresentations or false
10 promises of a character likely to influence, persuade or
11 induce in connection with the livestock industry;

12 i. Pursuing a continued course of misrepresentation of
13 or making false promises through advertising, salesmen,
14 agents or otherwise in connection with the livestock
15 industry;

16 j. Failure to possess the necessary qualifications or
17 to meet the requirements of this Act for the issuance or
18 holding a license;

19 k. Failure to pay for livestock after purchase;

20 l. Issuance of checks for payment of livestock when
21 funds are insufficient;

22 m. Determination by a Department audit that the
23 licensee or applicant is insolvent;

24 n. Operating without adequate bond coverage or its
25 equivalent required for licensees;~~;~~

26 o. Failing to remit the assessment required in Section

1 9 of the Beef Market Development Act upon written complaint
2 of the Checkoff Division of the Illinois Beef Association
3 Board of Governors.

4 The Department may refuse to issue or may suspend the
5 license of any person who fails to file a return, or to pay the
6 tax, penalty or interest shown in a filed return, or to pay any
7 final assessment of tax, penalty or interest, as required by
8 any tax Act administered by the Illinois Department of Revenue,
9 until such time as the requirements of any such tax Act are
10 satisfied.

11 (Source: P.A. 99-389, eff. 8-18-15; revised 10-20-15.)

12 Section 380. The Raffles and Poker Runs Act is amended by
13 changing Section 1 as follows:

14 (230 ILCS 15/1) (from Ch. 85, par. 2301)

15 Sec. 1. Definitions. For the purposes of this Act the terms
16 defined in this Section have the meanings given them.

17 "Net proceeds" means the gross receipts from the conduct of
18 raffles, less reasonable sums expended for prizes, local
19 license fees and other reasonable operating expenses incurred
20 as a result of operating a raffle or poker run.

21 "Key location" means the location where the poker run
22 concludes and the prize or prizes are awarded.

23 "Poker run" means a prize-awarding event organized by an
24 organization licensed under this Act in which participants

1 travel to multiple predetermined locations, including a key
2 location, to play a randomized game based on an element of
3 chance. "Poker run" includes dice runs, marble runs, or other
4 events where the objective is to build the best hand or highest
5 score by obtaining an item or playing a randomized game at each
6 location.

7 "Raffle" means a form of lottery, as defined in Section
8 28-2(b) of the Criminal Code of 2012, conducted by an
9 organization licensed under this Act, in which:

10 (1) the player pays or agrees to pay something of value
11 for a chance, represented and differentiated by a number or
12 by a combination of numbers or by some other medium, one or
13 more of which chances is to be designated the winning
14 chance;

15 (2) the winning chance is to be determined through a
16 drawing or by some other method based on an element of
17 chance by an act or set of acts on the part of persons
18 conducting or connected with the lottery, except that the
19 winning chance shall not be determined by the outcome of a
20 publicly exhibited sporting contest.

21 "Raffle" does not include a savings promotion raffle
22 authorized under Section 5g of the Illinois Banking Act,
23 Section 7008 of the Savings Bank Act, Section 42.7 of the
24 Illinois Credit Union Act, Section 5136B of the National Bank
25 Act (12 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act
26 (12 U.S.C. 1463).

1 (Source: P.A. 98-644, eff. 6-10-14; 99-149, eff. 1-1-16;
2 99-405, eff. 8-19-15; revised 10-19-15.)

3 Section 385. The Bingo License and Tax Act is amended by
4 changing Section 1.3 as follows:

5 (230 ILCS 25/1.3)

6 Sec. 1.3. Restrictions on licensure. Licensing for the
7 conducting of bingo is subject to the following restrictions:

8 (1) The license application, when submitted to the
9 Department, must contain a sworn statement attesting to the
10 not-for-profit character of the prospective licensee
11 organization, signed by a person listed on the application
12 as an owner, officer, or other person in charge of the
13 necessary day-to-day operations of that organization.

14 (2) The license application shall be prepared in
15 accordance with the rules of the Department.

16 (3) The licensee shall prominently display the license
17 in the area where the licensee conducts bingo. The licensee
18 shall likewise display, in the form and manner as
19 prescribed by the Department, the provisions of Section 8
20 of this Act.

21 (4) Each license shall state the day of the week, hours
22 and at which location the licensee is permitted to conduct
23 bingo games.

24 (5) A license is not assignable or transferable.

1 (6) A license authorizes the licensee to conduct the
2 game commonly known as bingo, in which prizes are awarded
3 on the basis of designated numbers or symbols on a card
4 conforming to numbers or symbols selected at random.

5 (7) The Department may, on special application made by
6 any organization having a bingo license, issue a special
7 permit for conducting bingo on other days not exceeding 5
8 consecutive days, except that a licensee may conduct bingo
9 at the Illinois State Fair or any county fair held in
10 Illinois during each day that the fair is held, without a
11 fee. Bingo games conducted at the Illinois State Fair or a
12 county fair shall not require a special permit. No more
13 than 2 special permits may be issued in one year to any one
14 organization.

15 (8) Any organization qualified for a license but not
16 holding one may, upon application and payment of a
17 nonrefundable fee of \$50, receive a limited license to
18 conduct bingo games at no more than 2 indoor or outdoor
19 festivals in a year for a maximum of 5 consecutive days on
20 each occasion. No more than 2 limited licenses under this
21 item (7) may be issued to any organization in any year. A
22 limited license must be prominently displayed at the site
23 where the bingo games are conducted.

24 (9) Senior citizens organizations and units of local
25 government may conduct bingo without a license or fee,
26 subject to the following conditions:

1 (A) bingo shall be conducted only (i) at a facility
2 that is owned by a unit of local government to which
3 the corporate authorities have given their approval
4 and that is used to provide social services or a
5 meeting place to senior citizens, (ii) in common areas
6 in multi-unit federally assisted rental housing
7 maintained solely for elderly persons and persons with
8 disabilities, or (iii) at a building owned by a church
9 or veterans organization;

10 (B) the price paid for a single card shall not
11 exceed 50 cents;

12 (C) the aggregate retail value of all prizes or
13 merchandise awarded in any one game of bingo shall not
14 exceed \$10;

15 (D) no person or organization shall participate in
16 the management or operation of bingo under this item
17 (9) if the person or organization would be ineligible
18 for a license under this Section; and

19 (E) no license is required to provide premises for
20 bingo conducted under this item (9).

21 (10) Bingo equipment shall not be used for any purpose
22 other than for the play of bingo.

23 (Source: P.A. 99-143, eff. 7-27-15; 99-177, eff. 7-29-15;
24 revised 10-19-15.)

25 Section 390. The Liquor Control Act of 1934 is amended by

1 setting forth and renumbering multiple versions of Section
2 1-3.40 and by changing Sections 5-1, 6-4, and 6-11 as follows:

3 (235 ILCS 5/1-3.40)

4 Sec. 1-3.40. Manufacturer class license holder.
5 "Manufacturer class license holder" means any holder of a
6 Manufacturer's license as provided in Section 5-1 of this Act.
7 The Manufacturer's licenses are: a Class 1. Distiller, a Class
8 2. Rectifier, a Class 3. Brewer, a Class 4. First Class Wine
9 Manufacturer, a Class 5. Second Class Wine Manufacturer, a
10 Class 6. First Class Winemaker, a Class 7. Second Class
11 Winemaker, a Class 8. Limited Wine Manufacturer, a Class 9.
12 Craft Distiller, and a Class 10. Craft Brewer and any future
13 Manufacturer's licenses established by law.

14 (Source: P.A. 99-282, eff. 8-5-15.)

15 (235 ILCS 5/1-3.42)

16 Sec. 1-3.42 ~~1-3.40~~. Class 2 brewer. "Class 2 brewer" means
17 a person who is a holder of a brewer license or non-resident
18 dealer license who manufactures up to 3,720,000 gallons of beer
19 per year for sale to a licensed importing distributor or
20 distributor.

21 (Source: P.A. 99-448, eff. 8-24-15; revised 10-28-15.)

22 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

23 Sec. 5-1. Licenses issued by the Illinois Liquor Control

1 Commission shall be of the following classes:

2 (a) Manufacturer's license - Class 1. Distiller, Class 2.
3 Rectifier, Class 3. Brewer, Class 4. First Class Wine
4 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
5 First Class Winemaker, Class 7. Second Class Winemaker, Class
6 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class
7 10. Class 1 Brewer, Class 11. Class 2 Brewer,

8 (b) Distributor's license,

9 (c) Importing Distributor's license,

10 (d) Retailer's license,

11 (e) Special Event Retailer's license (not-for-profit),

12 (f) Railroad license,

13 (g) Boat license,

14 (h) Non-Beverage User's license,

15 (i) Wine-maker's premises license,

16 (j) Airplane license,

17 (k) Foreign importer's license,

18 (l) Broker's license,

19 (m) Non-resident dealer's license,

20 (n) Brew Pub license,

21 (o) Auction liquor license,

22 (p) Caterer retailer license,

23 (q) Special use permit license,

24 (r) Winery shipper's license.

25 No person, firm, partnership, corporation, or other legal
26 business entity that is engaged in the manufacturing of wine

1 may concurrently obtain and hold a wine-maker's license and a
2 wine manufacturer's license.

3 (a) A manufacturer's license shall allow the manufacture,
4 importation in bulk, storage, distribution and sale of
5 alcoholic liquor to persons without the State, as may be
6 permitted by law and to licensees in this State as follows:

7 Class 1. A Distiller may make sales and deliveries of
8 alcoholic liquor to distillers, rectifiers, importing
9 distributors, distributors and non-beverage users and to no
10 other licensees.

11 Class 2. A Rectifier, who is not a distiller, as defined
12 herein, may make sales and deliveries of alcoholic liquor to
13 rectifiers, importing distributors, distributors, retailers
14 and non-beverage users and to no other licensees.

15 Class 3. A Brewer may make sales and deliveries of beer to
16 importing distributors and distributors and may make sales as
17 authorized under subsection (e) of Section 6-4 of this Act.

18 Class 4. A first class wine-manufacturer may make sales and
19 deliveries of up to 50,000 gallons of wine to manufacturers,
20 importing distributors and distributors, and to no other
21 licensees.

22 Class 5. A second class Wine manufacturer may make sales
23 and deliveries of more than 50,000 gallons of wine to
24 manufacturers, importing distributors and distributors and to
25 no other licensees.

26 Class 6. A first-class wine-maker's license shall allow the

1 manufacture of up to 50,000 gallons of wine per year, and the
2 storage and sale of such wine to distributors in the State and
3 to persons without the State, as may be permitted by law. A
4 person who, prior to June 1, 2008 (the effective date of Public
5 Act 95-634) ~~this amendatory Act of the 95th General Assembly,~~
6 is a holder of a first-class wine-maker's license and annually
7 produces more than 25,000 gallons of its own wine and who
8 distributes its wine to licensed retailers shall cease this
9 practice on or before July 1, 2008 in compliance with Public
10 Act 95-634 ~~this amendatory Act of the 95th General Assembly.~~

11 Class 7. A second-class wine-maker's license shall allow
12 the manufacture of between 50,000 and 150,000 gallons of wine
13 per year, and the storage and sale of such wine to distributors
14 in this State and to persons without the State, as may be
15 permitted by law. A person who, prior to June 1, 2008 (the
16 effective date of Public Act 95-634) ~~this amendatory Act of the~~
17 ~~95th General Assembly,~~ is a holder of a second-class
18 wine-maker's license and annually produces more than 25,000
19 gallons of its own wine and who distributes its wine to
20 licensed retailers shall cease this practice on or before July
21 1, 2008 in compliance with Public Act 95-634 ~~this amendatory~~
22 ~~Act of the 95th General Assembly.~~

23 Class 8. A limited wine-manufacturer may make sales and
24 deliveries not to exceed 40,000 gallons of wine per year to
25 distributors, and to non-licensees in accordance with the
26 provisions of this Act.

1 Class 9. A craft distiller license shall allow the
2 manufacture of up to 30,000 gallons of spirits by distillation
3 for one year after March 1, 2013 (the effective date of Public
4 Act 97-1166) ~~this amendatory Act of the 97th General Assembly~~
5 and up to 35,000 gallons of spirits by distillation per year
6 thereafter and the storage of such spirits. If a craft
7 distiller licensee is not affiliated with any other
8 manufacturer, then the craft distiller licensee may sell such
9 spirits to distributors in this State and up to 2,500 gallons
10 of such spirits to non-licensees to the extent permitted by any
11 exemption approved by the Commission pursuant to Section 6-4 of
12 this Act.

13 Any craft distiller licensed under this Act who on July 28,
14 2010 (the effective date of Public Act 96-1367) ~~this amendatory~~
15 ~~Act of the 96th General Assembly~~ was licensed as a distiller
16 and manufactured no more spirits than permitted by this Section
17 shall not be required to pay the initial licensing fee.

18 Class 10. A class 1 brewer license, which may only be
19 issued to a licensed brewer or licensed non-resident dealer,
20 shall allow the manufacture of up to 930,000 gallons of beer
21 per year provided that the class 1 brewer licensee does not
22 manufacture more than a combined 930,000 gallons of beer per
23 year and is not a member of or affiliated with, directly or
24 indirectly, a manufacturer that produces more than 930,000
25 gallons of beer per year or any other alcoholic liquor. A class
26 1 brewer licensee may make sales and deliveries to importing

1 distributors and distributors and to retail licensees in
2 accordance with the conditions set forth in paragraph (18) of
3 subsection (a) of Section 3-12 of this Act.

4 Class 11. A class 2 brewer license, which may only be
5 issued to a licensed brewer or licensed non-resident dealer,
6 shall allow the manufacture of up to 3,720,000 gallons of beer
7 per year provided that the class 2 brewer licensee does not
8 manufacture more than a combined 3,720,000 gallons of beer per
9 year and is not a member of or affiliated with, directly or
10 indirectly, a manufacturer that produces more than 3,720,000
11 gallons of beer per year or any other alcoholic liquor. A class
12 2 brewer licensee may make sales and deliveries to importing
13 distributors and distributors, but shall not make sales or
14 deliveries to any other licensee. If the State Commission
15 provides prior approval, a class 2 brewer licensee may annually
16 transfer up to 3,720,000 gallons of beer manufactured by that
17 class 2 brewer licensee to the premises of a licensed class 2
18 brewer wholly owned and operated by the same licensee.

19 (a-1) A manufacturer which is licensed in this State to
20 make sales or deliveries of alcoholic liquor to licensed
21 distributors or importing distributors and which enlists
22 agents, representatives, or individuals acting on its behalf
23 who contact licensed retailers on a regular and continual basis
24 in this State must register those agents, representatives, or
25 persons acting on its behalf with the State Commission.

26 Registration of agents, representatives, or persons acting

1 on behalf of a manufacturer is fulfilled by submitting a form
2 to the Commission. The form shall be developed by the
3 Commission and shall include the name and address of the
4 applicant, the name and address of the manufacturer he or she
5 represents, the territory or areas assigned to sell to or
6 discuss pricing terms of alcoholic liquor, and any other
7 questions deemed appropriate and necessary. All statements in
8 the forms required to be made by law or by rule shall be deemed
9 material, and any person who knowingly misstates any material
10 fact under oath in an application is guilty of a Class B
11 misdemeanor. Fraud, misrepresentation, false statements,
12 misleading statements, evasions, or suppression of material
13 facts in the securing of a registration are grounds for
14 suspension or revocation of the registration. The State
15 Commission shall post a list of registered agents on the
16 Commission's website.

17 (b) A distributor's license shall allow the wholesale
18 purchase and storage of alcoholic liquors and sale of alcoholic
19 liquors to licensees in this State and to persons without the
20 State, as may be permitted by law.

21 (c) An importing distributor's license may be issued to and
22 held by those only who are duly licensed distributors, upon the
23 filing of an application by a duly licensed distributor, with
24 the Commission and the Commission shall, without the payment of
25 any fee, immediately issue such importing distributor's
26 license to the applicant, which shall allow the importation of

1 alcoholic liquor by the licensee into this State from any point
2 in the United States outside this State, and the purchase of
3 alcoholic liquor in barrels, casks or other bulk containers and
4 the bottling of such alcoholic liquors before resale thereof,
5 but all bottles or containers so filled shall be sealed,
6 labeled, stamped and otherwise made to comply with all
7 provisions, rules and regulations governing manufacturers in
8 the preparation and bottling of alcoholic liquors. The
9 importing distributor's license shall permit such licensee to
10 purchase alcoholic liquor from Illinois licensed non-resident
11 dealers and foreign importers only.

12 (d) A retailer's license shall allow the licensee to sell
13 and offer for sale at retail, only in the premises specified in
14 the license, alcoholic liquor for use or consumption, but not
15 for resale in any form. Nothing in Public Act 95-634 ~~this~~
16 ~~amendatory Act of the 95th General Assembly~~ shall deny, limit,
17 remove, or restrict the ability of a holder of a retailer's
18 license to transfer, deliver, or ship alcoholic liquor to the
19 purchaser for use or consumption subject to any applicable
20 local law or ordinance. Any retail license issued to a
21 manufacturer shall only permit the manufacturer to sell beer at
22 retail on the premises actually occupied by the manufacturer.
23 For the purpose of further describing the type of business
24 conducted at a retail licensed premises, a retailer's licensee
25 may be designated by the State Commission as (i) an on premise
26 consumption retailer, (ii) an off premise sale retailer, or

1 (iii) a combined on premise consumption and off premise sale
2 retailer.

3 Notwithstanding any other provision of this subsection
4 (d), a retail licensee may sell alcoholic liquors to a special
5 event retailer licensee for resale to the extent permitted
6 under subsection (e).

7 (e) A special event retailer's license (not-for-profit)
8 shall permit the licensee to purchase alcoholic liquors from an
9 Illinois licensed distributor (unless the licensee purchases
10 less than \$500 of alcoholic liquors for the special event, in
11 which case the licensee may purchase the alcoholic liquors from
12 a licensed retailer) and shall allow the licensee to sell and
13 offer for sale, at retail, alcoholic liquors for use or
14 consumption, but not for resale in any form and only at the
15 location and on the specific dates designated for the special
16 event in the license. An applicant for a special event retailer
17 license must (i) furnish with the application: (A) a resale
18 number issued under Section 2c of the Retailers' Occupation Tax
19 Act or evidence that the applicant is registered under Section
20 2a of the Retailers' Occupation Tax Act, (B) a current, valid
21 exemption identification number issued under Section 1g of the
22 Retailers' Occupation Tax Act, and a certification to the
23 Commission that the purchase of alcoholic liquors will be a
24 tax-exempt purchase, or (C) a statement that the applicant is
25 not registered under Section 2a of the Retailers' Occupation
26 Tax Act, does not hold a resale number under Section 2c of the

1 Retailers' Occupation Tax Act, and does not hold an exemption
2 number under Section 1g of the Retailers' Occupation Tax Act,
3 in which event the Commission shall set forth on the special
4 event retailer's license a statement to that effect; (ii)
5 submit with the application proof satisfactory to the State
6 Commission that the applicant will provide dram shop liability
7 insurance in the maximum limits; and (iii) show proof
8 satisfactory to the State Commission that the applicant has
9 obtained local authority approval.

10 (f) A railroad license shall permit the licensee to import
11 alcoholic liquors into this State from any point in the United
12 States outside this State and to store such alcoholic liquors
13 in this State; to make wholesale purchases of alcoholic liquors
14 directly from manufacturers, foreign importers, distributors
15 and importing distributors from within or outside this State;
16 and to store such alcoholic liquors in this State; provided
17 that the above powers may be exercised only in connection with
18 the importation, purchase or storage of alcoholic liquors to be
19 sold or dispensed on a club, buffet, lounge or dining car
20 operated on an electric, gas or steam railway in this State;
21 and provided further, that railroad licensees exercising the
22 above powers shall be subject to all provisions of Article VIII
23 of this Act as applied to importing distributors. A railroad
24 license shall also permit the licensee to sell or dispense
25 alcoholic liquors on any club, buffet, lounge or dining car
26 operated on an electric, gas or steam railway regularly

1 operated by a common carrier in this State, but shall not
 2 permit the sale for resale of any alcoholic liquors to any
 3 licensee within this State. A license shall be obtained for
 4 each car in which such sales are made.

5 (g) A boat license shall allow the sale of alcoholic liquor
 6 in individual drinks, on any passenger boat regularly operated
 7 as a common carrier on navigable waters in this State or on any
 8 riverboat operated under the Riverboat Gambling Act, which boat
 9 or riverboat maintains a public dining room or restaurant
 10 thereon.

11 (h) A non-beverage user's license shall allow the licensee
 12 to purchase alcoholic liquor from a licensed manufacturer or
 13 importing distributor, without the imposition of any tax upon
 14 the business of such licensed manufacturer or importing
 15 distributor as to such alcoholic liquor to be used by such
 16 licensee solely for the non-beverage purposes set forth in
 17 subsection (a) of Section 8-1 of this Act, and such licenses
 18 shall be divided and classified and shall permit the purchase,
 19 possession and use of limited and stated quantities of
 20 alcoholic liquor as follows:

- 21 Class 1, not to exceed 500 gallons
- 22 Class 2, not to exceed 1,000 gallons
- 23 Class 3, not to exceed 5,000 gallons
- 24 Class 4, not to exceed 10,000 gallons
- 25 Class 5, not to exceed 50,000 gallons

26 (i) A wine-maker's premises license shall allow a licensee

1 that concurrently holds a first-class wine-maker's license to
2 sell and offer for sale at retail in the premises specified in
3 such license not more than 50,000 gallons of the first-class
4 wine-maker's wine that is made at the first-class wine-maker's
5 licensed premises per year for use or consumption, but not for
6 resale in any form. A wine-maker's premises license shall allow
7 a licensee who concurrently holds a second-class wine-maker's
8 license to sell and offer for sale at retail in the premises
9 specified in such license up to 100,000 gallons of the
10 second-class wine-maker's wine that is made at the second-class
11 wine-maker's licensed premises per year for use or consumption
12 but not for resale in any form. A wine-maker's premises license
13 shall allow a licensee that concurrently holds a first-class
14 wine-maker's license or a second-class wine-maker's license to
15 sell and offer for sale at retail at the premises specified in
16 the wine-maker's premises license, for use or consumption but
17 not for resale in any form, any beer, wine, and spirits
18 purchased from a licensed distributor. Upon approval from the
19 State Commission, a wine-maker's premises license shall allow
20 the licensee to sell and offer for sale at (i) the wine-maker's
21 licensed premises and (ii) at up to 2 additional locations for
22 use and consumption and not for resale. Each location shall
23 require additional licensing per location as specified in
24 Section 5-3 of this Act. A wine-maker's premises licensee shall
25 secure liquor liability insurance coverage in an amount at
26 least equal to the maximum liability amounts set forth in

1 subsection (a) of Section 6-21 of this Act.

2 (j) An airplane license shall permit the licensee to import
3 alcoholic liquors into this State from any point in the United
4 States outside this State and to store such alcoholic liquors
5 in this State; to make wholesale purchases of alcoholic liquors
6 directly from manufacturers, foreign importers, distributors
7 and importing distributors from within or outside this State;
8 and to store such alcoholic liquors in this State; provided
9 that the above powers may be exercised only in connection with
10 the importation, purchase or storage of alcoholic liquors to be
11 sold or dispensed on an airplane; and provided further, that
12 airplane licensees exercising the above powers shall be subject
13 to all provisions of Article VIII of this Act as applied to
14 importing distributors. An airplane licensee shall also permit
15 the sale or dispensing of alcoholic liquors on any passenger
16 airplane regularly operated by a common carrier in this State,
17 but shall not permit the sale for resale of any alcoholic
18 liquors to any licensee within this State. A single airplane
19 license shall be required of an airline company if liquor
20 service is provided on board aircraft in this State. The annual
21 fee for such license shall be as determined in Section 5-3.

22 (k) A foreign importer's license shall permit such licensee
23 to purchase alcoholic liquor from Illinois licensed
24 non-resident dealers only, and to import alcoholic liquor other
25 than in bulk from any point outside the United States and to
26 sell such alcoholic liquor to Illinois licensed importing

1 distributors and to no one else in Illinois; provided that (i)
2 the foreign importer registers with the State Commission every
3 brand of alcoholic liquor that it proposes to sell to Illinois
4 licensees during the license period, (ii) the foreign importer
5 complies with all of the provisions of Section 6-9 of this Act
6 with respect to registration of such Illinois licensees as may
7 be granted the right to sell such brands at wholesale, and
8 (iii) the foreign importer complies with the provisions of
9 Sections 6-5 and 6-6 of this Act to the same extent that these
10 provisions apply to manufacturers.

11 (1) (i) A broker's license shall be required of all persons
12 who solicit orders for, offer to sell or offer to supply
13 alcoholic liquor to retailers in the State of Illinois, or who
14 offer to retailers to ship or cause to be shipped or to make
15 contact with distillers, rectifiers, brewers or manufacturers
16 or any other party within or without the State of Illinois in
17 order that alcoholic liquors be shipped to a distributor,
18 importing distributor or foreign importer, whether such
19 solicitation or offer is consummated within or without the
20 State of Illinois.

21 No holder of a retailer's license issued by the Illinois
22 Liquor Control Commission shall purchase or receive any
23 alcoholic liquor, the order for which was solicited or offered
24 for sale to such retailer by a broker unless the broker is the
25 holder of a valid broker's license.

26 The broker shall, upon the acceptance by a retailer of the

1 broker's solicitation of an order or offer to sell or supply or
2 deliver or have delivered alcoholic liquors, promptly forward
3 to the Illinois Liquor Control Commission a notification of
4 said transaction in such form as the Commission may by
5 regulations prescribe.

6 (ii) A broker's license shall be required of a person
7 within this State, other than a retail licensee, who, for a fee
8 or commission, promotes, solicits, or accepts orders for
9 alcoholic liquor, for use or consumption and not for resale, to
10 be shipped from this State and delivered to residents outside
11 of this State by an express company, common carrier, or
12 contract carrier. This Section does not apply to any person who
13 promotes, solicits, or accepts orders for wine as specifically
14 authorized in Section 6-29 of this Act.

15 A broker's license under this subsection (1) shall not
16 entitle the holder to buy or sell any alcoholic liquors for his
17 own account or to take or deliver title to such alcoholic
18 liquors.

19 This subsection (1) shall not apply to distributors,
20 employees of distributors, or employees of a manufacturer who
21 has registered the trademark, brand or name of the alcoholic
22 liquor pursuant to Section 6-9 of this Act, and who regularly
23 sells such alcoholic liquor in the State of Illinois only to
24 its registrants thereunder.

25 Any agent, representative, or person subject to
26 registration pursuant to subsection (a-1) of this Section shall

1 not be eligible to receive a broker's license.

2 (m) A non-resident dealer's license shall permit such
3 licensee to ship into and warehouse alcoholic liquor into this
4 State from any point outside of this State, and to sell such
5 alcoholic liquor to Illinois licensed foreign importers and
6 importing distributors and to no one else in this State;
7 provided that (i) said non-resident dealer shall register with
8 the Illinois Liquor Control Commission each and every brand of
9 alcoholic liquor which it proposes to sell to Illinois
10 licensees during the license period, (ii) it shall comply with
11 all of the provisions of Section 6-9 hereof with respect to
12 registration of such Illinois licensees as may be granted the
13 right to sell such brands at wholesale, and (iii) the
14 non-resident dealer shall comply with the provisions of
15 Sections 6-5 and 6-6 of this Act to the same extent that these
16 provisions apply to manufacturers.

17 (n) A brew pub license shall allow the licensee to only (i)
18 manufacture up to 155,000 gallons of beer per year only on the
19 premises specified in the license, (ii) make sales of the beer
20 manufactured on the premises or, with the approval of the
21 Commission, beer manufactured on another brew pub licensed
22 premises that is wholly owned and operated by the same licensee
23 to importing distributors, distributors, and to non-licensees
24 for use and consumption, (iii) store the beer upon the
25 premises, (iv) sell and offer for sale at retail from the
26 licensed premises for off-premises consumption no more than

1 155,000 gallons per year so long as such sales are only made
2 in-person, (v) sell and offer for sale at retail for use and
3 consumption on the premises specified in the license any form
4 of alcoholic liquor purchased from a licensed distributor or
5 importing distributor, and (vi) with the prior approval of the
6 Commission, annually transfer no more than 155,000 gallons of
7 beer manufactured on the premises to a licensed brew pub wholly
8 owned and operated by the same licensee.

9 A brew pub licensee shall not under any circumstance sell
10 or offer for sale beer manufactured by the brew pub licensee to
11 retail licensees.

12 A person who holds a class 2 brewer license may
13 simultaneously hold a brew pub license if the class 2 brewer
14 (i) does not, under any circumstance, sell or offer for sale
15 beer manufactured by the class 2 brewer to retail licensees;
16 (ii) does not hold more than 3 brew pub licenses in this State;
17 (iii) does not manufacture more than a combined 3,720,000
18 gallons of beer per year, including the beer manufactured at
19 the brew pub; and (iv) is not a member of or affiliated with,
20 directly or indirectly, a manufacturer that produces more than
21 3,720,000 gallons of beer per year or any other alcoholic
22 liquor.

23 Notwithstanding any other provision of this Act, a licensed
24 brewer, class 2 brewer, or non-resident dealer who before July
25 1, 2015 manufactured less than ~~than~~ 3,720,000 gallons of beer
26 per year and held a brew pub license on or before July 1, 2015

1 may (i) continue to qualify for and hold that brew pub license
2 for the licensed premises and (ii) manufacture more than
3 3,720,000 gallons of beer per year and continue to qualify for
4 and hold that brew pub license if that brewer, class 2 brewer,
5 or non-resident dealer does not simultaneously hold a class 1
6 brewer license and is not a member of or affiliated with,
7 directly or indirectly, a manufacturer that produces more than
8 3,720,000 gallons of beer per year or that produces any other
9 alcoholic liquor.

10 (o) A caterer retailer license shall allow the holder to
11 serve alcoholic liquors as an incidental part of a food service
12 that serves prepared meals which excludes the serving of snacks
13 as the primary meal, either on or off-site whether licensed or
14 unlicensed.

15 (p) An auction liquor license shall allow the licensee to
16 sell and offer for sale at auction wine and spirits for use or
17 consumption, or for resale by an Illinois liquor licensee in
18 accordance with provisions of this Act. An auction liquor
19 license will be issued to a person and it will permit the
20 auction liquor licensee to hold the auction anywhere in the
21 State. An auction liquor license must be obtained for each
22 auction at least 14 days in advance of the auction date.

23 (q) A special use permit license shall allow an Illinois
24 licensed retailer to transfer a portion of its alcoholic liquor
25 inventory from its retail licensed premises to the premises
26 specified in the license hereby created, and to sell or offer

1 for sale at retail, only in the premises specified in the
2 license hereby created, the transferred alcoholic liquor for
3 use or consumption, but not for resale in any form. A special
4 use permit license may be granted for the following time
5 periods: one day or less; 2 or more days to a maximum of 15 days
6 per location in any 12 month period. An applicant for the
7 special use permit license must also submit with the
8 application proof satisfactory to the State Commission that the
9 applicant will provide dram shop liability insurance to the
10 maximum limits and have local authority approval.

11 (r) A winery shipper's license shall allow a person with a
12 first-class or second-class wine manufacturer's license, a
13 first-class or second-class wine-maker's license, or a limited
14 wine manufacturer's license or who is licensed to make wine
15 under the laws of another state to ship wine made by that
16 licensee directly to a resident of this State who is 21 years
17 of age or older for that resident's personal use and not for
18 resale. Prior to receiving a winery shipper's license, an
19 applicant for the license must provide the Commission with a
20 true copy of its current license in any state in which it is
21 licensed as a manufacturer of wine. An applicant for a winery
22 shipper's license must also complete an application form that
23 provides any other information the Commission deems necessary.
24 The application form shall include an acknowledgement
25 consenting to the jurisdiction of the Commission, the Illinois
26 Department of Revenue, and the courts of this State concerning

1 the enforcement of this Act and any related laws, rules, and
2 regulations, including authorizing the Department of Revenue
3 and the Commission to conduct audits for the purpose of
4 ensuring compliance with Public Act 95-634 ~~this amendatory Act.~~

5 A winery shipper licensee must pay to the Department of
6 Revenue the State liquor gallonage tax under Section 8-1 for
7 all wine that is sold by the licensee and shipped to a person
8 in this State. For the purposes of Section 8-1, a winery
9 shipper licensee shall be taxed in the same manner as a
10 manufacturer of wine. A licensee who is not otherwise required
11 to register under the Retailers' Occupation Tax Act must
12 register under the Use Tax Act to collect and remit use tax to
13 the Department of Revenue for all gallons of wine that are sold
14 by the licensee and shipped to persons in this State. If a
15 licensee fails to remit the tax imposed under this Act in
16 accordance with the provisions of Article VIII of this Act, the
17 winery shipper's license shall be revoked in accordance with
18 the provisions of Article VII of this Act. If a licensee fails
19 to properly register and remit tax under the Use Tax Act or the
20 Retailers' Occupation Tax Act for all wine that is sold by the
21 winery shipper and shipped to persons in this State, the winery
22 shipper's license shall be revoked in accordance with the
23 provisions of Article VII of this Act.

24 A winery shipper licensee must collect, maintain, and
25 submit to the Commission on a semi-annual basis the total
26 number of cases per resident of wine shipped to residents of

1 this State. A winery shipper licensed under this subsection (r)
2 must comply with the requirements of Section 6-29 of this
3 ~~amendatory~~ Act.

4 Pursuant to paragraph (5.1) or (5.3) of subsection (a) of
5 Section 3-12, the State Commission may receive, respond to, and
6 investigate any complaint and impose any of the remedies
7 specified in paragraph (1) of subsection (a) of Section 3-12.

8 (Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13;
9 98-756, eff. 7-16-14; 99-448, eff. 8-24-15; revised 10-27-15.)

10 (235 ILCS 5/6-4) (from Ch. 43, par. 121)

11 Sec. 6-4. (a) No person licensed by any licensing authority
12 as a distiller, or a wine manufacturer, or any subsidiary or
13 affiliate thereof, or any officer, associate, member, partner,
14 representative, employee, agent or shareholder owning more
15 than 5% of the outstanding shares of such person shall be
16 issued an importing distributor's or distributor's license,
17 nor shall any person licensed by any licensing authority as an
18 importing distributor, distributor or retailer, or any
19 subsidiary or affiliate thereof, or any officer or associate,
20 member, partner, representative, employee, agent or
21 shareholder owning more than 5% of the outstanding shares of
22 such person be issued a distiller's license or a wine
23 manufacturer's license; and no person or persons licensed as a
24 distiller by any licensing authority shall have any interest,
25 directly or indirectly, with such distributor or importing

1 distributor.

2 However, an importing distributor or distributor, which on
3 January 1, 1985 is owned by a brewer, or any subsidiary or
4 affiliate thereof or any officer, associate, member, partner,
5 representative, employee, agent or shareholder owning more
6 than 5% of the outstanding shares of the importing distributor
7 or distributor referred to in this paragraph, may own or
8 acquire an ownership interest of more than 5% of the
9 outstanding shares of a wine manufacturer and be issued a wine
10 manufacturer's license by any licensing authority.

11 (b) The foregoing provisions shall not apply to any person
12 licensed by any licensing authority as a distiller or wine
13 manufacturer, or to any subsidiary or affiliate of any
14 distiller or wine manufacturer who shall have been heretofore
15 licensed by the State Commission as either an importing
16 distributor or distributor during the annual licensing period
17 expiring June 30, 1947, and shall actually have made sales
18 regularly to retailers.

19 (c) Provided, however, that in such instances where a
20 distributor's or importing distributor's license has been
21 issued to any distiller or wine manufacturer or to any
22 subsidiary or affiliate of any distiller or wine manufacturer
23 who has, during the licensing period ending June 30, 1947, sold
24 or distributed as such licensed distributor or importing
25 distributor alcoholic liquors and wines to retailers, such
26 distiller or wine manufacturer or any subsidiary or affiliate

1 of any distiller or wine manufacturer holding such
2 distributor's or importing distributor's license may continue
3 to sell or distribute to retailers such alcoholic liquors and
4 wines which are manufactured, distilled, processed or marketed
5 by distillers and wine manufacturers whose products it sold or
6 distributed to retailers during the whole or any part of its
7 licensing periods; and such additional brands and additional
8 products may be added to the line of such distributor or
9 importing distributor, provided, that such brands and such
10 products were not sold or distributed by any distributor or
11 importing distributor licensed by the State Commission during
12 the licensing period ending June 30, 1947, but can not sell or
13 distribute to retailers any other alcoholic liquors or wines.

14 (d) It shall be unlawful for any distiller licensed
15 anywhere to have any stock ownership or interest in any
16 distributor's or importing distributor's license wherein any
17 other person has an interest therein who is not a distiller and
18 does not own more than 5% of any stock in any distillery.
19 Nothing herein contained shall apply to such distillers or
20 their subsidiaries or affiliates, who had a distributor's or
21 importing distributor's license during the licensing period
22 ending June 30, 1947, which license was owned in whole by such
23 distiller, or subsidiaries or affiliates of such distiller.

24 (e) Any person licensed as a brewer, class 1 brewer, or
25 class 2 brewer shall be permitted to sell on the licensed
26 premises to non-licensees for on or off-premises consumption

1 for the premises in which he or she actually conducts such
2 business beer manufactured by the brewer, class 1 brewer, or
3 class 2 brewer. Such sales shall be limited to on-premises,
4 in-person sales only, for lawful consumption on or off
5 premises. Such authorization shall be considered a privilege
6 granted by the brewer license and, other than a manufacturer of
7 beer as stated above, no manufacturer or distributor or
8 importing distributor, excluding airplane licensees exercising
9 powers provided in paragraph (i) of Section 5-1 of this Act, or
10 any subsidiary or affiliate thereof, or any officer, associate,
11 member, partner, representative, employee or agent, or
12 shareholder shall be issued a retailer's license, nor shall any
13 person having a retailer's license, excluding airplane
14 licensees exercising powers provided in paragraph (i) of
15 Section 5-1 of this Act, or any subsidiary or affiliate
16 thereof, or any officer, associate, member, partner,
17 representative or agent, or shareholder be issued a
18 manufacturer's license or importing distributor's license.

19 A person who holds a class 1 or class 2 brewer license and
20 is authorized by this Section to sell beer to non-licensees
21 shall not sell beer to non-licensees from more than 3 total
22 brewer or commonly owned brew pub licensed locations in this
23 State. The class 1 or class 2 brewer shall designate to the
24 State Commission the brewer or brew pub locations from which it
25 will sell beer to non-licensees.

26 A person licensed as a craft distiller not affiliated with

1 any other person manufacturing spirits may be authorized by the
2 Commission to sell up to 2,500 gallons of spirits produced by
3 the person to non-licensees for on or off-premises consumption
4 for the premises in which he or she actually conducts business
5 permitting only the retail sale of spirits manufactured at such
6 premises. Such sales shall be limited to on-premises, in-person
7 sales only, for lawful consumption on or off premises, and such
8 authorization shall be considered a privilege granted by the
9 craft distiller license. A craft distiller licensed for retail
10 sale shall secure liquor liability insurance coverage in an
11 amount at least equal to the maximum liability amounts set
12 forth in subsection (a) of Section 6-21 of this Act.

13 (f) (Blank).

14 (g) Notwithstanding any of the foregoing prohibitions, a
15 limited wine manufacturer may sell at retail at its
16 manufacturing site for on or off premises consumption and may
17 sell to distributors. A limited wine manufacturer licensee
18 shall secure liquor liability insurance coverage in an amount
19 at least equal to the maximum liability amounts set forth in
20 subsection (a) of Section 6-21 of this Act.

21 (h) The changes made to this Section by Public Act 99-47
22 ~~this amendatory Act of the 99th General Assembly~~ shall not
23 diminish or impair the rights of any person, whether a
24 distiller, wine manufacturer, agent, or affiliate thereof, who
25 requested in writing and submitted documentation to the State
26 Commission on or before February 18, 2015 to be approved for a

1 retail license pursuant to what has heretofore been subsection
2 (f); provided that, on or before that date, the State
3 Commission considered the intent of that person to apply for
4 the retail license under that subsection and, by recorded vote,
5 the State Commission approved a resolution indicating that such
6 a license application could be lawfully approved upon that
7 person duly filing a formal application for a retail license
8 and if that person, within 90 days of the State Commission
9 appearance and recorded vote, first filed an application with
10 the appropriate local commission, which application was
11 subsequently approved by the appropriate local commission
12 prior to consideration by the State Commission of that person's
13 application for a retail license. It is further provided that
14 the State Commission may approve the person's application for a
15 retail license or renewals of such license if such person
16 continues to diligently adhere to all representations made in
17 writing to the State Commission on or before February 18, 2015,
18 or thereafter, or in the affidavit filed by that person with
19 the State Commission to support the issuance of a retail
20 license and to abide by all applicable laws and duly adopted
21 rules.

22 (Source: P.A. 99-47, eff. 7-15-15; 99-448, eff. 8-24-15;
23 revised 10-30-15.)

24 (235 ILCS 5/6-11)

25 Sec. 6-11. Sale near churches, schools, and hospitals.

1 (a) No license shall be issued for the sale at retail of
2 any alcoholic liquor within 100 feet of any church, school
3 other than an institution of higher learning, hospital, home
4 for aged or indigent persons or for veterans, their spouses or
5 children or any military or naval station, provided, that this
6 prohibition shall not apply to hotels offering restaurant
7 service, regularly organized clubs, or to restaurants, food
8 shops or other places where sale of alcoholic liquors is not
9 the principal business carried on if the place of business so
10 exempted is not located in a municipality of more than 500,000
11 persons, unless required by local ordinance; nor to the renewal
12 of a license for the sale at retail of alcoholic liquor on
13 premises within 100 feet of any church or school where the
14 church or school has been established within such 100 feet
15 since the issuance of the original license. In the case of a
16 church, the distance of 100 feet shall be measured to the
17 nearest part of any building used for worship services or
18 educational programs and not to property boundaries.

19 (b) Nothing in this Section shall prohibit the issuance of
20 a retail license authorizing the sale of alcoholic liquor to a
21 restaurant, the primary business of which is the sale of goods
22 baked on the premises if (i) the restaurant is newly
23 constructed and located on a lot of not less than 10,000 square
24 feet, (ii) the restaurant costs at least \$1,000,000 to
25 construct, (iii) the licensee is the titleholder to the
26 premises and resides on the premises, and (iv) the construction

1 of the restaurant is completed within 18 months of July 10,
2 1998 (the effective date of Public Act 90-617) ~~this amendatory~~
3 ~~Act of 1998.~~

4 (c) Nothing in this Section shall prohibit the issuance of
5 a retail license authorizing the sale of alcoholic liquor
6 incidental to a restaurant if (1) the primary business of the
7 restaurant consists of the sale of food where the sale of
8 liquor is incidental to the sale of food and the applicant is a
9 completely new owner of the restaurant, (2) the immediately
10 prior owner or operator of the premises where the restaurant is
11 located operated the premises as a restaurant and held a valid
12 retail license authorizing the sale of alcoholic liquor at the
13 restaurant for at least part of the 24 months before the change
14 of ownership, and (3) the restaurant is located 75 or more feet
15 from a school.

16 (d) In the interest of further developing Illinois' economy
17 in the area of commerce, tourism, convention, and banquet
18 business, nothing in this Section shall prohibit issuance of a
19 retail license authorizing the sale of alcoholic beverages to a
20 restaurant, banquet facility, grocery store, or hotel having
21 not fewer than 150 guest room accommodations located in a
22 municipality of more than 500,000 persons, notwithstanding the
23 proximity of such hotel, restaurant, banquet facility, or
24 grocery store to any church or school, if the licensed premises
25 described on the license are located within an enclosed mall or
26 building of a height of at least 6 stories, or 60 feet in the

1 case of a building that has been registered as a national
2 landmark, or in a grocery store having a minimum of 56,010
3 square feet of floor space in a single story building in an
4 open mall of at least 3.96 acres that is adjacent to a public
5 school that opened as a boys technical high school in 1934, or
6 in a grocery store having a minimum of 31,000 square feet of
7 floor space in a single story building located a distance of
8 more than 90 feet but less than 100 feet from a high school
9 that opened in 1928 as a junior high school and became a senior
10 high school in 1933, and in each of these cases if the sale of
11 alcoholic liquors is not the principal business carried on by
12 the licensee.

13 For purposes of this Section, a "banquet facility" is any
14 part of a building that caters to private parties and where the
15 sale of alcoholic liquors is not the principal business.

16 (e) Nothing in this Section shall prohibit the issuance of
17 a license to a church or private school to sell at retail
18 alcoholic liquor if any such sales are limited to periods when
19 groups are assembled on the premises solely for the promotion
20 of some common object other than the sale or consumption of
21 alcoholic liquors.

22 (f) Nothing in this Section shall prohibit a church or
23 church affiliated school located in a home rule municipality or
24 in a municipality with 75,000 or more inhabitants from locating
25 within 100 feet of a property for which there is a preexisting
26 license to sell alcoholic liquor at retail. In these instances,

1 the local zoning authority may, by ordinance adopted
2 simultaneously with the granting of an initial special use
3 zoning permit for the church or church affiliated school,
4 provide that the 100-foot restriction in this Section shall not
5 apply to that church or church affiliated school and future
6 retail liquor licenses.

7 (g) Nothing in this Section shall prohibit the issuance of
8 a retail license authorizing the sale of alcoholic liquor at
9 premises within 100 feet, but not less than 90 feet, of a
10 public school if (1) the premises have been continuously
11 licensed to sell alcoholic liquor for a period of at least 50
12 years, (2) the premises are located in a municipality having a
13 population of over 500,000 inhabitants, (3) the licensee is an
14 individual who is a member of a family that has held the
15 previous 3 licenses for that location for more than 25 years,
16 (4) the principal of the school and the alderman of the ward in
17 which the school is located have delivered a written statement
18 to the local liquor control commissioner stating that they do
19 not object to the issuance of a license under this subsection
20 (g), and (5) the local liquor control commissioner has received
21 the written consent of a majority of the registered voters who
22 live within 200 feet of the premises.

23 (h) Notwithstanding any provision of this Section to the
24 contrary, nothing in this Section shall prohibit the issuance
25 or renewal of a license authorizing the sale of alcoholic
26 liquor within premises and at an outdoor patio area attached to

1 premises that are located in a municipality with a population
2 in excess of 300,000 inhabitants and that are within 100 feet
3 of a church if:

4 (1) the sale of alcoholic liquor at the premises is
5 incidental to the sale of food,

6 (2) the sale of liquor is not the principal business
7 carried on by the licensee at the premises,

8 (3) the premises are less than 1,000 square feet,

9 (4) the premises are owned by the University of
10 Illinois,

11 (5) the premises are immediately adjacent to property
12 owned by a church and are not less than 20 nor more than 40
13 feet from the church space used for worship services, and

14 (6) the principal religious leader at the place of
15 worship has indicated his or her support for the issuance
16 of the license in writing.

17 (i) Notwithstanding any provision in this Section to the
18 contrary, nothing in this Section shall prohibit the issuance
19 or renewal of a license to sell alcoholic liquor at a premises
20 that is located within a municipality with a population in
21 excess of 300,000 inhabitants and is within 100 feet of a
22 church, synagogue, or other place of worship if:

23 (1) the primary entrance of the premises and the
24 primary entrance of the church, synagogue, or other place
25 of worship are at least 100 feet apart, on parallel
26 streets, and separated by an alley; and

1 (2) the principal religious leader at the place of
2 worship has not indicated his or her opposition to the
3 issuance or renewal of the license in writing.

4 (j) Notwithstanding any provision in this Section to the
5 contrary, nothing in this Section shall prohibit the issuance
6 of a retail license authorizing the sale of alcoholic liquor at
7 a theater that is within 100 feet of a church if (1) the church
8 owns the theater, (2) the church leases the theater to one or
9 more entities, and (3) the theater is used by at least 5
10 different not-for-profit theater groups.

11 (k) Notwithstanding any provision in this Section to the
12 contrary, nothing in this Section shall prohibit the issuance
13 or renewal of a license authorizing the sale of alcoholic
14 liquor at a premises that is located within a municipality with
15 a population in excess of 1,000,000 inhabitants and is within
16 100 feet of a school if:

17 (1) the primary entrance of the premises and the
18 primary entrance of the school are parallel, on different
19 streets, and separated by an alley;

20 (2) the southeast corner of the premises are at least
21 350 feet from the southwest corner of the school;

22 (3) the school was built in 1978;

23 (4) the sale of alcoholic liquor at the premises is
24 incidental to the sale of food;

25 (5) the sale of alcoholic liquor is not the principal
26 business carried on by the licensee at the premises;

1 (6) the applicant is the owner of the restaurant and
2 has held a valid license authorizing the sale of alcoholic
3 liquor for the business to be conducted on the premises at
4 a different location for more than 7 years; and

5 (7) the premises is at least 2,300 square feet and sits
6 on a lot that is between 6,100 and 6,150 square feet.

7 (1) Notwithstanding any provision in this Section to the
8 contrary, nothing in this Section shall prohibit the issuance
9 or renewal of a license authorizing the sale of alcoholic
10 liquor at a premises that is located within a municipality with
11 a population in excess of 1,000,000 inhabitants and is within
12 100 feet of a church or school if:

13 (1) the primary entrance of the premises and the
14 closest entrance of the church or school is at least 90
15 feet apart and no greater than 95 feet apart;

16 (2) the shortest distance between the premises and the
17 church or school is at least 80 feet apart and no greater
18 than 85 feet apart;

19 (3) the applicant is the owner of the restaurant and on
20 November 15, 2006 held a valid license authorizing the sale
21 of alcoholic liquor for the business to be conducted on the
22 premises for at least 14 different locations;

23 (4) the sale of alcoholic liquor at the premises is
24 incidental to the sale of food;

25 (5) the sale of alcoholic liquor is not the principal
26 business carried on by the licensee at the premises;

1 (6) the premises is at least 3,200 square feet and sits
2 on a lot that is between 7,150 and 7,200 square feet; and

3 (7) the principal religious leader at the place of
4 worship has not indicated his or her opposition to the
5 issuance or renewal of the license in writing.

6 (m) Notwithstanding any provision in this Section to the
7 contrary, nothing in this Section shall prohibit the issuance
8 or renewal of a license authorizing the sale of alcoholic
9 liquor at a premises that is located within a municipality with
10 a population in excess of 1,000,000 inhabitants and is within
11 100 feet of a church if:

12 (1) the premises and the church are perpendicular, and
13 the primary entrance of the premises faces South while the
14 primary entrance of the church faces West and the distance
15 between the two entrances is more than 100 feet;

16 (2) the shortest distance between the premises lot line
17 and the exterior wall of the church is at least 80 feet;

18 (3) the church was established at the current location
19 in 1916 and the present structure was erected in 1925;

20 (4) the premises is a single story, single use building
21 with at least 1,750 square feet and no more than 2,000
22 square feet;

23 (5) the sale of alcoholic liquor at the premises is
24 incidental to the sale of food;

25 (6) the sale of alcoholic liquor is not the principal
26 business carried on by the licensee at the premises; and

1 (7) the principal religious leader at the place of
2 worship has not indicated his or her opposition to the
3 issuance or renewal of the license in writing.

4 (n) Notwithstanding any provision in this Section to the
5 contrary, nothing in this Section shall prohibit the issuance
6 or renewal of a license authorizing the sale of alcoholic
7 liquor at a premises that is located within a municipality with
8 a population in excess of 1,000,000 inhabitants and is within
9 100 feet of a school if:

10 (1) the school is a City of Chicago School District 299
11 school;

12 (2) the school is located within subarea E of City of
13 Chicago Residential Business Planned Development Number
14 70;

15 (3) the sale of alcoholic liquor is not the principal
16 business carried on by the licensee on the premises;

17 (4) the sale of alcoholic liquor at the premises is
18 incidental to the sale of food; and

19 (5) the administration of City of Chicago School
20 District 299 has expressed, in writing, its support for the
21 issuance of the license.

22 (o) Notwithstanding any provision of this Section to the
23 contrary, nothing in this Section shall prohibit the issuance
24 or renewal of a retail license authorizing the sale of
25 alcoholic liquor at a premises that is located within a
26 municipality in excess of 1,000,000 inhabitants and within 100

1 feet of a church if:

2 (1) the sale of alcoholic liquor at the premises is
3 incidental to the sale of food;

4 (2) the sale of alcoholic liquor is not the principal
5 business carried on by the licensee at the premises;

6 (3) the premises is located on a street that runs
7 perpendicular to the street on which the church is located;

8 (4) the primary entrance of the premises is at least
9 100 feet from the primary entrance of the church;

10 (5) the shortest distance between any part of the
11 premises and any part of the church is at least 60 feet;

12 (6) the premises is between 3,600 and 4,000 square feet
13 and sits on a lot that is between 3,600 and 4,000 square
14 feet; and

15 (7) the premises was built in the year 1909.

16 For purposes of this subsection (o), "premises" means a
17 place of business together with a privately owned outdoor
18 location that is adjacent to the place of business.

19 (p) Notwithstanding any provision in this Section to the
20 contrary, nothing in this Section shall prohibit the issuance
21 or renewal of a license authorizing the sale of alcoholic
22 liquor at a premises that is located within a municipality with
23 a population in excess of 1,000,000 inhabitants and within 100
24 feet of a church if:

25 (1) the shortest distance between the backdoor of the
26 premises, which is used as an emergency exit, and the

1 church is at least 80 feet;

2 (2) the church was established at the current location
3 in 1889; and

4 (3) liquor has been sold on the premises since at least
5 1985.

6 (q) Notwithstanding any provision of this Section to the
7 contrary, nothing in this Section shall prohibit the issuance
8 or renewal of a license authorizing the sale of alcoholic
9 liquor within a premises that is located in a municipality with
10 a population in excess of 1,000,000 inhabitants and within 100
11 feet of a church-owned property if:

12 (1) the premises is located within a larger building
13 operated as a grocery store;

14 (2) the area of the premises does not exceed 720 square
15 feet and the area of the larger building exceeds 18,000
16 square feet;

17 (3) the larger building containing the premises is
18 within 100 feet of the nearest property line of a
19 church-owned property on which a church-affiliated school
20 is located;

21 (4) the sale of liquor is not the principal business
22 carried on within the larger building;

23 (5) the primary entrance of the larger building and the
24 premises and the primary entrance of the church-affiliated
25 school are on different, parallel streets, and the distance
26 between the 2 primary entrances is more than 100 feet;

1 (6) the larger building is separated from the
2 church-owned property and church-affiliated school by an
3 alley;

4 (7) the larger building containing the premises and the
5 church building front are on perpendicular streets and are
6 separated by a street; and

7 (8) (Blank).

8 (r) Notwithstanding any provision of this Section to the
9 contrary, nothing in this Section shall prohibit the issuance,
10 renewal, or maintenance of a license authorizing the sale of
11 alcoholic liquor incidental to the sale of food within a
12 restaurant established in a premises that is located in a
13 municipality with a population in excess of 1,000,000
14 inhabitants and within 100 feet of a church if:

15 (1) the primary entrance of the church and the primary
16 entrance of the restaurant are at least 100 feet apart;

17 (2) the restaurant has operated on the ground floor and
18 lower level of a multi-story, multi-use building for more
19 than 40 years;

20 (3) the primary business of the restaurant consists of
21 the sale of food where the sale of liquor is incidental to
22 the sale of food;

23 (4) the sale of alcoholic liquor is conducted primarily
24 in the below-grade level of the restaurant to which the
25 only public access is by a staircase located inside the
26 restaurant; and

1 (5) the restaurant has held a license authorizing the
2 sale of alcoholic liquor on the premises for more than 40
3 years.

4 (s) Notwithstanding any provision of this Section to the
5 contrary, nothing in this Section shall prohibit renewal of a
6 license authorizing the sale of alcoholic liquor at a premises
7 that is located within a municipality with a population more
8 than 5,000 and less than 10,000 and is within 100 feet of a
9 church if:

10 (1) the church was established at the location within
11 100 feet of the premises after a license for the sale of
12 alcoholic liquor at the premises was first issued;

13 (2) a license for sale of alcoholic liquor at the
14 premises was first issued before January 1, 2007; and

15 (3) a license for the sale of alcoholic liquor on the
16 premises has been continuously in effect since January 1,
17 2007, except for interruptions between licenses of no more
18 than 90 days.

19 (t) Notwithstanding any provision of this Section to the
20 contrary, nothing in this Section shall prohibit the issuance
21 or renewal of a license authorizing the sale of alcoholic
22 liquor incidental to the sale of food within a restaurant that
23 is established in a premises that is located in a municipality
24 with a population in excess of 1,000,000 inhabitants and within
25 100 feet of a school and a church if:

26 (1) the restaurant is located inside a five-story

1 building with over 16,800 square feet of commercial space;

2 (2) the area of the premises does not exceed 31,050
3 square feet;

4 (3) the area of the restaurant does not exceed 5,800
5 square feet;

6 (4) the building has no less than 78 condominium units;

7 (5) the construction of the building in which the
8 restaurant is located was completed in 2006;

9 (6) the building has 10 storefront properties, 3 of
10 which are used for the restaurant;

11 (7) the restaurant will open for business in 2010;

12 (8) the building is north of the school and separated
13 by an alley; and

14 (9) the principal religious leader of the church and
15 either the alderman of the ward in which the school is
16 located or the principal of the school have delivered a
17 written statement to the local liquor control commissioner
18 stating that he or she does not object to the issuance of a
19 license under this subsection (t).

20 (u) Notwithstanding any provision in this Section to the
21 contrary, nothing in this Section shall prohibit the issuance
22 or renewal of a license to sell alcoholic liquor at a premises
23 that is located within a municipality with a population in
24 excess of 1,000,000 inhabitants and within 100 feet of a school
25 if:

26 (1) the premises operates as a restaurant and has been

1 in operation since February 2008;

2 (2) the applicant is the owner of the premises;

3 (3) the sale of alcoholic liquor is incidental to the
4 sale of food;

5 (4) the sale of alcoholic liquor is not the principal
6 business carried on by the licensee on the premises;

7 (5) the premises occupy the first floor of a 3-story
8 building that is at least 90 years old;

9 (6) the rear lot of the school and the rear corner of
10 the building that the premises occupy are separated by an
11 alley;

12 (7) the distance from the southwest corner of the
13 property line of the school and the northeast corner of the
14 building that the premises occupy is at least 16 feet, 5
15 inches;

16 (8) the distance from the rear door of the premises to
17 the southwest corner of the property line of the school is
18 at least 93 feet;

19 (9) the school is a City of Chicago School District 299
20 school;

21 (10) the school's main structure was erected in 1902
22 and an addition was built to the main structure in 1959;
23 and

24 (11) the principal of the school and the alderman in
25 whose district the premises are located have expressed, in
26 writing, their support for the issuance of the license.

1 (v) Notwithstanding any provision in this Section to the
2 contrary, nothing in this Section shall prohibit the issuance
3 or renewal of a license authorizing the sale of alcoholic
4 liquor at a premises that is located within a municipality with
5 a population in excess of 1,000,000 inhabitants and is within
6 100 feet of a school if:

7 (1) the total land area of the premises for which the
8 license or renewal is sought is more than 600,000 square
9 feet;

10 (2) the premises for which the license or renewal is
11 sought has more than 600 parking stalls;

12 (3) the total area of all buildings on the premises for
13 which the license or renewal is sought exceeds 140,000
14 square feet;

15 (4) the property line of the premises for which the
16 license or renewal is sought is separated from the property
17 line of the school by a street;

18 (5) the distance from the school's property line to the
19 property line of the premises for which the license or
20 renewal is sought is at least 60 feet;

21 (6) as of June 14, 2011 (the effective date of Public
22 Act 97-9) ~~this amendatory Act of the 97th General Assembly,~~
23 the premises for which the license or renewal is sought is
24 located in the Illinois Medical District.

25 (w) Notwithstanding any provision in this Section to the
26 contrary, nothing in this Section shall prohibit the issuance

1 or renewal of a license to sell alcoholic liquor at a premises
2 that is located within a municipality with a population in
3 excess of 1,000,000 inhabitants and within 100 feet of a church
4 if:

5 (1) the sale of alcoholic liquor at the premises is
6 incidental to the sale of food;

7 (2) the sale of alcoholic liquor is not the principal
8 business carried on by the licensee at the premises;

9 (3) the premises occupy the first floor and basement of
10 a 2-story building that is 106 years old;

11 (4) the premises is at least 7,000 square feet and
12 located on a lot that is at least 11,000 square feet;

13 (5) the premises is located directly west of the
14 church, on perpendicular streets, and separated by an
15 alley;

16 (6) the distance between the property line of the
17 premises and the property line of the church is at least 20
18 feet;

19 (7) the distance between the primary entrance of the
20 premises and the primary entrance of the church is at least
21 130 feet; and

22 (8) the church has been at its location for at least 40
23 years.

24 (x) Notwithstanding any provision of this Section to the
25 contrary, nothing in this Section shall prohibit the issuance
26 or renewal of a license authorizing the sale of alcoholic

1 liquor at a premises that is located within a municipality with
2 a population in excess of 1,000,000 inhabitants and within 100
3 feet of a church if:

4 (1) the sale of alcoholic liquor is not the principal
5 business carried on by the licensee at the premises;

6 (2) the church has been operating in its current
7 location since 1973;

8 (3) the premises has been operating in its current
9 location since 1988;

10 (4) the church and the premises are owned by the same
11 parish;

12 (5) the premises is used for cultural and educational
13 purposes;

14 (6) the primary entrance to the premises and the
15 primary entrance to the church are located on the same
16 street;

17 (7) the principal religious leader of the church has
18 indicated his support of the issuance of the license;

19 (8) the premises is a 2-story building of approximately
20 23,000 square feet; and

21 (9) the premises houses a ballroom on its ground floor
22 of approximately 5,000 square feet.

23 (y) Notwithstanding any provision of this Section to the
24 contrary, nothing in this Section shall prohibit the issuance
25 or renewal of a license authorizing the sale of alcoholic
26 liquor at a premises that is located within a municipality with

1 a population in excess of 1,000,000 inhabitants and within 100
2 feet of a school if:

3 (1) the sale of alcoholic liquor is not the principal
4 business carried on by the licensee at the premises;

5 (2) the sale of alcoholic liquor at the premises is
6 incidental to the sale of food;

7 (3) according to the municipality, the distance
8 between the east property line of the premises and the west
9 property line of the school is 97.8 feet;

10 (4) the school is a City of Chicago School District 299
11 school;

12 (5) the school has been operating since 1959;

13 (6) the primary entrance to the premises and the
14 primary entrance to the school are located on the same
15 street;

16 (7) the street on which the entrances of the premises
17 and the school are located is a major diagonal
18 thoroughfare;

19 (8) the premises is a single-story building of
20 approximately 2,900 square feet; and

21 (9) the premises is used for commercial purposes only.

22 (z) Notwithstanding any provision of this Section to the
23 contrary, nothing in this Section shall prohibit the issuance
24 or renewal of a license authorizing the sale of alcoholic
25 liquor at a premises that is located within a municipality with
26 a population in excess of 1,000,000 inhabitants and within 100

1 feet of a mosque if:

2 (1) the sale of alcoholic liquor is not the principal
3 business carried on by the licensee at the premises;

4 (2) the licensee shall only sell packaged liquors at
5 the premises;

6 (3) the licensee is a national retail chain having over
7 100 locations within the municipality;

8 (4) the licensee has over 8,000 locations nationwide;

9 (5) the licensee has locations in all 50 states;

10 (6) the premises is located in the North-East quadrant
11 of the municipality;

12 (7) the premises is a free-standing building that has
13 "drive-through" pharmacy service;

14 (8) the premises has approximately 14,490 square feet
15 of retail space;

16 (9) the premises has approximately 799 square feet of
17 pharmacy space;

18 (10) the premises is located on a major arterial street
19 that runs east-west and accepts truck traffic; and

20 (11) the alderman of the ward in which the premises is
21 located has expressed, in writing, his or her support for
22 the issuance of the license.

23 (aa) Notwithstanding any provision of this Section to the
24 contrary, nothing in this Section shall prohibit the issuance
25 or renewal of a license authorizing the sale of alcoholic
26 liquor at a premises that is located within a municipality with

1 a population in excess of 1,000,000 inhabitants and within 100
2 feet of a church if:

3 (1) the sale of alcoholic liquor is not the principal
4 business carried on by the licensee at the premises;

5 (2) the licensee shall only sell packaged liquors at
6 the premises;

7 (3) the licensee is a national retail chain having over
8 100 locations within the municipality;

9 (4) the licensee has over 8,000 locations nationwide;

10 (5) the licensee has locations in all 50 states;

11 (6) the premises is located in the North-East quadrant
12 of the municipality;

13 (7) the premises is located across the street from a
14 national grocery chain outlet;

15 (8) the premises has approximately 16,148 square feet
16 of retail space;

17 (9) the premises has approximately 992 square feet of
18 pharmacy space;

19 (10) the premises is located on a major arterial street
20 that runs north-south and accepts truck traffic; and

21 (11) the alderman of the ward in which the premises is
22 located has expressed, in writing, his or her support for
23 the issuance of the license.

24 (bb) Notwithstanding any provision of this Section to the
25 contrary, nothing in this Section shall prohibit the issuance
26 or renewal of a license authorizing the sale of alcoholic

1 liquor at a premises that is located within a municipality with
2 a population in excess of 1,000,000 inhabitants and within 100
3 feet of a church if:

4 (1) the sale of alcoholic liquor is not the principal
5 business carried on by the licensee at the premises;

6 (2) the sale of alcoholic liquor at the premises is
7 incidental to the sale of food;

8 (3) the primary entrance to the premises and the
9 primary entrance to the church are located on the same
10 street;

11 (4) the premises is across the street from the church;

12 (5) the street on which the premises and the church are
13 located is a major arterial street that runs east-west;

14 (6) the church is an elder-led and Bible-based Assyrian
15 church;

16 (7) the premises and the church are both single-story
17 buildings;

18 (8) the storefront directly west of the church is being
19 used as a restaurant; and

20 (9) the distance between the northern-most property
21 line of the premises and the southern-most property line of
22 the church is 65 feet.

23 (cc) Notwithstanding any provision of this Section to the
24 contrary, nothing in this Section shall prohibit the issuance
25 or renewal of a license authorizing the sale of alcoholic
26 liquor at a premises that is located within a municipality with

1 a population in excess of 1,000,000 inhabitants and within 100
2 feet of a school if:

3 (1) the sale of alcoholic liquor is not the principal
4 business carried on by the licensee at the premises;

5 (2) the licensee shall only sell packaged liquors at
6 the premises;

7 (3) the licensee is a national retail chain;

8 (4) as of October 25, 2011, the licensee has 1,767
9 stores operating nationwide, 87 stores operating in the
10 State, and 10 stores operating within the municipality;

11 (5) the licensee shall occupy approximately 124,000
12 square feet of space in the basement and first and second
13 floors of a building located across the street from a
14 school;

15 (6) the school opened in August of 2009 and occupies
16 approximately 67,000 square feet of space; and

17 (7) the building in which the premises shall be located
18 has been listed on the National Register of Historic Places
19 since April 17, 1970.

20 (dd) Notwithstanding any provision in this Section to the
21 contrary, nothing in this Section shall prohibit the issuance
22 or renewal of a license authorizing the sale of alcoholic
23 liquor within a full-service grocery store at a premises that
24 is located within a municipality with a population in excess of
25 1,000,000 inhabitants and is within 100 feet of a school if:

26 (1) the premises is constructed on land that was

1 purchased from the municipality at a fair market price;

2 (2) the premises is constructed on land that was
3 previously used as a parking facility for public safety
4 employees;

5 (3) the sale of alcoholic liquor is not the principal
6 business carried on by the licensee at the premises;

7 (4) the main entrance to the store is more than 100
8 feet from the main entrance to the school;

9 (5) the premises is to be new construction;

10 (6) the school is a private school;

11 (7) the principal of the school has given written
12 approval for the license;

13 (8) the alderman of the ward where the premises is
14 located has given written approval of the issuance of the
15 license;

16 (9) the grocery store level of the premises is between
17 60,000 and 70,000 square feet; and

18 (10) the owner and operator of the grocery store
19 operates 2 other grocery stores that have alcoholic liquor
20 licenses within the same municipality.

21 (ee) Notwithstanding any provision in this Section to the
22 contrary, nothing in this Section shall prohibit the issuance
23 or renewal of a license authorizing the sale of alcoholic
24 liquor within a full-service grocery store at a premises that
25 is located within a municipality with a population in excess of
26 1,000,000 inhabitants and is within 100 feet of a school if:

1 (1) the premises is constructed on land that once
2 contained an industrial steel facility;

3 (2) the premises is located on land that has undergone
4 environmental remediation;

5 (3) the premises is located within a retail complex
6 containing retail stores where some of the stores sell
7 alcoholic beverages;

8 (4) the principal activity of any restaurant in the
9 retail complex is the sale of food, and the sale of
10 alcoholic liquor is incidental to the sale of food;

11 (5) the sale of alcoholic liquor is not the principal
12 business carried on by the grocery store;

13 (6) the entrance to any business that sells alcoholic
14 liquor is more than 100 feet from the entrance to the
15 school;

16 (7) the alderman of the ward where the premises is
17 located has given written approval of the issuance of the
18 license; and

19 (8) the principal of the school has given written
20 consent to the issuance of the license.

21 (ff) Notwithstanding any provision of this Section to the
22 contrary, nothing in this Section shall prohibit the issuance
23 or renewal of a license authorizing the sale of alcoholic
24 liquor at a premises that is located within a municipality with
25 a population in excess of 1,000,000 inhabitants and within 100
26 feet of a school if:

1 (1) the sale of alcoholic liquor is not the principal
2 business carried on at the premises;

3 (2) the sale of alcoholic liquor at the premises is
4 incidental to the operation of a theater;

5 (3) the premises is a one and one-half-story building
6 of approximately 10,000 square feet;

7 (4) the school is a City of Chicago School District 299
8 school;

9 (5) the primary entrance of the premises and the
10 primary entrance of the school are at least 300 feet apart
11 and no more than 400 feet apart;

12 (6) the alderman of the ward in which the premises is
13 located has expressed, in writing, his support for the
14 issuance of the license; and

15 (7) the principal of the school has expressed, in
16 writing, that there is no objection to the issuance of a
17 license under this subsection (ff).

18 (gg) Notwithstanding any provision of this Section to the
19 contrary, nothing in this Section shall prohibit the issuance
20 or renewal of a license authorizing the sale of alcoholic
21 liquor incidental to the sale of food within a restaurant or
22 banquet facility established in a premises that is located in a
23 municipality with a population in excess of 1,000,000
24 inhabitants and within 100 feet of a church if:

25 (1) the sale of alcoholic liquor is not the principal
26 business carried on by the licensee at the premises;

1 (2) the property on which the church is located and the
2 property on which the premises are located are both within
3 a district originally listed on the National Register of
4 Historic Places on February 14, 1979;

5 (3) the property on which the premises are located
6 contains one or more multi-story buildings that are at
7 least 95 years old and have no more than three stories;

8 (4) the building in which the church is located is at
9 least 120 years old;

10 (5) the property on which the church is located is
11 immediately adjacent to and west of the property on which
12 the premises are located;

13 (6) the western boundary of the property on which the
14 premises are located is no less than 118 feet in length and
15 no more than 122 feet in length;

16 (7) as of December 31, 2012, both the church property
17 and the property on which the premises are located are
18 within 250 feet of City of Chicago Business-Residential
19 Planned Development Number 38;

20 (8) the principal religious leader at the place of
21 worship has indicated his or her support for the issuance
22 of the license in writing; and

23 (9) the alderman in whose district the premises are
24 located has expressed his or her support for the issuance
25 of the license in writing.

26 For the purposes of this subsection, "banquet facility"

1 means the part of the building that is located on the floor
2 above a restaurant and caters to private parties and where the
3 sale of alcoholic liquors is not the principal business.

4 (hh) Notwithstanding any provision of this Section to the
5 contrary, nothing in this Section shall prohibit the issuance
6 or renewal of a license authorizing the sale of alcoholic
7 liquor within a hotel and at an outdoor patio area attached to
8 the hotel that are located in a municipality with a population
9 in excess of 1,000,000 inhabitants and that are within 100 feet
10 of a hospital if:

11 (1) the sale of alcoholic liquor is not the principal
12 business carried on by the licensee at the hotel;

13 (2) the hotel is located within the City of Chicago
14 Business Planned Development Number 468; and

15 (3) the hospital is located within the City of Chicago
16 Institutional Planned Development Number 3.

17 (ii) Notwithstanding any provision of this Section to the
18 contrary, nothing in this Section shall prohibit the issuance
19 or renewal of a license authorizing the sale of alcoholic
20 liquor within a restaurant and at an outdoor patio area
21 attached to the restaurant that are located in a municipality
22 with a population in excess of 1,000,000 inhabitants and that
23 are within 100 feet of a church if:

24 (1) the sale of alcoholic liquor at the premises is not
25 the principal business carried on by the licensee and is
26 incidental to the sale of food;

1 (2) the restaurant has been operated on the street
2 level of a 2-story building located on a corner lot since
3 2008;

4 (3) the restaurant is between 3,700 and 4,000 square
5 feet and sits on a lot that is no more than 6,200 square
6 feet;

7 (4) the primary entrance to the restaurant and the
8 primary entrance to the church are located on the same
9 street;

10 (5) the street on which the restaurant and the church
11 are located is a major east-west street;

12 (6) the restaurant and the church are separated by a
13 one-way northbound street;

14 (7) the church is located to the west of and no more
15 than 65 feet from the restaurant; and

16 (8) the principal religious leader at the place of
17 worship has indicated his or her consent to the issuance of
18 the license in writing.

19 (jj) Notwithstanding any provision of this Section to the
20 contrary, nothing in this Section shall prohibit the issuance
21 or renewal of a license authorizing the sale of alcoholic
22 liquor at premises located within a municipality with a
23 population in excess of 1,000,000 inhabitants and within 100
24 feet of a church if:

25 (1) the sale of alcoholic liquor is not the principal
26 business carried on by the licensee at the premises;

1 (2) the sale of alcoholic liquor is incidental to the
2 sale of food;

3 (3) the premises are located east of the church, on
4 perpendicular streets, and separated by an alley;

5 (4) the distance between the primary entrance of the
6 premises and the primary entrance of the church is at least
7 175 feet;

8 (5) the distance between the property line of the
9 premises and the property line of the church is at least 40
10 feet;

11 (6) the licensee has been operating at the premises
12 since 2012;

13 (7) the church was constructed in 1904;

14 (8) the alderman of the ward in which the premises is
15 located has expressed, in writing, his or her support for
16 the issuance of the license; and

17 (9) the principal religious leader of the church has
18 delivered a written statement that he or she does not
19 object to the issuance of a license under this subsection
20 (jj).

21 (kk) Notwithstanding any provision of this Section to the
22 contrary, nothing in this Section shall prohibit the issuance
23 or renewal of a license authorizing the sale of alcoholic
24 liquor at a premises that is located within a municipality with
25 a population in excess of 1,000,000 inhabitants and within 100
26 feet of a school if:

1 (1) the sale of alcoholic liquor is not the principal
2 business carried on by the licensee at the premises;

3 (2) the licensee shall only sell packaged liquors on
4 the premises;

5 (3) the licensee is a national retail chain;

6 (4) as of February 27, 2013, the licensee had 1,778
7 stores operating nationwide, 89 operating in this State,
8 and 11 stores operating within the municipality;

9 (5) the licensee shall occupy approximately 169,048
10 square feet of space within a building that is located
11 across the street from a tuition-based preschool; and

12 (6) the alderman of the ward in which the premises is
13 located has expressed, in writing, his or her support for
14 the issuance of the license.

15 (11) Notwithstanding any provision of this Section to the
16 contrary, nothing in this Section shall prohibit the issuance
17 or renewal of a license authorizing the sale of alcoholic
18 liquor at a premises that is located within a municipality with
19 a population in excess of 1,000,000 inhabitants and within 100
20 feet of a school if:

21 (1) the sale of alcoholic liquor is not the principal
22 business carried on by the licensee at the premises;

23 (2) the licensee shall only sell packaged liquors on
24 the premises;

25 (3) the licensee is a national retail chain;

26 (4) as of February 27, 2013, the licensee had 1,778

1 stores operating nationwide, 89 operating in this State,
2 and 11 stores operating within the municipality;

3 (5) the licensee shall occupy approximately 191,535
4 square feet of space within a building that is located
5 across the street from an elementary school; and

6 (6) the alderman of the ward in which the premises is
7 located has expressed, in writing, his or her support for
8 the issuance of the license.

9 (mm) Notwithstanding any provision of this Section to the
10 contrary, nothing in this Section shall prohibit the issuance
11 or renewal of a license authorizing the sale of alcoholic
12 liquor within premises and at an outdoor patio or sidewalk
13 cafe, or both, attached to premises that are located in a
14 municipality with a population in excess of 1,000,000
15 inhabitants and that are within 100 feet of a hospital if:

16 (1) the primary business of the restaurant consists of
17 the sale of food where the sale of liquor is incidental to
18 the sale of food;

19 (2) as a restaurant, the premises may or may not offer
20 catering as an incidental part of food service;

21 (3) the primary business of the restaurant is conducted
22 in space owned by a hospital or an entity owned or
23 controlled by, under common control with, or that controls
24 a hospital, and the chief hospital administrator has
25 expressed his or her support for the issuance of the
26 license in writing; and

1 (4) the hospital is an adult acute care facility
2 primarily located within the City of Chicago Institutional
3 Planned Development Number 3.

4 (nn) Notwithstanding any provision of this Section to the
5 contrary, nothing in this Section shall prohibit the issuance
6 or renewal of a license authorizing the sale of alcoholic
7 liquor at a premises that is located within a municipality with
8 a population in excess of 1,000,000 inhabitants and within 100
9 feet of a church if:

10 (1) the sale of alcoholic liquor is not the principal
11 business carried out on the premises;

12 (2) the sale of alcoholic liquor at the premises is
13 incidental to the operation of a theater;

14 (3) the premises are a building that was constructed in
15 1913 and opened on May 24, 1915 as a vaudeville theater,
16 and the premises were converted to a motion picture theater
17 in 1935;

18 (4) the church was constructed in 1889 with a stone
19 exterior;

20 (5) the primary entrance of the premises and the
21 primary entrance of the church are at least 100 feet apart;
22 and

23 (6) the principal religious leader at the place of
24 worship has indicated his or her consent to the issuance of
25 the license in writing; and

26 (7) the alderman in whose ward the premises are located

1 has expressed his or her support for the issuance of the
2 license in writing.

3 (oo) Notwithstanding any provision of this Section to the
4 contrary, nothing in this Section shall prohibit the issuance
5 or renewal of a license authorizing the sale of alcoholic
6 liquor at a premises that is located within a municipality with
7 a population in excess of 1,000,000 inhabitants and within 100
8 feet of a mosque, church, or other place of worship if:

9 (1) the primary entrance of the premises and the
10 primary entrance of the mosque, church, or other place of
11 worship are perpendicular and are on different streets;

12 (2) the primary entrance to the premises faces West and
13 the primary entrance to the mosque, church, or other place
14 of worship faces South;

15 (3) the distance between the 2 primary entrances is at
16 least 100 feet;

17 (4) the mosque, church, or other place of worship was
18 established in a location within 100 feet of the premises
19 after a license for the sale of alcohol at the premises was
20 first issued;

21 (5) the mosque, church, or other place of worship was
22 established on or around January 1, 2011;

23 (6) a license for the sale of alcohol at the premises
24 was first issued on or before January 1, 1985;

25 (7) a license for the sale of alcohol at the premises
26 has been continuously in effect since January 1, 1985,

1 except for interruptions between licenses of no more than
2 90 days; and

3 (8) the premises are a single-story, single-use
4 building of at least 3,000 square feet and no more than
5 3,380 square feet.

6 (pp) Notwithstanding any provision of this Section to the
7 contrary, nothing in this Section shall prohibit the issuance
8 or renewal of a license authorizing the sale of alcoholic
9 liquor incidental to the sale of food within a restaurant or
10 banquet facility established on premises that are located in a
11 municipality with a population in excess of 1,000,000
12 inhabitants and within 100 feet of at least one church if:

13 (1) the sale of liquor shall not be the principal
14 business carried on by the licensee at the premises;

15 (2) the premises are at least 2,000 square feet and no
16 more than 10,000 square feet and is located in a
17 single-story building;

18 (3) the property on which the premises are located is
19 within an area that, as of 2009, was designated as a
20 Renewal Community by the United States Department of
21 Housing and Urban Development;

22 (4) the property on which the premises are located and
23 the properties on which the churches are located are on the
24 same street;

25 (5) the property on which the premises are located is
26 immediately adjacent to and east of the property on which

1 at least one of the churches is located;

2 (6) the property on which the premises are located is
3 across the street and southwest of the property on which
4 another church is located;

5 (7) the principal religious leaders of the churches
6 have indicated their support for the issuance of the
7 license in writing; and

8 (8) the alderman in whose ward the premises are located
9 has expressed his or her support for the issuance of the
10 license in writing.

11 For purposes of this subsection (pp), "banquet facility"
12 means the part of the building that caters to private parties
13 and where the sale of alcoholic liquors is not the principal
14 business.

15 (qq) Notwithstanding any provision of this Section to the
16 contrary, nothing in this Section shall prohibit the issuance
17 or renewal of a license authorizing the sale of alcoholic
18 liquor on premises that are located within a municipality with
19 a population in excess of 1,000,000 inhabitants and within 100
20 feet of a church or school if:

21 (1) the primary entrance of the premises and the
22 closest entrance of the church or school are at least 200
23 feet apart and no greater than 300 feet apart;

24 (2) the shortest distance between the premises and the
25 church or school is at least 66 feet apart and no greater
26 than 81 feet apart;

1 (3) the premises are a single-story, steel-framed
2 commercial building with at least 18,042 square feet, and
3 was constructed in 1925 and 1997;

4 (4) the owner of the business operated within the
5 premises has been the general manager of a similar
6 supermarket within one mile from the premises, which has
7 had a valid license authorizing the sale of alcoholic
8 liquor since 2002, and is in good standing with the City of
9 Chicago;

10 (5) the principal religious leader at the place of
11 worship has indicated his or her support to the issuance or
12 renewal of the license in writing;

13 (6) the alderman of the ward has indicated his or her
14 support to the issuance or renewal of the license in
15 writing; and

16 (7) the principal of the school has indicated his or
17 her support to the issuance or renewal of the license in
18 writing.

19 (rr) Notwithstanding any provision of this Section to the
20 contrary, nothing in this Section shall prohibit the issuance
21 or renewal of a license authorizing the sale of alcoholic
22 liquor at premises located within a municipality with a
23 population in excess of 1,000,000 inhabitants and within 100
24 feet of a club that leases space to a school if:

25 (1) the sale of alcoholic liquor is not the principal
26 business carried out on the premises;

1 (2) the sale of alcoholic liquor at the premises is
2 incidental to the operation of a grocery store;

3 (3) the premises are a building of approximately 1,750
4 square feet and is rented by the owners of the grocery
5 store from a family member;

6 (4) the property line of the premises is approximately
7 68 feet from the property line of the club;

8 (5) the primary entrance of the premises and the
9 primary entrance of the club where the school leases space
10 are at least 100 feet apart;

11 (6) the director of the club renting space to the
12 school has indicated his or her consent to the issuance of
13 the license in writing; and

14 (7) the alderman in whose district the premises are
15 located has expressed his or her support for the issuance
16 of the license in writing.

17 (ss) Notwithstanding any provision of this Section to the
18 contrary, nothing in this Section shall prohibit the issuance
19 or renewal of a license authorizing the sale of alcoholic
20 liquor at premises located within a municipality with a
21 population in excess of 1,000,000 inhabitants and within 100
22 feet of a church if:

23 (1) the premises are located within a 15 unit building
24 with 13 residential apartments and 2 commercial spaces, and
25 the licensee will occupy both commercial spaces;

26 (2) a restaurant has been operated on the premises

1 since June 2011;

2 (3) the restaurant currently occupies 1,075 square
3 feet, but will be expanding to include 975 additional
4 square feet;

5 (4) the sale of alcoholic liquor is not the principal
6 business carried on by the licensee at the premises;

7 (5) the premises are located south of the church and on
8 the same street and are separated by a one-way westbound
9 street;

10 (6) the primary entrance of the premises is at least 93
11 feet from the primary entrance of the church;

12 (7) the shortest distance between any part of the
13 premises and any part of the church is at least 72 feet;

14 (8) the building in which the restaurant is located was
15 built in 1910;

16 (9) the alderman of the ward in which the premises are
17 located has expressed, in writing, his or her support for
18 the issuance of the license; and

19 (10) the principal religious leader of the church has
20 delivered a written statement that he or she does not
21 object to the issuance of a license under this subsection
22 (ss).

23 (tt) Notwithstanding any provision of this Section to the
24 contrary, nothing in this Section shall prohibit the issuance
25 or renewal of a license authorizing the sale of alcoholic
26 liquor at premises located within a municipality with a

1 population in excess of 1,000,000 inhabitants and within 100
2 feet of a church if:

3 (1) the sale of alcoholic liquor is not the principal
4 business carried on by the licensee at the premises;

5 (2) the sale of alcoholic liquor is incidental to the
6 sale of food;

7 (3) the sale of alcoholic liquor at the premises was
8 previously authorized by a package goods liquor license;

9 (4) the premises are at least 40,000 square feet with
10 25 parking spaces in the contiguous surface lot to the
11 north of the store and 93 parking spaces on the roof;

12 (5) the shortest distance between the lot line of the
13 parking lot of the premises and the exterior wall of the
14 church is at least 80 feet;

15 (6) the distance between the building in which the
16 church is located and the building in which the premises
17 are located is at least 180 feet;

18 (7) the main entrance to the church faces west and is
19 at least 257 feet from the main entrance of the premises;
20 and

21 (8) the applicant is the owner of 10 similar grocery
22 stores within the City of Chicago and the surrounding area
23 and has been in business for more than 30 years.

24 (uu) Notwithstanding any provision of this Section to the
25 contrary, nothing in this Section shall prohibit the issuance
26 or renewal of a license authorizing the sale of alcoholic

1 liquor at premises located within a municipality with a
2 population in excess of 1,000,000 inhabitants and within 100
3 feet of a church if:

4 (1) the sale of alcoholic liquor is not the principal
5 business carried on by the licensee at the premises;

6 (2) the sale of alcoholic liquor is incidental to the
7 operation of a grocery store;

8 (3) the premises are located in a building that is
9 approximately 68,000 square feet with 157 parking spaces on
10 property that was previously vacant land;

11 (4) the main entrance to the church faces west and is
12 at least 500 feet from the entrance of the premises, which
13 faces north;

14 (5) the church and the premises are separated by an
15 alley;

16 (6) the applicant is the owner of 9 similar grocery
17 stores in the City of Chicago and the surrounding area and
18 has been in business for more than 40 years; and

19 (7) the alderman of the ward in which the premises are
20 located has expressed, in writing, his or her support for
21 the issuance of the license.

22 (vv) Notwithstanding any provision of this Section to the
23 contrary, nothing in this Section shall prohibit the issuance
24 or renewal of a license authorizing the sale of alcoholic
25 liquor at premises located within a municipality with a
26 population in excess of 1,000,000 inhabitants and within 100

1 feet of a church if:

2 (1) the sale of alcoholic liquor is the principal
3 business carried on by the licensee at the premises;

4 (2) the sale of alcoholic liquor is primary to the sale
5 of food;

6 (3) the premises are located south of the church and on
7 perpendicular streets and are separated by a driveway;

8 (4) the primary entrance of the premises is at least
9 100 feet from the primary entrance of the church;

10 (5) the shortest distance between any part of the
11 premises and any part of the church is at least 15 feet;

12 (6) the premises are less than 100 feet from the church
13 center, but greater than 100 feet from the area within the
14 building where church services are held;

15 (7) the premises are 25,830 square feet and sit on a
16 lot that is 0.48 acres;

17 (8) the premises were once designated as a Korean
18 American Presbyterian Church and were once used as a
19 Masonic Temple;

20 (9) the premises were built in 1910;

21 (10) the alderman of the ward in which the premises are
22 located has expressed, in writing, his or her support for
23 the issuance of the license; and

24 (11) the principal religious leader of the church has
25 delivered a written statement that he or she does not
26 object to the issuance of a license under this subsection

1 (vv).

2 For the purposes of this subsection (vv), "premises" means
3 a place of business together with a privately owned outdoor
4 location that is adjacent to the place of business.

5 (ww) Notwithstanding any provision of this Section to the
6 contrary, nothing in this Section shall prohibit the issuance
7 or renewal of a license authorizing the sale of alcoholic
8 liquor at premises located within a municipality with a
9 population in excess of 1,000,000 inhabitants and within 100
10 feet of a school if:

11 (1) the school is located within Sub Area III of City
12 of Chicago Residential-Business Planned Development Number
13 523, as amended; and

14 (2) the premises are located within Sub Area I, Sub
15 Area II, or Sub Area IV of City of Chicago
16 Residential-Business Planned Development Number 523, as
17 amended.

18 (xx) Notwithstanding any provision of this Section to the
19 contrary, nothing in this Section shall prohibit the issuance
20 or renewal of a license authorizing the sale of alcoholic
21 liquor at premises located within a municipality with a
22 population in excess of 1,000,000 inhabitants and within 100
23 feet of a church if:

24 (1) the sale of wine or wine-related products is the
25 exclusive business carried on by the licensee at the
26 premises;

1 (2) the primary entrance of the premises and the
2 primary entrance of the church are at least 100 feet apart
3 and are located on different streets;

4 (3) the building in which the premises are located and
5 the building in which the church is located are separated
6 by an alley;

7 (4) the premises consists of less than 2,000 square
8 feet of floor area dedicated to the sale of wine or
9 wine-related products;

10 (5) the premises are located on the first floor of a
11 2-story building that is at least 99 years old and has a
12 residential unit on the second floor; and

13 (6) the principal religious leader at the church has
14 indicated his or her support for the issuance or renewal of
15 the license in writing.

16 (yy) Notwithstanding any provision of this Section to the
17 contrary, nothing in this Section shall prohibit the issuance
18 or renewal of a license authorizing the sale of alcoholic
19 liquor at premises located within a municipality with a
20 population in excess of 1,000,000 inhabitants and within 100
21 feet of a church if:

22 (1) the premises are a 27-story hotel containing 191
23 guest rooms;

24 (2) the sale of alcoholic liquor is not the principal
25 business carried on by the licensee at the premises and is
26 limited to a restaurant located on the first floor of the

1 hotel;

2 (3) the hotel is adjacent to the church;

3 (4) the site is zoned as DX-16;

4 (5) the principal religious leader of the church has
5 delivered a written statement that he or she does not
6 object to the issuance of a license under this subsection
7 (yy); and

8 (6) the alderman of the ward in which the premises are
9 located has expressed, in writing, his or her support for
10 the issuance of the license.

11 (zz) Notwithstanding any provision of this Section to the
12 contrary, nothing in this Section shall prohibit the issuance
13 or renewal of a license authorizing the sale of alcoholic
14 liquor at premises located within a municipality with a
15 population in excess of 1,000,000 inhabitants and within 100
16 feet of a church if:

17 (1) the premises are a 15-story hotel containing 143
18 guest rooms;

19 (2) the premises are approximately 85,691 square feet;

20 (3) a restaurant is operated on the premises;

21 (4) the restaurant is located in the first floor lobby
22 of the hotel;

23 (5) the sale of alcoholic liquor is not the principal
24 business carried on by the licensee at the premises;

25 (6) the hotel is located approximately 50 feet from the
26 church and is separated from the church by a public street

1 on the ground level and by air space on the upper level,
2 which is where the public entrances are located;

3 (7) the site is zoned as DX-16;

4 (8) the principal religious leader of the church has
5 delivered a written statement that he or she does not
6 object to the issuance of a license under this subsection
7 (zz); and

8 (9) the alderman of the ward in which the premises are
9 located has expressed, in writing, his or her support for
10 the issuance of the license.

11 (aaa) Notwithstanding any provision in this Section to the
12 contrary, nothing in this Section shall prohibit the issuance
13 or renewal of a license authorizing the sale of alcoholic
14 liquor within a full-service grocery store at premises located
15 within a municipality with a population in excess of 1,000,000
16 inhabitants and within 100 feet of a school if:

17 (1) the sale of alcoholic liquor is not the primary
18 business activity of the grocery store;

19 (2) the premises are newly constructed on land that was
20 formerly used by the Young Men's Christian Association;

21 (3) the grocery store is located within a planned
22 development that was approved by the municipality in 2007;

23 (4) the premises are located in a multi-building,
24 mixed-use complex;

25 (5) the entrance to the grocery store is located more
26 than 200 feet from the entrance to the school;

1 (6) the entrance to the grocery store is located across
2 the street from the back of the school building, which is
3 not used for student or public access;

4 (7) the grocery store executed a binding lease for the
5 property in 2008;

6 (8) the premises consist of 2 levels and occupy more
7 than 80,000 square feet;

8 (9) the owner and operator of the grocery store
9 operates at least 10 other grocery stores that have
10 alcoholic liquor licenses within the same municipality;
11 and

12 (10) the director of the school has expressed, in
13 writing, his or her support for the issuance of the
14 license.

15 (bbb) Notwithstanding any provision of this Section to the
16 contrary, nothing in this Section shall prohibit the issuance
17 or renewal of a license authorizing the sale of alcoholic
18 liquor at premises located within a municipality with a
19 population in excess of 1,000,000 inhabitants and within 100
20 feet of a church if:

21 (1) the sale of alcoholic liquor at the premises is
22 incidental to the sale of food;

23 (2) the premises are located in a single-story building
24 of primarily brick construction containing at least 6
25 commercial units constructed before 1940;

26 (3) the premises are located in a B3-2 zoning district;

- 1 (4) the premises are less than 4,000 square feet;
- 2 (5) the church established its congregation in 1891 and
3 completed construction of the church building in 1990;
- 4 (6) the premises are located south of the church;
- 5 (7) the premises and church are located on the same
6 street and are separated by a one-way westbound street; and
- 7 (8) the principal religious leader of the church has
8 not indicated his or her opposition to the issuance or
9 renewal of the license in writing.

10 (ccc) Notwithstanding any provision of this Section to the
11 contrary, nothing in this Section shall prohibit the issuance
12 or renewal of a license authorizing the sale of alcoholic
13 liquor within a full-service grocery store at premises located
14 within a municipality with a population in excess of 1,000,000
15 inhabitants and within 100 feet of a church and school if:

16 (1) as of March 14, 2007, the premises are located in a
17 City of Chicago Residential-Business Planned Development
18 No. 1052;

19 (2) the sale of alcoholic liquor is not the principal
20 business carried on by the licensee at the premises;

21 (3) the sale of alcoholic liquor is incidental to the
22 operation of a grocery store and comprises no more than 10%
23 of the total in-store sales;

24 (4) the owner and operator of the grocery store
25 operates at least 10 other grocery stores that have
26 alcoholic liquor licenses within the same municipality;

1 (5) the premises are new construction when the license
2 is first issued;

3 (6) the constructed premises are to be no less than
4 50,000 square feet;

5 (7) the school is a private church-affiliated school;

6 (8) the premises and the property containing the church
7 and church-affiliated school are located on perpendicular
8 streets and the school and church are adjacent to one
9 another;

10 (9) the pastor of the church and school has expressed,
11 in writing, support for the issuance of the license; and

12 (10) the alderman of the ward in which the premises are
13 located has expressed, in writing, his or her support for
14 the issuance of the license.

15 (ddd) Notwithstanding any provision of this Section to the
16 contrary, nothing in this Section shall prohibit the issuance
17 or renewal of a license authorizing the sale of alcoholic
18 liquor at premises located within a municipality with a
19 population in excess of 1,000,000 inhabitants and within 100
20 feet of a church or school if:

21 (1) the business has been issued a license from the
22 municipality to allow the business to operate a theater on
23 the premises;

24 (2) the theater has less than 200 seats;

25 (3) the premises are approximately 2,700 to 3,100
26 square feet of space;

1 (4) the premises are located to the north of the
2 church;

3 (5) the primary entrance of the premises and the
4 primary entrance of any church within 100 feet of the
5 premises are located either on a different street or across
6 a right-of-way from the premises;

7 (6) the primary entrance of the premises and the
8 primary entrance of any school within 100 feet of the
9 premises are located either on a different street or across
10 a right-of-way from the premises;

11 (7) the premises are located in a building that is at
12 least 100 years old; and

13 (8) any church or school located within 100 feet of the
14 premises has indicated its support for the issuance or
15 renewal of the license to the premises in writing.

16 (eee) Notwithstanding any provision of this Section to the
17 contrary, nothing in this Section shall prohibit the issuance
18 or renewal of a license authorizing the sale of alcoholic
19 liquor at premises located within a municipality with a
20 population in excess of 1,000,000 inhabitants and within 100
21 feet of a church and school if:

22 (1) the sale of alcoholic liquor is incidental to the
23 sale of food;

24 (2) the sale of alcoholic liquor is not the principal
25 business carried on by the applicant on the premises;

26 (3) a family-owned restaurant has operated on the

1 premises since 1957;

2 (4) the premises occupy the first floor of a 3-story
3 building that is at least 90 years old;

4 (5) the distance between the property line of the
5 premises and the property line of the church is at least 20
6 feet;

7 (6) the church was established at its current location
8 and the present structure was erected before 1900;

9 (7) the primary entrance of the premises is at least 75
10 feet from the primary entrance of the church;

11 (8) the school is affiliated with the church;

12 (9) the principal religious leader at the place of
13 worship has indicated his or her support for the issuance
14 of the license in writing;

15 (10) the principal of the school has indicated in
16 writing that he or she is not opposed to the issuance of
17 the license; and

18 (11) the alderman of the ward in which the premises are
19 located has expressed, in writing, his or her lack of an
20 objection to the issuance of the license.

21 (fff) ~~(yy)~~ Notwithstanding any provision of this Section to
22 the contrary, nothing in this Section shall prohibit the
23 issuance or renewal of a license authorizing the sale of
24 alcoholic liquor at premises located within a municipality with
25 a population in excess of 1,000,000 inhabitants and within 100
26 feet of a church if:

1 (1) the sale of alcoholic liquor is not the principal
2 business carried on by the licensee at the premises;

3 (2) the sale of alcoholic liquor at the premises is
4 incidental to the operation of a grocery store;

5 (3) the premises are a one-story building containing
6 approximately 10,000 square feet and are rented by the
7 owners of the grocery store;

8 (4) the sale of alcoholic liquor at the premises occurs
9 in a retail area of the grocery store that is approximately
10 3,500 square feet;

11 (5) the grocery store has operated at the location
12 since 1984;

13 (6) the grocery store is closed on Sundays;

14 (7) the property on which the premises are located is a
15 corner lot that is bound by 3 streets and an alley, where
16 one street is a one-way street that runs north-south, one
17 street runs east-west, and one street runs
18 northwest-southeast;

19 (8) the property line of the premises is approximately
20 16 feet from the property line of the building where the
21 church is located;

22 (9) the premises are separated from the building
23 containing the church by a public alley;

24 (10) the primary entrance of the premises and the
25 primary entrance of the church are at least 100 feet apart;

26 (11) representatives of the church have delivered a

1 written statement that the church does not object to the
2 issuance of a license under this subsection (fff) ~~(yy)~~; and

3 (12) the alderman of the ward in which the grocery
4 store is located has expressed, in writing, his or her
5 support for the issuance of the license.

6 (Source: P.A. 98-274, eff. 8-9-13; 98-463, eff. 8-16-13;
7 98-571, eff. 8-27-13; 98-592, eff. 11-15-13; 98-1092, eff.
8 8-26-14; 98-1158, eff. 1-9-15; 99-46, eff. 7-15-15; 99-47, eff.
9 7-15-15; 99-477, eff. 8-27-15; 99-484, eff. 10-30-15; revised
10 11-4-15.)

11 Section 395. The Grain Code is amended by changing Section
12 15-10 as follows:

13 (240 ILCS 40/15-10)

14 Sec. 15-10. De minimis ~~minimus~~ violations.

15 (a) If a licensee commits a de minimis ~~minimus~~ violation of
16 this Code, the Director may, in his or her discretion, and
17 without further action, issue a warning letter to the licensee.

18 (b) For the purposes of this Article, a de minimis ~~minimus~~
19 violation exists when a licensee:

20 (1) violates the maximum allowable speculative limits
21 of item (a) (2) of Section 10-10 by 1,000 bushels or less;

22 (2) has total grain quantity deficiency violations
23 that do not exceed \$1,000 as determined by the formula set
24 forth in subsection (c) of Section 15-20; or

1 (3) has total grain quality deficiency violations that
2 do not exceed \$1,000 as determined by the formula set forth
3 in subsection (d) of Section 15-20.

4 (Source: P.A. 89-287, eff. 1-1-96; revised 10-21-15.)

5 Section 400. The Illinois Public Aid Code is amended by
6 changing Sections 5-5, 5-5e, 5-16.8, 5-30, 10-25, and 10-25.5
7 as follows:

8 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

9 (Text of Section before amendment by P.A. 99-407)

10 Sec. 5-5. Medical services. The Illinois Department, by
11 rule, shall determine the quantity and quality of and the rate
12 of reimbursement for the medical assistance for which payment
13 will be authorized, and the medical services to be provided,
14 which may include all or part of the following: (1) inpatient
15 hospital services; (2) outpatient hospital services; (3) other
16 laboratory and X-ray services; (4) skilled nursing home
17 services; (5) physicians' services whether furnished in the
18 office, the patient's home, a hospital, a skilled nursing home,
19 or elsewhere; (6) medical care, or any other type of remedial
20 care furnished by licensed practitioners; (7) home health care
21 services; (8) private duty nursing service; (9) clinic
22 services; (10) dental services, including prevention and
23 treatment of periodontal disease and dental caries disease for
24 pregnant women, provided by an individual licensed to practice

1 dentistry or dental surgery; for purposes of this item (10),
2 "dental services" means diagnostic, preventive, or corrective
3 procedures provided by or under the supervision of a dentist in
4 the practice of his or her profession; (11) physical therapy
5 and related services; (12) prescribed drugs, dentures, and
6 prosthetic devices; and eyeglasses prescribed by a physician
7 skilled in the diseases of the eye, or by an optometrist,
8 whichever the person may select; (13) other diagnostic,
9 screening, preventive, and rehabilitative services, including
10 to ensure that the individual's need for intervention or
11 treatment of mental disorders or substance use disorders or
12 co-occurring mental health and substance use disorders is
13 determined using a uniform screening, assessment, and
14 evaluation process inclusive of criteria, for children and
15 adults; for purposes of this item (13), a uniform screening,
16 assessment, and evaluation process refers to a process that
17 includes an appropriate evaluation and, as warranted, a
18 referral; "uniform" does not mean the use of a singular
19 instrument, tool, or process that all must utilize; (14)
20 transportation and such other expenses as may be necessary;
21 (15) medical treatment of sexual assault survivors, as defined
22 in Section 1a of the Sexual Assault Survivors Emergency
23 Treatment Act, for injuries sustained as a result of the sexual
24 assault, including examinations and laboratory tests to
25 discover evidence which may be used in criminal proceedings
26 arising from the sexual assault; (16) the diagnosis and

1 treatment of sickle cell anemia; and (17) any other medical
2 care, and any other type of remedial care recognized under the
3 laws of this State, but not including abortions, or induced
4 miscarriages or premature births, unless, in the opinion of a
5 physician, such procedures are necessary for the preservation
6 of the life of the woman seeking such treatment, or except an
7 induced premature birth intended to produce a live viable child
8 and such procedure is necessary for the health of the mother or
9 her unborn child. The Illinois Department, by rule, shall
10 prohibit any physician from providing medical assistance to
11 anyone eligible therefor under this Code where such physician
12 has been found guilty of performing an abortion procedure in a
13 wilful and wanton manner upon a woman who was not pregnant at
14 the time such abortion procedure was performed. The term "any
15 other type of remedial care" shall include nursing care and
16 nursing home service for persons who rely on treatment by
17 spiritual means alone through prayer for healing.

18 Notwithstanding any other provision of this Section, a
19 comprehensive tobacco use cessation program that includes
20 purchasing prescription drugs or prescription medical devices
21 approved by the Food and Drug Administration shall be covered
22 under the medical assistance program under this Article for
23 persons who are otherwise eligible for assistance under this
24 Article.

25 Notwithstanding any other provision of this Code, the
26 Illinois Department may not require, as a condition of payment

1 for any laboratory test authorized under this Article, that a
2 physician's handwritten signature appear on the laboratory
3 test order form. The Illinois Department may, however, impose
4 other appropriate requirements regarding laboratory test order
5 documentation.

6 Upon receipt of federal approval of an amendment to the
7 Illinois Title XIX State Plan for this purpose, the Department
8 shall authorize the Chicago Public Schools (CPS) to procure a
9 vendor or vendors to manufacture eyeglasses for individuals
10 enrolled in a school within the CPS system. CPS shall ensure
11 that its vendor or vendors are enrolled as providers in the
12 medical assistance program and in any capitated Medicaid
13 managed care entity (MCE) serving individuals enrolled in a
14 school within the CPS system. Under any contract procured under
15 this provision, the vendor or vendors must serve only
16 individuals enrolled in a school within the CPS system. Claims
17 for services provided by CPS's vendor or vendors to recipients
18 of benefits in the medical assistance program under this Code,
19 the Children's Health Insurance Program, or the Covering ALL
20 KIDS Health Insurance Program shall be submitted to the
21 Department or the MCE in which the individual is enrolled for
22 payment and shall be reimbursed at the Department's or the
23 MCE's established rates or rate methodologies for eyeglasses.

24 On and after July 1, 2012, the Department of Healthcare and
25 Family Services may provide the following services to persons
26 eligible for assistance under this Article who are

1 participating in education, training or employment programs
2 operated by the Department of Human Services as successor to
3 the Department of Public Aid:

4 (1) dental services provided by or under the
5 supervision of a dentist; and

6 (2) eyeglasses prescribed by a physician skilled in the
7 diseases of the eye, or by an optometrist, whichever the
8 person may select.

9 Notwithstanding any other provision of this Code and
10 subject to federal approval, the Department may adopt rules to
11 allow a dentist who is volunteering his or her service at no
12 cost to render dental services through an enrolled
13 not-for-profit health clinic without the dentist personally
14 enrolling as a participating provider in the medical assistance
15 program. A not-for-profit health clinic shall include a public
16 health clinic or Federally Qualified Health Center or other
17 enrolled provider, as determined by the Department, through
18 which dental services covered under this Section are performed.
19 The Department shall establish a process for payment of claims
20 for reimbursement for covered dental services rendered under
21 this provision.

22 The Illinois Department, by rule, may distinguish and
23 classify the medical services to be provided only in accordance
24 with the classes of persons designated in Section 5-2.

25 The Department of Healthcare and Family Services must
26 provide coverage and reimbursement for amino acid-based

1 elemental formulas, regardless of delivery method, for the
2 diagnosis and treatment of (i) eosinophilic disorders and (ii)
3 short bowel syndrome when the prescribing physician has issued
4 a written order stating that the amino acid-based elemental
5 formula is medically necessary.

6 The Illinois Department shall authorize the provision of,
7 and shall authorize payment for, screening by low-dose
8 mammography for the presence of occult breast cancer for women
9 35 years of age or older who are eligible for medical
10 assistance under this Article, as follows:

11 (A) A baseline mammogram for women 35 to 39 years of
12 age.

13 (B) An annual mammogram for women 40 years of age or
14 older.

15 (C) A mammogram at the age and intervals considered
16 medically necessary by the woman's health care provider for
17 women under 40 years of age and having a family history of
18 breast cancer, prior personal history of breast cancer,
19 positive genetic testing, or other risk factors.

20 (D) A comprehensive ultrasound screening of an entire
21 breast or breasts if a mammogram demonstrates
22 heterogeneous or dense breast tissue, when medically
23 necessary as determined by a physician licensed to practice
24 medicine in all of its branches.

25 (E) A screening MRI when medically necessary, as
26 determined by a physician licensed to practice medicine in

1 all of its branches.

2 All screenings shall include a physical breast exam,
3 instruction on self-examination and information regarding the
4 frequency of self-examination and its value as a preventative
5 tool. For purposes of this Section, "low-dose mammography"
6 means the x-ray examination of the breast using equipment
7 dedicated specifically for mammography, including the x-ray
8 tube, filter, compression device, and image receptor, with an
9 average radiation exposure delivery of less than one rad per
10 breast for 2 views of an average size breast. The term also
11 includes digital mammography.

12 On and after January 1, 2016, the Department shall ensure
13 that all networks of care for adult clients of the Department
14 include access to at least one breast imaging Center of Imaging
15 Excellence as certified by the American College of Radiology.

16 On and after January 1, 2012, providers participating in a
17 quality improvement program approved by the Department shall be
18 reimbursed for screening and diagnostic mammography at the same
19 rate as the Medicare program's rates, including the increased
20 reimbursement for digital mammography.

21 The Department shall convene an expert panel including
22 representatives of hospitals, free-standing mammography
23 facilities, and doctors, including radiologists, to establish
24 quality standards for mammography.

25 On and after January 1, 2017, providers participating in a
26 breast cancer treatment quality improvement program approved

1 by the Department shall be reimbursed for breast cancer
2 treatment at a rate that is no lower than 95% of the Medicare
3 program's rates for the data elements included in the breast
4 cancer treatment quality program.

5 The Department shall convene an expert panel, including
6 representatives of hospitals, free standing breast cancer
7 treatment centers, breast cancer quality organizations, and
8 doctors, including breast surgeons, reconstructive breast
9 surgeons, oncologists, and primary care providers to establish
10 quality standards for breast cancer treatment.

11 Subject to federal approval, the Department shall
12 establish a rate methodology for mammography at federally
13 qualified health centers and other encounter-rate clinics.
14 These clinics or centers may also collaborate with other
15 hospital-based mammography facilities. By January 1, 2016, the
16 Department shall report to the General Assembly on the status
17 of the provision set forth in this paragraph.

18 The Department shall establish a methodology to remind
19 women who are age-appropriate for screening mammography, but
20 who have not received a mammogram within the previous 18
21 months, of the importance and benefit of screening mammography.
22 The Department shall work with experts in breast cancer
23 outreach and patient navigation to optimize these reminders and
24 shall establish a methodology for evaluating their
25 effectiveness and modifying the methodology based on the
26 evaluation.

1 The Department shall establish a performance goal for
2 primary care providers with respect to their female patients
3 over age 40 receiving an annual mammogram. This performance
4 goal shall be used to provide additional reimbursement in the
5 form of a quality performance bonus to primary care providers
6 who meet that goal.

7 The Department shall devise a means of case-managing or
8 patient navigation for beneficiaries diagnosed with breast
9 cancer. This program shall initially operate as a pilot program
10 in areas of the State with the highest incidence of mortality
11 related to breast cancer. At least one pilot program site shall
12 be in the metropolitan Chicago area and at least one site shall
13 be outside the metropolitan Chicago area. On or after July 1,
14 2016, the pilot program shall be expanded to include one site
15 in western Illinois, one site in southern Illinois, one site in
16 central Illinois, and 4 sites within metropolitan Chicago. An
17 evaluation of the pilot program shall be carried out measuring
18 health outcomes and cost of care for those served by the pilot
19 program compared to similarly situated patients who are not
20 served by the pilot program.

21 The Department shall require all networks of care to
22 develop a means either internally or by contract with experts
23 in navigation and community outreach to navigate cancer
24 patients to comprehensive care in a timely fashion. The
25 Department shall require all networks of care to include access
26 for patients diagnosed with cancer to at least one academic

1 commission on cancer-accredited cancer program as an
2 in-network covered benefit.

3 Any medical or health care provider shall immediately
4 recommend, to any pregnant woman who is being provided prenatal
5 services and is suspected of drug abuse or is addicted as
6 defined in the Alcoholism and Other Drug Abuse and Dependency
7 Act, referral to a local substance abuse treatment provider
8 licensed by the Department of Human Services or to a licensed
9 hospital which provides substance abuse treatment services.
10 The Department of Healthcare and Family Services shall assure
11 coverage for the cost of treatment of the drug abuse or
12 addiction for pregnant recipients in accordance with the
13 Illinois Medicaid Program in conjunction with the Department of
14 Human Services.

15 All medical providers providing medical assistance to
16 pregnant women under this Code shall receive information from
17 the Department on the availability of services under the Drug
18 Free Families with a Future or any comparable program providing
19 case management services for addicted women, including
20 information on appropriate referrals for other social services
21 that may be needed by addicted women in addition to treatment
22 for addiction.

23 The Illinois Department, in cooperation with the
24 Departments of Human Services (as successor to the Department
25 of Alcoholism and Substance Abuse) and Public Health, through a
26 public awareness campaign, may provide information concerning

1 treatment for alcoholism and drug abuse and addiction, prenatal
2 health care, and other pertinent programs directed at reducing
3 the number of drug-affected infants born to recipients of
4 medical assistance.

5 Neither the Department of Healthcare and Family Services
6 nor the Department of Human Services shall sanction the
7 recipient solely on the basis of her substance abuse.

8 The Illinois Department shall establish such regulations
9 governing the dispensing of health services under this Article
10 as it shall deem appropriate. The Department should seek the
11 advice of formal professional advisory committees appointed by
12 the Director of the Illinois Department for the purpose of
13 providing regular advice on policy and administrative matters,
14 information dissemination and educational activities for
15 medical and health care providers, and consistency in
16 procedures to the Illinois Department.

17 The Illinois Department may develop and contract with
18 Partnerships of medical providers to arrange medical services
19 for persons eligible under Section 5-2 of this Code.
20 Implementation of this Section may be by demonstration projects
21 in certain geographic areas. The Partnership shall be
22 represented by a sponsor organization. The Department, by rule,
23 shall develop qualifications for sponsors of Partnerships.
24 Nothing in this Section shall be construed to require that the
25 sponsor organization be a medical organization.

26 The sponsor must negotiate formal written contracts with

1 medical providers for physician services, inpatient and
2 outpatient hospital care, home health services, treatment for
3 alcoholism and substance abuse, and other services determined
4 necessary by the Illinois Department by rule for delivery by
5 Partnerships. Physician services must include prenatal and
6 obstetrical care. The Illinois Department shall reimburse
7 medical services delivered by Partnership providers to clients
8 in target areas according to provisions of this Article and the
9 Illinois Health Finance Reform Act, except that:

10 (1) Physicians participating in a Partnership and
11 providing certain services, which shall be determined by
12 the Illinois Department, to persons in areas covered by the
13 Partnership may receive an additional surcharge for such
14 services.

15 (2) The Department may elect to consider and negotiate
16 financial incentives to encourage the development of
17 Partnerships and the efficient delivery of medical care.

18 (3) Persons receiving medical services through
19 Partnerships may receive medical and case management
20 services above the level usually offered through the
21 medical assistance program.

22 Medical providers shall be required to meet certain
23 qualifications to participate in Partnerships to ensure the
24 delivery of high quality medical services. These
25 qualifications shall be determined by rule of the Illinois
26 Department and may be higher than qualifications for

1 participation in the medical assistance program. Partnership
2 sponsors may prescribe reasonable additional qualifications
3 for participation by medical providers, only with the prior
4 written approval of the Illinois Department.

5 Nothing in this Section shall limit the free choice of
6 practitioners, hospitals, and other providers of medical
7 services by clients. In order to ensure patient freedom of
8 choice, the Illinois Department shall immediately promulgate
9 all rules and take all other necessary actions so that provided
10 services may be accessed from therapeutically certified
11 optometrists to the full extent of the Illinois Optometric
12 Practice Act of 1987 without discriminating between service
13 providers.

14 The Department shall apply for a waiver from the United
15 States Health Care Financing Administration to allow for the
16 implementation of Partnerships under this Section.

17 The Illinois Department shall require health care
18 providers to maintain records that document the medical care
19 and services provided to recipients of Medical Assistance under
20 this Article. Such records must be retained for a period of not
21 less than 6 years from the date of service or as provided by
22 applicable State law, whichever period is longer, except that
23 if an audit is initiated within the required retention period
24 then the records must be retained until the audit is completed
25 and every exception is resolved. The Illinois Department shall
26 require health care providers to make available, when

1 authorized by the patient, in writing, the medical records in a
2 timely fashion to other health care providers who are treating
3 or serving persons eligible for Medical Assistance under this
4 Article. All dispensers of medical services shall be required
5 to maintain and retain business and professional records
6 sufficient to fully and accurately document the nature, scope,
7 details and receipt of the health care provided to persons
8 eligible for medical assistance under this Code, in accordance
9 with regulations promulgated by the Illinois Department. The
10 rules and regulations shall require that proof of the receipt
11 of prescription drugs, dentures, prosthetic devices and
12 eyeglasses by eligible persons under this Section accompany
13 each claim for reimbursement submitted by the dispenser of such
14 medical services. No such claims for reimbursement shall be
15 approved for payment by the Illinois Department without such
16 proof of receipt, unless the Illinois Department shall have put
17 into effect and shall be operating a system of post-payment
18 audit and review which shall, on a sampling basis, be deemed
19 adequate by the Illinois Department to assure that such drugs,
20 dentures, prosthetic devices and eyeglasses for which payment
21 is being made are actually being received by eligible
22 recipients. Within 90 days after September 16, 1984 (the
23 effective date of Public Act 83-1439) ~~this amendatory Act of~~
24 ~~1984~~, the Illinois Department shall establish a current list of
25 acquisition costs for all prosthetic devices and any other
26 items recognized as medical equipment and supplies

1 reimbursable under this Article and shall update such list on a
2 quarterly basis, except that the acquisition costs of all
3 prescription drugs shall be updated no less frequently than
4 every 30 days as required by Section 5-5.12.

5 The rules and regulations of the Illinois Department shall
6 require that a written statement including the required opinion
7 of a physician shall accompany any claim for reimbursement for
8 abortions, or induced miscarriages or premature births. This
9 statement shall indicate what procedures were used in providing
10 such medical services.

11 Notwithstanding any other law to the contrary, the Illinois
12 Department shall, within 365 days after July 22, 2013 (the
13 effective date of Public Act 98-104), establish procedures to
14 permit skilled care facilities licensed under the Nursing Home
15 Care Act to submit monthly billing claims for reimbursement
16 purposes. Following development of these procedures, the
17 Department shall, by July 1, 2016, test the viability of the
18 new system and implement any necessary operational or
19 structural changes to its information technology platforms in
20 order to allow for the direct acceptance and payment of nursing
21 home claims.

22 Notwithstanding any other law to the contrary, the Illinois
23 Department shall, within 365 days after August 15, 2014 (the
24 effective date of Public Act 98-963), establish procedures to
25 permit ID/DD facilities licensed under the ID/DD Community Care
26 Act and MC/DD facilities licensed under the MC/DD Act to submit

1 monthly billing claims for reimbursement purposes. Following
2 development of these procedures, the Department shall have an
3 additional 365 days to test the viability of the new system and
4 to ensure that any necessary operational or structural changes
5 to its information technology platforms are implemented.

6 The Illinois Department shall require all dispensers of
7 medical services, other than an individual practitioner or
8 group of practitioners, desiring to participate in the Medical
9 Assistance program established under this Article to disclose
10 all financial, beneficial, ownership, equity, surety or other
11 interests in any and all firms, corporations, partnerships,
12 associations, business enterprises, joint ventures, agencies,
13 institutions or other legal entities providing any form of
14 health care services in this State under this Article.

15 The Illinois Department may require that all dispensers of
16 medical services desiring to participate in the medical
17 assistance program established under this Article disclose,
18 under such terms and conditions as the Illinois Department may
19 by rule establish, all inquiries from clients and attorneys
20 regarding medical bills paid by the Illinois Department, which
21 inquiries could indicate potential existence of claims or liens
22 for the Illinois Department.

23 Enrollment of a vendor shall be subject to a provisional
24 period and shall be conditional for one year. During the period
25 of conditional enrollment, the Department may terminate the
26 vendor's eligibility to participate in, or may disenroll the

1 vendor from, the medical assistance program without cause.
2 Unless otherwise specified, such termination of eligibility or
3 disenrollment is not subject to the Department's hearing
4 process. However, a disenrolled vendor may reapply without
5 penalty.

6 The Department has the discretion to limit the conditional
7 enrollment period for vendors based upon category of risk of
8 the vendor.

9 Prior to enrollment and during the conditional enrollment
10 period in the medical assistance program, all vendors shall be
11 subject to enhanced oversight, screening, and review based on
12 the risk of fraud, waste, and abuse that is posed by the
13 category of risk of the vendor. The Illinois Department shall
14 establish the procedures for oversight, screening, and review,
15 which may include, but need not be limited to: criminal and
16 financial background checks; fingerprinting; license,
17 certification, and authorization verifications; unscheduled or
18 unannounced site visits; database checks; prepayment audit
19 reviews; audits; payment caps; payment suspensions; and other
20 screening as required by federal or State law.

21 The Department shall define or specify the following: (i)
22 by provider notice, the "category of risk of the vendor" for
23 each type of vendor, which shall take into account the level of
24 screening applicable to a particular category of vendor under
25 federal law and regulations; (ii) by rule or provider notice,
26 the maximum length of the conditional enrollment period for

1 each category of risk of the vendor; and (iii) by rule, the
2 hearing rights, if any, afforded to a vendor in each category
3 of risk of the vendor that is terminated or disenrolled during
4 the conditional enrollment period.

5 To be eligible for payment consideration, a vendor's
6 payment claim or bill, either as an initial claim or as a
7 resubmitted claim following prior rejection, must be received
8 by the Illinois Department, or its fiscal intermediary, no
9 later than 180 days after the latest date on the claim on which
10 medical goods or services were provided, with the following
11 exceptions:

12 (1) In the case of a provider whose enrollment is in
13 process by the Illinois Department, the 180-day period
14 shall not begin until the date on the written notice from
15 the Illinois Department that the provider enrollment is
16 complete.

17 (2) In the case of errors attributable to the Illinois
18 Department or any of its claims processing intermediaries
19 which result in an inability to receive, process, or
20 adjudicate a claim, the 180-day period shall not begin
21 until the provider has been notified of the error.

22 (3) In the case of a provider for whom the Illinois
23 Department initiates the monthly billing process.

24 (4) In the case of a provider operated by a unit of
25 local government with a population exceeding 3,000,000
26 when local government funds finance federal participation

1 for claims payments.

2 For claims for services rendered during a period for which
3 a recipient received retroactive eligibility, claims must be
4 filed within 180 days after the Department determines the
5 applicant is eligible. For claims for which the Illinois
6 Department is not the primary payer, claims must be submitted
7 to the Illinois Department within 180 days after the final
8 adjudication by the primary payer.

9 In the case of long term care facilities, within 5 days of
10 receipt by the facility of required prescreening information,
11 data for new admissions shall be entered into the Medical
12 Electronic Data Interchange (MEDI) or the Recipient
13 Eligibility Verification (REV) System or successor system, and
14 within 15 days of receipt by the facility of required
15 prescreening information, admission documents shall be
16 submitted through MEDI or REV or shall be submitted directly to
17 the Department of Human Services using required admission
18 forms. Effective September 1, 2014, admission documents,
19 including all prescreening information, must be submitted
20 through MEDI or REV. Confirmation numbers assigned to an
21 accepted transaction shall be retained by a facility to verify
22 timely submittal. Once an admission transaction has been
23 completed, all resubmitted claims following prior rejection
24 are subject to receipt no later than 180 days after the
25 admission transaction has been completed.

26 Claims that are not submitted and received in compliance

1 with the foregoing requirements shall not be eligible for
2 payment under the medical assistance program, and the State
3 shall have no liability for payment of those claims.

4 To the extent consistent with applicable information and
5 privacy, security, and disclosure laws, State and federal
6 agencies and departments shall provide the Illinois Department
7 access to confidential and other information and data necessary
8 to perform eligibility and payment verifications and other
9 Illinois Department functions. This includes, but is not
10 limited to: information pertaining to licensure;
11 certification; earnings; immigration status; citizenship; wage
12 reporting; unearned and earned income; pension income;
13 employment; supplemental security income; social security
14 numbers; National Provider Identifier (NPI) numbers; the
15 National Practitioner Data Bank (NPDB); program and agency
16 exclusions; taxpayer identification numbers; tax delinquency;
17 corporate information; and death records.

18 The Illinois Department shall enter into agreements with
19 State agencies and departments, and is authorized to enter into
20 agreements with federal agencies and departments, under which
21 such agencies and departments shall share data necessary for
22 medical assistance program integrity functions and oversight.
23 The Illinois Department shall develop, in cooperation with
24 other State departments and agencies, and in compliance with
25 applicable federal laws and regulations, appropriate and
26 effective methods to share such data. At a minimum, and to the

1 extent necessary to provide data sharing, the Illinois
2 Department shall enter into agreements with State agencies and
3 departments, and is authorized to enter into agreements with
4 federal agencies and departments, including but not limited to:
5 the Secretary of State; the Department of Revenue; the
6 Department of Public Health; the Department of Human Services;
7 and the Department of Financial and Professional Regulation.

8 Beginning in fiscal year 2013, the Illinois Department
9 shall set forth a request for information to identify the
10 benefits of a pre-payment, post-adjudication, and post-edit
11 claims system with the goals of streamlining claims processing
12 and provider reimbursement, reducing the number of pending or
13 rejected claims, and helping to ensure a more transparent
14 adjudication process through the utilization of: (i) provider
15 data verification and provider screening technology; and (ii)
16 clinical code editing; and (iii) pre-pay, pre- or
17 post-adjudicated predictive modeling with an integrated case
18 management system with link analysis. Such a request for
19 information shall not be considered as a request for proposal
20 or as an obligation on the part of the Illinois Department to
21 take any action or acquire any products or services.

22 The Illinois Department shall establish policies,
23 procedures, standards and criteria by rule for the acquisition,
24 repair and replacement of orthotic and prosthetic devices and
25 durable medical equipment. Such rules shall provide, but not be
26 limited to, the following services: (1) immediate repair or

1 replacement of such devices by recipients; and (2) rental,
2 lease, purchase or lease-purchase of durable medical equipment
3 in a cost-effective manner, taking into consideration the
4 recipient's medical prognosis, the extent of the recipient's
5 needs, and the requirements and costs for maintaining such
6 equipment. Subject to prior approval, such rules shall enable a
7 recipient to temporarily acquire and use alternative or
8 substitute devices or equipment pending repairs or
9 replacements of any device or equipment previously authorized
10 for such recipient by the Department.

11 The Department shall execute, relative to the nursing home
12 prescreening project, written inter-agency agreements with the
13 Department of Human Services and the Department on Aging, to
14 effect the following: (i) intake procedures and common
15 eligibility criteria for those persons who are receiving
16 non-institutional services; and (ii) the establishment and
17 development of non-institutional services in areas of the State
18 where they are not currently available or are undeveloped; and
19 (iii) notwithstanding any other provision of law, subject to
20 federal approval, on and after July 1, 2012, an increase in the
21 determination of need (DON) scores from 29 to 37 for applicants
22 for institutional and home and community-based long term care;
23 if and only if federal approval is not granted, the Department
24 may, in conjunction with other affected agencies, implement
25 utilization controls or changes in benefit packages to
26 effectuate a similar savings amount for this population; and

1 (iv) no later than July 1, 2013, minimum level of care
2 eligibility criteria for institutional and home and
3 community-based long term care; and (v) no later than October
4 1, 2013, establish procedures to permit long term care
5 providers access to eligibility scores for individuals with an
6 admission date who are seeking or receiving services from the
7 long term care provider. In order to select the minimum level
8 of care eligibility criteria, the Governor shall establish a
9 workgroup that includes affected agency representatives and
10 stakeholders representing the institutional and home and
11 community-based long term care interests. This Section shall
12 not restrict the Department from implementing lower level of
13 care eligibility criteria for community-based services in
14 circumstances where federal approval has been granted.

15 The Illinois Department shall develop and operate, in
16 cooperation with other State Departments and agencies and in
17 compliance with applicable federal laws and regulations,
18 appropriate and effective systems of health care evaluation and
19 programs for monitoring of utilization of health care services
20 and facilities, as it affects persons eligible for medical
21 assistance under this Code.

22 The Illinois Department shall report annually to the
23 General Assembly, no later than the second Friday in April of
24 1979 and each year thereafter, in regard to:

25 (a) actual statistics and trends in utilization of
26 medical services by public aid recipients;

1 (b) actual statistics and trends in the provision of
2 the various medical services by medical vendors;

3 (c) current rate structures and proposed changes in
4 those rate structures for the various medical vendors; and

5 (d) efforts at utilization review and control by the
6 Illinois Department.

7 The period covered by each report shall be the 3 years
8 ending on the June 30 prior to the report. The report shall
9 include suggested legislation for consideration by the General
10 Assembly. The filing of one copy of the report with the
11 Speaker, one copy with the Minority Leader and one copy with
12 the Clerk of the House of Representatives, one copy with the
13 President, one copy with the Minority Leader and one copy with
14 the Secretary of the Senate, one copy with the Legislative
15 Research Unit, and such additional copies with the State
16 Government Report Distribution Center for the General Assembly
17 as is required under paragraph (t) of Section 7 of the State
18 Library Act shall be deemed sufficient to comply with this
19 Section.

20 Rulemaking authority to implement Public Act 95-1045, if
21 any, is conditioned on the rules being adopted in accordance
22 with all provisions of the Illinois Administrative Procedure
23 Act and all rules and procedures of the Joint Committee on
24 Administrative Rules; any purported rule not so adopted, for
25 whatever reason, is unauthorized.

26 On and after July 1, 2012, the Department shall reduce any

1 rate of reimbursement for services or other payments or alter
2 any methodologies authorized by this Code to reduce any rate of
3 reimbursement for services or other payments in accordance with
4 Section 5-5e.

5 Because kidney transplantation can be an appropriate, cost
6 effective alternative to renal dialysis when medically
7 necessary and notwithstanding the provisions of Section 1-11 of
8 this Code, beginning October 1, 2014, the Department shall
9 cover kidney transplantation for noncitizens with end-stage
10 renal disease who are not eligible for comprehensive medical
11 benefits, who meet the residency requirements of Section 5-3 of
12 this Code, and who would otherwise meet the financial
13 requirements of the appropriate class of eligible persons under
14 Section 5-2 of this Code. To qualify for coverage of kidney
15 transplantation, such person must be receiving emergency renal
16 dialysis services covered by the Department. Providers under
17 this Section shall be prior approved and certified by the
18 Department to perform kidney transplantation and the services
19 under this Section shall be limited to services associated with
20 kidney transplantation.

21 Notwithstanding any other provision of this Code to the
22 contrary, on or after July 1, 2015, all FDA approved forms of
23 medication assisted treatment prescribed for the treatment of
24 alcohol dependence or treatment of opioid dependence shall be
25 covered under both fee for service and managed care medical
26 assistance programs for persons who are otherwise eligible for

1 medical assistance under this Article and shall not be subject
2 to any (1) utilization control, other than those established
3 under the American Society of Addiction Medicine patient
4 placement criteria, (2) prior authorization mandate, or (3)
5 lifetime restriction limit mandate.

6 On or after July 1, 2015, opioid antagonists prescribed for
7 the treatment of an opioid overdose, including the medication
8 product, administration devices, and any pharmacy fees related
9 to the dispensing and administration of the opioid antagonist,
10 shall be covered under the medical assistance program for
11 persons who are otherwise eligible for medical assistance under
12 this Article. As used in this Section, "opioid antagonist"
13 means a drug that binds to opioid receptors and blocks or
14 inhibits the effect of opioids acting on those receptors,
15 including, but not limited to, naloxone hydrochloride or any
16 other similarly acting drug approved by the U.S. Food and Drug
17 Administration.

18 (Source: P.A. 98-104, Article 9, Section 9-5, eff. 7-22-13;
19 98-104, Article 12, Section 12-20, eff. 7-22-13; 98-303, eff.
20 8-9-13; 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 98-756,
21 eff. 7-16-14; 98-963, eff. 8-15-14; 99-78, eff. 7-20-15;
22 99-180, eff. 7-29-15; 99-236, eff. 8-3-15; 99-433, eff.
23 8-21-15; 99-480, eff. 9-9-15; revised 10-13-15.)

24 (Text of Section after amendment by P.A. 99-407)

25 Sec. 5-5. Medical services. The Illinois Department, by

1 rule, shall determine the quantity and quality of and the rate
2 of reimbursement for the medical assistance for which payment
3 will be authorized, and the medical services to be provided,
4 which may include all or part of the following: (1) inpatient
5 hospital services; (2) outpatient hospital services; (3) other
6 laboratory and X-ray services; (4) skilled nursing home
7 services; (5) physicians' services whether furnished in the
8 office, the patient's home, a hospital, a skilled nursing home,
9 or elsewhere; (6) medical care, or any other type of remedial
10 care furnished by licensed practitioners; (7) home health care
11 services; (8) private duty nursing service; (9) clinic
12 services; (10) dental services, including prevention and
13 treatment of periodontal disease and dental caries disease for
14 pregnant women, provided by an individual licensed to practice
15 dentistry or dental surgery; for purposes of this item (10),
16 "dental services" means diagnostic, preventive, or corrective
17 procedures provided by or under the supervision of a dentist in
18 the practice of his or her profession; (11) physical therapy
19 and related services; (12) prescribed drugs, dentures, and
20 prosthetic devices; and eyeglasses prescribed by a physician
21 skilled in the diseases of the eye, or by an optometrist,
22 whichever the person may select; (13) other diagnostic,
23 screening, preventive, and rehabilitative services, including
24 to ensure that the individual's need for intervention or
25 treatment of mental disorders or substance use disorders or
26 co-occurring mental health and substance use disorders is

1 determined using a uniform screening, assessment, and
2 evaluation process inclusive of criteria, for children and
3 adults; for purposes of this item (13), a uniform screening,
4 assessment, and evaluation process refers to a process that
5 includes an appropriate evaluation and, as warranted, a
6 referral; "uniform" does not mean the use of a singular
7 instrument, tool, or process that all must utilize; (14)
8 transportation and such other expenses as may be necessary;
9 (15) medical treatment of sexual assault survivors, as defined
10 in Section 1a of the Sexual Assault Survivors Emergency
11 Treatment Act, for injuries sustained as a result of the sexual
12 assault, including examinations and laboratory tests to
13 discover evidence which may be used in criminal proceedings
14 arising from the sexual assault; (16) the diagnosis and
15 treatment of sickle cell anemia; and (17) any other medical
16 care, and any other type of remedial care recognized under the
17 laws of this State, but not including abortions, or induced
18 miscarriages or premature births, unless, in the opinion of a
19 physician, such procedures are necessary for the preservation
20 of the life of the woman seeking such treatment, or except an
21 induced premature birth intended to produce a live viable child
22 and such procedure is necessary for the health of the mother or
23 her unborn child. The Illinois Department, by rule, shall
24 prohibit any physician from providing medical assistance to
25 anyone eligible therefor under this Code where such physician
26 has been found guilty of performing an abortion procedure in a

1 wilful and wanton manner upon a woman who was not pregnant at
2 the time such abortion procedure was performed. The term "any
3 other type of remedial care" shall include nursing care and
4 nursing home service for persons who rely on treatment by
5 spiritual means alone through prayer for healing.

6 Notwithstanding any other provision of this Section, a
7 comprehensive tobacco use cessation program that includes
8 purchasing prescription drugs or prescription medical devices
9 approved by the Food and Drug Administration shall be covered
10 under the medical assistance program under this Article for
11 persons who are otherwise eligible for assistance under this
12 Article.

13 Notwithstanding any other provision of this Code, the
14 Illinois Department may not require, as a condition of payment
15 for any laboratory test authorized under this Article, that a
16 physician's handwritten signature appear on the laboratory
17 test order form. The Illinois Department may, however, impose
18 other appropriate requirements regarding laboratory test order
19 documentation.

20 Upon receipt of federal approval of an amendment to the
21 Illinois Title XIX State Plan for this purpose, the Department
22 shall authorize the Chicago Public Schools (CPS) to procure a
23 vendor or vendors to manufacture eyeglasses for individuals
24 enrolled in a school within the CPS system. CPS shall ensure
25 that its vendor or vendors are enrolled as providers in the
26 medical assistance program and in any capitated Medicaid

1 managed care entity (MCE) serving individuals enrolled in a
2 school within the CPS system. Under any contract procured under
3 this provision, the vendor or vendors must serve only
4 individuals enrolled in a school within the CPS system. Claims
5 for services provided by CPS's vendor or vendors to recipients
6 of benefits in the medical assistance program under this Code,
7 the Children's Health Insurance Program, or the Covering ALL
8 KIDS Health Insurance Program shall be submitted to the
9 Department or the MCE in which the individual is enrolled for
10 payment and shall be reimbursed at the Department's or the
11 MCE's established rates or rate methodologies for eyeglasses.

12 On and after July 1, 2012, the Department of Healthcare and
13 Family Services may provide the following services to persons
14 eligible for assistance under this Article who are
15 participating in education, training or employment programs
16 operated by the Department of Human Services as successor to
17 the Department of Public Aid:

18 (1) dental services provided by or under the
19 supervision of a dentist; and

20 (2) eyeglasses prescribed by a physician skilled in the
21 diseases of the eye, or by an optometrist, whichever the
22 person may select.

23 Notwithstanding any other provision of this Code and
24 subject to federal approval, the Department may adopt rules to
25 allow a dentist who is volunteering his or her service at no
26 cost to render dental services through an enrolled

1 not-for-profit health clinic without the dentist personally
2 enrolling as a participating provider in the medical assistance
3 program. A not-for-profit health clinic shall include a public
4 health clinic or Federally Qualified Health Center or other
5 enrolled provider, as determined by the Department, through
6 which dental services covered under this Section are performed.
7 The Department shall establish a process for payment of claims
8 for reimbursement for covered dental services rendered under
9 this provision.

10 The Illinois Department, by rule, may distinguish and
11 classify the medical services to be provided only in accordance
12 with the classes of persons designated in Section 5-2.

13 The Department of Healthcare and Family Services must
14 provide coverage and reimbursement for amino acid-based
15 elemental formulas, regardless of delivery method, for the
16 diagnosis and treatment of (i) eosinophilic disorders and (ii)
17 short bowel syndrome when the prescribing physician has issued
18 a written order stating that the amino acid-based elemental
19 formula is medically necessary.

20 The Illinois Department shall authorize the provision of,
21 and shall authorize payment for, screening by low-dose
22 mammography for the presence of occult breast cancer for women
23 35 years of age or older who are eligible for medical
24 assistance under this Article, as follows:

- 25 (A) A baseline mammogram for women 35 to 39 years of
26 age.

1 (B) An annual mammogram for women 40 years of age or
2 older.

3 (C) A mammogram at the age and intervals considered
4 medically necessary by the woman's health care provider for
5 women under 40 years of age and having a family history of
6 breast cancer, prior personal history of breast cancer,
7 positive genetic testing, or other risk factors.

8 (D) A comprehensive ultrasound screening of an entire
9 breast or breasts if a mammogram demonstrates
10 heterogeneous or dense breast tissue, when medically
11 necessary as determined by a physician licensed to practice
12 medicine in all of its branches.

13 (E) A screening MRI when medically necessary, as
14 determined by a physician licensed to practice medicine in
15 all of its branches.

16 All screenings shall include a physical breast exam,
17 instruction on self-examination and information regarding the
18 frequency of self-examination and its value as a preventative
19 tool. For purposes of this Section, "low-dose mammography"
20 means the x-ray examination of the breast using equipment
21 dedicated specifically for mammography, including the x-ray
22 tube, filter, compression device, and image receptor, with an
23 average radiation exposure delivery of less than one rad per
24 breast for 2 views of an average size breast. The term also
25 includes digital mammography and includes breast
26 tomosynthesis. As used in this Section, the term "breast

1 tomosynthesis" means a radiologic procedure that involves the
2 acquisition of projection images over the stationary breast to
3 produce cross-sectional digital three-dimensional images of
4 the breast.

5 On and after January 1, 2016, the Department shall ensure
6 that all networks of care for adult clients of the Department
7 include access to at least one breast imaging Center of Imaging
8 Excellence as certified by the American College of Radiology.

9 On and after January 1, 2012, providers participating in a
10 quality improvement program approved by the Department shall be
11 reimbursed for screening and diagnostic mammography at the same
12 rate as the Medicare program's rates, including the increased
13 reimbursement for digital mammography.

14 The Department shall convene an expert panel including
15 representatives of hospitals, free-standing mammography
16 facilities, and doctors, including radiologists, to establish
17 quality standards for mammography.

18 On and after January 1, 2017, providers participating in a
19 breast cancer treatment quality improvement program approved
20 by the Department shall be reimbursed for breast cancer
21 treatment at a rate that is no lower than 95% of the Medicare
22 program's rates for the data elements included in the breast
23 cancer treatment quality program.

24 The Department shall convene an expert panel, including
25 representatives of hospitals, free standing breast cancer
26 treatment centers, breast cancer quality organizations, and

1 doctors, including breast surgeons, reconstructive breast
2 surgeons, oncologists, and primary care providers to establish
3 quality standards for breast cancer treatment.

4 Subject to federal approval, the Department shall
5 establish a rate methodology for mammography at federally
6 qualified health centers and other encounter-rate clinics.
7 These clinics or centers may also collaborate with other
8 hospital-based mammography facilities. By January 1, 2016, the
9 Department shall report to the General Assembly on the status
10 of the provision set forth in this paragraph.

11 The Department shall establish a methodology to remind
12 women who are age-appropriate for screening mammography, but
13 who have not received a mammogram within the previous 18
14 months, of the importance and benefit of screening mammography.
15 The Department shall work with experts in breast cancer
16 outreach and patient navigation to optimize these reminders and
17 shall establish a methodology for evaluating their
18 effectiveness and modifying the methodology based on the
19 evaluation.

20 The Department shall establish a performance goal for
21 primary care providers with respect to their female patients
22 over age 40 receiving an annual mammogram. This performance
23 goal shall be used to provide additional reimbursement in the
24 form of a quality performance bonus to primary care providers
25 who meet that goal.

26 The Department shall devise a means of case-managing or

1 patient navigation for beneficiaries diagnosed with breast
2 cancer. This program shall initially operate as a pilot program
3 in areas of the State with the highest incidence of mortality
4 related to breast cancer. At least one pilot program site shall
5 be in the metropolitan Chicago area and at least one site shall
6 be outside the metropolitan Chicago area. On or after July 1,
7 2016, the pilot program shall be expanded to include one site
8 in western Illinois, one site in southern Illinois, one site in
9 central Illinois, and 4 sites within metropolitan Chicago. An
10 evaluation of the pilot program shall be carried out measuring
11 health outcomes and cost of care for those served by the pilot
12 program compared to similarly situated patients who are not
13 served by the pilot program.

14 The Department shall require all networks of care to
15 develop a means either internally or by contract with experts
16 in navigation and community outreach to navigate cancer
17 patients to comprehensive care in a timely fashion. The
18 Department shall require all networks of care to include access
19 for patients diagnosed with cancer to at least one academic
20 commission on cancer-accredited cancer program as an
21 in-network covered benefit.

22 Any medical or health care provider shall immediately
23 recommend, to any pregnant woman who is being provided prenatal
24 services and is suspected of drug abuse or is addicted as
25 defined in the Alcoholism and Other Drug Abuse and Dependency
26 Act, referral to a local substance abuse treatment provider

1 licensed by the Department of Human Services or to a licensed
2 hospital which provides substance abuse treatment services.
3 The Department of Healthcare and Family Services shall assure
4 coverage for the cost of treatment of the drug abuse or
5 addiction for pregnant recipients in accordance with the
6 Illinois Medicaid Program in conjunction with the Department of
7 Human Services.

8 All medical providers providing medical assistance to
9 pregnant women under this Code shall receive information from
10 the Department on the availability of services under the Drug
11 Free Families with a Future or any comparable program providing
12 case management services for addicted women, including
13 information on appropriate referrals for other social services
14 that may be needed by addicted women in addition to treatment
15 for addiction.

16 The Illinois Department, in cooperation with the
17 Departments of Human Services (as successor to the Department
18 of Alcoholism and Substance Abuse) and Public Health, through a
19 public awareness campaign, may provide information concerning
20 treatment for alcoholism and drug abuse and addiction, prenatal
21 health care, and other pertinent programs directed at reducing
22 the number of drug-affected infants born to recipients of
23 medical assistance.

24 Neither the Department of Healthcare and Family Services
25 nor the Department of Human Services shall sanction the
26 recipient solely on the basis of her substance abuse.

1 The Illinois Department shall establish such regulations
2 governing the dispensing of health services under this Article
3 as it shall deem appropriate. The Department should seek the
4 advice of formal professional advisory committees appointed by
5 the Director of the Illinois Department for the purpose of
6 providing regular advice on policy and administrative matters,
7 information dissemination and educational activities for
8 medical and health care providers, and consistency in
9 procedures to the Illinois Department.

10 The Illinois Department may develop and contract with
11 Partnerships of medical providers to arrange medical services
12 for persons eligible under Section 5-2 of this Code.
13 Implementation of this Section may be by demonstration projects
14 in certain geographic areas. The Partnership shall be
15 represented by a sponsor organization. The Department, by rule,
16 shall develop qualifications for sponsors of Partnerships.
17 Nothing in this Section shall be construed to require that the
18 sponsor organization be a medical organization.

19 The sponsor must negotiate formal written contracts with
20 medical providers for physician services, inpatient and
21 outpatient hospital care, home health services, treatment for
22 alcoholism and substance abuse, and other services determined
23 necessary by the Illinois Department by rule for delivery by
24 Partnerships. Physician services must include prenatal and
25 obstetrical care. The Illinois Department shall reimburse
26 medical services delivered by Partnership providers to clients

1 in target areas according to provisions of this Article and the
2 Illinois Health Finance Reform Act, except that:

3 (1) Physicians participating in a Partnership and
4 providing certain services, which shall be determined by
5 the Illinois Department, to persons in areas covered by the
6 Partnership may receive an additional surcharge for such
7 services.

8 (2) The Department may elect to consider and negotiate
9 financial incentives to encourage the development of
10 Partnerships and the efficient delivery of medical care.

11 (3) Persons receiving medical services through
12 Partnerships may receive medical and case management
13 services above the level usually offered through the
14 medical assistance program.

15 Medical providers shall be required to meet certain
16 qualifications to participate in Partnerships to ensure the
17 delivery of high quality medical services. These
18 qualifications shall be determined by rule of the Illinois
19 Department and may be higher than qualifications for
20 participation in the medical assistance program. Partnership
21 sponsors may prescribe reasonable additional qualifications
22 for participation by medical providers, only with the prior
23 written approval of the Illinois Department.

24 Nothing in this Section shall limit the free choice of
25 practitioners, hospitals, and other providers of medical
26 services by clients. In order to ensure patient freedom of

1 choice, the Illinois Department shall immediately promulgate
2 all rules and take all other necessary actions so that provided
3 services may be accessed from therapeutically certified
4 optometrists to the full extent of the Illinois Optometric
5 Practice Act of 1987 without discriminating between service
6 providers.

7 The Department shall apply for a waiver from the United
8 States Health Care Financing Administration to allow for the
9 implementation of Partnerships under this Section.

10 The Illinois Department shall require health care
11 providers to maintain records that document the medical care
12 and services provided to recipients of Medical Assistance under
13 this Article. Such records must be retained for a period of not
14 less than 6 years from the date of service or as provided by
15 applicable State law, whichever period is longer, except that
16 if an audit is initiated within the required retention period
17 then the records must be retained until the audit is completed
18 and every exception is resolved. The Illinois Department shall
19 require health care providers to make available, when
20 authorized by the patient, in writing, the medical records in a
21 timely fashion to other health care providers who are treating
22 or serving persons eligible for Medical Assistance under this
23 Article. All dispensers of medical services shall be required
24 to maintain and retain business and professional records
25 sufficient to fully and accurately document the nature, scope,
26 details and receipt of the health care provided to persons

1 eligible for medical assistance under this Code, in accordance
2 with regulations promulgated by the Illinois Department. The
3 rules and regulations shall require that proof of the receipt
4 of prescription drugs, dentures, prosthetic devices and
5 eyeglasses by eligible persons under this Section accompany
6 each claim for reimbursement submitted by the dispenser of such
7 medical services. No such claims for reimbursement shall be
8 approved for payment by the Illinois Department without such
9 proof of receipt, unless the Illinois Department shall have put
10 into effect and shall be operating a system of post-payment
11 audit and review which shall, on a sampling basis, be deemed
12 adequate by the Illinois Department to assure that such drugs,
13 dentures, prosthetic devices and eyeglasses for which payment
14 is being made are actually being received by eligible
15 recipients. Within 90 days after September 16, 1984 (the
16 effective date of Public Act 83-1439) ~~this amendatory Act of~~
17 ~~1984~~, the Illinois Department shall establish a current list of
18 acquisition costs for all prosthetic devices and any other
19 items recognized as medical equipment and supplies
20 reimbursable under this Article and shall update such list on a
21 quarterly basis, except that the acquisition costs of all
22 prescription drugs shall be updated no less frequently than
23 every 30 days as required by Section 5-5.12.

24 The rules and regulations of the Illinois Department shall
25 require that a written statement including the required opinion
26 of a physician shall accompany any claim for reimbursement for

1 abortions, or induced miscarriages or premature births. This
2 statement shall indicate what procedures were used in providing
3 such medical services.

4 Notwithstanding any other law to the contrary, the Illinois
5 Department shall, within 365 days after July 22, 2013 (the
6 effective date of Public Act 98-104), establish procedures to
7 permit skilled care facilities licensed under the Nursing Home
8 Care Act to submit monthly billing claims for reimbursement
9 purposes. Following development of these procedures, the
10 Department shall, by July 1, 2016, test the viability of the
11 new system and implement any necessary operational or
12 structural changes to its information technology platforms in
13 order to allow for the direct acceptance and payment of nursing
14 home claims.

15 Notwithstanding any other law to the contrary, the Illinois
16 Department shall, within 365 days after August 15, 2014 (the
17 effective date of Public Act 98-963), establish procedures to
18 permit ID/DD facilities licensed under the ID/DD Community Care
19 Act and MC/DD facilities licensed under the MC/DD Act to submit
20 monthly billing claims for reimbursement purposes. Following
21 development of these procedures, the Department shall have an
22 additional 365 days to test the viability of the new system and
23 to ensure that any necessary operational or structural changes
24 to its information technology platforms are implemented.

25 The Illinois Department shall require all dispensers of
26 medical services, other than an individual practitioner or

1 group of practitioners, desiring to participate in the Medical
2 Assistance program established under this Article to disclose
3 all financial, beneficial, ownership, equity, surety or other
4 interests in any and all firms, corporations, partnerships,
5 associations, business enterprises, joint ventures, agencies,
6 institutions or other legal entities providing any form of
7 health care services in this State under this Article.

8 The Illinois Department may require that all dispensers of
9 medical services desiring to participate in the medical
10 assistance program established under this Article disclose,
11 under such terms and conditions as the Illinois Department may
12 by rule establish, all inquiries from clients and attorneys
13 regarding medical bills paid by the Illinois Department, which
14 inquiries could indicate potential existence of claims or liens
15 for the Illinois Department.

16 Enrollment of a vendor shall be subject to a provisional
17 period and shall be conditional for one year. During the period
18 of conditional enrollment, the Department may terminate the
19 vendor's eligibility to participate in, or may disenroll the
20 vendor from, the medical assistance program without cause.
21 Unless otherwise specified, such termination of eligibility or
22 disenrollment is not subject to the Department's hearing
23 process. However, a disenrolled vendor may reapply without
24 penalty.

25 The Department has the discretion to limit the conditional
26 enrollment period for vendors based upon category of risk of

1 the vendor.

2 Prior to enrollment and during the conditional enrollment
3 period in the medical assistance program, all vendors shall be
4 subject to enhanced oversight, screening, and review based on
5 the risk of fraud, waste, and abuse that is posed by the
6 category of risk of the vendor. The Illinois Department shall
7 establish the procedures for oversight, screening, and review,
8 which may include, but need not be limited to: criminal and
9 financial background checks; fingerprinting; license,
10 certification, and authorization verifications; unscheduled or
11 unannounced site visits; database checks; prepayment audit
12 reviews; audits; payment caps; payment suspensions; and other
13 screening as required by federal or State law.

14 The Department shall define or specify the following: (i)
15 by provider notice, the "category of risk of the vendor" for
16 each type of vendor, which shall take into account the level of
17 screening applicable to a particular category of vendor under
18 federal law and regulations; (ii) by rule or provider notice,
19 the maximum length of the conditional enrollment period for
20 each category of risk of the vendor; and (iii) by rule, the
21 hearing rights, if any, afforded to a vendor in each category
22 of risk of the vendor that is terminated or disenrolled during
23 the conditional enrollment period.

24 To be eligible for payment consideration, a vendor's
25 payment claim or bill, either as an initial claim or as a
26 resubmitted claim following prior rejection, must be received

1 by the Illinois Department, or its fiscal intermediary, no
2 later than 180 days after the latest date on the claim on which
3 medical goods or services were provided, with the following
4 exceptions:

5 (1) In the case of a provider whose enrollment is in
6 process by the Illinois Department, the 180-day period
7 shall not begin until the date on the written notice from
8 the Illinois Department that the provider enrollment is
9 complete.

10 (2) In the case of errors attributable to the Illinois
11 Department or any of its claims processing intermediaries
12 which result in an inability to receive, process, or
13 adjudicate a claim, the 180-day period shall not begin
14 until the provider has been notified of the error.

15 (3) In the case of a provider for whom the Illinois
16 Department initiates the monthly billing process.

17 (4) In the case of a provider operated by a unit of
18 local government with a population exceeding 3,000,000
19 when local government funds finance federal participation
20 for claims payments.

21 For claims for services rendered during a period for which
22 a recipient received retroactive eligibility, claims must be
23 filed within 180 days after the Department determines the
24 applicant is eligible. For claims for which the Illinois
25 Department is not the primary payer, claims must be submitted
26 to the Illinois Department within 180 days after the final

1 adjudication by the primary payer.

2 In the case of long term care facilities, within 5 days of
3 receipt by the facility of required prescreening information,
4 data for new admissions shall be entered into the Medical
5 Electronic Data Interchange (MEDI) or the Recipient
6 Eligibility Verification (REV) System or successor system, and
7 within 15 days of receipt by the facility of required
8 prescreening information, admission documents shall be
9 submitted through MEDI or REV or shall be submitted directly to
10 the Department of Human Services using required admission
11 forms. Effective September 1, 2014, admission documents,
12 including all prescreening information, must be submitted
13 through MEDI or REV. Confirmation numbers assigned to an
14 accepted transaction shall be retained by a facility to verify
15 timely submittal. Once an admission transaction has been
16 completed, all resubmitted claims following prior rejection
17 are subject to receipt no later than 180 days after the
18 admission transaction has been completed.

19 Claims that are not submitted and received in compliance
20 with the foregoing requirements shall not be eligible for
21 payment under the medical assistance program, and the State
22 shall have no liability for payment of those claims.

23 To the extent consistent with applicable information and
24 privacy, security, and disclosure laws, State and federal
25 agencies and departments shall provide the Illinois Department
26 access to confidential and other information and data necessary

1 to perform eligibility and payment verifications and other
2 Illinois Department functions. This includes, but is not
3 limited to: information pertaining to licensure;
4 certification; earnings; immigration status; citizenship; wage
5 reporting; unearned and earned income; pension income;
6 employment; supplemental security income; social security
7 numbers; National Provider Identifier (NPI) numbers; the
8 National Practitioner Data Bank (NPDB); program and agency
9 exclusions; taxpayer identification numbers; tax delinquency;
10 corporate information; and death records.

11 The Illinois Department shall enter into agreements with
12 State agencies and departments, and is authorized to enter into
13 agreements with federal agencies and departments, under which
14 such agencies and departments shall share data necessary for
15 medical assistance program integrity functions and oversight.
16 The Illinois Department shall develop, in cooperation with
17 other State departments and agencies, and in compliance with
18 applicable federal laws and regulations, appropriate and
19 effective methods to share such data. At a minimum, and to the
20 extent necessary to provide data sharing, the Illinois
21 Department shall enter into agreements with State agencies and
22 departments, and is authorized to enter into agreements with
23 federal agencies and departments, including but not limited to:
24 the Secretary of State; the Department of Revenue; the
25 Department of Public Health; the Department of Human Services;
26 and the Department of Financial and Professional Regulation.

1 Beginning in fiscal year 2013, the Illinois Department
2 shall set forth a request for information to identify the
3 benefits of a pre-payment, post-adjudication, and post-edit
4 claims system with the goals of streamlining claims processing
5 and provider reimbursement, reducing the number of pending or
6 rejected claims, and helping to ensure a more transparent
7 adjudication process through the utilization of: (i) provider
8 data verification and provider screening technology; and (ii)
9 clinical code editing; and (iii) pre-pay, pre- or
10 post-adjudicated predictive modeling with an integrated case
11 management system with link analysis. Such a request for
12 information shall not be considered as a request for proposal
13 or as an obligation on the part of the Illinois Department to
14 take any action or acquire any products or services.

15 The Illinois Department shall establish policies,
16 procedures, standards and criteria by rule for the acquisition,
17 repair and replacement of orthotic and prosthetic devices and
18 durable medical equipment. Such rules shall provide, but not be
19 limited to, the following services: (1) immediate repair or
20 replacement of such devices by recipients; and (2) rental,
21 lease, purchase or lease-purchase of durable medical equipment
22 in a cost-effective manner, taking into consideration the
23 recipient's medical prognosis, the extent of the recipient's
24 needs, and the requirements and costs for maintaining such
25 equipment. Subject to prior approval, such rules shall enable a
26 recipient to temporarily acquire and use alternative or

1 substitute devices or equipment pending repairs or
2 replacements of any device or equipment previously authorized
3 for such recipient by the Department.

4 The Department shall execute, relative to the nursing home
5 prescreening project, written inter-agency agreements with the
6 Department of Human Services and the Department on Aging, to
7 effect the following: (i) intake procedures and common
8 eligibility criteria for those persons who are receiving
9 non-institutional services; and (ii) the establishment and
10 development of non-institutional services in areas of the State
11 where they are not currently available or are undeveloped; and
12 (iii) notwithstanding any other provision of law, subject to
13 federal approval, on and after July 1, 2012, an increase in the
14 determination of need (DON) scores from 29 to 37 for applicants
15 for institutional and home and community-based long term care;
16 if and only if federal approval is not granted, the Department
17 may, in conjunction with other affected agencies, implement
18 utilization controls or changes in benefit packages to
19 effectuate a similar savings amount for this population; and
20 (iv) no later than July 1, 2013, minimum level of care
21 eligibility criteria for institutional and home and
22 community-based long term care; and (v) no later than October
23 1, 2013, establish procedures to permit long term care
24 providers access to eligibility scores for individuals with an
25 admission date who are seeking or receiving services from the
26 long term care provider. In order to select the minimum level

1 of care eligibility criteria, the Governor shall establish a
2 workgroup that includes affected agency representatives and
3 stakeholders representing the institutional and home and
4 community-based long term care interests. This Section shall
5 not restrict the Department from implementing lower level of
6 care eligibility criteria for community-based services in
7 circumstances where federal approval has been granted.

8 The Illinois Department shall develop and operate, in
9 cooperation with other State Departments and agencies and in
10 compliance with applicable federal laws and regulations,
11 appropriate and effective systems of health care evaluation and
12 programs for monitoring of utilization of health care services
13 and facilities, as it affects persons eligible for medical
14 assistance under this Code.

15 The Illinois Department shall report annually to the
16 General Assembly, no later than the second Friday in April of
17 1979 and each year thereafter, in regard to:

18 (a) actual statistics and trends in utilization of
19 medical services by public aid recipients;

20 (b) actual statistics and trends in the provision of
21 the various medical services by medical vendors;

22 (c) current rate structures and proposed changes in
23 those rate structures for the various medical vendors; and

24 (d) efforts at utilization review and control by the
25 Illinois Department.

26 The period covered by each report shall be the 3 years

1 ending on the June 30 prior to the report. The report shall
2 include suggested legislation for consideration by the General
3 Assembly. The filing of one copy of the report with the
4 Speaker, one copy with the Minority Leader and one copy with
5 the Clerk of the House of Representatives, one copy with the
6 President, one copy with the Minority Leader and one copy with
7 the Secretary of the Senate, one copy with the Legislative
8 Research Unit, and such additional copies with the State
9 Government Report Distribution Center for the General Assembly
10 as is required under paragraph (t) of Section 7 of the State
11 Library Act shall be deemed sufficient to comply with this
12 Section.

13 Rulemaking authority to implement Public Act 95-1045, if
14 any, is conditioned on the rules being adopted in accordance
15 with all provisions of the Illinois Administrative Procedure
16 Act and all rules and procedures of the Joint Committee on
17 Administrative Rules; any purported rule not so adopted, for
18 whatever reason, is unauthorized.

19 On and after July 1, 2012, the Department shall reduce any
20 rate of reimbursement for services or other payments or alter
21 any methodologies authorized by this Code to reduce any rate of
22 reimbursement for services or other payments in accordance with
23 Section 5-5e.

24 Because kidney transplantation can be an appropriate, cost
25 effective alternative to renal dialysis when medically
26 necessary and notwithstanding the provisions of Section 1-11 of

1 this Code, beginning October 1, 2014, the Department shall
2 cover kidney transplantation for noncitizens with end-stage
3 renal disease who are not eligible for comprehensive medical
4 benefits, who meet the residency requirements of Section 5-3 of
5 this Code, and who would otherwise meet the financial
6 requirements of the appropriate class of eligible persons under
7 Section 5-2 of this Code. To qualify for coverage of kidney
8 transplantation, such person must be receiving emergency renal
9 dialysis services covered by the Department. Providers under
10 this Section shall be prior approved and certified by the
11 Department to perform kidney transplantation and the services
12 under this Section shall be limited to services associated with
13 kidney transplantation.

14 Notwithstanding any other provision of this Code to the
15 contrary, on or after July 1, 2015, all FDA approved forms of
16 medication assisted treatment prescribed for the treatment of
17 alcohol dependence or treatment of opioid dependence shall be
18 covered under both fee for service and managed care medical
19 assistance programs for persons who are otherwise eligible for
20 medical assistance under this Article and shall not be subject
21 to any (1) utilization control, other than those established
22 under the American Society of Addiction Medicine patient
23 placement criteria, (2) prior authorization mandate, or (3)
24 lifetime restriction limit mandate.

25 On or after July 1, 2015, opioid antagonists prescribed for
26 the treatment of an opioid overdose, including the medication

1 product, administration devices, and any pharmacy fees related
2 to the dispensing and administration of the opioid antagonist,
3 shall be covered under the medical assistance program for
4 persons who are otherwise eligible for medical assistance under
5 this Article. As used in this Section, "opioid antagonist"
6 means a drug that binds to opioid receptors and blocks or
7 inhibits the effect of opioids acting on those receptors,
8 including, but not limited to, naloxone hydrochloride or any
9 other similarly acting drug approved by the U.S. Food and Drug
10 Administration.

11 (Source: P.A. 98-104, Article 9, Section 9-5, eff. 7-22-13;
12 98-104, Article 12, Section 12-20, eff. 7-22-13; 98-303, eff.
13 8-9-13; 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 98-756,
14 eff. 7-16-14; 98-963, eff. 8-15-14; 99-78, eff. 7-20-15;
15 99-180, eff. 7-29-15; 99-236, eff. 8-3-15; 99-407 (see Section
16 99 of P.A. 99-407 for its effective date); 99-433, eff.
17 8-21-15; 99-480, eff. 9-9-15; revised 10-13-15.)

18 (305 ILCS 5/5-5e)

19 Sec. 5-5e. Adjusted rates of reimbursement.

20 (a) Rates or payments for services in effect on June 30,
21 2012 shall be adjusted and services shall be affected as
22 required by any other provision of Public Act 97-689 ~~this~~
23 ~~amendatory Act of the 97th General Assembly~~. In addition, the
24 Department shall do the following:

25 (1) Delink the per diem rate paid for supportive living

1 facility services from the per diem rate paid for nursing
2 facility services, effective for services provided on or
3 after May 1, 2011.

4 (2) Cease payment for bed reserves in nursing
5 facilities and specialized mental health rehabilitation
6 facilities; for purposes of therapeutic home visits for
7 individuals scoring as TBI on the MDS 3.0, beginning June
8 1, 2015, the Department shall approve payments for bed
9 reserves in nursing facilities and specialized mental
10 health rehabilitation facilities that have at least a 90%
11 occupancy level and at least 80% of their residents are
12 Medicaid eligible. Payment shall be at a daily rate of 75%
13 of an individual's current Medicaid per diem and shall not
14 exceed 10 days in a calendar month.

15 (2.5) Cease payment for bed reserves for purposes of
16 inpatient hospitalizations to intermediate care facilities
17 for persons with development disabilities, except in the
18 instance of residents who are under 21 years of age.

19 (3) Cease payment of the \$10 per day add-on payment to
20 nursing facilities for certain residents with
21 developmental disabilities.

22 (b) After the application of subsection (a),
23 notwithstanding any other provision of this Code to the
24 contrary and to the extent permitted by federal law, on and
25 after July 1, 2012, the rates of reimbursement for services and
26 other payments provided under this Code shall further be

1 reduced as follows:

2 (1) Rates or payments for physician services, dental
3 services, or community health center services reimbursed
4 through an encounter rate, and services provided under the
5 Medicaid Rehabilitation Option of the Illinois Title XIX
6 State Plan shall not be further reduced, except as provided
7 in Section 5-5b.1.

8 (2) Rates or payments, or the portion thereof, paid to
9 a provider that is operated by a unit of local government
10 or State University that provides the non-federal share of
11 such services shall not be further reduced, except as
12 provided in Section 5-5b.1.

13 (3) Rates or payments for hospital services delivered
14 by a hospital defined as a Safety-Net Hospital under
15 Section 5-5e.1 of this Code shall not be further reduced,
16 except as provided in Section 5-5b.1.

17 (4) Rates or payments for hospital services delivered
18 by a Critical Access Hospital, which is an Illinois
19 hospital designated as a critical care hospital by the
20 Department of Public Health in accordance with 42 CFR 485,
21 Subpart F, shall not be further reduced, except as provided
22 in Section 5-5b.1.

23 (5) Rates or payments for Nursing Facility Services
24 shall only be further adjusted pursuant to Section 5-5.2 of
25 this Code.

26 (6) Rates or payments for services delivered by long

1 term care facilities licensed under the ID/DD Community
2 Care Act or the MC/DD Act and developmental training
3 services shall not be further reduced.

4 (7) Rates or payments for services provided under
5 capitation rates shall be adjusted taking into
6 consideration the rates reduction and covered services
7 required by Public Act 97-689 ~~this amendatory Act of the~~
8 ~~97th General Assembly.~~

9 (8) For hospitals not previously described in this
10 subsection, the rates or payments for hospital services
11 shall be further reduced by 3.5%, except for payments
12 authorized under Section 5A-12.4 of this Code.

13 (9) For all other rates or payments for services
14 delivered by providers not specifically referenced in
15 paragraphs (1) through (8), rates or payments shall be
16 further reduced by 2.7%.

17 (c) Any assessment imposed by this Code shall continue and
18 nothing in this Section shall be construed to cause it to
19 cease.

20 (d) Notwithstanding any other provision of this Code to the
21 contrary, subject to federal approval under Title XIX of the
22 Social Security Act, for dates of service on and after July 1,
23 2014, rates or payments for services provided for the purpose
24 of transitioning children from a hospital to home placement or
25 other appropriate setting by a children's community-based
26 health care center authorized under the Alternative Health Care

1 Delivery Act shall be \$683 per day.

2 (e) Notwithstanding any other provision of this Code to the
3 contrary, subject to federal approval under Title XIX of the
4 Social Security Act, for dates of service on and after July 1,
5 2014, rates or payments for home health visits shall be \$72.

6 (f) Notwithstanding any other provision of this Code to the
7 contrary, subject to federal approval under Title XIX of the
8 Social Security Act, for dates of service on and after July 1,
9 2014, rates or payments for the certified nursing assistant
10 component of the home health agency rate shall be \$20.

11 (Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14;
12 98-1166, eff. 6-1-15; 99-2, eff. 3-26-15; 99-180, eff. 7-29-15;
13 revised 10-21-15.)

14 (305 ILCS 5/5-16.8)

15 Sec. 5-16.8. Required health benefits. The medical
16 assistance program shall (i) provide the post-mastectomy care
17 benefits required to be covered by a policy of accident and
18 health insurance under Section 356t and the coverage required
19 under Sections 356g.5, 356u, 356w, 356x, and 356z.6 of the
20 Illinois Insurance Code and (ii) be subject to the provisions
21 of Sections 356z.19, 364.01, 370c, and 370c.1 of the Illinois
22 Insurance Code.

23 On and after July 1, 2012, the Department shall reduce any
24 rate of reimbursement for services or other payments or alter
25 any methodologies authorized by this Code to reduce any rate of

1 reimbursement for services or other payments in accordance with
2 Section 5-5e.

3 To ensure full access to the benefits set forth in this
4 Section, on and after January 1, 2016, the Department shall
5 ensure that provider and hospital reimbursement for
6 post-mastectomy care benefits required under this Section are
7 no lower than the Medicare reimbursement rate.

8 (Source: P.A. 99-433, eff. 8-21-15; 99-480, eff. 9-9-15;
9 revised 10-21-15.)

10 (305 ILCS 5/5-30)

11 Sec. 5-30. Care coordination.

12 (a) At least 50% of recipients eligible for comprehensive
13 medical benefits in all medical assistance programs or other
14 health benefit programs administered by the Department,
15 including the Children's Health Insurance Program Act and the
16 Covering ALL KIDS Health Insurance Act, shall be enrolled in a
17 care coordination program by no later than January 1, 2015. For
18 purposes of this Section, "coordinated care" or "care
19 coordination" means delivery systems where recipients will
20 receive their care from providers who participate under
21 contract in integrated delivery systems that are responsible
22 for providing or arranging the majority of care, including
23 primary care physician services, referrals from primary care
24 physicians, diagnostic and treatment services, behavioral
25 health services, in-patient and outpatient hospital services,

1 dental services, and rehabilitation and long-term care
2 services. The Department shall designate or contract for such
3 integrated delivery systems (i) to ensure enrollees have a
4 choice of systems and of primary care providers within such
5 systems; (ii) to ensure that enrollees receive quality care in
6 a culturally and linguistically appropriate manner; and (iii)
7 to ensure that coordinated care programs meet the diverse needs
8 of enrollees with developmental, mental health, physical, and
9 age-related disabilities.

10 (b) Payment for such coordinated care shall be based on
11 arrangements where the State pays for performance related to
12 health care outcomes, the use of evidence-based practices, the
13 use of primary care delivered through comprehensive medical
14 homes, the use of electronic medical records, and the
15 appropriate exchange of health information electronically made
16 either on a capitated basis in which a fixed monthly premium
17 per recipient is paid and full financial risk is assumed for
18 the delivery of services, or through other risk-based payment
19 arrangements.

20 (c) To qualify for compliance with this Section, the 50%
21 goal shall be achieved by enrolling medical assistance
22 enrollees from each medical assistance enrollment category,
23 including parents, children, seniors, and people with
24 disabilities to the extent that current State Medicaid payment
25 laws would not limit federal matching funds for recipients in
26 care coordination programs. In addition, services must be more

1 comprehensively defined and more risk shall be assumed than in
2 the Department's primary care case management program as of
3 January 25, 2011 (the effective date of Public Act 96-1501)
4 ~~this amendatory Act of the 96th General Assembly.~~

5 (d) The Department shall report to the General Assembly in
6 a separate part of its annual medical assistance program
7 report, beginning April, 2012 until April, 2016, on the
8 progress and implementation of the care coordination program
9 initiatives established by the provisions of Public Act 96-1501
10 ~~this amendatory Act of the 96th General Assembly.~~ The
11 Department shall include in its April 2011 report a full
12 analysis of federal laws or regulations regarding upper payment
13 limitations to providers and the necessary revisions or
14 adjustments in rate methodologies and payments to providers
15 under this Code that would be necessary to implement
16 coordinated care with full financial risk by a party other than
17 the Department.

18 (e) Integrated Care Program for individuals with chronic
19 mental health conditions.

20 (1) The Integrated Care Program shall encompass
21 services administered to recipients of medical assistance
22 under this Article to prevent exacerbations and
23 complications using cost-effective, evidence-based
24 practice guidelines and mental health management
25 strategies.

26 (2) The Department may utilize and expand upon existing

1 contractual arrangements with integrated care plans under
2 the Integrated Care Program for providing the coordinated
3 care provisions of this Section.

4 (3) Payment for such coordinated care shall be based on
5 arrangements where the State pays for performance related
6 to mental health outcomes on a capitated basis in which a
7 fixed monthly premium per recipient is paid and full
8 financial risk is assumed for the delivery of services, or
9 through other risk-based payment arrangements such as
10 provider-based care coordination.

11 (4) The Department shall examine whether chronic
12 mental health management programs and services for
13 recipients with specific chronic mental health conditions
14 do any or all of the following:

15 (A) Improve the patient's overall mental health in
16 a more expeditious and cost-effective manner.

17 (B) Lower costs in other aspects of the medical
18 assistance program, such as hospital admissions,
19 emergency room visits, or more frequent and
20 inappropriate psychotropic drug use.

21 (5) The Department shall work with the facilities and
22 any integrated care plan participating in the program to
23 identify and correct barriers to the successful
24 implementation of this subsection (e) prior to and during
25 the implementation to best facilitate the goals and
26 objectives of this subsection (e).

1 (f) A hospital that is located in a county of the State in
2 which the Department mandates some or all of the beneficiaries
3 of the Medical Assistance Program residing in the county to
4 enroll in a Care Coordination Program, as set forth in Section
5 5-30 of this Code, shall not be eligible for any non-claims
6 based payments not mandated by Article V-A of this Code for
7 which it would otherwise be qualified to receive, unless the
8 hospital is a Coordinated Care Participating Hospital no later
9 than 60 days after June 14, 2012 (the effective date of Public
10 Act 97-689) ~~this amendatory Act of the 97th General Assembly~~ or
11 60 days after the first mandatory enrollment of a beneficiary
12 in a Coordinated Care program. For purposes of this subsection,
13 "Coordinated Care Participating Hospital" means a hospital
14 that meets one of the following criteria:

15 (1) The hospital has entered into a contract to provide
16 hospital services with one or more MCOs to enrollees of the
17 care coordination program.

18 (2) The hospital has not been offered a contract by a
19 care coordination plan that the Department has determined
20 to be a good faith offer and that pays at least as much as
21 the Department would pay, on a fee-for-service basis, not
22 including disproportionate share hospital adjustment
23 payments or any other supplemental adjustment or add-on
24 payment to the base fee-for-service rate, except to the
25 extent such adjustments or add-on payments are
26 incorporated into the development of the applicable MCO

1 capitated rates.

2 As used in this subsection (f), "MCO" means any entity
3 which contracts with the Department to provide services where
4 payment for medical services is made on a capitated basis.

5 (g) No later than August 1, 2013, the Department shall
6 issue a purchase of care solicitation for Accountable Care
7 Entities (ACE) to serve any children and parents or caretaker
8 relatives of children eligible for medical assistance under
9 this Article. An ACE may be a single corporate structure or a
10 network of providers organized through contractual
11 relationships with a single corporate entity. The solicitation
12 shall require that:

13 (1) An ACE operating in Cook County be capable of
14 serving at least 40,000 eligible individuals in that
15 county; an ACE operating in Lake, Kane, DuPage, or Will
16 Counties be capable of serving at least 20,000 eligible
17 individuals in those counties and an ACE operating in other
18 regions of the State be capable of serving at least 10,000
19 eligible individuals in the region in which it operates.
20 During initial periods of mandatory enrollment, the
21 Department shall require its enrollment services
22 contractor to use a default assignment algorithm that
23 ensures if possible an ACE reaches the minimum enrollment
24 levels set forth in this paragraph.

25 (2) An ACE must include at a minimum the following
26 types of providers: primary care, specialty care,

1 hospitals, and behavioral healthcare.

2 (3) An ACE shall have a governance structure that
3 includes the major components of the health care delivery
4 system, including one representative from each of the
5 groups listed in paragraph (2).

6 (4) An ACE must be an integrated delivery system,
7 including a network able to provide the full range of
8 services needed by Medicaid beneficiaries and system
9 capacity to securely pass clinical information across
10 participating entities and to aggregate and analyze that
11 data in order to coordinate care.

12 (5) An ACE must be capable of providing both care
13 coordination and complex case management, as necessary, to
14 beneficiaries. To be responsive to the solicitation, a
15 potential ACE must outline its care coordination and
16 complex case management model and plan to reduce the cost
17 of care.

18 (6) In the first 18 months of operation, unless the ACE
19 selects a shorter period, an ACE shall be paid care
20 coordination fees on a per member per month basis that are
21 projected to be cost neutral to the State during the term
22 of their payment and, subject to federal approval, be
23 eligible to share in additional savings generated by their
24 care coordination.

25 (7) In months 19 through 36 of operation, unless the
26 ACE selects a shorter period, an ACE shall be paid on a

1 pre-paid capitation basis for all medical assistance
2 covered services, under contract terms similar to Managed
3 Care Organizations (MCO), with the Department sharing the
4 risk through either stop-loss insurance for extremely high
5 cost individuals or corridors of shared risk based on the
6 overall cost of the total enrollment in the ACE. The ACE
7 shall be responsible for claims processing, encounter data
8 submission, utilization control, and quality assurance.

9 (8) In the fourth and subsequent years of operation, an
10 ACE shall convert to a Managed Care Community Network
11 (MCCN), as defined in this Article, or Health Maintenance
12 Organization pursuant to the Illinois Insurance Code,
13 accepting full-risk capitation payments.

14 The Department shall allow potential ACE entities 5 months
15 from the date of the posting of the solicitation to submit
16 proposals. After the solicitation is released, in addition to
17 the MCO rate development data available on the Department's
18 website, subject to federal and State confidentiality and
19 privacy laws and regulations, the Department shall provide 2
20 years of de-identified summary service data on the targeted
21 population, split between children and adults, showing the
22 historical type and volume of services received and the cost of
23 those services to those potential bidders that sign a data use
24 agreement. The Department may add up to 2 non-state government
25 employees with expertise in creating integrated delivery
26 systems to its review team for the purchase of care

1 solicitation described in this subsection. Any such
2 individuals must sign a no-conflict disclosure and
3 confidentiality agreement and agree to act in accordance with
4 all applicable State laws.

5 During the first 2 years of an ACE's operation, the
6 Department shall provide claims data to the ACE on its
7 enrollees on a periodic basis no less frequently than monthly.

8 Nothing in this subsection shall be construed to limit the
9 Department's mandate to enroll 50% of its beneficiaries into
10 care coordination systems by January 1, 2015, using all
11 available care coordination delivery systems, including Care
12 Coordination Entities (CCE), MCCNs, or MCOs, nor be construed
13 to affect the current CCEs, MCCNs, and MCOs selected to serve
14 seniors and persons with disabilities prior to that date.

15 Nothing in this subsection precludes the Department from
16 considering future proposals for new ACEs or expansion of
17 existing ACEs at the discretion of the Department.

18 (h) Department contracts with MCOs and other entities
19 reimbursed by risk based capitation shall have a minimum
20 medical loss ratio of 85%, shall require the entity to
21 establish an appeals and grievances process for consumers and
22 providers, and shall require the entity to provide a quality
23 assurance and utilization review program. Entities contracted
24 with the Department to coordinate healthcare regardless of risk
25 shall be measured utilizing the same quality metrics. The
26 quality metrics may be population specific. Any contracted

1 entity serving at least 5,000 seniors or people with
2 disabilities or 15,000 individuals in other populations
3 covered by the Medical Assistance Program that has been
4 receiving full-risk capitation for a year shall be accredited
5 by a national accreditation organization authorized by the
6 Department within 2 years after the date it is eligible to
7 become accredited. The requirements of this subsection shall
8 apply to contracts with MCOs entered into or renewed or
9 extended after June 1, 2013.

10 (h-5) The Department shall monitor and enforce compliance
11 by MCOs with agreements they have entered into with providers
12 on issues that include, but are not limited to, timeliness of
13 payment, payment rates, and processes for obtaining prior
14 approval. The Department may impose sanctions on MCOs for
15 violating provisions of those agreements that include, but are
16 not limited to, financial penalties, suspension of enrollment
17 of new enrollees, and termination of the MCO's contract with
18 the Department. As used in this subsection (h-5), "MCO" has the
19 meaning ascribed to that term in Section 5-30.1 of this Code.

20 (i) Unless otherwise required by federal law, Medicaid
21 Managed Care Entities shall not divulge, directly or
22 indirectly, including by sending a bill or explanation of
23 benefits, information concerning the sensitive health services
24 received by enrollees of the Medicaid Managed Care Entity to
25 any person other than providers and care coordinators caring
26 for the enrollee and employees of the entity in the course of

1 the entity's internal operations. The Medicaid Managed Care
2 Entity may divulge information concerning the sensitive health
3 services if the enrollee who received the sensitive health
4 services requests the information from the Medicaid Managed
5 Care Entity and authorized the sending of a bill or explanation
6 of benefits. Communications including, but not limited to,
7 statements of care received or appointment reminders either
8 directly or indirectly to the enrollee from the health care
9 provider, health care professional, and care coordinators,
10 remain permissible.

11 For the purposes of this subsection, the term "Medicaid
12 Managed Care Entity" includes Care Coordination Entities,
13 Accountable Care Entities, Managed Care Organizations, and
14 Managed Care Community Networks.

15 For purposes of this subsection, the term "sensitive health
16 services" means mental health services, substance abuse
17 treatment services, reproductive health services, family
18 planning services, services for sexually transmitted
19 infections and sexually transmitted diseases, and services for
20 sexual assault or domestic abuse. Services include prevention,
21 screening, consultation, examination, treatment, or follow-up.

22 Nothing in this subsection shall be construed to relieve a
23 Medicaid Managed Care Entity or the Department of any duty to
24 report incidents of sexually transmitted infections to the
25 Department of Public Health or to the local board of health in
26 accordance with regulations adopted under a statute or

1 ordinance or to report incidents of sexually transmitted
2 infections as necessary to comply with the requirements under
3 Section 5 of the Abused and Neglected Child Reporting Act or as
4 otherwise required by State or federal law.

5 The Department shall create policy in order to implement
6 the requirements in this subsection.

7 (j) ~~(i)~~ Managed Care Entities (MCEs), including MCOs and
8 all other care coordination organizations, shall develop and
9 maintain a written language access policy that sets forth the
10 standards, guidelines, and operational plan to ensure language
11 appropriate services and that is consistent with the standard
12 of meaningful access for populations with limited English
13 proficiency. The language access policy shall describe how the
14 MCEs will provide all of the following required services:

15 (1) Translation (the written replacement of text from
16 one language into another) of all vital documents and forms
17 as identified by the Department.

18 (2) Qualified interpreter services (the oral
19 communication of a message from one language into another
20 by a qualified interpreter).

21 (3) Staff training on the language access policy,
22 including how to identify language needs, access and
23 provide language assistance services, work with
24 interpreters, request translations, and track the use of
25 language assistance services.

26 (4) Data tracking that identifies the language need.

1 (5) Notification to participants on the availability
2 of language access services and on how to access such
3 services.

4 (Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14;
5 99-106, eff. 1-1-16; 99-181, eff. 7-29-15; revised 10-26-15.)

6 (305 ILCS 5/10-25)

7 (Text of Section before amendment by P.A. 99-157)

8 Sec. 10-25. Administrative liens and levies on real
9 property for past-due child support.

10 (a) Notwithstanding any other State or local law to the
11 contrary, the State shall have a lien on all legal and
12 equitable interests of responsible relatives in their real
13 property in the amount of past-due child support owing pursuant
14 to an order for child support entered under Sections 10-10 and
15 10-11 of this Code, or under the Illinois Marriage and
16 Dissolution of Marriage Act, the Non-Support of Spouse and
17 Children Act, the Non-Support Punishment Act, the Uniform
18 Interstate Family Support Act, the Illinois Parentage Act of
19 1984, or the Illinois Parentage Act of 2015.

20 (b) The Illinois Department shall provide by rule for
21 notice to and an opportunity to be heard by each responsible
22 relative affected, and any final administrative decision
23 rendered by the Illinois Department shall be reviewed only
24 under and in accordance with the Administrative Review Law.

25 (c) When enforcing a lien under subsection (a) of this

1 Section, the Illinois Department shall have the authority to
2 execute notices of administrative liens and levies, which shall
3 contain the name and address of the responsible relative, a
4 legal description of the real property to be levied, the fact
5 that a lien is being claimed for past-due child support, and
6 such other information as the Illinois Department may by rule
7 prescribe. The Illinois Department shall record the notice of
8 lien with the recorder or registrar of titles of the county or
9 counties in which the real estate is located.

10 (d) The State's lien under subsection (a) shall be
11 enforceable upon the recording or filing of a notice of lien
12 with the recorder or registrar of titles of the county or
13 counties in which the real estate is located. The lien shall be
14 prior to any lien thereafter recorded or filed and shall be
15 notice to a subsequent purchaser, assignor, or encumbrancer of
16 the existence and nature of the lien. The lien shall be
17 inferior to the lien of general taxes, special assessment, and
18 special taxes heretofore or hereafter levied by any political
19 subdivision or municipal corporation of the State.

20 In the event that title to the land to be affected by the
21 notice of lien is registered under the Registered Titles
22 (Torrens) Act, the notice shall be filed in the office of the
23 registrar of titles as a memorial or charge upon each folium of
24 the register of titles affected by the notice; but the State
25 shall not have a preference over the rights of any bona fide
26 purchaser, mortgagee, judgment creditor, or other lien holders

1 registered prior to the registration of the notice.

2 (e) The recorder or registrar of titles of each county
3 shall procure a file labeled "Child Support Lien Notices" and
4 an index book labeled "Child Support Lien Notices". When notice
5 of any lien is presented to the recorder or registrar of titles
6 for filing, the recorder or registrar of titles shall file it
7 in numerical order in the file and shall enter it
8 alphabetically in the index. The entry shall show the name and
9 last known address of the person named in the notice, the
10 serial number of the notice, the date and hour of filing, and
11 the amount of child support due at the time when the lien is
12 filed.

13 (f) The Illinois Department shall not be required to
14 furnish bond or make a deposit for or pay any costs or fees of
15 any court or officer thereof in any legal proceeding involving
16 the lien.

17 (g) To protect the lien of the State for past-due child
18 support, the Illinois Department may, from funds that are
19 available for that purpose, pay or provide for the payment of
20 necessary or essential repairs, purchase tax certificates, pay
21 balances due on land contracts, or pay or cause to be satisfied
22 any prior liens on the property to which the lien hereunder
23 applies.

24 (h) A lien on real property under this Section shall be
25 released pursuant to Section 12-101 of the Code of Civil
26 Procedure.

1 (i) The Illinois Department, acting in behalf of the State,
2 may foreclose the lien in a judicial proceeding to the same
3 extent and in the same manner as in the enforcement of other
4 liens. The process, practice, and procedure for the foreclosure
5 shall be the same as provided in the Code of Civil Procedure.

6 (Source: P.A. 99-85, eff. 1-1-16.)

7 (Text of Section after amendment by P.A. 99-157)

8 Sec. 10-25. Administrative liens and levies on real
9 property for past-due child support and for fines against a
10 payor who wilfully fails to withhold or pay over income
11 pursuant to a properly served income withholding notice or
12 otherwise fails to comply with any duties imposed by the Income
13 Withholding for Support Act.

14 (a) Notwithstanding any other State or local law to the
15 contrary, the State shall have a lien on all legal and
16 equitable interests of responsible relatives in their real
17 property in the amount of past-due child support owing pursuant
18 to an order for child support entered under Sections 10-10 and
19 10-11 of this Code, or under the Illinois Marriage and
20 Dissolution of Marriage Act, the Non-Support of Spouse and
21 Children Act, the Non-Support Punishment Act, the Uniform
22 Interstate Family Support Act, the Illinois Parentage Act of
23 1984, or the Illinois Parentage Act of 2015.

24 (a-5) The State shall have a lien on all legal and
25 equitable interests of a payor, as that term is described in

1 the Income Withholding for Support Act, in the payor's real
2 property in the amount of any fine imposed by the Illinois
3 Department pursuant to the Income Withholding for Support Act.

4 (b) The Illinois Department shall provide by rule for
5 notice to and an opportunity to be heard by each responsible
6 relative or payor affected, and any final administrative
7 decision rendered by the Illinois Department shall be reviewed
8 only under and in accordance with the Administrative Review
9 Law.

10 (c) When enforcing a lien under subsection (a) of this
11 Section, the Illinois Department shall have the authority to
12 execute notices of administrative liens and levies, which shall
13 contain the name and address of the responsible relative or
14 payor, a legal description of the real property to be levied,
15 the fact that a lien is being claimed for past-due child
16 support or for the fines imposed on a payor pursuant to the
17 Income Withholding for Support Act, and such other information
18 as the Illinois Department may by rule prescribe. The Illinois
19 Department shall record the notice of lien with the recorder or
20 registrar of titles of the county or counties in which the real
21 estate is located.

22 (d) The State's lien under subsection (a) shall be
23 enforceable upon the recording or filing of a notice of lien
24 with the recorder or registrar of titles of the county or
25 counties in which the real estate is located. The lien shall be
26 prior to any lien thereafter recorded or filed and shall be

1 notice to a subsequent purchaser, assignor, or encumbrancer of
2 the existence and nature of the lien. The lien shall be
3 inferior to the lien of general taxes, special assessment, and
4 special taxes heretofore or hereafter levied by any political
5 subdivision or municipal corporation of the State.

6 In the event that title to the land to be affected by the
7 notice of lien is registered under the Registered Titles
8 (Torrens) Act, the notice shall be filed in the office of the
9 registrar of titles as a memorial or charge upon each folium of
10 the register of titles affected by the notice; but the State
11 shall not have a preference over the rights of any bona fide
12 purchaser, mortgagee, judgment creditor, or other lien holders
13 registered prior to the registration of the notice.

14 (e) The recorder or registrar of titles of each county
15 shall procure a file labeled "Child Support Lien Notices" and
16 an index book labeled "Child Support Lien Notices". When notice
17 of any lien is presented to the recorder or registrar of titles
18 for filing, the recorder or registrar of titles shall file it
19 in numerical order in the file and shall enter it
20 alphabetically in the index. The entry shall show the name and
21 last known address of the person or payor named in the notice,
22 the serial number of the notice, the date and hour of filing,
23 and the amount of child support or the amount of the fine
24 imposed on the payor due at the time when the lien is filed.

25 (f) The Illinois Department shall not be required to
26 furnish bond or make a deposit for or pay any costs or fees of

1 any court or officer thereof in any legal proceeding involving
2 the lien.

3 (g) To protect the lien of the State for past-due child
4 support and for any fine imposed against a payor, the Illinois
5 Department may, from funds that are available for that purpose,
6 pay or provide for the payment of necessary or essential
7 repairs, purchase tax certificates, pay balances due on land
8 contracts, or pay or cause to be satisfied any prior liens on
9 the property to which the lien hereunder applies.

10 (h) A lien on real property under this Section shall be
11 released pursuant to Section 12-101 of the Code of Civil
12 Procedure.

13 (i) The Illinois Department, acting in behalf of the State,
14 may foreclose the lien in a judicial proceeding to the same
15 extent and in the same manner as in the enforcement of other
16 liens. The process, practice, and procedure for the foreclosure
17 shall be the same as provided in the Code of Civil Procedure.

18 (Source: P.A. 99-85, eff. 1-1-16; 99-157, eff. 7-1-17; revised
19 10-26-15.)

20 (305 ILCS 5/10-25.5)

21 (Text of Section before amendment by P.A. 99-157)

22 Sec. 10-25.5. Administrative liens and levies on personal
23 property for past-due child support.

24 (a) Notwithstanding any other State or local law to the
25 contrary, the State shall have a lien on all legal and

1 equitable interests of responsible relatives in their personal
2 property, including any account in a financial institution as
3 defined in Section 10-24, or in the case of an insurance
4 company or benefit association only in accounts as defined in
5 Section 10-24, in the amount of past-due child support owing
6 pursuant to an order for child support entered under Sections
7 10-10 and 10-11 of this Code, or under the Illinois Marriage
8 and Dissolution of Marriage Act, the Non-Support of Spouse and
9 Children Act, the Non-Support Punishment Act, the Uniform
10 Interstate Family Support Act, the Illinois Parentage Act of
11 1984, or the Illinois Parentage Act of 2015.

12 (b) The Illinois Department shall provide by rule for
13 notice to and an opportunity to be heard by each responsible
14 relative affected, and any final administrative decision
15 rendered by the Illinois Department shall be reviewed only
16 under and in accordance with the Administrative Review Law.

17 (c) When enforcing a lien under subsection (a) of this
18 Section, the Illinois Department shall have the authority to
19 execute notices of administrative liens and levies, which shall
20 contain the name and address of the responsible relative, a
21 description of the property to be levied, the fact that a lien
22 is being claimed for past-due child support, and such other
23 information as the Illinois Department may by rule prescribe.
24 The Illinois Department may serve the notice of lien or levy
25 upon any financial institution where the accounts as defined in
26 Section 10-24 of the responsible relative may be held, for

1 encumbrance or surrender of the accounts as defined in Section
2 10-24 by the financial institution.

3 (d) The Illinois Department shall enforce its lien against
4 the responsible relative's personal property, other than
5 accounts as defined in Section 10-24 in financial institutions,
6 and levy upon such personal property in the manner provided for
7 enforcement of judgments contained in Article XII of the Code
8 of Civil Procedure.

9 (e) The Illinois Department shall not be required to
10 furnish bond or make a deposit for or pay any costs or fees of
11 any court or officer thereof in any legal proceeding involving
12 the lien.

13 (f) To protect the lien of the State for past-due child
14 support, the Illinois Department may, from funds that are
15 available for that purpose, pay or provide for the payment of
16 necessary or essential repairs, purchase tax certificates, or
17 pay or cause to be satisfied any prior liens on the property to
18 which the lien hereunder applies.

19 (g) A lien on personal property under this Section shall be
20 released in the manner provided under Article XII of the Code
21 of Civil Procedure. Notwithstanding the foregoing, a lien under
22 this Section on accounts as defined in Section 10-24 shall
23 expire upon the passage of 120 days from the date of issuance
24 of the Notice of Lien or Levy by the Illinois Department.
25 However, the lien shall remain in effect during the pendency of
26 any appeal or protest.

1 (h) A lien created under this Section is subordinate to any
2 prior lien of the financial institution or any prior lien
3 holder or any prior right of set-off that the financial
4 institution may have against the assets, or in the case of an
5 insurance company or benefit association only in the accounts
6 as defined in Section 10-24.

7 (i) A financial institution has no obligation under this
8 Section to hold, encumber, or surrender the assets, or in the
9 case of an insurance company or benefit association only the
10 accounts as defined in Section 10-24, until the financial
11 institution has been properly served with a subpoena, summons,
12 warrant, court or administrative order, or administrative lien
13 and levy requiring that action.

14 (Source: P.A. 99-85, eff. 1-1-16.)

15 (Text of Section after amendment by P.A. 99-157)

16 Sec. 10-25.5. Administrative liens and levies on personal
17 property for past-due child support and for fines against a
18 payor who wilfully fails to withhold or pay over income
19 pursuant to a properly served income withholding notice or
20 otherwise fails to comply with any duties imposed by the Income
21 Withholding for Support Act.

22 (a) Notwithstanding any other State or local law to the
23 contrary, the State shall have a lien on all legal and
24 equitable interests of responsible relatives in their personal
25 property, including any account in a financial institution as

1 defined in Section 10-24, or in the case of an insurance
2 company or benefit association only in accounts as defined in
3 Section 10-24, in the amount of past-due child support owing
4 pursuant to an order for child support entered under Sections
5 10-10 and 10-11 of this Code, or under the Illinois Marriage
6 and Dissolution of Marriage Act, the Non-Support of Spouse and
7 Children Act, the Non-Support Punishment Act, the Uniform
8 Interstate Family Support Act, the Illinois Parentage Act of
9 1984, or the Illinois Parentage Act of 2015.

10 (a-5) The State shall have a lien on all legal and
11 equitable interests of a payor, as that term is described in
12 the Income Withholding for Support Act, in the payor's personal
13 property in the amount of any fine imposed by the Illinois
14 Department pursuant to the Income Withholding for Support Act.

15 (b) The Illinois Department shall provide by rule for
16 notice to and an opportunity to be heard by each responsible
17 relative or payor affected, and any final administrative
18 decision rendered by the Illinois Department shall be reviewed
19 only under and in accordance with the Administrative Review
20 Law.

21 (c) When enforcing a lien under subsection (a) of this
22 Section, the Illinois Department shall have the authority to
23 execute notices of administrative liens and levies, which shall
24 contain the name and address of the responsible relative or
25 payor, a description of the property to be levied, the fact
26 that a lien is being claimed for past-due child support, and

1 such other information as the Illinois Department may by rule
2 prescribe. The Illinois Department may serve the notice of lien
3 or levy upon any financial institution where the accounts as
4 defined in Section 10-24 of the responsible relative may be
5 held, for encumbrance or surrender of the accounts as defined
6 in Section 10-24 by the financial institution.

7 (d) The Illinois Department shall enforce its lien against
8 the responsible relative's or payor's personal property, other
9 than accounts as defined in Section 10-24 in financial
10 institutions, and levy upon such personal property in the
11 manner provided for enforcement of judgments contained in
12 Article XII of the Code of Civil Procedure.

13 (e) The Illinois Department shall not be required to
14 furnish bond or make a deposit for or pay any costs or fees of
15 any court or officer thereof in any legal proceeding involving
16 the lien.

17 (f) To protect the lien of the State for past-due child
18 support and for any fine imposed on a payor, the Illinois
19 Department may, from funds that are available for that purpose,
20 pay or provide for the payment of necessary or essential
21 repairs, purchase tax certificates, or pay or cause to be
22 satisfied any prior liens on the property to which the lien
23 hereunder applies.

24 (g) A lien on personal property under this Section shall be
25 released in the manner provided under Article XII of the Code
26 of Civil Procedure. Notwithstanding the foregoing, a lien under

1 this Section on accounts as defined in Section 10-24 shall
2 expire upon the passage of 120 days from the date of issuance
3 of the Notice of Lien or Levy by the Illinois Department.
4 However, the lien shall remain in effect during the pendency of
5 any appeal or protest.

6 (h) A lien created under this Section is subordinate to any
7 prior lien of the financial institution or any prior lien
8 holder or any prior right of set-off that the financial
9 institution may have against the assets, or in the case of an
10 insurance company or benefit association only in the accounts
11 as defined in Section 10-24.

12 (i) A financial institution has no obligation under this
13 Section to hold, encumber, or surrender the assets, or in the
14 case of an insurance company or benefit association only the
15 accounts as defined in Section 10-24, until the financial
16 institution has been properly served with a subpoena, summons,
17 warrant, court or administrative order, or administrative lien
18 and levy requiring that action.

19 (Source: P.A. 99-85, eff. 1-1-16; 99-157, eff. 7-1-17; revised
20 10-27-15.)

21 Section 405. The Adult Protective Services Act is amended
22 by changing Section 8 as follows:

23 (320 ILCS 20/8) (from Ch. 23, par. 6608)

24 Sec. 8. Access to records. All records concerning reports

1 of abuse, neglect, financial exploitation, or self-neglect and
2 all records generated as a result of such reports shall be
3 confidential and shall not be disclosed except as specifically
4 authorized by this Act or other applicable law. In accord with
5 established law and Department protocols, procedures, and
6 policies, access to such records, but not access to the
7 identity of the person or persons making a report of alleged
8 abuse, neglect, financial exploitation, or self-neglect as
9 contained in such records, shall be provided, upon request, to
10 the following persons and for the following persons:

11 (1) Department staff, provider agency staff, other
12 aging network staff, and regional administrative agency
13 staff, including staff of the Chicago Department on Aging
14 while that agency is designated as a regional
15 administrative agency, in the furtherance of their
16 responsibilities under this Act;

17 (1.5) A representative of the public guardian acting in
18 the course of investigating the appropriateness of
19 guardianship for the eligible adult or while pursuing a
20 petition for guardianship of the eligible adult pursuant to
21 the Probate Act of 1975;

22 (2) A law enforcement agency investigating known or
23 suspected abuse, neglect, financial exploitation, or
24 self-neglect. Where a provider agency has reason to believe
25 that the death of an eligible adult may be the result of
26 abuse or neglect, including any reports made after death,

1 the agency shall immediately provide the appropriate law
2 enforcement agency with all records pertaining to the
3 eligible adult;

4 (2.5) A law enforcement agency, fire department
5 agency, or fire protection district having proper
6 jurisdiction pursuant to a written agreement between a
7 provider agency and the law enforcement agency, fire
8 department agency, or fire protection district under which
9 the provider agency may furnish to the law enforcement
10 agency, fire department agency, or fire protection
11 district a list of all eligible adults who may be at
12 imminent risk of abuse, neglect, financial exploitation,
13 or self-neglect;

14 (3) A physician who has before him or her or who is
15 involved in the treatment of an eligible adult whom he or
16 she reasonably suspects may be abused, neglected,
17 financially exploited, or self-neglected or who has been
18 referred to the Adult Protective Services Program;

19 (4) An eligible adult reported to be abused, neglected,
20 financially exploited, or self-neglected, or such adult's
21 authorized guardian or agent, unless such guardian or agent
22 is the abuser or the alleged abuser;

23 (4.5) An executor or administrator of the estate of an
24 eligible adult who is deceased;

25 (5) In cases regarding abuse, neglect, or financial
26 exploitation, a court or a guardian ad litem, upon its or

1 his or her finding that access to such records may be
2 necessary for the determination of an issue before the
3 court. However, such access shall be limited to an in
4 camera inspection of the records, unless the court
5 determines that disclosure of the information contained
6 therein is necessary for the resolution of an issue then
7 pending before it;

8 (5.5) In cases regarding self-neglect, a guardian ad
9 litem;

10 (6) A grand jury, upon its determination that access to
11 such records is necessary in the conduct of its official
12 business;

13 (7) Any person authorized by the Director, in writing,
14 for audit or bona fide research purposes;

15 (8) A coroner or medical examiner who has reason to
16 believe that an eligible adult has died as the result of
17 abuse, neglect, financial exploitation, or self-neglect.
18 The provider agency shall immediately provide the coroner
19 or medical examiner with all records pertaining to the
20 eligible adult;

21 (8.5) A coroner or medical examiner having proper
22 jurisdiction, pursuant to a written agreement between a
23 provider agency and the coroner or medical examiner, under
24 which the provider agency may furnish to the office of the
25 coroner or medical examiner a list of all eligible adults
26 who may be at imminent risk of death as a result of abuse,

1 neglect, financial exploitation, or self-neglect;

2 (9) Department of Financial and Professional
3 Regulation staff and members of the Illinois Medical
4 Disciplinary Board or the Social Work Examining and
5 Disciplinary Board in the course of investigating alleged
6 violations of the Clinical Social Work and Social Work
7 Practice Act by provider agency staff or other licensing
8 bodies at the discretion of the Director of the Department
9 on Aging;

10 (9-a) Department of Healthcare and Family Services
11 staff and provider agency staff when that Department is
12 funding services to the eligible adult, including access to
13 the identity of the eligible adult;

14 (9-b) Department of Human Services staff and provider
15 agency staff when that Department is funding services to
16 the eligible adult or is providing reimbursement for
17 services provided by the abuser or alleged abuser,
18 including access to the identity of the eligible adult;

19 (10) Hearing officers in the course of conducting an
20 administrative hearing under this Act; parties to such
21 hearing shall be entitled to discovery as established by
22 rule;

23 (11) A caregiver who challenges placement on the
24 Registry shall be given the statement of allegations in the
25 abuse report and the substantiation decision in the final
26 investigative report; and

1 (12) The Illinois Guardianship and Advocacy Commission
2 and the agency designated by the Governor under Section 1
3 of the Protection and Advocacy for Persons with
4 Developmental Disabilities Act shall have access, through
5 the Department, to records, including the findings,
6 pertaining to a completed or closed investigation of a
7 report of suspected abuse, neglect, financial
8 exploitation, or self-neglect of an eligible adult.

9 (Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14;
10 99-143, eff. 7-27-15; 99-287, eff. 1-1-16; revised 10-26-15.)

11 Section 410. The Abused and Neglected Child Reporting Act
12 is amended by changing Section 7.8 as follows:

13 (325 ILCS 5/7.8)

14 (Text of Section before amendment by P.A. 99-350)

15 Sec. 7.8. Upon receiving an oral or written report of
16 suspected child abuse or neglect, the Department shall
17 immediately notify, either orally or electronically, the Child
18 Protective Service Unit of a previous report concerning a
19 subject of the present report or other pertinent information.
20 In addition, upon satisfactory identification procedures, to
21 be established by Department regulation, any person authorized
22 to have access to records under Section 11.1 relating to child
23 abuse and neglect may request and shall be immediately provided
24 the information requested in accordance with this Act. However,

1 no information shall be released unless it prominently states
2 the report is "indicated", and only information from
3 "indicated" reports shall be released, except that information
4 concerning pending reports may be released pursuant to Sections
5 7.14 and 7.22 of this Act to the attorney or guardian ad litem
6 appointed under Section 2-17 of the Juvenile Court Act of 1987
7 and to any person authorized under paragraphs (1), (2), (3) and
8 (11) of Section 11.1. In addition, State's Attorneys are
9 authorized to receive unfounded reports (i) for prosecution
10 purposes related to the transmission of false reports of child
11 abuse or neglect in violation of subsection (a), paragraph (7)
12 of Section 26-1 of the Criminal Code of 2012 or (ii) for the
13 purposes of screening and prosecuting a petition filed under
14 Article II of the Juvenile Court Act of 1987 alleging a
15 subsequent allegation of abuse or neglect relating to the same
16 child, a sibling of the child, or the same perpetrator; the
17 parties to the proceedings filed under Article II of the
18 Juvenile Court Act of 1987 are entitled to receive copies of
19 previously unfounded reports regarding the same child, a
20 sibling of the child, or the same perpetrator for purposes of
21 hearings under Sections 2-10 and 2-21 of the Juvenile Court Act
22 of 1987, and attorneys and guardians ad litem appointed under
23 Article II of the Juvenile Court Act of 1987 shall receive the
24 reports set forth in Section 7.14 of this Act in conformance
25 with paragraph (19) of Section 11.1 and Section 7.14 of this
26 Act. The names and other identifying data and the dates and the

1 circumstances of any persons requesting or receiving
2 information from the central register shall be entered in the
3 register record.

4 (Source: P.A. 98-807, eff. 8-1-14; 99-78, eff. 7-20-15; 99-349,
5 eff. 1-1-16.)

6 (Text of Section after amendment by P.A. 99-350)

7 Sec. 7.8. Upon receiving an oral or written report of
8 suspected child abuse or neglect, the Department shall
9 immediately notify, either orally or electronically, the Child
10 Protective Service Unit of a previous report concerning a
11 subject of the present report or other pertinent information.
12 In addition, upon satisfactory identification procedures, to
13 be established by Department regulation, any person authorized
14 to have access to records under Section 11.1 relating to child
15 abuse and neglect may request and shall be immediately provided
16 the information requested in accordance with this Act. However,
17 no information shall be released unless it prominently states
18 the report is "indicated", and only information from
19 "indicated" reports shall be released, except that information
20 concerning pending reports may be released pursuant to Sections
21 7.14 and 7.22 of this Act to the attorney or guardian ad litem
22 appointed under Section 2-17 of the Juvenile Court Act of 1987
23 and to any person authorized under paragraphs (1), (2), (3) and
24 (11) of Section 11.1. In addition, State's Attorneys are
25 authorized to receive unfounded reports (i) for prosecution

1 purposes related to the transmission of false reports of child
2 abuse or neglect in violation of subsection (a), paragraph (7)
3 of Section 26-1 of the Criminal Code of 2012 or (ii) for the
4 purposes of screening and prosecuting a petition filed under
5 Article II of the Juvenile Court Act of 1987 alleging a
6 subsequent allegation of abuse or neglect relating to the same
7 child, a sibling of the child, or the same perpetrator; the
8 parties to the proceedings filed under Article II of the
9 Juvenile Court Act of 1987 are entitled to receive copies of
10 previously unfounded reports regarding the same child, a
11 sibling of the child, or the same perpetrator for purposes of
12 hearings under Sections 2-10 and 2-21 of the Juvenile Court Act
13 of 1987, and attorneys and guardians ad litem appointed under
14 Article II of the Juvenile Court Act of 1987 shall receive the
15 reports set forth in Section 7.14 of this Act in conformance
16 with paragraph (19) of Section 11.1 and Section 7.14 of this
17 Act. The Department is authorized and required to release
18 information from unfounded reports, upon request by a person
19 who has access to the unfounded report as provided in this Act,
20 as necessary in its determination to protect children and adult
21 residents who are in child care facilities licensed by the
22 Department under the Child Care Act of 1969. The names and
23 other identifying data and the dates and the circumstances of
24 any persons requesting or receiving information from the
25 central register shall be entered in the register record.

26 (Source: P.A. 98-807, eff. 8-1-14; 99-78, eff. 7-20-15; 99-349,

1 eff. 1-1-16; 99-350, eff. 6-1-16; revised 10-27-15.)

2 Section 415. The Mental Health and Developmental
3 Disabilities Code is amended by changing Section 6-103.2 as
4 follows:

5 (405 ILCS 5/6-103.2)

6 Sec. 6-103.2. Developmental disability; notice. If a
7 person 14 years old or older is determined to be a person with
8 a developmental disability by a physician, clinical
9 psychologist, or qualified examiner, the physician, clinical
10 psychologist, or qualified examiner shall notify the
11 Department of Human Services within 7 days of making the
12 determination that the person has a developmental disability.
13 The Department of Human Services shall immediately update its
14 records and information relating to mental health and
15 developmental disabilities, and if appropriate, shall notify
16 the Department of State Police in a form and manner prescribed
17 by the Department of State Police. Information disclosed under
18 this Section shall remain privileged and confidential, and
19 shall not be redisclosed, except as required under subsection
20 (e) of Section 3.1 of the Firearm Owners Identification Card
21 Act, nor used for any other purpose. The method of providing
22 this information shall guarantee that the information is not
23 released beyond that which is necessary for the purpose of this
24 Section and shall be provided by rule by the Department of

1 Human Services. The identity of the person reporting under this
2 Section shall not be disclosed to the subject of the report.

3 The physician, clinical psychologist, or qualified
4 examiner making the determination and his or her employer may
5 not be held criminally, civilly, or professionally liable for
6 making or not making the notification required under this
7 Section, except for willful or wanton misconduct.

8 For purposes of this Section, "developmental disability"
9 ~~"developmentally disabled"~~ means a disability which is
10 attributable to any other condition which results in impairment
11 similar to that caused by an intellectual disability and which
12 requires services similar to those required by intellectually
13 disabled persons. The disability must originate before the age
14 of 18 years, be expected to continue indefinitely, and
15 constitute a substantial disability. This disability results,
16 in the professional opinion of a physician, clinical
17 psychologist, or qualified examiner, in significant functional
18 limitations in 3 or more of the following areas of major life
19 activity:

- 20 (i) self-care;
21 (ii) receptive and expressive language;
22 (iii) learning;
23 (iv) mobility; or
24 (v) self-direction.

25 "Determined to be a person with a developmental disability
26 ~~developmentally disabled~~ by a physician, clinical

1 psychologist, or qualified examiner" means in the professional
2 opinion of the physician, clinical psychologist, or qualified
3 examiner, a person is diagnosed, assessed, or evaluated as
4 having a developmental disability ~~to be developmentally~~
5 ~~disabled.~~

6 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
7 eff. 7-27-15; revised 11-13-15.)

8 Section 420. The Community Services Act is amended by
9 changing the title of the Act as follows:

10 (405 ILCS 30/Act title)

11 An Act to facilitate the establishment of community
12 services for persons who are mentally ill, ~~and~~ alcohol dependent,
13 or addicted or who are persons with developmental disabilities.

14 Section 425. The Developmental Disability and Mental
15 Disability Services Act is amended by changing Sections 2-3 and
16 5-1 as follows:

17 (405 ILCS 80/2-3) (from Ch. 91 1/2, par. 1802-3)

18 Sec. 2-3. As used in this Article, unless the context
19 requires otherwise:

20 (a) "Agency" means an agency or entity licensed by the
21 Department pursuant to this Article or pursuant to the
22 Community Residential Alternatives Licensing Act.

1 (b) "Department" means the Department of Human Services, as
2 successor to the Department of Mental Health and Developmental
3 Disabilities.

4 (c) "Home-based services" means services provided to an
5 adult with a mental disability who lives in his or her own
6 home. These services include but are not limited to:

- 7 (1) home health services;
- 8 (2) case management;
- 9 (3) crisis management;
- 10 (4) training and assistance in self-care;
- 11 (5) personal care services;
- 12 (6) habilitation and rehabilitation services;
- 13 (7) employment-related services;
- 14 (8) respite care; and
- 15 (9) other skill training that enables a person to
16 become self-supporting.

17 (d) "Legal guardian" means a person appointed by a court of
18 competent jurisdiction to exercise certain powers on behalf of
19 an adult with a mental disability.

20 (e) "Adult with a mental disability" means a person over
21 the age of 18 years who lives in his or her own home; who needs
22 home-based services, but does not require 24-hour-a-day
23 supervision; and who has one of the following conditions:
24 severe autism, severe mental illness, a severe or profound
25 intellectual disability, or severe and multiple impairments.

26 (f) In one's "own home" means that an adult with a mental

1 disability lives alone; or that an adult with a mental
2 disability is in full-time residence with his or her parents,
3 legal guardian, or other relatives; or that an adult with a
4 mental disability is in full-time residence in a setting not
5 subject to licensure under the Nursing Home Care Act, the
6 Specialized Mental Health Rehabilitation Act of 2013, the ID/DD
7 Community Care Act, the MC/DD Act, or the Child Care Act of
8 1969, as now or hereafter amended, with 3 or fewer other adults
9 unrelated to the adult with a mental disability who do not
10 provide home-based services to the adult with a mental
11 disability.

12 (g) "Parent" means the biological or adoptive parent of an
13 adult with a mental disability, or a person licensed as a
14 foster parent under the laws of this State who acts as a foster
15 parent to an adult with a mental disability.

16 (h) "Relative" means any of the following relationships by
17 blood, marriage or adoption: parent, son, daughter, brother,
18 sister, grandparent, uncle, aunt, nephew, niece, great
19 grandparent, great uncle, great aunt, stepbrother, stepsister,
20 stepson, stepdaughter, stepparent or first cousin.

21 (i) "Severe autism" means a lifelong developmental
22 disability which is typically manifested before 30 months of
23 age and is characterized by severe disturbances in reciprocal
24 social interactions; verbal and nonverbal communication and
25 imaginative activity; and repertoire of activities and
26 interests. A person shall be determined severely autistic, for

1 purposes of this Article, if both of the following are present:

2 (1) Diagnosis consistent with the criteria for
3 autistic disorder in the current edition of the Diagnostic
4 and Statistical Manual of Mental Disorders.

5 (2) Severe disturbances in reciprocal social
6 interactions; verbal and nonverbal communication and
7 imaginative activity; repertoire of activities and
8 interests. A determination of severe autism shall be based
9 upon a comprehensive, documented assessment with an
10 evaluation by a licensed clinical psychologist or
11 psychiatrist. A determination of severe autism shall not be
12 based solely on behaviors relating to environmental,
13 cultural or economic differences.

14 (j) "Severe mental illness" means the manifestation of all
15 of the following characteristics:

16 (1) A primary diagnosis of one of the major mental
17 disorders in the current edition of the Diagnostic and
18 Statistical Manual of Mental Disorders listed below:

19 (A) Schizophrenia disorder.

20 (B) Delusional disorder.

21 (C) Schizo-affective disorder.

22 (D) Bipolar affective disorder.

23 (E) Atypical psychosis.

24 (F) Major depression, recurrent.

25 (2) The individual's mental illness must substantially
26 impair his or her functioning in at least 2 of the

1 following areas:

2 (A) Self-maintenance.

3 (B) Social functioning.

4 (C) Activities of community living.

5 (D) Work skills.

6 (3) Disability must be present or expected to be
7 present for at least one year.

8 A determination of severe mental illness shall be based
9 upon a comprehensive, documented assessment with an evaluation
10 by a licensed clinical psychologist or psychiatrist, and shall
11 not be based solely on behaviors relating to environmental,
12 cultural or economic differences.

13 (k) "Severe or profound intellectual disability" means a
14 manifestation of all of the following characteristics:

15 (1) A diagnosis which meets Classification in Mental
16 Retardation or criteria in the current edition of the
17 Diagnostic and Statistical Manual of Mental Disorders for
18 severe or profound mental retardation (an IQ of 40 or
19 below). This must be measured by a standardized instrument
20 for general intellectual functioning.

21 (2) A severe or profound level of disturbed adaptive
22 behavior. This must be measured by a standardized adaptive
23 behavior scale or informal appraisal by the professional in
24 keeping with illustrations in Classification in Mental
25 Retardation, 1983.

26 (3) Disability diagnosed before age of 18.

1 A determination of a severe or profound intellectual
2 disability shall be based upon a comprehensive, documented
3 assessment with an evaluation by a licensed clinical
4 psychologist or certified school psychologist or a
5 psychiatrist, and shall not be based solely on behaviors
6 relating to environmental, cultural or economic differences.

7 (1) "Severe and multiple impairments" means the
8 manifestation of all of the following characteristics:

9 (1) The evaluation determines the presence of a
10 developmental disability which is expected to continue
11 indefinitely, constitutes a substantial disability and is
12 attributable to any of the following:

13 (A) Intellectual disability, which is defined as
14 general intellectual functioning that is 2 or more
15 standard deviations below the mean concurrent with
16 impairment of adaptive behavior which is 2 or more
17 standard deviations below the mean. Assessment of the
18 individual's intellectual functioning must be measured
19 by a standardized instrument for general intellectual
20 functioning.

21 (B) Cerebral palsy.

22 (C) Epilepsy.

23 (D) Autism.

24 (E) Any other condition which results in
25 impairment similar to that caused by an intellectual
26 disability and which requires services similar to

1 those required by persons with intellectual
2 disabilities.

3 (2) The evaluation determines multiple disabilities in
4 physical, sensory, behavioral or cognitive functioning
5 which constitute a severe or profound impairment
6 attributable to one or more of the following:

7 (A) Physical functioning, which severely impairs
8 the individual's motor performance that may be due to:

9 (i) Neurological, psychological or physical
10 involvement resulting in a variety of disabling
11 conditions such as hemiplegia, quadriplegia or
12 ataxia,

13 (ii) Severe organ systems involvement such as
14 congenital heart defect,

15 (iii) Physical abnormalities resulting in the
16 individual being non-mobile and non-ambulatory or
17 confined to bed and receiving assistance in
18 transferring, or

19 (iv) The need for regular medical or nursing
20 supervision such as gastrostomy care and feeding.

21 Assessment of physical functioning must be based
22 on clinical medical assessment by a physician licensed
23 to practice medicine in all its branches, using the
24 appropriate instruments, techniques and standards of
25 measurement required by the professional.

26 (B) Sensory, which involves severe restriction due

1 to hearing or visual impairment limiting the
2 individual's movement and creating dependence in
3 completing most daily activities. Hearing impairment
4 is defined as a loss of 70 decibels aided or speech
5 discrimination of less than 50% aided. Visual
6 impairment is defined as 20/200 corrected in the better
7 eye or a visual field of 20 degrees or less. Sensory
8 functioning must be based on clinical medical
9 assessment by a physician licensed to practice
10 medicine in all its branches using the appropriate
11 instruments, techniques and standards of measurement
12 required by the professional.

13 (C) Behavioral, which involves behavior that is
14 maladaptive and presents a danger to self or others, is
15 destructive to property by deliberately breaking,
16 destroying or defacing objects, is disruptive by
17 fighting, or has other socially offensive behaviors in
18 sufficient frequency or severity to seriously limit
19 social integration. Assessment of behavioral
20 functioning may be measured by a standardized scale or
21 informal appraisal by a clinical psychologist or
22 psychiatrist.

23 (D) Cognitive, which involves intellectual
24 functioning at a measured IQ of 70 or below. Assessment
25 of cognitive functioning must be measured by a
26 standardized instrument for general intelligence.

1 (3) The evaluation determines that development is
2 substantially less than expected for the age in cognitive,
3 affective or psychomotor behavior as follows:

4 (A) Cognitive, which involves intellectual
5 functioning at a measured IQ of 70 or below. Assessment
6 of cognitive functioning must be measured by a
7 standardized instrument for general intelligence.

8 (B) Affective behavior, which involves over and
9 under responding to stimuli in the environment and may
10 be observed in mood, attention to awareness, or in
11 behaviors such as euphoria, anger or sadness that
12 seriously limit integration into society. Affective
13 behavior must be based on clinical assessment using the
14 appropriate instruments, techniques and standards of
15 measurement required by the professional.

16 (C) Psychomotor, which includes a severe
17 developmental delay in fine or gross motor skills so
18 that development in self-care, social interaction,
19 communication or physical activity will be greatly
20 delayed or restricted.

21 (4) A determination that the disability originated
22 before the age of 18 years.

23 A determination of severe and multiple impairments shall be
24 based upon a comprehensive, documented assessment with an
25 evaluation by a licensed clinical psychologist or
26 psychiatrist.

1 If the examiner is a licensed clinical psychologist,
2 ancillary evaluation of physical impairment, cerebral palsy or
3 epilepsy must be made by a physician licensed to practice
4 medicine in all its branches.

5 Regardless of the discipline of the examiner, ancillary
6 evaluation of visual impairment must be made by an
7 ophthalmologist or a licensed optometrist.

8 Regardless of the discipline of the examiner, ancillary
9 evaluation of hearing impairment must be made by an
10 otolaryngologist or an audiologist with a certificate of
11 clinical competency.

12 The only exception to the above is in the case of a person
13 with cerebral palsy or epilepsy who, according to the
14 eligibility criteria listed below, has multiple impairments
15 which are only physical and sensory. In such a case, a
16 physician licensed to practice medicine in all its branches may
17 serve as the examiner.

18 (m) "Twenty-four-hour-a-day supervision" means
19 24-hour-a-day care by a trained mental health or developmental
20 disability professional on an ongoing basis.

21 (Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15;
22 99-180, eff. 7-29-15; revised 10-15-15.)

23 (405 ILCS 80/5-1) (from Ch. 91 1/2, par. 1805-1)

24 Sec. 5-1. As the mental health and developmental
25 disabilities or intellectual disabilities authority for the

1 State of Illinois, the Department of Human Services shall have
2 the authority to license, certify and prescribe standards
3 governing the programs and services provided under this Act, as
4 well as all other agencies or programs which provide home-based
5 or community-based services to persons with mental
6 disabilities, except those services, programs or agencies
7 established under or otherwise subject to the Child Care Act of
8 1969, the Specialized Mental Health Rehabilitation Act of 2013,
9 the ID/DD Community Care Act, or the MC/DD Act, as now or
10 hereafter amended, and this Act shall not be construed to limit
11 the application of those Acts.

12 (Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15;
13 99-180, eff. 7-29-15; revised 10-15-15.)

14 Section 430. The Sexual Assault Survivors Emergency
15 Treatment Act is amended by changing Section 5 as follows:

16 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

17 Sec. 5. Minimum requirements for hospitals providing
18 hospital emergency services and forensic services to sexual
19 assault survivors.

20 (a) Every hospital providing hospital emergency services
21 and forensic services to sexual assault survivors under this
22 Act shall, as minimum requirements for such services, provide,
23 with the consent of the sexual assault survivor, and as ordered
24 by the attending physician, an advanced practice nurse, or a

1 physician assistant, the following:

2 (1) appropriate medical examinations and laboratory
3 tests required to ensure the health, safety, and welfare of
4 a sexual assault survivor or which may be used as evidence
5 in a criminal proceeding against a person accused of the
6 sexual assault, or both; and records of the results of such
7 examinations and tests shall be maintained by the hospital
8 and made available to law enforcement officials upon the
9 request of the sexual assault survivor;

10 (2) appropriate oral and written information
11 concerning the possibility of infection, sexually
12 transmitted disease and pregnancy resulting from sexual
13 assault;

14 (3) appropriate oral and written information
15 concerning accepted medical procedures, medication, and
16 possible contraindications of such medication available
17 for the prevention or treatment of infection or disease
18 resulting from sexual assault;

19 (4) an amount of medication for treatment at the
20 hospital and after discharge as is deemed appropriate by
21 the attending physician, an advanced practice nurse, or a
22 physician assistant and consistent with the hospital's
23 current approved protocol for sexual assault survivors;

24 (5) an evaluation of the sexual assault survivor's risk
25 of contracting human immunodeficiency virus (HIV) from the
26 sexual assault;

1 (6) written and oral instructions indicating the need
2 for follow-up examinations and laboratory tests after the
3 sexual assault to determine the presence or absence of
4 sexually transmitted disease;

5 (7) referral by hospital personnel for appropriate
6 counseling; and

7 (8) when HIV prophylaxis is deemed appropriate, an
8 initial dose or doses of HIV prophylaxis, along with
9 written and oral instructions indicating the importance of
10 timely follow-up healthcare.

11 (b) Any person who is a sexual assault survivor who seeks
12 emergency hospital services and forensic services or follow-up
13 healthcare under this Act shall be provided such services
14 without the consent of any parent, guardian, custodian,
15 surrogate, or agent.

16 (b-5) Every treating hospital providing hospital emergency
17 and forensic services to sexual assault survivors shall issue a
18 voucher to any sexual assault survivor who is eligible to
19 receive one. The hospital shall make a copy of the voucher and
20 place it in the medical record of the sexual assault survivor.
21 The hospital shall provide a copy of the voucher to the sexual
22 assault survivor after discharge upon request.

23 (c) Nothing in this Section creates a physician-patient
24 relationship that extends beyond discharge from the hospital
25 emergency department.

26 (Source: P.A. 99-173, eff. 7-29-15; 99-454, eff. 1-1-16;

1 revised 10-16-15.)

2 Section 435. The Compassionate Use of Medical Cannabis
3 Pilot Program Act is amended by changing Section 45 as follows:

4 (410 ILCS 130/45)

5 (Section scheduled to be repealed on January 1, 2018)

6 Sec. 45. Addition of debilitating medical conditions. Any
7 citizen may petition the Department of Public Health to add
8 debilitating conditions or treatments to the list of
9 debilitating medical conditions listed in subsection (h) of
10 Section 10. The Department of Public Health shall consider
11 petitions in the manner required by Department rule, including
12 public notice and hearing. The Department shall approve or deny
13 a petition within 180 days of its submission, and, upon
14 approval, shall proceed to add that condition by rule in
15 accordance with the Illinois Administrative Procedure Act. The
16 approval or denial of any petition is a final decision of the
17 Department, subject to judicial review. Jurisdiction and venue
18 are vested in the Circuit Court.

19 (Source: P.A. 98-122, eff. 1-1-14; revised 10-21-15.)

20 Section 440. The AIDS Confidentiality Act is amended by
21 changing Section 3 as follows:

22 (410 ILCS 305/3) (from Ch. 111 1/2, par. 7303)

1 Sec. 3. Definitions. When used in this Act:

2 (a) "AIDS" means acquired immunodeficiency syndrome.

3 (b) "Authority" means the Illinois Health Information
4 Exchange Authority established pursuant to the Illinois Health
5 Information Exchange and Technology Act.

6 (c) "Business associate" has the meaning ascribed to it
7 under HIPAA, as specified in 45 CFR 160.103.

8 (d) "Covered entity" has the meaning ascribed to it under
9 HIPAA, as specified in 45 CFR 160.103.

10 (e) "De-identified information" means health information
11 that is not individually identifiable as described under HIPAA,
12 as specified in 45 CFR 164.514(b).

13 (f) "Department" means the Illinois Department of Public
14 Health or its designated agents.

15 (g) "Disclosure" has the meaning ascribed to it under
16 HIPAA, as specified in 45 CFR 160.103.

17 (h) "Health care operations" has the meaning ascribed to it
18 under HIPAA, as specified in 45 CFR 164.501.

19 (i) "Health care professional" means (i) a licensed
20 physician, (ii) a licensed physician assistant, (iii) a
21 licensed advanced practice nurse, (iv) an advanced practice
22 nurse or physician assistant who practices in a hospital or
23 ambulatory surgical treatment center and possesses appropriate
24 clinical privileges, (v) a licensed dentist, (vi) a licensed
25 podiatric physician, or (vii) an individual certified to
26 provide HIV testing and counseling by a state or local public

1 health department.

2 (j) "Health care provider" has the meaning ascribed to it
3 under HIPAA, as specified in 45 CFR 160.103.

4 (k) "Health facility" means a hospital, nursing home, blood
5 bank, blood center, sperm bank, or other health care
6 institution, including any "health facility" as that term is
7 defined in the Illinois Finance Authority Act.

8 (l) "Health information exchange" or "HIE" means a health
9 information exchange or health information organization that
10 oversees and governs the electronic exchange of health
11 information that (i) is established pursuant to the Illinois
12 Health Information Exchange and Technology Act, or any
13 subsequent amendments thereto, and any administrative rules
14 adopted thereunder; (ii) has established a data sharing
15 arrangement with the Authority; or (iii) as of August 16, 2013,
16 was designated by the Authority Board as a member of, or was
17 represented on, the Authority Board's Regional Health
18 Information Exchange Workgroup; provided that such designation
19 shall not require the establishment of a data sharing
20 arrangement or other participation with the Illinois Health
21 Information Exchange or the payment of any fee. In certain
22 circumstances, in accordance with HIPAA, an HIE will be a
23 business associate.

24 (m) "Health oversight agency" has the meaning ascribed to
25 it under HIPAA, as specified in 45 CFR 164.501.

26 (n) "HIPAA" means the Health Insurance Portability and

1 Accountability Act of 1996, Public Law 104-191, as amended by
2 the Health Information Technology for Economic and Clinical
3 Health Act of 2009, Public Law 111-05, and any subsequent
4 amendments thereto and any regulations promulgated thereunder.

5 (o) "HIV" means the human immunodeficiency virus.

6 (p) "HIV-related information" means the identity of a
7 person upon whom an HIV test is performed, the results of an
8 HIV test, as well as diagnosis, treatment, and prescription
9 information that reveals a patient is HIV-positive, including
10 such information contained in a limited data set. "HIV-related
11 information" does not include information that has been
12 de-identified in accordance with HIPAA.

13 (q) "Informed consent" means:

14 (1) where a health care provider, health care
15 professional, or health facility has implemented opt-in
16 testing, a process by which an individual or their legal
17 representative receives pre-test information, has an
18 opportunity to ask questions, and consents verbally or in
19 writing to the test without undue inducement or any element
20 of force, fraud, deceit, duress, or other form of
21 constraint or coercion; or

22 (2) where a health care provider, health care
23 professional, or health facility has implemented opt-out
24 testing, the individual or their legal representative has
25 been notified verbally or in writing that the test is
26 planned, has received pre-test information, has been given

1 the opportunity to ask questions and the opportunity to
2 decline testing, and has not declined testing; where such
3 notice is provided, consent for opt-out HIV testing may be
4 incorporated into the patient's general consent for
5 medical care on the same basis as are other screening or
6 diagnostic tests; a separate consent for opt-out HIV
7 testing is not required.

8 In addition, where the person providing informed consent is
9 a participant in an HIE, informed consent requires a fair
10 explanation that the results of the patient's HIV test will be
11 accessible through an HIE and meaningful disclosure of the
12 patient's opt-out right under Section 9.6 of this Act.

13 A health care provider, health care professional, or health
14 facility undertaking an informed consent process for HIV
15 testing under this subsection may combine a form used to obtain
16 informed consent for HIV testing with forms used to obtain
17 written consent for general medical care or any other medical
18 test or procedure, provided that the forms make it clear that
19 the subject may consent to general medical care, tests, or
20 procedures without being required to consent to HIV testing,
21 and clearly explain how the subject may decline HIV testing.
22 Health facility clerical staff or other staff responsible for
23 the consent form for general medical care may obtain consent
24 for HIV testing through a general consent form.

25 (r) "Limited data set" has the meaning ascribed to it under
26 HIPAA, as described in 45 CFR 164.514(e)(2).

1 (s) "Minimum necessary" means the HIPAA standard for using,
2 disclosing, and requesting protected health information found
3 in 45 CFR 164.502(b) and 164.514(d).

4 (s-1) "Opt-in testing" means an approach where an HIV test
5 is presented by offering the test and the patient accepts or
6 declines testing.

7 (s-3) "Opt-out testing" means an approach where an HIV test
8 is presented such that a patient is notified that HIV testing
9 may occur unless the patient declines.

10 (t) "Organized health care arrangement" has the meaning
11 ascribed to it under HIPAA, as specified in 45 CFR 160.103.

12 (u) "Patient safety activities" has the meaning ascribed to
13 it under 42 CFR 3.20.

14 (v) "Payment" has the meaning ascribed to it under HIPAA,
15 as specified in 45 CFR 164.501.

16 (w) "Person" includes any natural person, partnership,
17 association, joint venture, trust, governmental entity, public
18 or private corporation, health facility, or other legal entity.

19 (w-5) "Pre-test information" means:

20 (1) a reasonable explanation of the test, including its
21 purpose, potential uses, limitations, and the meaning of
22 its results; and

23 (2) a reasonable explanation of the procedures to be
24 followed, including the voluntary nature of the test, the
25 availability of a qualified person to answer questions, the
26 right to withdraw consent to the testing process at any

1 time, the right to anonymity to the extent provided by law
2 with respect to participation in the test and disclosure of
3 test results, and the right to confidential treatment of
4 information identifying the subject of the test and the
5 results of the test, to the extent provided by law.

6 Pre-test information may be provided in writing, verbally,
7 or by video, electronic, or other means and may be provided as
8 designated by the supervising health care professional or the
9 health facility.

10 For the purposes of this definition, a qualified person to
11 answer questions is a health care professional or, when acting
12 under the supervision of a health care professional, a
13 registered nurse, medical assistant, or other person
14 determined to be sufficiently knowledgeable about HIV testing,
15 its purpose, potential uses, limitations, the meaning of the
16 test results, and the testing procedures in the professional
17 judgment of a supervising health care professional or as
18 designated by a health care facility.

19 (x) "Protected health information" has the meaning
20 ascribed to it under HIPAA, as specified in 45 CFR 160.103.

21 (y) "Research" has the meaning ascribed to it under HIPAA,
22 as specified in 45 CFR 164.501.

23 (z) "State agency" means an instrumentality of the State of
24 Illinois and any instrumentality of another state that,
25 pursuant to applicable law or a written undertaking with an
26 instrumentality of the State of Illinois, is bound to protect

1 the privacy of HIV-related information of Illinois persons.

2 (aa) "Test" or "HIV test" means a test to determine the
3 presence of the antibody or antigen to HIV, or of HIV
4 infection.

5 (bb) "Treatment" has the meaning ascribed to it under
6 HIPAA, as specified in 45 CFR 164.501.

7 (cc) "Use" has the meaning ascribed to it under HIPAA, as
8 specified in 45 CFR 160.103, where context dictates.

9 (Source: P.A. 98-214, eff. 8-9-13; 98-1046, eff. 1-1-15; 99-54,
10 eff. 1-1-16; 99-173, eff. 7-29-15; revised 10-16-15.)

11 Section 445. The Illinois Sexually Transmissible Disease
12 Control Act is amended by changing Section 5.5 as follows:

13 (410 ILCS 325/5.5) (from Ch. 111 1/2, par. 7405.5)

14 Sec. 5.5. Risk assessment.

15 (a) Whenever the Department receives a report of HIV
16 infection or AIDS pursuant to this Act and the Department
17 determines that the subject of the report may present or may
18 have presented a possible risk of HIV transmission, the
19 Department shall, when medically appropriate, investigate the
20 subject of the report and that person's contacts as defined in
21 subsection (c), to assess the potential risks of transmission.
22 Any investigation and action shall be conducted in a timely
23 fashion. All contacts other than those defined in subsection
24 (c) shall be investigated in accordance with Section 5 of this

1 Act.

2 (b) If the Department determines that there is or may have
3 been potential risks of HIV transmission from the subject of
4 the report to other persons, the Department shall afford the
5 subject the opportunity to submit any information and comment
6 on proposed actions the Department intends to take with respect
7 to the subject's contacts who are at potential risk of
8 transmission of HIV prior to notification of the subject's
9 contacts. The Department shall also afford the subject of the
10 report the opportunity to notify the subject's contacts in a
11 timely fashion who are at potential risk of transmission of HIV
12 prior to the Department taking any steps to notify such
13 contacts. If the subject declines to notify such contacts or if
14 the Department determines the notices to be inadequate or
15 incomplete, the Department shall endeavor to notify such other
16 persons of the potential risk, and offer testing and counseling
17 services to these individuals. When the contacts are notified,
18 they shall be informed of the disclosure provisions of the AIDS
19 Confidentiality Act and the penalties therein and this Section.

20 (c) Contacts investigated under this Section shall in the
21 case of HIV infection include (i) individuals who have
22 undergone invasive procedures performed by an HIV infected
23 health care provider and (ii) health care providers who have
24 performed invasive procedures for persons infected with HIV,
25 provided the Department has determined that there is or may
26 have been potential risk of HIV transmission from the health

1 care provider to those individuals or from infected persons to
2 health care providers. The Department shall have access to the
3 subject's records to review for the identity of contacts. The
4 subject's records shall not be copied or seized by the
5 Department.

6 For purposes of this subsection, the term "invasive
7 procedures" means those procedures termed invasive by the
8 Centers for Disease Control in current guidelines or
9 recommendations for the prevention of HIV transmission in
10 health care settings, and the term "health care provider" means
11 any physician, dentist, podiatric physician, advanced practice
12 nurse, physician assistant, nurse, or other person providing
13 health care services of any kind.

14 (d) All information and records held by the Department and
15 local health authorities pertaining to activities conducted
16 pursuant to this Section shall be strictly confidential and
17 exempt from copying and inspection under the Freedom of
18 Information Act. Such information and records shall not be
19 released or made public by the Department or local health
20 authorities, and shall not be admissible as evidence, nor
21 discoverable in any action of any kind in any court or before
22 any tribunal, board, agency or person and shall be treated in
23 the same manner as the information and those records subject to
24 the provisions of Part 21 of Article VIII of the Code of Civil
25 Procedure except under the following circumstances:

26 (1) When made with the written consent of all persons

1 to whom this information pertains;

2 (2) When authorized under Section 8 to be released
3 under court order or subpoena pursuant to Section 12-5.01
4 or 12-16.2 of the Criminal Code of 1961 or the Criminal
5 Code of 2012; or

6 (3) When made by the Department for the purpose of
7 seeking a warrant authorized by Sections 6 and 7 of this
8 Act. Such disclosure shall conform to the requirements of
9 subsection (a) of Section 8 of this Act.

10 (e) Any person who knowingly or maliciously disseminates
11 any information or report concerning the existence of any
12 disease under this Section is guilty of a Class A misdemeanor.

13 (Source: P.A. 97-1150, eff. 1-25-13; 98-214, eff. 8-9-13;
14 98-756, eff. 7-16-14; revised 10-15-15.)

15 Section 450. The Food Handling Regulation Enforcement Act
16 is amended by changing Section 3.3 as follows:

17 (410 ILCS 625/3.3)

18 Sec. 3.3. Farmers' markets.

19 (a) The General Assembly finds as follows:

20 (1) Farmers' markets, as defined in subsection (b) of
21 this Section, provide not only a valuable marketplace for
22 farmers and food artisans to sell their products directly
23 to consumers, but also a place for consumers to access
24 fresh fruits, vegetables, and other agricultural products.

1 (2) Farmers' markets serve as a stimulator for local
2 economies and for thousands of new businesses every year,
3 allowing farmers to sell directly to consumers and capture
4 the full retail value of their products. They have become
5 important community institutions and have figured in the
6 revitalization of downtown districts and rural
7 communities.

8 (3) Since 1999, the number of farmers' markets has
9 tripled and new ones are being established every year.
10 There is a lack of consistent regulation from one county to
11 the next, resulting in confusion and discrepancies between
12 counties regarding how products may be sold.

13 (4) In 1999, the Department of Public Health published
14 Technical Information Bulletin/Food #30 in order to
15 outline the food handling and sanitation guidelines
16 required for farmers' markets, producer markets, and other
17 outdoor food sales events.

18 (5) While this bulletin was revised in 2010, there
19 continues to be inconsistencies, confusion, and lack of
20 awareness by consumers, farmers, markets, and local health
21 authorities of required guidelines affecting farmers'
22 markets from county to county.

23 (b) For the purposes of this Section:

24 "Department" means the Department of Public Health.

25 "Director" means the Director of Public Health.

26 "Farmers' market" means a common facility or area where the

1 primary purpose is for farmers to gather to sell a variety of
2 fresh fruits and vegetables and other locally produced farm and
3 food products directly to consumers.

4 (c) In order to facilitate the orderly and uniform
5 statewide implementation of the standards established in the
6 Department of Public Health's administrative rules for this
7 Section, the Farmers' Market Task Force shall be formed by the
8 Director to assist the Department in implementing statewide
9 administrative regulations for farmers' markets.

10 (d) This Section does not intend and shall not be construed
11 to limit the power of counties, municipalities, and other local
12 government units to regulate farmers' markets for the
13 protection of the public health, safety, morals, and welfare,
14 including, but not limited to, licensing requirements and time,
15 place, and manner restrictions. This Section provides for a
16 statewide scheme for the orderly and consistent interpretation
17 of the Department of Public Health administrative rules
18 pertaining to the safety of food and food products sold at
19 farmers' markets.

20 (e) The Farmers' Market Task Force shall consist of at
21 least 24 members appointed within 60 days after August 16, 2011
22 (the effective date of this Section). Task Force members shall
23 consist of:

24 (1) one person appointed by the President of the
25 Senate;

26 (2) one person appointed by the Minority Leader of the

1 Senate;

2 (3) one person appointed by the Speaker of the House of
3 Representatives;

4 (4) one person appointed by the Minority Leader of the
5 House of Representatives;

6 (5) the Director of Public Health or his or her
7 designee;

8 (6) the Director of Agriculture or his or her designee;

9 (7) a representative of a general agricultural
10 production association appointed by the Department of
11 Agriculture;

12 (8) three representatives of local county public
13 health departments appointed by the Director and selected
14 from 3 different counties representing each of the
15 northern, central, and southern portions of this State;

16 (9) four members of the general public who are engaged
17 in local farmers' markets appointed by the Director of
18 Agriculture;

19 (10) a representative of an association representing
20 public health administrators appointed by the Director;

21 (11) a representative of an organization of public
22 health departments that serve the City of Chicago and the
23 counties of Cook, DuPage, Kane, Kendall, Lake, McHenry,
24 Will, and Winnebago appointed by the Director;

25 (12) a representative of a general public health
26 association appointed by the Director;

1 (13) the Director of Commerce and Economic Opportunity
2 or his or her designee;

3 (14) the Lieutenant Governor or his or her designee;
4 and

5 (15) five farmers who sell their farm products at
6 farmers' markets appointed by the Lieutenant Governor or
7 his or her designee.

8 Task Force members' terms shall be for a period of 2 years,
9 with ongoing appointments made according to the provisions of
10 this Section.

11 (f) The Task Force shall be convened by the Director or his
12 or her designee. Members shall elect a Task Force Chair and
13 Co-Chair.

14 (g) Meetings may be held via conference call, in person, or
15 both. Three members of the Task Force may call a meeting as
16 long as a 5-working-day notification is sent via mail, e-mail,
17 or telephone call to each member of the Task Force.

18 (h) Members of the Task Force shall serve without
19 compensation.

20 (i) The Task Force shall undertake a comprehensive and
21 thorough review of the current Statutes and administrative
22 rules that define which products and practices are permitted
23 and which products and practices are not permitted at farmers'
24 markets and to assist the Department in developing statewide
25 administrative regulations for farmers' markets.

26 (j) The Task Force shall advise the Department regarding

1 the content of any administrative rules adopted under this
2 Section and Sections 3.4, 3.5, and 4 of this Act ~~Section~~ prior
3 to adoption of the rules. Any administrative rules, except
4 emergency rules adopted pursuant to Section 5-45 of the
5 Illinois Administrative Procedure Act, adopted under this
6 Section without obtaining the advice of the Task Force are null
7 and void. If the Department fails to follow the advice of the
8 Task Force, the Department shall, prior to adopting the rules,
9 transmit a written explanation to the Task Force. If the Task
10 Force, having been asked for its advice, fails to advise the
11 Department within 90 days after receiving the rules for review,
12 the rules shall be considered to have been approved by the Task
13 Force.

14 (k) The Department of Public Health shall provide staffing
15 support to the Task Force and shall help to prepare, print, and
16 distribute all reports deemed necessary by the Task Force.

17 (l) The Task Force may request assistance from any entity
18 necessary or useful for the performance of its duties. The Task
19 Force shall issue a report annually to the Secretary of the
20 Senate and the Clerk of the House.

21 (m) The following provisions shall apply concerning
22 statewide farmers' market food safety guidelines:

23 (1) The Director, in accordance with this Section,
24 shall adopt administrative rules (as provided by the
25 Illinois Administrative Procedure Act) for foods found at
26 farmers' markets.

1 (2) The rules and regulations described in this Section
2 shall be consistently enforced by local health authorities
3 throughout the State.

4 (2.5) Notwithstanding any other provision of law
5 except as provided in this Section, local public health
6 departments and all other units of local government are
7 prohibited from creating sanitation guidelines, rules, or
8 regulations for farmers' markets that are more stringent
9 than those farmers' market sanitation regulations
10 contained in the administrative rules adopted by the
11 Department for the purposes of implementing this Section
12 and Sections 3.4, 3.5, and 4 of this Act. Except as
13 provided for in Sections 3.4 and 4 of this Act, this
14 Section does not intend and shall not be construed to limit
15 the power of local health departments and other government
16 units from requiring licensing and permits for the sale of
17 commercial food products, processed food products,
18 prepared foods, and potentially hazardous foods at
19 farmers' markets or conducting related inspections and
20 enforcement activities, so long as those permits and
21 licenses do not include unreasonable fees or sanitation
22 provisions and rules that are more stringent than those
23 laid out in the administrative rules adopted by the
24 Department for the purposes of implementing this Section
25 and Sections 3.4, 3.5, and 4 of this Act.

26 (3) In the case of alleged non-compliance with the

1 provisions described in this Section, local health
2 departments shall issue written notices to vendors and
3 market managers of any noncompliance issues.

4 (4) Produce and food products coming within the scope
5 of the provisions of this Section shall include, but not be
6 limited to, raw agricultural products, including fresh
7 fruits and vegetables; popcorn, grains, seeds, beans, and
8 nuts that are whole, unprocessed, unpackaged, and
9 unsprouted; fresh herb springs and dried herbs in bunches;
10 baked goods sold at farmers' markets; cut fruits and
11 vegetables; milk and cheese products; ice cream; syrups;
12 wild and cultivated mushrooms; apple cider and other fruit
13 and vegetable juices; herb vinegar; garlic-in-oil;
14 flavored oils; pickles, relishes, salsas, and other canned
15 or jarred items; shell eggs; meat and poultry; fish;
16 ready-to-eat foods; commercially produced prepackaged food
17 products; and any additional items specified in the
18 administrative rules adopted by the Department to
19 implement Section 3.3 of this Act.

20 (n) Local health department regulatory guidelines may be
21 applied to foods not often found at farmers' markets, all other
22 food products not regulated by the Department of Agriculture
23 and the Department of Public Health, as well as live animals to
24 be sold at farmers' markets.

25 (o) The Task Force shall issue annual reports to the
26 Secretary of the Senate and the Clerk of the House with

1 recommendations for the development of administrative rules as
2 specified. The first report shall be issued no later than
3 December 31, 2012.

4 (p) The Department of Public Health and the Department of
5 Agriculture, in conjunction with the Task Force, shall adopt
6 administrative rules necessary to implement, interpret, and
7 make specific the provisions of this Section, including, but
8 not limited to, rules concerning labels, sanitation, and food
9 product safety according to the realms of their jurisdiction in
10 accordance with subsection (j) of this Section.

11 (q) The Department and the Task Force shall work together
12 to create a food sampling training and license program as
13 specified in Section 3.4 of this Act.

14 (Source: P.A. 98-660, eff. 6-23-14; 99-9, eff. 7-10-15; 99-191,
15 eff. 1-1-16; revised 10-30-15.)

16 Section 455. The Environmental Protection Act is amended by
17 changing Sections 3.330, 22.55, and 39 as follows:

18 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

19 Sec. 3.330. Pollution control facility.

20 (a) "Pollution control facility" is any waste storage site,
21 sanitary landfill, waste disposal site, waste transfer
22 station, waste treatment facility, or waste incinerator. This
23 includes sewers, sewage treatment plants, and any other
24 facilities owned or operated by sanitary districts organized

1 under the Metropolitan Water Reclamation District Act.

2 The following are not pollution control facilities:

3 (1) (blank);

4 (2) waste storage sites regulated under 40 CFR, Part
5 761.42;

6 (3) sites or facilities used by any person conducting a
7 waste storage, waste treatment, waste disposal, waste
8 transfer or waste incineration operation, or a combination
9 thereof, for wastes generated by such person's own
10 activities, when such wastes are stored, treated, disposed
11 of, transferred or incinerated within the site or facility
12 owned, controlled or operated by such person, or when such
13 wastes are transported within or between sites or
14 facilities owned, controlled or operated by such person;

15 (4) sites or facilities at which the State is
16 performing removal or remedial action pursuant to Section
17 22.2 or 55.3;

18 (5) abandoned quarries used solely for the disposal of
19 concrete, earth materials, gravel, or aggregate debris
20 resulting from road construction activities conducted by a
21 unit of government or construction activities due to the
22 construction and installation of underground pipes, lines,
23 conduit or wires off of the premises of a public utility
24 company which are conducted by a public utility;

25 (6) sites or facilities used by any person to
26 specifically conduct a landscape composting operation;

1 (7) regional facilities as defined in the Central
2 Midwest Interstate Low-Level Radioactive Waste Compact;

3 (8) the portion of a site or facility where coal
4 combustion wastes are stored or disposed of in accordance
5 with subdivision (r) (2) or (r) (3) of Section 21;

6 (9) the portion of a site or facility used for the
7 collection, storage or processing of waste tires as defined
8 in Title XIV;

9 (10) the portion of a site or facility used for
10 treatment of petroleum contaminated materials by
11 application onto or incorporation into the soil surface and
12 any portion of that site or facility used for storage of
13 petroleum contaminated materials before treatment. Only
14 those categories of petroleum listed in Section 57.9(a) (3)
15 are exempt under this subdivision (10);

16 (11) the portion of a site or facility where used oil
17 is collected or stored prior to shipment to a recycling or
18 energy recovery facility, provided that the used oil is
19 generated by households or commercial establishments, and
20 the site or facility is a recycling center or a business
21 where oil or gasoline is sold at retail;

22 (11.5) processing sites or facilities that receive
23 only on-specification used oil, as defined in 35 Ill.
24 Admin. Code 739, originating from used oil collectors for
25 processing that is managed under 35 Ill. Admin. Code 739 to
26 produce products for sale to off-site petroleum

1 facilities, if these processing sites or facilities are:
2 (i) located within a home rule unit of local government
3 with a population of at least 30,000 according to the 2000
4 federal census, that home rule unit of local government has
5 been designated as an Urban Round II Empowerment Zone by
6 the United States Department of Housing and Urban
7 Development, and that home rule unit of local government
8 has enacted an ordinance approving the location of the site
9 or facility and provided funding for the site or facility;
10 and (ii) in compliance with all applicable zoning
11 requirements;

12 (12) the portion of a site or facility utilizing coal
13 combustion waste for stabilization and treatment of only
14 waste generated on that site or facility when used in
15 connection with response actions pursuant to the federal
16 Comprehensive Environmental Response, Compensation, and
17 Liability Act of 1980, the federal Resource Conservation
18 and Recovery Act of 1976, or the Illinois Environmental
19 Protection Act or as authorized by the Agency;

20 (13) the portion of a site or facility that accepts
21 exclusively general construction or demolition debris and
22 is operated and located in accordance with Section 22.38 of
23 this Act;

24 (14) the portion of a site or facility, located within
25 a unit of local government that has enacted local zoning
26 requirements, used to accept, separate, and process

1 uncontaminated broken concrete, with or without protruding
2 metal bars, provided that the uncontaminated broken
3 concrete and metal bars are not speculatively accumulated,
4 are at the site or facility no longer than one year after
5 their acceptance, and are returned to the economic
6 mainstream in the form of raw materials or products;

7 (15) the portion of a site or facility located in a
8 county with a population over 3,000,000 that has obtained
9 local siting approval under Section 39.2 of this Act for a
10 municipal waste incinerator on or before July 1, 2005 and
11 that is used for a non-hazardous waste transfer station;

12 (16) a site or facility that temporarily holds in
13 transit for 10 days or less, non-putrescible solid waste in
14 original containers, no larger in capacity than 500
15 gallons, provided that such waste is further transferred to
16 a recycling, disposal, treatment, or storage facility on a
17 non-contiguous site and provided such site or facility
18 complies with the applicable 10-day transfer requirements
19 of the federal Resource Conservation and Recovery Act of
20 1976 and United States Department of Transportation
21 hazardous material requirements. For purposes of this
22 Section only, "non-putrescible solid waste" means waste
23 other than municipal garbage that does not rot or become
24 putrid, including, but not limited to, paints, solvent,
25 filters, and absorbents;

26 (17) the portion of a site or facility located in a

1 county with a population greater than 3,000,000 that has
2 obtained local siting approval, under Section 39.2 of this
3 Act, for a municipal waste incinerator on or before July 1,
4 2005 and that is used for wood combustion facilities for
5 energy recovery that accept and burn only wood material, as
6 included in a fuel specification approved by the Agency;

7 (18) a transfer station used exclusively for landscape
8 waste, including a transfer station where landscape waste
9 is ground to reduce its volume, where the landscape waste
10 is held no longer than 24 hours from the time it was
11 received;

12 (19) the portion of a site or facility that (i) is used
13 for the composting of food scrap, livestock waste, crop
14 residue, uncontaminated wood waste, or paper waste,
15 including, but not limited to, corrugated paper or
16 cardboard, and (ii) meets all of the following
17 requirements:

18 (A) There must not be more than a total of 30,000
19 cubic yards of livestock waste in raw form or in the
20 process of being composted at the site or facility at
21 any one time.

22 (B) All food scrap, livestock waste, crop residue,
23 uncontaminated wood waste, and paper waste must, by the
24 end of each operating day, be processed and placed into
25 an enclosed vessel in which air flow and temperature
26 are controlled, or all of the following additional

1 requirements must be met:

2 (i) The portion of the site or facility used
3 for the composting operation must include a
4 setback of at least 200 feet from the nearest
5 potable water supply well.

6 (ii) The portion of the site or facility used
7 for the composting operation must be located
8 outside the boundary of the 10-year floodplain or
9 floodproofed.

10 (iii) Except in municipalities with more than
11 1,000,000 inhabitants, the portion of the site or
12 facility used for the composting operation must be
13 located at least one-eighth of a mile from the
14 nearest residence, other than a residence located
15 on the same property as the site or facility.

16 (iv) The portion of the site or facility used
17 for the composting operation must be located at
18 least one-eighth of a mile from the property line
19 of all of the following areas:

20 (I) Facilities that primarily serve to
21 house or treat people that are
22 immunocompromised or immunosuppressed, such as
23 cancer or AIDS patients; people with asthma,
24 cystic fibrosis, or bioaerosol allergies; or
25 children under the age of one year.

26 (II) Primary and secondary schools and

1 adjacent areas that the schools use for
2 recreation.

3 (III) Any facility for child care licensed
4 under Section 3 of the Child Care Act of 1969;
5 preschools; and adjacent areas that the
6 facilities or preschools use for recreation.

7 (v) By the end of each operating day, all food
8 scrap, livestock waste, crop residue,
9 uncontaminated wood waste, and paper waste must be
10 (i) processed into windrows or other piles and (ii)
11 covered in a manner that prevents scavenging by
12 birds and animals and that prevents other
13 nuisances.

14 (C) Food scrap, livestock waste, crop residue,
15 uncontaminated wood waste, paper waste, and compost
16 must not be placed within 5 feet of the water table.

17 (D) The site or facility must meet all of the
18 requirements of the Wild and Scenic Rivers Act (16
19 U.S.C. 1271 et seq.).

20 (E) The site or facility must not (i) restrict the
21 flow of a 100-year flood, (ii) result in washout of
22 food scrap, livestock waste, crop residue,
23 uncontaminated wood waste, or paper waste from a
24 100-year flood, or (iii) reduce the temporary water
25 storage capacity of the 100-year floodplain, unless
26 measures are undertaken to provide alternative storage

1 capacity, such as by providing lagoons, holding tanks,
2 or drainage around structures at the facility.

3 (F) The site or facility must not be located in any
4 area where it may pose a threat of harm or destruction
5 to the features for which:

6 (i) an irreplaceable historic or
7 archaeological site has been listed under the
8 National Historic Preservation Act (16 U.S.C. 470
9 et seq.) or the Illinois Historic Preservation
10 Act;

11 (ii) a natural landmark has been designated by
12 the National Park Service or the Illinois State
13 Historic Preservation Office; or

14 (iii) a natural area has been designated as a
15 Dedicated Illinois Nature Preserve under the
16 Illinois Natural Areas Preservation Act.

17 (G) The site or facility must not be located in an
18 area where it may jeopardize the continued existence of
19 any designated endangered species, result in the
20 destruction or adverse modification of the critical
21 habitat for such species, or cause or contribute to the
22 taking of any endangered or threatened species of
23 plant, fish, or wildlife listed under the Endangered
24 Species Act (16 U.S.C. 1531 et seq.) or the Illinois
25 Endangered Species Protection Act;

26 (20) the portion of a site or facility that is located

1 entirely within a home rule unit having a population of no
2 less than 120,000 and no more than 135,000, according to
3 the 2000 federal census, and that meets all of the
4 following requirements:

5 (i) the portion of the site or facility is used
6 exclusively to perform testing of a thermochemical
7 conversion technology using only woody biomass,
8 collected as landscape waste within the boundaries of
9 the home rule unit, as the hydrocarbon feedstock for
10 the production of synthetic gas in accordance with
11 Section 39.9 of this Act;

12 (ii) the portion of the site or facility is in
13 compliance with all applicable zoning requirements;
14 and

15 (iii) a complete application for a demonstration
16 permit at the portion of the site or facility has been
17 submitted to the Agency in accordance with Section 39.9
18 of this Act within one year after July 27, 2010 (the
19 effective date of Public Act 96-1314);

20 (21) the portion of a site or facility used to perform
21 limited testing of a gasification conversion technology in
22 accordance with Section 39.8 of this Act and for which a
23 complete permit application has been submitted to the
24 Agency prior to one year from April 9, 2010 (the effective
25 date of Public Act 96-887);

26 (22) the portion of a site or facility that is used to

1 incinerate only pharmaceuticals from residential sources
2 that are collected and transported by law enforcement
3 agencies under Section 17.9A of this Act;

4 (23) the portion of a site or facility:

5 (A) that is used exclusively for the transfer of
6 commingled landscape waste and food scrap held at the
7 site or facility for no longer than 24 hours after
8 their receipt;

9 (B) that is located entirely within a home rule
10 unit having a population of either (i) not less than
11 100,000 and not more than 115,000 according to the 2010
12 federal census or (ii) not less than 5,000 and not more
13 than 10,000 according to the 2010 federal census or
14 that is located in the unincorporated area of a county
15 having a population of not less than 700,000 and not
16 more than 705,000 according to the 2010 federal census;

17 (C) that is permitted, by the Agency, prior to
18 January 1, 2002, for the transfer of landscape waste if
19 located in a home rule unit or that is permitted prior
20 to January 1, 2008 if located in an unincorporated area
21 of a county; and

22 (D) for which a permit application is submitted to
23 the Agency to modify an existing permit for the
24 transfer of landscape waste to also include, on a
25 demonstration basis not to exceed 24 months each time a
26 permit is issued, the transfer of commingled landscape

1 waste and food scrap or for which a permit application
2 is submitted to the Agency within 6 months after
3 January 1, 2016; and

4 (24) the portion of a municipal solid waste landfill
5 unit:

6 (A) that is located in a county having a population
7 of not less than 55,000 and not more than 60,000
8 according to the 2010 federal census;

9 (B) that is owned by that county;

10 (C) that is permitted, by the Agency, prior to July
11 10, 2015 (the effective date of Public Act 99-12) ~~this~~
12 ~~amendatory Act of the 99th General Assembly~~; and

13 (D) for which a permit application is submitted to
14 the Agency within 6 months after July 10, 2015 (the
15 effective date of Public Act 99-12) ~~this amendatory Act~~
16 ~~of the 99th General Assembly~~ for the disposal of
17 non-hazardous special waste.

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. 98-146, eff. 1-1-14; 98-239, eff. 8-9-13; 98-756,

1 eff. 7-16-14; 98-1130, eff. 1-1-15; 99-12, eff. 7-10-15;
2 99-440, eff. 8-21-15; revised 10-20-15.)

3 (415 ILCS 5/22.55)

4 Sec. 22.55. Household Waste Drop-off Points.

5 (a) Findings; Purpose and Intent.

6 (1) The General Assembly finds that protection of human
7 health and the environment can be enhanced if certain
8 commonly generated household wastes are managed separately
9 from the general household waste stream.

10 (2) The purpose of this Section is to provide, to the
11 extent allowed under federal law, a method for managing
12 certain types of household waste separately from the
13 general household waste stream.

14 (b) Definitions. For the purposes of this Section:

15 "Compostable waste" means household waste that is
16 source-separated food scrap, household waste that is
17 source-separated landscape waste, or a mixture of both.

18 "Controlled substance" means a controlled substance as
19 defined in the Illinois Controlled Substances Act.

20 "Household waste" means waste generated from a single
21 residence or multiple residences.

22 "Household waste drop-off point" means the portion of a
23 site or facility used solely for the receipt and temporary
24 storage of household waste.

25 "One-day compostable waste collection event" means a

1 household waste drop-off point approved by a county or
2 municipality under subsection (d-5) of this Section.

3 "One-day household waste collection event" means a
4 household waste drop-off point approved by the Agency under
5 subsection (d) of this Section.

6 "Permanent compostable waste collection point" means a
7 household waste drop-off point approved by a county or
8 municipality under subsection (d-6) of this Section.

9 "Personal care product" means an item other than a
10 pharmaceutical product that is consumed or applied by an
11 individual for personal health, hygiene, or cosmetic
12 reasons. Personal care products include, but are not
13 limited to, items used in bathing, dressing, or grooming.

14 "Pharmaceutical product" means medicine or a product
15 containing medicine. A pharmaceutical product may be sold
16 by prescription or over the counter. "Pharmaceutical
17 product" does not include medicine that contains a
18 radioactive component or a product that contains a
19 radioactive component.

20 "Recycling coordinator" means the person designated by
21 each county waste management plan to administer the county
22 recycling program, as set forth in the Solid Waste
23 Management Act.

24 (c) Except as otherwise provided in Agency rules, the
25 following requirements apply to each household waste drop-off
26 point, other than a one-day household waste collection event,

1 one-day compostable waste collection event, or permanent
2 compostable waste collection point:

3 (1) A household waste drop-off point must not accept
4 waste other than the following types of household waste:
5 pharmaceutical products, personal care products, batteries
6 other than lead-acid batteries, paints, automotive fluids,
7 compact fluorescent lightbulbs, mercury thermometers, and
8 mercury thermostats. A household waste drop-off point may
9 accept controlled substances in accordance with federal
10 law.

11 (2) Except as provided in subdivision (c)(2) of this
12 Section, household waste drop-off points must be located at
13 a site or facility where the types of products accepted at
14 the household waste drop-off point are lawfully sold,
15 distributed, or dispensed. For example, household waste
16 drop-off points that accept prescription pharmaceutical
17 products must be located at a site or facility where
18 prescription pharmaceutical products are sold,
19 distributed, or dispensed.

20 (A) Subdivision (c)(2) of this Section does not
21 apply to household waste drop-off points operated by a
22 government or school entity, or by an association or
23 other organization of government or school entities.

24 (B) Household waste drop-off points that accept
25 mercury thermometers can be located at any site or
26 facility where non-mercury thermometers are sold,

1 distributed, or dispensed.

2 (C) Household waste drop-off points that accept
3 mercury thermostats can be located at any site or
4 facility where non-mercury thermostats are sold,
5 distributed, or dispensed.

6 (3) The location of acceptance for each type of waste
7 accepted at the household waste drop-off point must be
8 clearly identified. Locations where pharmaceutical
9 products are accepted must also include a copy of the sign
10 required under subsection (j) of this Section.

11 (4) Household waste must be accepted only from private
12 individuals. Waste must not be accepted from other persons,
13 including, but not limited to, owners and operators of
14 rented or leased residences where the household waste was
15 generated, commercial haulers, and other commercial,
16 industrial, agricultural, and government operations or
17 entities.

18 (5) If more than one type of household waste is
19 accepted, each type of household waste must be managed
20 separately prior to its packaging for off-site transfer.

21 (6) Household waste must not be stored for longer than
22 90 days after its receipt, except as otherwise approved by
23 the Agency in writing.

24 (7) Household waste must be managed in a manner that
25 protects against releases of the waste, prevents
26 nuisances, and otherwise protects human health and the

1 environment. Household waste must also be properly secured
2 to prevent unauthorized public access to the waste,
3 including, but not limited to, preventing access to the
4 waste during the non-business hours of the site or facility
5 on which the household waste drop-off point is located.
6 Containers in which pharmaceutical products are collected
7 must be clearly marked "No Controlled Substances", unless
8 the household waste drop-off point accepts controlled
9 substances in accordance with federal law.

10 (8) Management of the household waste must be limited
11 to the following: (i) acceptance of the waste, (ii)
12 temporary storage of the waste prior to transfer, and (iii)
13 off-site transfer of the waste and packaging for off-site
14 transfer.

15 (9) Off-site transfer of the household waste must
16 comply with federal and State laws and regulations.

17 (d) One-day household waste collection events. To further
18 aid in the collection of certain household wastes, the Agency
19 may approve the operation of one-day household waste collection
20 events. The Agency shall not approve a one-day household waste
21 collection event at the same site or facility for more than one
22 day each calendar quarter. Requests for approval must be
23 submitted on forms prescribed by the Agency. The Agency must
24 issue its approval in writing, and it may impose conditions as
25 necessary to protect human health and the environment and to
26 otherwise accomplish the purposes of this Act. One-day

1 household waste collection events must be operated in
2 accordance with the Agency's approval, including all
3 conditions contained in the approval. The following
4 requirements apply to all one-day household waste collection
5 events, in addition to the conditions contained in the Agency's
6 approval:

7 (1) Waste accepted at the event must be limited to
8 household waste and must not include garbage, landscape
9 waste, or other waste excluded by the Agency in the
10 Agency's approval or any conditions contained in the
11 approval. A one-day household waste collection event may
12 accept controlled substances in accordance with federal
13 law.

14 (2) Household waste must be accepted only from private
15 individuals. Waste must not be accepted from other persons,
16 including, but not limited to, owners and operators of
17 rented or leased residences where the household waste was
18 generated, commercial haulers, and other commercial,
19 industrial, agricultural, and government operations or
20 entities.

21 (3) Household waste must be managed in a manner that
22 protects against releases of the waste, prevents
23 nuisances, and otherwise protects human health and the
24 environment. Household waste must also be properly secured
25 to prevent public access to the waste, including, but not
26 limited to, preventing access to the waste during the

1 event's non-business hours.

2 (4) Management of the household waste must be limited
3 to the following: (i) acceptance of the waste, (ii)
4 temporary storage of the waste before transfer, and (iii)
5 off-site transfer of the waste or packaging for off-site
6 transfer.

7 (5) Except as otherwise approved by the Agency, all
8 household waste received at the collection event must be
9 transferred off-site by the end of the day following the
10 collection event.

11 (6) The transfer and ultimate disposition of household
12 waste received at the collection event must comply with the
13 Agency's approval, including all conditions contained in
14 the approval.

15 (d-5) One-day compostable waste collection event. To
16 further aid in the collection and composting of compostable
17 waste, as defined in subsection (b), a municipality may approve
18 the operation of one-day compostable waste collection events at
19 any site or facility within its territorial jurisdiction, and a
20 county may approve the operation of one-day compostable waste
21 collection events at any site or facility in any unincorporated
22 area within its territorial jurisdiction. The approval granted
23 under this subsection (d-5) must be in writing; must specify
24 the date, location, and time of the event; and must list the
25 types of compostable waste that will be collected at the event.
26 If the one-day compostable waste collection event is to be

1 operated at a location within a county with a population of
2 more than 400,000 but less than 2,000,000 inhabitants,
3 according to the 2010 decennial census, then the operator of
4 the event shall, at least 30 days before the event, provide a
5 copy of the approval to the recycling coordinator designated by
6 that county. The approval granted under this subsection (d-5)
7 may include conditions imposed by the county or municipality as
8 necessary to protect public health and prevent odors, vectors,
9 and other nuisances. A one-day compostable waste collection
10 event approved under this subsection (d-5) must be operated in
11 accordance with the approval, including all conditions
12 contained in the approval. The following requirements shall
13 apply to the one-day compostable waste collection event, in
14 addition to the conditions contained in the approval:

15 (1) Waste accepted at the event must be limited to the
16 types of compostable waste authorized to be accepted under
17 the approval.

18 (2) Information promoting the event and signs at the
19 event must clearly indicate the types of compostable waste
20 approved for collection. To discourage the receipt of other
21 waste, information promoting the event and signs at the
22 event must also include:

23 (A) examples of compostable waste being collected;

24 and

25 (B) examples of waste that is not being collected.

26 (3) Compostable waste must be accepted only from

1 private individuals. It may not be accepted from other
2 persons, including, but not limited to, owners and
3 operators of rented or leased residences where it was
4 generated, commercial haulers, and other commercial,
5 industrial, agricultural, and government operations or
6 entities.

7 (4) Compostable waste must be managed in a manner that
8 protects against releases of the waste, prevents
9 nuisances, and otherwise protects human health and the
10 environment. Compostable waste must be properly secured to
11 prevent it from being accessed by the public at any time,
12 including, but not limited to, during the collection
13 event's non-operating hours. One-day compostable waste
14 collection events must be adequately supervised during
15 their operating hours.

16 (5) Compostable waste must be secured in non-porous,
17 rigid, leak-proof containers that:

18 (A) are covered, except when the compostable waste
19 is being added to or removed from the containers or it
20 is otherwise necessary to access the compostable
21 waste;

22 (B) prevent precipitation from draining through
23 the compostable waste;

24 (C) prevent dispersion of the compostable waste by
25 wind;

26 (D) contain spills or releases that could create

1 nuisances or otherwise harm human health or the
2 environment;

3 (E) limit access to the compostable waste by
4 vectors;

5 (F) control odors and other nuisances; and

6 (G) provide for storage, removal, and off-site
7 transfer of the compostable waste in a manner that
8 protects its ability to be composted.

9 (6) No more than a total of 40 cubic yards of
10 compostable waste shall be located at the collection site
11 at any one time.

12 (7) Management of the compostable waste must be limited
13 to the following: (A) acceptance, (B) temporary storage
14 before transfer, and (C) off-site transfer.

15 (8) All compostable waste received at the event must be
16 transferred off-site to a permitted compost facility by no
17 later than 48 hours after the event ends or by the end of
18 the first business day after the event ends, whichever is
19 sooner.

20 (9) If waste other than compostable waste is received
21 at the event, then that waste must be disposed of within 48
22 hours after the event ends or by the end of the first
23 business day after the event ends, whichever is sooner.

24 (d-6) Permanent compostable waste collection points. To
25 further aid in the collection and composting of compostable
26 waste, as defined in subsection (b), a municipality may approve

1 the operation of permanent compostable waste collection points
2 at any site or facility within its territorial jurisdiction,
3 and a county may approve the operation of permanent compostable
4 waste collection points at any site or facility in any
5 unincorporated area within its territorial jurisdiction. The
6 approval granted pursuant to this subsection (d-6) must be in
7 writing; must specify the location, operating days, and
8 operating hours of the collection point; must list the types of
9 compostable waste that will be collected at the collection
10 point; and must specify a term of not more than 365 calendar
11 days during which the approval will be effective. In addition,
12 if the permanent compostable waste collection point is to be
13 operated at a location within a county with a population of
14 more than 400,000 but less than 2,000,000 inhabitants,
15 according to the 2010 federal decennial census, then the
16 operator of the collection point shall, at least 30 days before
17 the collection point begins operation, provide a copy of the
18 approval to the recycling coordinator designated by that
19 county. The approval may include conditions imposed by the
20 county or municipality as necessary to protect public health
21 and prevent odors, vectors, and other nuisances. A permanent
22 compostable waste collection point approved pursuant to this
23 subsection (d-6) must be operated in accordance with the
24 approval, including all conditions contained in the approval.
25 The following requirements apply to the permanent compostable
26 waste collection point, in addition to the conditions contained

1 in the approval:

2 (1) Waste accepted at the collection point must be
3 limited to the types of compostable waste authorized to be
4 accepted under the approval.

5 (2) Information promoting the collection point and
6 signs at the collection point must clearly indicate the
7 types of compostable waste approved for collection. To
8 discourage the receipt of other waste, information
9 promoting the collection point and signs at the collection
10 point must also include (A) examples of compostable waste
11 being collected and (B) examples of waste that is not being
12 collected.

13 (3) Compostable waste must be accepted only from
14 private individuals. It may not be accepted from other
15 persons, including, but not limited to, owners and
16 operators of rented or leased residences where it was
17 generated, commercial haulers, and other commercial,
18 industrial, agricultural, and government operations or
19 entities.

20 (4) Compostable waste must be managed in a manner that
21 protects against releases of the waste, prevents
22 nuisances, and otherwise protects human health and the
23 environment. Compostable waste must be properly secured to
24 prevent it from being accessed by the public at any time,
25 including, but not limited to, during the collection
26 point's non-operating hours. Permanent compostable waste

1 collection points must be adequately supervised during
2 their operating hours.

3 (5) Compostable waste must be secured in non-porous,
4 rigid, leak-proof containers that:

5 (A) are no larger than 10 cubic yards in size;

6 (B) are covered, except when the compostable waste
7 is being added to or removed from the container or it
8 is otherwise necessary to access the compostable
9 waste;

10 (C) prevent precipitation from draining through
11 the compostable waste;

12 (D) prevent dispersion of the compostable waste by
13 wind;

14 (E) contain spills or releases that could create
15 nuisances or otherwise harm human health or the
16 environment;

17 (F) limit access to the compostable waste by
18 vectors;

19 (G) control odors and other nuisances; and

20 (H) provide for storage, removal, and off-site
21 transfer of the compostable waste in a manner that
22 protects its ability to be composted.

23 (6) No more than a total of 10 cubic yards of
24 compostable waste shall be located at the permanent
25 compostable waste collection site at any one time.

26 (7) Management of the compostable waste must be limited

1 to the following: (A) acceptance, (B) temporary storage
2 before transfer, and (C) off-site transfer.

3 (8) All compostable waste received at the permanent
4 compostable waste collection point must be transferred
5 off-site to a permitted compost facility not less
6 frequently than once every 7 days.

7 (9) If a permanent compostable waste collection point
8 receives waste other than compostable waste, then that
9 waste must be disposed of not less frequently than once
10 every 7 days.

11 (e) The Agency may adopt rules governing the operation of
12 household waste drop-off points, other than one-day household
13 waste collection events, one-day compostable waste collection
14 events, and permanent compostable waste collection points.
15 Those rules must be designed to protect against releases of
16 waste to the environment, prevent nuisances, and otherwise
17 protect human health and the environment. As necessary to
18 address different circumstances, the regulations may contain
19 different requirements for different types of household waste
20 and different types of household waste drop-off points, and the
21 regulations may modify the requirements set forth in subsection
22 (c) of this Section. The regulations may include, but are not
23 limited to, the following: (i) identification of additional
24 types of household waste that can be collected at household
25 waste drop-off points, (ii) identification of the different
26 types of household wastes that can be received at different

1 household waste drop-off points, (iii) the maximum amounts of
2 each type of household waste that can be stored at household
3 waste drop-off points at any one time, and (iv) the maximum
4 time periods each type of household waste can be stored at
5 household waste drop-off points.

6 (f) Prohibitions.

7 (1) Except as authorized in a permit issued by the
8 Agency, no person shall cause or allow the operation of a
9 household waste drop-off point, other than a one-day
10 household waste collection event, one-day compostable
11 waste collection event, or permanent compostable waste
12 collection point, in violation of this Section or any
13 regulations adopted under this Section.

14 (2) No person shall cause or allow the operation of a
15 one-day household waste collection event in violation of
16 this Section or the Agency's approval issued under
17 subsection (d) of this Section, including all conditions
18 contained in the approval.

19 (3) No person shall cause or allow the operation of a
20 one-day compostable waste collection event in violation of
21 this Section or the approval issued for the one-day
22 compostable waste collection event under subsection (d-5)
23 of this Section, including all conditions contained in the
24 approval.

25 (4) No person shall cause or allow the operation of a
26 permanent compostable waste collection event in violation

1 of this Section or the approval issued for the permanent
2 compostable waste collection point under subsection (d-6)
3 of this Section, including all conditions contained in the
4 approval.

5 (g) Permit exemptions.

6 (1) No permit is required under subdivision (d) (1) of
7 Section 21 of this Act for the operation of a household
8 waste drop-off point, other than a one-day household waste
9 collection event, one-day compostable waste collection
10 event, or permanent compostable waste collection point, if
11 the household waste drop-off point is operated in
12 accordance with this Section and all regulations adopted
13 under this Section.

14 (2) No permit is required under subdivision (d) (1) of
15 Section 21 of this Act for the operation of a one-day
16 household waste collection event if the event is operated
17 in accordance with this Section and the Agency's approval
18 issued under subsection (d) of this Section, including all
19 conditions contained in the approval, or for the operation
20 of a household waste collection event by the Agency.

21 (3) No permit is required under paragraph (1) of
22 subsection (d) of Section 21 of this Act for the operation
23 of a one-day compostable waste collection event if the
24 compostable waste collection event is operated in
25 accordance with this Section and the approval issued for
26 the compostable waste collection point under subsection

1 (d-5) of this Section, including all conditions contained
2 in the approval.

3 (4) No permit is required under paragraph (1) of
4 subsection (d) of Section 21 of this Act for the operation
5 of a permanent compostable waste collection point if the
6 collection point is operated in accordance with this
7 Section and the approval issued for the compostable waste
8 collection event under subsection (d-6) of this Section,
9 including all conditions contained in the approval.

10 (h) This Section does not apply to the following:

11 (1) Persons accepting household waste that they are
12 authorized to accept under a permit issued by the Agency.

13 (2) Sites or facilities operated pursuant to an
14 intergovernmental agreement entered into with the Agency
15 under Section 22.16b(d) of this Act.

16 (i) The Agency, in consultation with the Department of
17 Public Health, must develop and implement a public information
18 program regarding household waste drop-off points that accept
19 pharmaceutical products, as well as mail-back programs
20 authorized under federal law.

21 (j) The Agency must develop a sign that provides
22 information on the proper disposal of unused pharmaceutical
23 products. The sign shall include information on approved
24 drop-off sites or list a website where updated information on
25 drop-off sites can be accessed. The sign shall also include
26 information on mail-back programs and self-disposal. The

1 Agency shall make a copy of the sign available for downloading
2 from its website. Every pharmacy shall display the sign in the
3 area where medications are dispensed and shall also display any
4 signs the Agency develops regarding local take-back programs or
5 household waste collection events. These signs shall be no
6 larger than 8.5 inches by 11 inches.

7 (k) If an entity chooses to participate as a household
8 waste drop-off point, then it must follow the provisions of
9 this Section and any rules the Agency may adopt governing
10 household waste drop-off points.

11 (l) The Agency shall establish, by rule, a statewide
12 medication take-back program by June 1, 2016 to ensure that
13 there are pharmaceutical product disposal options regularly
14 available for residents across the State. No private entity may
15 be compelled to serve as or fund a take-back location or
16 program. Medications collected and disposed of under the
17 program shall include controlled substances approved for
18 collection by federal law. All medications collected and
19 disposed of under the program must be managed in accordance
20 with all applicable federal and State laws and regulations. The
21 Agency shall issue a report to the General Assembly by June 1,
22 2019 detailing the amount of pharmaceutical products annually
23 collected under the program, as well as any legislative
24 recommendations.

25 (Source: P.A. 99-11, eff. 7-10-15; 99-480, eff. 9-9-15; revised
26 10-20-15.)

1 (415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

2 Sec. 39. Issuance of permits; procedures.

3 (a) When the Board has by regulation required a permit for
4 the construction, installation, or operation of any type of
5 facility, equipment, vehicle, vessel, or aircraft, the
6 applicant shall apply to the Agency for such permit and it
7 shall be the duty of the Agency to issue such a permit upon
8 proof by the applicant that the facility, equipment, vehicle,
9 vessel, or aircraft will not cause a violation of this Act or
10 of regulations hereunder. The Agency shall adopt such
11 procedures as are necessary to carry out its duties under this
12 Section. In making its determinations on permit applications
13 under this Section the Agency may consider prior adjudications
14 of noncompliance with this Act by the applicant that involved a
15 release of a contaminant into the environment. In granting
16 permits, the Agency may impose reasonable conditions
17 specifically related to the applicant's past compliance
18 history with this Act as necessary to correct, detect, or
19 prevent noncompliance. The Agency may impose such other
20 conditions as may be necessary to accomplish the purposes of
21 this Act, and as are not inconsistent with the regulations
22 promulgated by the Board hereunder. Except as otherwise
23 provided in this Act, a bond or other security shall not be
24 required as a condition for the issuance of a permit. If the
25 Agency denies any permit under this Section, the Agency shall

1 transmit to the applicant within the time limitations of this
2 Section specific, detailed statements as to the reasons the
3 permit application was denied. Such statements shall include,
4 but not be limited to the following:

5 (i) the Sections of this Act which may be violated if
6 the permit were granted;

7 (ii) the provision of the regulations, promulgated
8 under this Act, which may be violated if the permit were
9 granted;

10 (iii) the specific type of information, if any, which
11 the Agency deems the applicant did not provide the Agency;
12 and

13 (iv) a statement of specific reasons why the Act and
14 the regulations might not be met if the permit were
15 granted.

16 If there is no final action by the Agency within 90 days
17 after the filing of the application for permit, the applicant
18 may deem the permit issued; except that this time period shall
19 be extended to 180 days when (1) notice and opportunity for
20 public hearing are required by State or federal law or
21 regulation, (2) the application which was filed is for any
22 permit to develop a landfill subject to issuance pursuant to
23 this subsection, or (3) the application that was filed is for a
24 MSWLF unit required to issue public notice under subsection (p)
25 of Section 39. The 90-day and 180-day time periods for the
26 Agency to take final action do not apply to NPDES permit

1 applications under subsection (b) of this Section, to RCRA
2 permit applications under subsection (d) of this Section, or to
3 UIC permit applications under subsection (e) of this Section.

4 The Agency shall publish notice of all final permit
5 determinations for development permits for MSWLF units and for
6 significant permit modifications for lateral expansions for
7 existing MSWLF units one time in a newspaper of general
8 circulation in the county in which the unit is or is proposed
9 to be located.

10 After January 1, 1994 and until July 1, 1998, operating
11 permits issued under this Section by the Agency for sources of
12 air pollution permitted to emit less than 25 tons per year of
13 any combination of regulated air pollutants, as defined in
14 Section 39.5 of this Act, shall be required to be renewed only
15 upon written request by the Agency consistent with applicable
16 provisions of this Act and regulations promulgated hereunder.
17 Such operating permits shall expire 180 days after the date of
18 such a request. The Board shall revise its regulations for the
19 existing State air pollution operating permit program
20 consistent with this provision by January 1, 1994.

21 After June 30, 1998, operating permits issued under this
22 Section by the Agency for sources of air pollution that are not
23 subject to Section 39.5 of this Act and are not required to
24 have a federally enforceable State operating permit shall be
25 required to be renewed only upon written request by the Agency
26 consistent with applicable provisions of this Act and its

1 rules. Such operating permits shall expire 180 days after the
2 date of such a request. Before July 1, 1998, the Board shall
3 revise its rules for the existing State air pollution operating
4 permit program consistent with this paragraph and shall adopt
5 rules that require a source to demonstrate that it qualifies
6 for a permit under this paragraph.

7 (b) The Agency may issue NPDES permits exclusively under
8 this subsection for the discharge of contaminants from point
9 sources into navigable waters, all as defined in the Federal
10 Water Pollution Control Act, as now or hereafter amended,
11 within the jurisdiction of the State, or into any well.

12 All NPDES permits shall contain those terms and conditions,
13 including but not limited to schedules of compliance, which may
14 be required to accomplish the purposes and provisions of this
15 Act.

16 The Agency may issue general NPDES permits for discharges
17 from categories of point sources which are subject to the same
18 permit limitations and conditions. Such general permits may be
19 issued without individual applications and shall conform to
20 regulations promulgated under Section 402 of the Federal Water
21 Pollution Control Act, as now or hereafter amended.

22 The Agency may include, among such conditions, effluent
23 limitations and other requirements established under this Act,
24 Board regulations, the Federal Water Pollution Control Act, as
25 now or hereafter amended, and regulations pursuant thereto, and
26 schedules for achieving compliance therewith at the earliest

1 reasonable date.

2 The Agency shall adopt filing requirements and procedures
3 which are necessary and appropriate for the issuance of NPDES
4 permits, and which are consistent with the Act or regulations
5 adopted by the Board, and with the Federal Water Pollution
6 Control Act, as now or hereafter amended, and regulations
7 pursuant thereto.

8 The Agency, subject to any conditions which may be
9 prescribed by Board regulations, may issue NPDES permits to
10 allow discharges beyond deadlines established by this Act or by
11 regulations of the Board without the requirement of a variance,
12 subject to the Federal Water Pollution Control Act, as now or
13 hereafter amended, and regulations pursuant thereto.

14 (c) Except for those facilities owned or operated by
15 sanitary districts organized under the Metropolitan Water
16 Reclamation District Act, no permit for the development or
17 construction of a new pollution control facility may be granted
18 by the Agency unless the applicant submits proof to the Agency
19 that the location of the facility has been approved by the
20 County Board of the county if in an unincorporated area, or the
21 governing body of the municipality when in an incorporated
22 area, in which the facility is to be located in accordance with
23 Section 39.2 of this Act. For purposes of this subsection (c),
24 and for purposes of Section 39.2 of this Act, the appropriate
25 county board or governing body of the municipality shall be the
26 county board of the county or the governing body of the

1 municipality in which the facility is to be located as of the
2 date when the application for siting approval is filed.

3 In the event that siting approval granted pursuant to
4 Section 39.2 has been transferred to a subsequent owner or
5 operator, that subsequent owner or operator may apply to the
6 Agency for, and the Agency may grant, a development or
7 construction permit for the facility for which local siting
8 approval was granted. Upon application to the Agency for a
9 development or construction permit by that subsequent owner or
10 operator, the permit applicant shall cause written notice of
11 the permit application to be served upon the appropriate county
12 board or governing body of the municipality that granted siting
13 approval for that facility and upon any party to the siting
14 proceeding pursuant to which siting approval was granted. In
15 that event, the Agency shall conduct an evaluation of the
16 subsequent owner or operator's prior experience in waste
17 management operations in the manner conducted under subsection
18 (i) of Section 39 of this Act.

19 Beginning August 20, 1993, if the pollution control
20 facility consists of a hazardous or solid waste disposal
21 facility for which the proposed site is located in an
22 unincorporated area of a county with a population of less than
23 100,000 and includes all or a portion of a parcel of land that
24 was, on April 1, 1993, adjacent to a municipality having a
25 population of less than 5,000, then the local siting review
26 required under this subsection (c) in conjunction with any

1 permit applied for after that date shall be performed by the
2 governing body of that adjacent municipality rather than the
3 county board of the county in which the proposed site is
4 located; and for the purposes of that local siting review, any
5 references in this Act to the county board shall be deemed to
6 mean the governing body of that adjacent municipality;
7 provided, however, that the provisions of this paragraph shall
8 not apply to any proposed site which was, on April 1, 1993,
9 owned in whole or in part by another municipality.

10 In the case of a pollution control facility for which a
11 development permit was issued before November 12, 1981, if an
12 operating permit has not been issued by the Agency prior to
13 August 31, 1989 for any portion of the facility, then the
14 Agency may not issue or renew any development permit nor issue
15 an original operating permit for any portion of such facility
16 unless the applicant has submitted proof to the Agency that the
17 location of the facility has been approved by the appropriate
18 county board or municipal governing body pursuant to Section
19 39.2 of this Act.

20 After January 1, 1994, if a solid waste disposal facility,
21 any portion for which an operating permit has been issued by
22 the Agency, has not accepted waste disposal for 5 or more
23 consecutive calendar years, before that facility may accept
24 any new or additional waste for disposal, the owner and
25 operator must obtain a new operating permit under this Act for
26 that facility unless the owner and operator have applied to the

1 Agency for a permit authorizing the temporary suspension of
2 waste acceptance. The Agency may not issue a new operation
3 permit under this Act for the facility unless the applicant has
4 submitted proof to the Agency that the location of the facility
5 has been approved or re-approved by the appropriate county
6 board or municipal governing body under Section 39.2 of this
7 Act after the facility ceased accepting waste.

8 Except for those facilities owned or operated by sanitary
9 districts organized under the Metropolitan Water Reclamation
10 District Act, and except for new pollution control facilities
11 governed by Section 39.2, and except for fossil fuel mining
12 facilities, the granting of a permit under this Act shall not
13 relieve the applicant from meeting and securing all necessary
14 zoning approvals from the unit of government having zoning
15 jurisdiction over the proposed facility.

16 Before beginning construction on any new sewage treatment
17 plant or sludge drying site to be owned or operated by a
18 sanitary district organized under the Metropolitan Water
19 Reclamation District Act for which a new permit (rather than
20 the renewal or amendment of an existing permit) is required,
21 such sanitary district shall hold a public hearing within the
22 municipality within which the proposed facility is to be
23 located, or within the nearest community if the proposed
24 facility is to be located within an unincorporated area, at
25 which information concerning the proposed facility shall be
26 made available to the public, and members of the public shall

1 be given the opportunity to express their views concerning the
2 proposed facility.

3 The Agency may issue a permit for a municipal waste
4 transfer station without requiring approval pursuant to
5 Section 39.2 provided that the following demonstration is made:

6 (1) the municipal waste transfer station was in
7 existence on or before January 1, 1979 and was in
8 continuous operation from January 1, 1979 to January 1,
9 1993;

10 (2) the operator submitted a permit application to the
11 Agency to develop and operate the municipal waste transfer
12 station during April of 1994;

13 (3) the operator can demonstrate that the county board
14 of the county, if the municipal waste transfer station is
15 in an unincorporated area, or the governing body of the
16 municipality, if the station is in an incorporated area,
17 does not object to resumption of the operation of the
18 station; and

19 (4) the site has local zoning approval.

20 (d) The Agency may issue RCRA permits exclusively under
21 this subsection to persons owning or operating a facility for
22 the treatment, storage, or disposal of hazardous waste as
23 defined under this Act.

24 All RCRA permits shall contain those terms and conditions,
25 including but not limited to schedules of compliance, which may
26 be required to accomplish the purposes and provisions of this

1 Act. The Agency may include among such conditions standards and
2 other requirements established under this Act, Board
3 regulations, the Resource Conservation and Recovery Act of 1976
4 (P.L. 94-580), as amended, and regulations pursuant thereto,
5 and may include schedules for achieving compliance therewith as
6 soon as possible. The Agency shall require that a performance
7 bond or other security be provided as a condition for the
8 issuance of a RCRA permit.

9 In the case of a permit to operate a hazardous waste or PCB
10 incinerator as defined in subsection (k) of Section 44, the
11 Agency shall require, as a condition of the permit, that the
12 operator of the facility perform such analyses of the waste to
13 be incinerated as may be necessary and appropriate to ensure
14 the safe operation of the incinerator.

15 The Agency shall adopt filing requirements and procedures
16 which are necessary and appropriate for the issuance of RCRA
17 permits, and which are consistent with the Act or regulations
18 adopted by the Board, and with the Resource Conservation and
19 Recovery Act of 1976 (P.L. 94-580), as amended, and regulations
20 pursuant thereto.

21 The applicant shall make available to the public for
22 inspection all documents submitted by the applicant to the
23 Agency in furtherance of an application, with the exception of
24 trade secrets, at the office of the county board or governing
25 body of the municipality. Such documents may be copied upon
26 payment of the actual cost of reproduction during regular

1 business hours of the local office. The Agency shall issue a
2 written statement concurrent with its grant or denial of the
3 permit explaining the basis for its decision.

4 (e) The Agency may issue UIC permits exclusively under this
5 subsection to persons owning or operating a facility for the
6 underground injection of contaminants as defined under this
7 Act.

8 All UIC permits shall contain those terms and conditions,
9 including but not limited to schedules of compliance, which may
10 be required to accomplish the purposes and provisions of this
11 Act. The Agency may include among such conditions standards and
12 other requirements established under this Act, Board
13 regulations, the Safe Drinking Water Act (P.L. 93-523), as
14 amended, and regulations pursuant thereto, and may include
15 schedules for achieving compliance therewith. The Agency shall
16 require that a performance bond or other security be provided
17 as a condition for the issuance of a UIC permit.

18 The Agency shall adopt filing requirements and procedures
19 which are necessary and appropriate for the issuance of UIC
20 permits, and which are consistent with the Act or regulations
21 adopted by the Board, and with the Safe Drinking Water Act
22 (P.L. 93-523), as amended, and regulations pursuant thereto.

23 The applicant shall make available to the public for
24 inspection, all documents submitted by the applicant to the
25 Agency in furtherance of an application, with the exception of
26 trade secrets, at the office of the county board or governing

1 body of the municipality. Such documents may be copied upon
2 payment of the actual cost of reproduction during regular
3 business hours of the local office. The Agency shall issue a
4 written statement concurrent with its grant or denial of the
5 permit explaining the basis for its decision.

6 (f) In making any determination pursuant to Section 9.1 of
7 this Act:

8 (1) The Agency shall have authority to make the
9 determination of any question required to be determined by
10 the Clean Air Act, as now or hereafter amended, this Act,
11 or the regulations of the Board, including the
12 determination of the Lowest Achievable Emission Rate,
13 Maximum Achievable Control Technology, or Best Available
14 Control Technology, consistent with the Board's
15 regulations, if any.

16 (2) The Agency shall adopt requirements as necessary to
17 implement public participation procedures, including, but
18 not limited to, public notice, comment, and an opportunity
19 for hearing, which must accompany the processing of
20 applications for PSD permits. The Agency shall briefly
21 describe and respond to all significant comments on the
22 draft permit raised during the public comment period or
23 during any hearing. The Agency may group related comments
24 together and provide one unified response for each issue
25 raised.

26 (3) Any complete permit application submitted to the

1 Agency under this subsection for a PSD permit shall be
2 granted or denied by the Agency not later than one year
3 after the filing of such completed application.

4 (4) The Agency shall, after conferring with the
5 applicant, give written notice to the applicant of its
6 proposed decision on the application including the terms
7 and conditions of the permit to be issued and the facts,
8 conduct or other basis upon which the Agency will rely to
9 support its proposed action.

10 (g) The Agency shall include as conditions upon all permits
11 issued for hazardous waste disposal sites such restrictions
12 upon the future use of such sites as are reasonably necessary
13 to protect public health and the environment, including
14 permanent prohibition of the use of such sites for purposes
15 which may create an unreasonable risk of injury to human health
16 or to the environment. After administrative and judicial
17 challenges to such restrictions have been exhausted, the Agency
18 shall file such restrictions of record in the Office of the
19 Recorder of the county in which the hazardous waste disposal
20 site is located.

21 (h) A hazardous waste stream may not be deposited in a
22 permitted hazardous waste site unless specific authorization
23 is obtained from the Agency by the generator and disposal site
24 owner and operator for the deposit of that specific hazardous
25 waste stream. The Agency may grant specific authorization for
26 disposal of hazardous waste streams only after the generator

1 has reasonably demonstrated that, considering technological
2 feasibility and economic reasonableness, the hazardous waste
3 cannot be reasonably recycled for reuse, nor incinerated or
4 chemically, physically or biologically treated so as to
5 neutralize the hazardous waste and render it nonhazardous. In
6 granting authorization under this Section, the Agency may
7 impose such conditions as may be necessary to accomplish the
8 purposes of the Act and are consistent with this Act and
9 regulations promulgated by the Board hereunder. If the Agency
10 refuses to grant authorization under this Section, the
11 applicant may appeal as if the Agency refused to grant a
12 permit, pursuant to the provisions of subsection (a) of Section
13 40 of this Act. For purposes of this subsection (h), the term
14 "generator" has the meaning given in Section 3.205 of this Act,
15 unless: (1) the hazardous waste is treated, incinerated, or
16 partially recycled for reuse prior to disposal, in which case
17 the last person who treats, incinerates, or partially recycles
18 the hazardous waste prior to disposal is the generator; or (2)
19 the hazardous waste is from a response action, in which case
20 the person performing the response action is the generator.
21 This subsection (h) does not apply to any hazardous waste that
22 is restricted from land disposal under 35 Ill. Adm. Code 728.

23 (i) Before issuing any RCRA permit, any permit for a waste
24 storage site, sanitary landfill, waste disposal site, waste
25 transfer station, waste treatment facility, waste incinerator,
26 or any waste-transportation operation, ~~or~~ any permit or interim

1 authorization for a clean construction or demolition debris
2 fill operation, or any permit required under subsection (d-5)
3 of Section 55, the Agency shall conduct an evaluation of the
4 prospective owner's or operator's prior experience in waste
5 management operations, clean construction or demolition debris
6 fill operations, and tire storage site management. The Agency
7 may deny such a permit, or deny or revoke interim
8 authorization, if the prospective owner or operator or any
9 employee or officer of the prospective owner or operator has a
10 history of:

11 (1) repeated violations of federal, State, or local
12 laws, regulations, standards, or ordinances in the
13 operation of waste management facilities or sites, clean
14 construction or demolition debris fill operation
15 facilities or sites, or tire storage sites; or

16 (2) conviction in this or another State of any crime
17 which is a felony under the laws of this State, or
18 conviction of a felony in a federal court; or conviction in
19 this or another state or federal court of any of the
20 following crimes: forgery, official misconduct, bribery,
21 perjury, or knowingly submitting false information under
22 any environmental law, regulation, or permit term or
23 condition; or

24 (3) proof of gross carelessness or incompetence in
25 handling, storing, processing, transporting or disposing
26 of waste, clean construction or demolition debris, or used

1 or waste tires, or proof of gross carelessness or
2 incompetence in using clean construction or demolition
3 debris as fill.

4 (i-5) Before issuing any permit or approving any interim
5 authorization for a clean construction or demolition debris
6 fill operation in which any ownership interest is transferred
7 between January 1, 2005, and the effective date of the
8 prohibition set forth in Section 22.52 of this Act, the Agency
9 shall conduct an evaluation of the operation if any previous
10 activities at the site or facility may have caused or allowed
11 contamination of the site. It shall be the responsibility of
12 the owner or operator seeking the permit or interim
13 authorization to provide to the Agency all of the information
14 necessary for the Agency to conduct its evaluation. The Agency
15 may deny a permit or interim authorization if previous
16 activities at the site may have caused or allowed contamination
17 at the site, unless such contamination is authorized under any
18 permit issued by the Agency.

19 (j) The issuance under this Act of a permit to engage in
20 the surface mining of any resources other than fossil fuels
21 shall not relieve the permittee from its duty to comply with
22 any applicable local law regulating the commencement, location
23 or operation of surface mining facilities.

24 (k) A development permit issued under subsection (a) of
25 Section 39 for any facility or site which is required to have a
26 permit under subsection (d) of Section 21 shall expire at the

1 end of 2 calendar years from the date upon which it was issued,
2 unless within that period the applicant has taken action to
3 develop the facility or the site. In the event that review of
4 the conditions of the development permit is sought pursuant to
5 Section 40 or 41, or permittee is prevented from commencing
6 development of the facility or site by any other litigation
7 beyond the permittee's control, such two-year period shall be
8 deemed to begin on the date upon which such review process or
9 litigation is concluded.

10 (l) No permit shall be issued by the Agency under this Act
11 for construction or operation of any facility or site located
12 within the boundaries of any setback zone established pursuant
13 to this Act, where such construction or operation is
14 prohibited.

15 (m) The Agency may issue permits to persons owning or
16 operating a facility for composting landscape waste. In
17 granting such permits, the Agency may impose such conditions as
18 may be necessary to accomplish the purposes of this Act, and as
19 are not inconsistent with applicable regulations promulgated
20 by the Board. Except as otherwise provided in this Act, a bond
21 or other security shall not be required as a condition for the
22 issuance of a permit. If the Agency denies any permit pursuant
23 to this subsection, the Agency shall transmit to the applicant
24 within the time limitations of this subsection specific,
25 detailed statements as to the reasons the permit application
26 was denied. Such statements shall include but not be limited to

1 the following:

2 (1) the Sections of this Act that may be violated if
3 the permit were granted;

4 (2) the specific regulations promulgated pursuant to
5 this Act that may be violated if the permit were granted;

6 (3) the specific information, if any, the Agency deems
7 the applicant did not provide in its application to the
8 Agency; and

9 (4) a statement of specific reasons why the Act and the
10 regulations might be violated if the permit were granted.

11 If no final action is taken by the Agency within 90 days
12 after the filing of the application for permit, the applicant
13 may deem the permit issued. Any applicant for a permit may
14 waive the 90-day ~~90-day~~ limitation by filing a written
15 statement with the Agency.

16 The Agency shall issue permits for such facilities upon
17 receipt of an application that includes a legal description of
18 the site, a topographic map of the site drawn to the scale of
19 200 feet to the inch or larger, a description of the operation,
20 including the area served, an estimate of the volume of
21 materials to be processed, and documentation that:

22 (1) the facility includes a setback of at least 200
23 feet from the nearest potable water supply well;

24 (2) the facility is located outside the boundary of the
25 10-year floodplain or the site will be floodproofed;

26 (3) the facility is located so as to minimize

1 incompatibility with the character of the surrounding
2 area, including at least a 200 foot setback from any
3 residence, and in the case of a facility that is developed
4 or the permitted composting area of which is expanded after
5 November 17, 1991, the composting area is located at least
6 1/8 mile from the nearest residence (other than a residence
7 located on the same property as the facility);

8 (4) the design of the facility will prevent any compost
9 material from being placed within 5 feet of the water
10 table, will adequately control runoff from the site, and
11 will collect and manage any leachate that is generated on
12 the site;

13 (5) the operation of the facility will include
14 appropriate dust and odor control measures, limitations on
15 operating hours, appropriate noise control measures for
16 shredding, chipping and similar equipment, management
17 procedures for composting, containment and disposal of
18 non-compostable wastes, procedures to be used for
19 terminating operations at the site, and recordkeeping
20 sufficient to document the amount of materials received,
21 composted and otherwise disposed of; and

22 (6) the operation will be conducted in accordance with
23 any applicable rules adopted by the Board.

24 The Agency shall issue renewable permits of not longer than
25 10 years in duration for the composting of landscape wastes, as
26 defined in Section 3.155 of this Act, based on the above

1 requirements.

2 The operator of any facility permitted under this
3 subsection (m) must submit a written annual statement to the
4 Agency on or before April 1 of each year that includes an
5 estimate of the amount of material, in tons, received for
6 composting.

7 (n) The Agency shall issue permits jointly with the
8 Department of Transportation for the dredging or deposit of
9 material in Lake Michigan in accordance with Section 18 of the
10 Rivers, Lakes, and Streams Act.

11 (o) (Blank.)

12 (p) (1) Any person submitting an application for a permit
13 for a new MSWLF unit or for a lateral expansion under
14 subsection (t) of Section 21 of this Act for an existing MSWLF
15 unit that has not received and is not subject to local siting
16 approval under Section 39.2 of this Act shall publish notice of
17 the application in a newspaper of general circulation in the
18 county in which the MSWLF unit is or is proposed to be located.
19 The notice must be published at least 15 days before submission
20 of the permit application to the Agency. The notice shall state
21 the name and address of the applicant, the location of the
22 MSWLF unit or proposed MSWLF unit, the nature and size of the
23 MSWLF unit or proposed MSWLF unit, the nature of the activity
24 proposed, the probable life of the proposed activity, the date
25 the permit application will be submitted, and a statement that
26 persons may file written comments with the Agency concerning

1 the permit application within 30 days after the filing of the
2 permit application unless the time period to submit comments is
3 extended by the Agency.

4 When a permit applicant submits information to the Agency
5 to supplement a permit application being reviewed by the
6 Agency, the applicant shall not be required to reissue the
7 notice under this subsection.

8 (2) The Agency shall accept written comments concerning the
9 permit application that are postmarked no later than 30 days
10 after the filing of the permit application, unless the time
11 period to accept comments is extended by the Agency.

12 (3) Each applicant for a permit described in part (1) of
13 this subsection shall file a copy of the permit application
14 with the county board or governing body of the municipality in
15 which the MSWLF unit is or is proposed to be located at the
16 same time the application is submitted to the Agency. The
17 permit application filed with the county board or governing
18 body of the municipality shall include all documents submitted
19 to or to be submitted to the Agency, except trade secrets as
20 determined under Section 7.1 of this Act. The permit
21 application and other documents on file with the county board
22 or governing body of the municipality shall be made available
23 for public inspection during regular business hours at the
24 office of the county board or the governing body of the
25 municipality and may be copied upon payment of the actual cost
26 of reproduction.

1 (q) Within 6 months after July 12, 2011 (the effective date
2 of Public Act 97-95) ~~this amendatory Act of the 97th General~~
3 ~~Assembly~~, the Agency, in consultation with the regulated
4 community, shall develop a web portal to be posted on its
5 website for the purpose of enhancing review and promoting
6 timely issuance of permits required by this Act. At a minimum,
7 the Agency shall make the following information available on
8 the web portal:

9 (1) Checklists and guidance relating to the completion
10 of permit applications, developed pursuant to subsection
11 (s) of this Section, which may include, but are not limited
12 to, existing instructions for completing the applications
13 and examples of complete applications. As the Agency
14 develops new checklists and develops guidance, it shall
15 supplement the web portal with those materials.

16 (2) Within 2 years after July 12, 2011 (the effective
17 date of Public Act 97-95) ~~this amendatory Act of the 97th~~
18 ~~General Assembly~~, permit application forms or portions of
19 permit applications that can be completed and saved
20 electronically, and submitted to the Agency electronically
21 with digital signatures.

22 (3) Within 2 years after July 12, 2011 (the effective
23 date of Public Act 97-95) ~~this amendatory Act of the 97th~~
24 ~~General Assembly~~, an online tracking system where an
25 applicant may review the status of its pending application,
26 including the name and contact information of the permit

1 analyst assigned to the application. Until the online
2 tracking system has been developed, the Agency shall post
3 on its website semi-annual permitting efficiency tracking
4 reports that include statistics on the timeframes for
5 Agency action on the following types of permits received
6 after July 12, 2011 (the effective date of Public Act
7 97-95) ~~this amendatory Act of the 97th General Assembly:~~
8 air construction permits, new NPDES permits and associated
9 water construction permits, and modifications of major
10 NPDES permits and associated water construction permits.
11 The reports must be posted by February 1 and August 1 each
12 year and shall include:

13 (A) the number of applications received for each
14 type of permit, the number of applications on which the
15 Agency has taken action, and the number of applications
16 still pending; and

17 (B) for those applications where the Agency has not
18 taken action in accordance with the timeframes set
19 forth in this Act, the date the application was
20 received and the reasons for any delays, which may
21 include, but shall not be limited to, (i) the
22 application being inadequate or incomplete, (ii)
23 scientific or technical disagreements with the
24 applicant, USEPA, or other local, state, or federal
25 agencies involved in the permitting approval process,
26 (iii) public opposition to the permit, or (iv) Agency

1 staffing shortages. To the extent practicable, the
2 tracking report shall provide approximate dates when
3 cause for delay was identified by the Agency, when the
4 Agency informed the applicant of the problem leading to
5 the delay, and when the applicant remedied the reason
6 for the delay.

7 (r) Upon the request of the applicant, the Agency shall
8 notify the applicant of the permit analyst assigned to the
9 application upon its receipt.

10 (s) The Agency is authorized to prepare and distribute
11 guidance documents relating to its administration of this
12 Section and procedural rules implementing this Section.
13 Guidance documents prepared under this subsection shall not be
14 considered rules and shall not be subject to the Illinois
15 Administrative Procedure Act. Such guidance shall not be
16 binding on any party.

17 (t) Except as otherwise prohibited by federal law or
18 regulation, any person submitting an application for a permit
19 may include with the application suggested permit language for
20 Agency consideration. The Agency is not obligated to use the
21 suggested language or any portion thereof in its permitting
22 decision. If requested by the permit applicant, the Agency
23 shall meet with the applicant to discuss the suggested
24 language.

25 (u) If requested by the permit applicant, the Agency shall
26 provide the permit applicant with a copy of the draft permit

1 prior to any public review period.

2 (v) If requested by the permit applicant, the Agency shall
3 provide the permit applicant with a copy of the final permit
4 prior to its issuance.

5 (w) An air pollution permit shall not be required due to
6 emissions of greenhouse gases, as specified by Section 9.15 of
7 this Act.

8 (x) If, before the expiration of a State operating permit
9 that is issued pursuant to subsection (a) of this Section and
10 contains federally enforceable conditions limiting the
11 potential to emit of the source to a level below the major
12 source threshold for that source so as to exclude the source
13 from the Clean Air Act Permit Program, the Agency receives a
14 complete application for the renewal of that permit, then all
15 of the terms and conditions of the permit shall remain in
16 effect until final administrative action has been taken on the
17 application for the renewal of the permit.

18 (Source: P.A. 98-284, eff. 8-9-13; 99-396, eff. 8-18-15;
19 99-463, eff. 1-1-16; revised 10-20-15.)

20 Section 460. The Lawn Care Products Application and Notice
21 Act is amended by changing Section 7 as follows:

22 (415 ILCS 65/7) (from Ch. 5, par. 857)

23 Sec. 7. When an administrative hearing is held by the
24 Department, the hearing officer, upon determination of any

1 violation of this Act or rule or regulation, shall either refer
2 the violation to the State's ~~States~~ Attorney's office in the
3 county where the alleged violation occurred for prosecution or
4 levy the following administrative monetary penalties:

5 (a) a penalty of \$250 for a first violation;

6 (b) a penalty of \$500 for a second violation; and

7 (c) a penalty of \$1,000 for a third or subsequent
8 violation.

9 The penalty levied shall be collected by the Department,
10 and all penalties collected by the Department under this Act
11 shall be deposited into the Pesticide Control Fund. Any penalty
12 not paid within 60 days of notice from the Department shall be
13 submitted to the Attorney General's office for collection.

14 Upon prosecution by a State's Attorney, a violation of this
15 Act or rules shall be a petty offense subject to a fine of \$250
16 for a first offense, a fine of \$500 for a second offense, and a
17 fine of \$1,000 for a third or subsequent offense.

18 (Source: P.A. 96-1005, eff. 7-6-10; revised 10-20-15.)

19 Section 465. The Mercury Switch Removal Act is amended by
20 changing Section 10 as follows:

21 (415 ILCS 97/10)

22 (Section scheduled to be repealed on January 1, 2017)

23 Sec. 10. Removal requirements.

24 (a) Mercury switches removed from end-of-life vehicles

1 must be managed in accordance with the Environmental Protection
2 Act and regulations adopted thereunder.

3 (b) No person shall represent that all mercury switches
4 have been removed from a vehicle if all mercury switches have
5 not been removed from the vehicle, except where a mercury
6 switch cannot be removed from the vehicle because the switch is
7 inaccessible due to significant damage to the vehicle in the
8 area surrounding the switch.

9 (c) Consistent with the protection of confidential
10 business information, vehicle recyclers, vehicle crushers, and
11 scrap metal recyclers that remove mercury switches from
12 end-of-life vehicles must maintain records documenting the
13 following for each calendar quarter:

14 (1) the number of mercury switches the vehicle
15 recycler, vehicle crusher, or scrap metal recycler removed
16 from end-of-life vehicles;

17 (2) the number of end-of-life vehicles received by the
18 vehicle recycler, vehicle crusher, or scrap metal recycler
19 that contain one or more mercury switches;

20 (3) the number of end-of-life vehicles the vehicle
21 recycler, vehicle crusher, or scrap metal recycler
22 flattened, crushed, shredded, or otherwise processed for
23 recycling; and

24 (4) the make and model of each car from which one or
25 more mercury switches was removed by the vehicle recycler,
26 vehicle crusher, or scrap metal recycler.

1 The records required under this subsection (c) must be
2 retained at the vehicle recycler's or scrap metal recycler's
3 place of business for a minimum of 3 years and made available
4 for inspection and copying by the Agency during normal business
5 hours.

6 (d) For the period of July 1, 2006 through ~~though~~ June 30,
7 2007 and for each period of July 1 through ~~though~~ June 30
8 thereafter, no later than 45 days after the close of the period
9 vehicle recyclers, vehicle crushers, and scrap metal recyclers
10 that remove mercury switches from end-of-life vehicles must
11 submit to the Agency an annual report containing the following
12 information for the period: (i) the number of mercury switches
13 the vehicle recycler, vehicle crusher, or scrap metal recycler
14 removed from end-of-life vehicles; (ii) the number of
15 end-of-life vehicles received by the vehicle recycler, vehicle
16 crusher, or scrap metal recycler that contain one or more
17 mercury switches; ~~7~~ and (iii) the number of end-of-life vehicles
18 the vehicle recycler, vehicle crusher, or scrap metal recycler
19 flattened, crushed, shredded, or otherwise processed for
20 recycling. Data required to be reported to the United States
21 Environmental Protection Agency under federal law or
22 regulation may be used in meeting requirements of this
23 subsection (d), if the data contains the information required
24 under items (i), (ii), and (iii) of this subsection.

25 (Source: P.A. 94-732, eff. 4-24-06; revised 10-21-15.)

1 Section 470. The Litter Control Act is amended by changing
2 Section 11 as follows:

3 (415 ILCS 105/11) (from Ch. 38, par. 86-11)

4 Sec. 11. This Act shall be enforced by all law enforcement
5 officers in their respective jurisdictions, whether employed
6 by the State or by any unit of local government. Prosecutions
7 for violation of this Act shall be conducted by the State's
8 Attorneys ~~State attorneys~~ of the several counties and by the
9 Attorney General of this State.

10 (Source: P.A. 78-837; revised 10-21-15.)

11 Section 480. The Pyrotechnic Use Act is amended by changing
12 Section 1 as follows:

13 (425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

14 Sec. 1. Definitions. As used in this Act, the following
15 words shall have the following meanings:

16 "1.3G fireworks" means those fireworks used for
17 professional outdoor displays and classified as fireworks
18 UN0333, UN0334, or UN0335 by the United States Department of
19 Transportation under 49 C.F.R. 172.101.

20 "Consumer distributor" means any person who distributes,
21 offers for sale, sells, or exchanges for consideration consumer
22 fireworks in Illinois to another distributor or directly to any
23 retailer or person for resale.

1 "Consumer fireworks" means those fireworks that must
2 comply with the construction, chemical composition, and
3 labeling regulations of the U.S. Consumer Products Safety
4 Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and
5 classified as fireworks UN0336 or UN0337 by the United States
6 Department of Transportation under 49 C.F.R. 172.101.

7 "Consumer fireworks" shall not include snake or glow worm
8 pellets; smoke devices; trick noisemakers known as "party
9 poppers", "booby traps", "snappers", "trick matches",
10 "cigarette loads", and "auto burglar alarms"; sparklers; toy
11 pistols, toy canes, toy guns, or other devices in which paper
12 or plastic caps containing twenty-five hundredths grains or
13 less of explosive compound are used, provided they are so
14 constructed that the hand cannot come in contact with the cap
15 when in place for the explosion; and toy pistol paper or
16 plastic caps that contain less than twenty hundredths grains of
17 explosive mixture; the sale and use of which shall be permitted
18 at all times.

19 "Consumer fireworks display" or "consumer display" means
20 the detonation, ignition, or deflagration of consumer
21 fireworks to produce a visual or audible effect.

22 "Consumer operator" means an adult individual who is
23 responsible for the safety, setup, and discharge of the
24 consumer fireworks display and who has completed the training
25 required in Section 2.2 of this Act.

26 "Consumer retailer" means any person who offers for sale,

1 sells, or exchanges for consideration consumer fireworks in
2 Illinois directly to any person with a consumer display permit.

3 "Display fireworks" means 1.3G or special effects
4 fireworks or as further defined in the Pyrotechnic Distributor
5 and Operator Licensing Act.

6 "Flame effect" means the detonation, ignition, or
7 deflagration of flammable gases, liquids, or special materials
8 to produce a thermal, physical, visual, or audible effect
9 before the public, invitees, or licensees, regardless of
10 whether admission is charged, in accordance with National Fire
11 Protection Association 160 guidelines, and as may be further
12 defined in the Pyrotechnic Distributor and Operator Licensing
13 Act.

14 "Lead pyrotechnic operator" means an individual who is
15 responsible for the safety, setup, and discharge of the
16 pyrotechnic display or pyrotechnic service and who is licensed
17 pursuant to the Pyrotechnic Distributor and Operator Licensing
18 Act.

19 "Person" means an individual, firm, corporation,
20 association, partnership, company, consortium, joint venture,
21 commercial entity, state, municipality, or political
22 subdivision of a state or any agency, department, or
23 instrumentality of the United States and any officer, agent, or
24 employee of these entities.

25 "Production company" means any person in the film, digital
26 and video media, television, commercial, music, or theatrical

1 stage industry who provides pyrotechnic services or
2 pyrotechnic display services as part of a film, digital and
3 video media, television, commercial, music, or theatrical
4 production in the State of Illinois and is licensed by the
5 Office pursuant to the Pyrotechnic Distributor and Operator
6 Licensing Act.

7 "Pyrotechnic display" means the detonation, ignition, or
8 deflagration of display fireworks or flame effects to produce
9 visual or audible effects of an ~~a~~ exhibitional nature before
10 the public, invitees, or licensees, regardless of whether
11 admission is charged, and as may be further defined in the
12 Pyrotechnic Distributor and Operator Licensing Act.

13 "Pyrotechnic distributor" means any person who distributes
14 display fireworks for sale in the State of Illinois or provides
15 them as part of a pyrotechnic display service in the State of
16 Illinois or provides only pyrotechnic services and is licensed
17 by the Office pursuant to the Pyrotechnic Distributor and
18 Operator Licensing Act.

19 "Pyrotechnic service" means the detonation, ignition, or
20 deflagration of display fireworks, special effects, or flame
21 effects to produce a visual or audible effect.

22 "Special effects fireworks" means pyrotechnic devices used
23 for special effects by professionals in the performing arts in
24 conjunction with theatrical, musical, or other productions
25 that are similar to consumer fireworks in chemical compositions
26 and construction, but are not intended for consumer use and are

1 not labeled as such or identified as "intended for indoor use".
2 "Special effects fireworks" are classified as fireworks UN0431
3 or UN0432 by the United States Department of Transportation
4 under 49 C.F.R. 172.101.

5 (Source: P.A. 96-708, eff. 8-25-09; 97-164, eff. 1-1-12;
6 revised 10-20-15.)

7 Section 485. The Hazardous Materials Emergency Act is
8 amended by changing Section 4 as follows:

9 (430 ILCS 50/4) (from Ch. 127, par. 1254)

10 Sec. 4. There is hereby created a Hazardous Materials
11 Advisory Board, composed of 21 members as follows: the Director
12 of the Illinois Emergency Management Agency, or his designee;
13 the Director of Agriculture or his designee; the Chairman of
14 the Illinois Commerce Commission or his designee; the Director
15 of Public Health or his designee; the Director of the
16 Environmental Protection Agency or his designee; the Secretary
17 of Transportation or his designee; the State Fire Marshal or
18 his designee; the Director of State Police or his designee; the
19 Director of Natural Resources or his designee; the Illinois
20 Attorney General or his designee; the Director of Nuclear
21 Safety or his designee; the Executive Director of the Illinois
22 Law Enforcement Training Standards Board or his designee; the
23 Director of the Illinois Fire Service Institute, University of
24 Illinois, or his designee; and a representative from the

1 Illinois Association of Chiefs of Police; the Illinois Fire
2 Chiefs ~~Chief's~~ Association; the Illinois Sheriffs' ~~Sheriff's~~
3 Association; the Illinois Emergency Services Management
4 Association; and 4 members appointed by the Governor, one of
5 whom shall represent volunteer firefighters, one of whom shall
6 represent the local emergency response service and two shall
7 represent the business community. The Chairman shall be
8 selected by the membership from those members not representing
9 a State agency.

10 The Board shall meet within 90 days of January 1, 1985 (the
11 effective date of Public Act 83-1368) ~~this amendatory Act of~~
12 ~~1984~~ to select a chairman, other officers and establish an
13 organization structure as the members deem necessary and
14 thereafter at the call of the chair or any 11 members. A person
15 who has been designated by the Director of his department to
16 represent the Director on the Board shall be entitled to vote
17 on all questions before the Board. Eleven members of the Board
18 constitute a quorum, except that where members have not been
19 appointed or designated to the Board, a quorum shall be
20 constituted by a simple majority of the appointed or designated
21 membership.

22 The Board shall advise and make recommendations to the
23 Agency regarding the reporting of an accident involving
24 hazardous materials and to the Department regarding the
25 placarding of transportation of hazardous materials. The Board
26 shall design a program and develop a Statewide plan providing

1 for a coordinating system among State agencies and departments
2 and units of local government, for response to accidents
3 involving hazardous materials. Every attempt shall be made to
4 avoid requiring any person to report an accident involving
5 hazardous materials to more than one State agency. If at all
6 possible, the primary agency receiving the reports shall be the
7 Illinois Emergency Management Agency, and that agency shall
8 relay reports to other State and local agencies.

9 The Board shall form from among its members, an Emergency
10 Response Training and Standards Committee. The Secretary of
11 Transportation or his designee, the State Fire Marshal or his
12 designee, and the representatives from the Chiefs of Police,
13 Fire Chiefs and Sheriffs' ~~Sheriff's~~ Association shall also
14 serve on the Committee. It shall be the duty of this Committee,
15 with final approval of the Board, to recommend standardized
16 training courses for firefighters, police officers, and other
17 hazardous material emergency response personnel of the State
18 and local governments; to recommend standards for hazardous
19 material emergency response equipment; and recommend standards
20 for achievement levels for the various hazardous material
21 emergency response personnel. The standardized courses shall
22 include training for firefighters, police officers, and other
23 hazardous material emergency response personnel described in
24 the federal regulations relating to the placarding system that
25 has been promulgated under the Hazardous Materials
26 Transportation Act (P.L. 93-633).

1 The Board shall review and recommend the material to be
2 provided under Sections 5.04, 5.05, and 5.06 of this Act and
3 assure the development of a plan for those activities in
4 Section 5.07 of this Act.

5 The Board shall have the duty to study and recommend to the
6 various State agencies, local governments and the General
7 Assembly any aspect of placarding in transportation, hazard
8 signage systems, the training of hazardous material emergency
9 response personnel, the equipment used in hazardous material
10 emergency response, the planning for hazardous material
11 emergency response, and the dissemination of information
12 concerning these areas.

13 The Department of Transportation and the Illinois
14 Emergency Management Agency shall furnish meeting facilities,
15 staff, and other administrative needs of the Board. The Agency
16 or the Department shall inform the Board whenever the Agency or
17 the Department is considering the adoption of any regulations
18 under this Act. The Agency or the Department shall send a copy
19 of all proposed regulations to each member of the Board; the
20 Board shall be represented at all public hearings regarding
21 proposals for and changes in Agency or the Department
22 regulations. The Board may, at its discretion, present the
23 Agency or the Department with its written evaluation of the
24 proposed regulations or changes.

25 Before the Department exempts any hazardous material from
26 the placarding regulations, under Section 3 of this Act, the

1 Board must approve the regulations providing for the exemption.
2 (Source: P.A. 89-445, eff. 2-7-96; 90-449, eff. 8-16-97;
3 revised 10-20-15.)

4 Section 490. The Firearm Owners Identification Card Act is
5 amended by changing Section 1.1 as follows:

6 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

7 Sec. 1.1. For purposes of this Act:

8 "Addicted to narcotics" means a person who has been:

9 (1) convicted of an offense involving the use or
10 possession of cannabis, a controlled substance, or
11 methamphetamine within the past year; or

12 (2) determined by the Department of State Police to be
13 addicted to narcotics based upon federal law or federal
14 guidelines.

15 "Addicted to narcotics" does not include possession or use
16 of a prescribed controlled substance under the direction and
17 authority of a physician or other person authorized to
18 prescribe the controlled substance when the controlled
19 substance is used in the prescribed manner.

20 "Adjudicated as a person with a mental disability" means
21 the person is the subject of a determination by a court, board,
22 commission or other lawful authority that the person, as a
23 result of marked subnormal intelligence, or mental illness,
24 mental impairment, incompetency, condition, or disease:

1 (1) presents a clear and present danger to himself,
2 herself, or to others;

3 (2) lacks the mental capacity to manage his or her own
4 affairs or is adjudicated a person with a disability as
5 defined in Section 11a-2 of the Probate Act of 1975;

6 (3) is not guilty in a criminal case by reason of
7 insanity, mental disease or defect;

8 (3.5) is guilty but mentally ill, as provided in
9 Section 5-2-6 of the Unified Code of Corrections;

10 (4) is incompetent to stand trial in a criminal case;

11 (5) is not guilty by reason of lack of mental
12 responsibility under Articles 50a and 72b of the Uniform
13 Code of Military Justice, 10 U.S.C. 850a, 876b;

14 (6) is a sexually violent person under subsection (f)
15 of Section 5 of the Sexually Violent Persons Commitment
16 Act;

17 (7) is a sexually dangerous person under the Sexually
18 Dangerous Persons Act;

19 (8) is unfit to stand trial under the Juvenile Court
20 Act of 1987;

21 (9) is not guilty by reason of insanity under the
22 Juvenile Court Act of 1987;

23 (10) is subject to involuntary admission as an
24 inpatient as defined in Section 1-119 of the Mental Health
25 and Developmental Disabilities Code;

26 (11) is subject to involuntary admission as an

1 outpatient as defined in Section 1-119.1 of the Mental
2 Health and Developmental Disabilities Code;

3 (12) is subject to judicial admission as set forth in
4 Section 4-500 of the Mental Health and Developmental
5 Disabilities Code; or

6 (13) is subject to the provisions of the Interstate
7 Agreements on Sexually Dangerous Persons Act.

8 "Clear and present danger" means a person who:

9 (1) communicates a serious threat of physical violence
10 against a reasonably identifiable victim or poses a clear
11 and imminent risk of serious physical injury to himself,
12 herself, or another person as determined by a physician,
13 clinical psychologist, or qualified examiner; or

14 (2) demonstrates threatening physical or verbal
15 behavior, such as violent, suicidal, or assaultive
16 threats, actions, or other behavior, as determined by a
17 physician, clinical psychologist, qualified examiner,
18 school administrator, or law enforcement official.

19 "Clinical psychologist" has the meaning provided in
20 Section 1-103 of the Mental Health and Developmental
21 Disabilities Code.

22 "Controlled substance" means a controlled substance or
23 controlled substance analog as defined in the Illinois
24 Controlled Substances Act.

25 "Counterfeit" means to copy or imitate, without legal
26 authority, with intent to deceive.

1 ~~disability~~

2 ~~This disability results in the professional opinion of a~~
3 ~~physician, clinical psychologist, or qualified examiner, in~~
4 ~~significant functional limitations in 3 or more of the~~
5 ~~following areas of major life activity:~~

6 ~~(i) self care;~~

7 ~~(ii) receptive and expressive language;~~

8 ~~(iii) learning;~~

9 ~~(iv) mobility; or~~

10 ~~(v) self direction.~~

11 "Federally licensed firearm dealer" means a person who is
12 licensed as a federal firearms dealer under Section 923 of the
13 federal Gun Control Act of 1968 (18 U.S.C. 923).

14 "Firearm" means any device, by whatever name known, which
15 is designed to expel a projectile or projectiles by the action
16 of an explosion, expansion of gas or escape of gas; excluding,
17 however:

18 (1) any pneumatic gun, spring gun, paint ball gun, or
19 B-B gun which expels a single globular projectile not
20 exceeding .18 inch in diameter or which has a maximum
21 muzzle velocity of less than 700 feet per second;

22 (1.1) any pneumatic gun, spring gun, paint ball gun, or
23 B-B gun which expels breakable paint balls containing
24 washable marking colors;

25 (2) any device used exclusively for signalling or
26 safety and required or recommended by the United States

1 Coast Guard or the Interstate Commerce Commission;

2 (3) any device used exclusively for the firing of stud
3 cartridges, explosive rivets or similar industrial
4 ammunition; and

5 (4) an antique firearm (other than a machine-gun)
6 which, although designed as a weapon, the Department of
7 State Police finds by reason of the date of its
8 manufacture, value, design, and other characteristics is
9 primarily a collector's item and is not likely to be used
10 as a weapon.

11 "Firearm ammunition" means any self-contained cartridge or
12 shotgun shell, by whatever name known, which is designed to be
13 used or adaptable to use in a firearm; excluding, however:

14 (1) any ammunition exclusively designed for use with a
15 device used exclusively for signalling or safety and
16 required or recommended by the United States Coast Guard or
17 the Interstate Commerce Commission; and

18 (2) any ammunition designed exclusively for use with a
19 stud or rivet driver or other similar industrial
20 ammunition.

21 "Gun show" means an event or function:

22 (1) at which the sale and transfer of firearms is the
23 regular and normal course of business and where 50 or more
24 firearms are displayed, offered, or exhibited for sale,
25 transfer, or exchange; or

26 (2) at which not less than 10 gun show vendors display,

1 offer, or exhibit for sale, sell, transfer, or exchange
2 firearms.

3 "Gun show" includes the entire premises provided for an
4 event or function, including parking areas for the event or
5 function, that is sponsored to facilitate the purchase, sale,
6 transfer, or exchange of firearms as described in this Section.
7 Nothing in this definition shall be construed to exclude a gun
8 show held in conjunction with competitive shooting events at
9 the World Shooting Complex sanctioned by a national governing
10 body in which the sale or transfer of firearms is authorized
11 under subparagraph (5) of paragraph (g) of subsection (A) of
12 Section 24-3 of the Criminal Code of 2012.

13 Unless otherwise expressly stated, "gun show" does not
14 include training or safety classes, competitive shooting
15 events, such as rifle, shotgun, or handgun matches, trap,
16 skeet, or sporting clays shoots, dinners, banquets, raffles, or
17 any other event where the sale or transfer of firearms is not
18 the primary course of business.

19 "Gun show promoter" means a person who organizes or
20 operates a gun show.

21 "Gun show vendor" means a person who exhibits, sells,
22 offers for sale, transfers, or exchanges any firearms at a gun
23 show, regardless of whether the person arranges with a gun show
24 promoter for a fixed location from which to exhibit, sell,
25 offer for sale, transfer, or exchange any firearm.

26 "Involuntarily admitted" has the meaning as prescribed in

1 Sections 1-119 and 1-119.1 of the Mental Health and
2 Developmental Disabilities Code.

3 "Mental health facility" means any licensed private
4 hospital or hospital affiliate, institution, or facility, or
5 part thereof, and any facility, or part thereof, operated by
6 the State or a political subdivision thereof which provide
7 treatment of persons with mental illness and includes all
8 hospitals, institutions, clinics, evaluation facilities,
9 mental health centers, colleges, universities, long-term care
10 facilities, and nursing homes, or parts thereof, which provide
11 treatment of persons with mental illness whether or not the
12 primary purpose is to provide treatment of persons with mental
13 illness.

14 "National governing body" means a group of persons who
15 adopt rules and formulate policy on behalf of a national
16 firearm sporting organization.

17 "Patient" means:

18 (1) a person who voluntarily receives mental health
19 treatment as an in-patient or resident of any public or
20 private mental health facility, unless the treatment was
21 solely for an alcohol abuse disorder and no other secondary
22 substance abuse disorder or mental illness; or

23 (2) a person who voluntarily receives mental health
24 treatment as an out-patient or is provided services by a
25 public or private mental health facility, and who poses a
26 clear and present danger to himself, herself, or to others.

1 "Person with a developmental disability" means a person
2 with a disability which is attributable to any other condition
3 which results in impairment similar to that caused by an
4 intellectual disability and which requires services similar to
5 those required by persons with intellectual disabilities. The
6 disability must originate before the age of 18 years, be
7 expected to continue indefinitely, and constitute a
8 substantial disability. This disability results, in the
9 professional opinion of a physician, clinical psychologist, or
10 qualified examiner, in significant functional limitations in 3
11 or more of the following areas of major life activity:

12 (i) self-care;

13 (ii) receptive and expressive language;

14 (iii) learning;

15 (iv) mobility; or

16 (v) self-direction.

17 "Person with an intellectual disability" means a person
18 with a significantly subaverage general intellectual
19 functioning which exists concurrently with impairment in
20 adaptive behavior and which originates before the age of 18
21 years.

22 "Physician" has the meaning as defined in Section 1-120 of
23 the Mental Health and Developmental Disabilities Code.

24 "Qualified examiner" has the meaning provided in Section
25 1-122 of the Mental Health and Developmental Disabilities Code.

26 "Sanctioned competitive shooting event" means a shooting

1 contest officially recognized by a national or state shooting
2 sport association, and includes any sight-in or practice
3 conducted in conjunction with the event.

4 "School administrator" means the person required to report
5 under the School Administrator Reporting of Mental Health Clear
6 and Present Danger Determinations Law.

7 "Stun gun or taser" has the meaning ascribed to it in
8 Section 24-1 of the Criminal Code of 2012.

9 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
10 eff. 7-27-15; revised 10-20-15.)

11 Section 495. The Beef Market Development Act is amended by
12 changing Section 7 as follows:

13 (505 ILCS 25/7) (from Ch. 5, par. 1407)

14 Sec. 7. Acceptance of grants and gifts. ~~(a)~~ The Checkoff
15 Division may accept grants, donations, contributions, or gifts
16 from any source, provided the use of such resources is not
17 restricted in any manner which is deemed inconsistent with the
18 objectives of the program.

19 (Source: P.A. 99-389, eff. 8-18-15; revised 10-16-15.)

20 Section 500. The Illinois Conservation Enhancement Act is
21 amended by changing Section 2-2 as follows:

22 (505 ILCS 35/2-2) (from Ch. 5, par. 2402-2)

1 Sec. 2-2. Payments to the landowner. The Director shall,
2 subject to available funds and appropriations, make the
3 following payments to the landowner:

4 (1) establishment of the perennial cover or other
5 improvements required by the agreement, up to 60% of the cost,
6 but not to exceed \$75 per acre, for easements of limited
7 duration;

8 (2) the cost of planting trees required by the agreement,
9 up to 80% of the cost, but not to exceed \$75 per acre, for
10 easements of limited duration;

11 (3) a permanent easement, not to exceed 70% of the fair
12 market value at the time the easement is conveyed, and payment
13 of 100% of the cost, but not to exceed \$75 per acre, to
14 establish the perennial cover, other improvements or to plant
15 trees required by the agreement; and

16 (4) an easement of limited duration, not to exceed 90% of
17 the present value of the average of the acceptable bids for the
18 federal Conservation Reserve Program, as contained in Public
19 Law Number 99-198, in the relevant geographic area and on bids
20 made immediately prior to when the easement is conveyed. If
21 federal bid figures have not been determined for the area, or
22 the federal program has been discontinued, the rate paid shall
23 be determined by the Director.

24 The Director may not pay more than \$50,000 annually to a
25 landowner for the landowner's conservation easements and
26 agreements. Any cost-share payments shall be in addition to

1 this \$50,000 limit.

2 The Director may supplement cost-share payments made under
3 other local, State or federal programs, not to exceed \$75 an
4 ~~and~~ acre, to the extent of available appropriations. The
5 supplemental cost-share payments must be used to establish
6 perennial cover on land enrolled in programs approved by the
7 Director.

8 (Source: P.A. 85-1332; revised 10-16-15.)

9 Section 505. The Animal Control Act is amended by changing
10 Section 15 as follows:

11 (510 ILCS 5/15) (from Ch. 8, par. 365)

12 Sec. 15. (a) In order to have a dog deemed "vicious", the
13 Administrator, Deputy Administrator, or law enforcement
14 officer must give notice of the infraction that is the basis of
15 the investigation to the owner, conduct a thorough
16 investigation, interview any witnesses, including the owner,
17 gather any existing medical records, veterinary medical
18 records or behavioral evidence, and make a detailed report
19 recommending a finding that the dog is a vicious dog and give
20 the report to the State's ~~States~~ Attorney's Office and the
21 owner. The Administrator, State's Attorney, Director or any
22 citizen of the county in which the dog exists may file a
23 complaint in the circuit court in the name of the People of the
24 State of Illinois to deem a dog to be a vicious dog. Testimony

1 of a certified applied behaviorist, a board certified
2 veterinary behaviorist, or another recognized expert may be
3 relevant to the court's determination of whether the dog's
4 behavior was justified. The petitioner must prove the dog is a
5 vicious dog by clear and convincing evidence. The Administrator
6 shall determine where the animal shall be confined during the
7 pendency of the case.

8 A dog may not be declared vicious if the court determines
9 the conduct of the dog was justified because:

10 (1) the threat, injury, or death was sustained by a
11 person who at the time was committing a crime or offense
12 upon the owner or custodian of the dog, or was committing a
13 willful trespass or other tort upon the premises or
14 property owned or occupied by the owner of the animal;

15 (2) the injured, threatened, or killed person was
16 abusing, assaulting, or physically threatening the dog or
17 its offspring, or has in the past abused, assaulted, or
18 physically threatened the dog or its offspring; or

19 (3) the dog was responding to pain or injury, or was
20 protecting itself, its owner, custodian, or member of its
21 household, kennel, or offspring.

22 No dog shall be deemed "vicious" if it is a professionally
23 trained dog for law enforcement or guard duties. Vicious dogs
24 shall not be classified in a manner that is specific as to
25 breed.

26 If the burden of proof has been met, the court shall deem

1 the dog to be a vicious dog.

2 If a dog is found to be a vicious dog, the owner shall pay a
3 \$100 public safety fine to be deposited into the Pet Population
4 Control Fund, the dog shall be spayed or neutered within 10
5 days of the finding at the expense of its owner and
6 microchipped, if not already, and the dog is subject to
7 enclosure. If an owner fails to comply with these requirements,
8 the animal control agency shall impound the dog and the owner
9 shall pay a \$500 fine plus impoundment fees to the animal
10 control agency impounding the dog. The judge has the discretion
11 to order a vicious dog be euthanized. A dog found to be a
12 vicious dog shall not be released to the owner until the
13 Administrator, an Animal Control Warden, or the Director
14 approves the enclosure. No owner or keeper of a vicious dog
15 shall sell or give away the dog without approval from the
16 Administrator or court. Whenever an owner of a vicious dog
17 relocates, he or she shall notify both the Administrator of
18 County Animal Control where he or she has relocated and the
19 Administrator of County Animal Control where he or she formerly
20 resided.

21 (b) It shall be unlawful for any person to keep or maintain
22 any dog which has been found to be a vicious dog unless the dog
23 is kept in an enclosure. The only times that a vicious dog may
24 be allowed out of the enclosure are (1) if it is necessary for
25 the owner or keeper to obtain veterinary care for the dog, (2)
26 in the case of an emergency or natural disaster where the dog's

1 life is threatened, or (3) to comply with the order of a court
2 of competent jurisdiction, provided that the dog is securely
3 muzzled and restrained with a leash not exceeding 6 feet in
4 length, and shall be under the direct control and supervision
5 of the owner or keeper of the dog or muzzled in its residence.

6 Any dog which has been found to be a vicious dog and which
7 is not confined to an enclosure shall be impounded by the
8 Administrator, an Animal Control Warden, or the law enforcement
9 authority having jurisdiction in such area.

10 If the owner of the dog has not appealed the impoundment
11 order to the circuit court in the county in which the animal
12 was impounded within 15 working days, the dog may be
13 euthanized.

14 Upon filing a notice of appeal, the order of euthanasia
15 shall be automatically stayed pending the outcome of the
16 appeal. The owner shall bear the burden of timely notification
17 to animal control in writing.

18 Guide dogs for the blind or hearing impaired, support dogs
19 for persons with physical disabilities, accelerant detection
20 dogs, and sentry, guard, or police-owned dogs are exempt from
21 this Section; provided, an attack or injury to a person occurs
22 while the dog is performing duties as expected. To qualify for
23 exemption under this Section, each such dog shall be currently
24 inoculated against rabies in accordance with Section 8 of this
25 Act. It shall be the duty of the owner of such exempted dog to
26 notify the Administrator of changes of address. In the case of

1 a sentry or guard dog, the owner shall keep the Administrator
2 advised of the location where such dog will be stationed. The
3 Administrator shall provide police and fire departments with a
4 categorized list of such exempted dogs, and shall promptly
5 notify such departments of any address changes reported to him.

6 (c) If the animal control agency has custody of the dog,
7 the agency may file a petition with the court requesting that
8 the owner be ordered to post security. The security must be in
9 an amount sufficient to secure payment of all reasonable
10 expenses expected to be incurred by the animal control agency
11 or animal shelter in caring for and providing for the dog
12 pending the determination. Reasonable expenses include, but
13 are not limited to, estimated medical care and boarding of the
14 animal for 30 days. If security has been posted in accordance
15 with this Section, the animal control agency may draw from the
16 security the actual costs incurred by the agency in caring for
17 the dog.

18 (d) Upon receipt of a petition, the court must set a
19 hearing on the petition, to be conducted within 5 business days
20 after the petition is filed. The petitioner must serve a true
21 copy of the petition upon the defendant.

22 (e) If the court orders the posting of security, the
23 security must be posted with the clerk of the court within 5
24 business days after the hearing. If the person ordered to post
25 security does not do so, the dog is forfeited by operation of
26 law and the animal control agency must dispose of the animal

1 through adoption or humane euthanization.

2 (Source: P.A. 99-143, eff. 7-27-15; revised 10-20-15.)

3 Section 510. The Herptiles-Herps Act is amended by changing
4 Section 80-5 as follows:

5 (510 ILCS 68/80-5)

6 Sec. 80-5. Injury to a member of public by special use
7 herptiles. A person who possesses a special use herptile
8 without complying with the requirements of this Act and the
9 rules adopted under the authority of this Act and whose special
10 use herptile harms a person when the possessor knew or should
11 have known that the herptile had a propensity, when provoked or
12 unprovoked, to harm, cause injury to, or otherwise
13 substantially endanger a member of the public is guilty of a
14 Class A misdemeanor. A person who fails to comply with the
15 provisions of this Act and the rules adopted under the
16 authority of this Act and who intentionally or knowingly allows
17 ~~allow~~ a special use herptile to cause great bodily harm to, or
18 the death of, a human is guilty of a Class 4 felony.

19 (Source: P.A. 98-752, eff. 1-1-15; revised 10-20-15.)

20 Section 515. The Humane Care for Animals Act is amended by
21 changing Section 3.01 as follows:

22 (510 ILCS 70/3.01) (from Ch. 8, par. 703.01)

1 Sec. 3.01. Cruel treatment.

2 (a) No person or owner may beat, cruelly treat, torment,
3 starve, overwork or otherwise abuse any animal.

4 (b) No owner may abandon any animal where it may become a
5 public charge or may suffer injury, hunger or exposure.

6 (c) No owner of a dog or cat that is a companion animal may
7 expose the dog or cat in a manner that places the dog or cat in
8 a life-threatening situation for a prolonged period of time in
9 extreme heat or cold conditions that results in injury to or
10 death of the animal.

11 (d) ~~(e)~~ A person convicted of violating this Section is
12 guilty of a Class A misdemeanor. A second or subsequent
13 conviction for a violation of this Section is a Class 4 felony.
14 In addition to any other penalty provided by law, a person who
15 is convicted of violating subsection (a) upon a companion
16 animal in the presence of a child, as defined in Section 12-0.1
17 of the Criminal Code of 2012, shall be subject to a fine of
18 \$250 and ordered to perform community service for not less than
19 100 hours. In addition to any other penalty provided by law,
20 upon conviction for violating this Section, the court may order
21 the convicted person to undergo a psychological or psychiatric
22 evaluation and to undergo any treatment at the convicted
23 person's expense that the court determines to be appropriate
24 after due consideration of the evidence. If the convicted
25 person is a juvenile or a companion animal hoarder, the court
26 must order the convicted person to undergo a psychological or

1 psychiatric evaluation and to undergo treatment that the court
2 determines to be appropriate after due consideration of the
3 evaluation.

4 (Source: P.A. 99-311, eff. 1-1-16; 99-357, eff. 1-1-16; revised
5 10-20-15.)

6 Section 520. The Wildlife Code is amended by changing
7 Sections 2.26, 2.33, and 3.31 as follows:

8 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

9 Sec. 2.26. Deer hunting permits. In this Section, "bona
10 fide equity shareholder" means an individual who (1) purchased,
11 for market price, publicly sold stock shares in a corporation,
12 purchased shares of a privately-held corporation for a value
13 equal to the percentage of the appraised value of the corporate
14 assets represented by the ownership in the corporation, or is a
15 member of a closely-held family-owned corporation and has
16 purchased or been gifted with shares of stock in the
17 corporation accurately reflecting his or her percentage of
18 ownership and (2) intends to retain the ownership of the shares
19 of stock for at least 5 years.

20 In this Section, "bona fide equity member" means an
21 individual who (1) (i) became a member upon the formation of
22 the limited liability company or (ii) has purchased a
23 distributional interest in a limited liability company for a
24 value equal to the percentage of the appraised value of the LLC

1 assets represented by the distributional interest in the LLC
2 and subsequently becomes a member of the company pursuant to
3 Article 30 of the Limited Liability Company Act and who (2)
4 intends to retain the membership for at least 5 years.

5 In this Section, "bona fide equity partner" means an
6 individual who (1) (i) became a partner, either general or
7 limited, upon the formation of a partnership or limited
8 partnership, or (ii) has purchased, acquired, or been gifted a
9 partnership interest accurately representing his or her
10 percentage distributional interest in the profits, losses, and
11 assets of a partnership or limited partnership, (2) intends to
12 retain ownership of the partnership interest for at least 5
13 years, and (3) is a resident of Illinois.

14 Any person attempting to take deer shall first obtain a
15 "Deer Hunting Permit" issued by the Department in accordance
16 with its administrative rules. Those rules must provide for the
17 issuance of the following types of resident deer archery
18 permits: (i) a combination permit, consisting of one either-sex
19 permit and one antlerless-only permit, (ii) a single
20 antlerless-only permit, and (iii) a single either-sex permit.
21 The fee for a Deer Hunting Permit to take deer with either bow
22 and arrow or gun shall not exceed \$25.00 for residents of the
23 State. The Department may by administrative rule provide for
24 non-resident deer hunting permits for which the fee will not
25 exceed \$300 in 2005, \$350 in 2006, and \$400 in 2007 and
26 thereafter except as provided below for non-resident

1 landowners and non-resident archery hunters. The Department
2 may by administrative rule provide for a non-resident archery
3 deer permit consisting of not more than 2 harvest tags at a
4 total cost not to exceed \$325 in 2005, \$375 in 2006, and \$425
5 in 2007 and thereafter. Permits shall be issued without charge
6 to:

7 (a) Illinois landowners residing in Illinois who own at
8 least 40 acres of Illinois land and wish to hunt their land
9 only,

10 (b) resident tenants of at least 40 acres of commercial
11 agricultural land where they will hunt, and

12 (c) Bona fide equity shareholders of a corporation,
13 bona fide equity members of a limited liability company, or
14 bona fide equity partners of a general or limited
15 partnership which owns at least 40 acres of land in a
16 county in Illinois who wish to hunt on the corporation's,
17 company's, or partnership's land only. One permit shall be
18 issued without charge to one bona fide equity shareholder,
19 one bona fide equity member, or one bona fide equity
20 partner for each 40 acres of land owned by the corporation,
21 company, or partnership in a county; however, the number of
22 permits issued without charge to bona fide equity
23 shareholders of any corporation or bona fide equity members
24 of a limited liability company in any county shall not
25 exceed 15, and shall not exceed 3 in the case of bona fide
26 equity partners of a partnership.

1 Bona fide landowners or tenants who do not wish to hunt
2 only on the land they own, rent, or lease or bona fide equity
3 shareholders, bona fide equity members, or bona fide equity
4 partners who do not wish to hunt only on the land owned by the
5 corporation, limited liability company, or partnership shall
6 be charged the same fee as the applicant who is not a
7 landowner, tenant, bona fide equity shareholder, bona fide
8 equity member, or bona fide equity partner. Nonresidents of
9 Illinois who own at least 40 acres of land and wish to hunt on
10 their land only shall be charged a fee set by administrative
11 rule. The method for obtaining these permits shall be
12 prescribed by administrative rule.

13 The deer hunting permit issued without fee shall be valid
14 on all farm lands which the person to whom it is issued owns,
15 leases or rents, except that in the case of a permit issued to
16 a bona fide equity shareholder, bona fide equity member, or
17 bona fide equity partner, the permit shall be valid on all
18 lands owned by the corporation, limited liability company, or
19 partnership in the county.

20 The standards and specifications for use of guns and bow
21 and arrow for deer hunting shall be established by
22 administrative rule.

23 No person may have in his possession any firearm not
24 authorized by administrative rule for a specific hunting season
25 when taking deer.

26 Persons having a firearm deer hunting permit shall be

1 permitted to take deer only during the period from 1/2 hour
2 before sunrise to 1/2 hour after sunset, and only during those
3 days for which an open season is established for the taking of
4 deer by use of shotgun, handgun, or muzzle loading rifle.

5 Persons having an archery deer hunting permit shall be
6 permitted to take deer only during the period from 1/2 hour
7 before sunrise to 1/2 hour after sunset, and only during those
8 days for which an open season is established for the taking of
9 deer by use of bow and arrow.

10 It shall be unlawful for any person to take deer by use of
11 dogs, horses, automobiles, aircraft or other vehicles, or by
12 the use or aid of bait or baiting of any kind. For the purposes
13 of this Section, "bait" means any material, whether liquid or
14 solid, including food, salt, minerals, and other products,
15 except pure water, that can be ingested, placed, or scattered
16 in such a manner as to attract or lure white-tailed deer.
17 "Baiting" means the placement or scattering of bait to attract
18 deer. An area is considered as baited during the presence of
19 and for 10 consecutive days following the removal of bait.
20 Nothing in this Section shall prohibit the use of a dog to
21 track wounded deer. Any person using a dog for tracking wounded
22 deer must maintain physical control of the dog at all times by
23 means of a maximum 50 foot lead attached to the dog's collar or
24 harness. Tracking wounded deer is permissible at night, but at
25 no time outside of legal deer hunting hours or seasons shall
26 any person handling or accompanying a dog being used for

1 tracking wounded deer be in possession of any firearm or
2 archery device. Persons tracking wounded deer with a dog during
3 the firearm deer seasons shall wear blaze orange as required.
4 Dog handlers tracking wounded deer with a dog are exempt from
5 hunting license and deer permit requirements so long as they
6 are accompanied by the licensed deer hunter who wounded the
7 deer.

8 It shall be unlawful to possess or transport any wild deer
9 which has been injured or killed in any manner upon a public
10 highway or public right-of-way of this State unless exempted by
11 administrative rule.

12 Persons hunting deer must have gun unloaded and no bow and
13 arrow device shall be carried with the arrow in the nocked
14 position during hours when deer hunting is unlawful.

15 It shall be unlawful for any person, having taken the legal
16 limit of deer by gun, to further participate with gun in any
17 deer hunting party.

18 It shall be unlawful for any person, having taken the legal
19 limit of deer by bow and arrow, to further participate with bow
20 and arrow in any deer hunting party.

21 The Department may prohibit upland game hunting during the
22 gun deer season by administrative rule.

23 The Department shall not limit the number of non-resident,
24 either-sex ~~either-sex~~ archery deer hunting permits to less than
25 20,000.

26 Any person who violates any of the provisions of this

1 Section, including administrative rules, shall be guilty of a
2 Class B misdemeanor.

3 For the purposes of calculating acreage under this Section,
4 the Department shall, after determining the total acreage of
5 the applicable tract or tracts of land, round remaining
6 fractional portions of an acre greater than or equal to half of
7 an acre up to the next whole acre.

8 For the purposes of taking white-tailed deer, nothing in
9 this Section shall be construed to prevent the manipulation,
10 including mowing or cutting, of standing crops as a normal
11 agricultural or soil stabilization practice, food plots, or
12 normal agricultural practices, including planting, harvesting,
13 and maintenance such as cultivating or the use of products
14 designed for scent only and not capable of ingestion, solid or
15 liquid, placed or scattered, in such a manner as to attract or
16 lure deer. Such manipulation for the purpose of taking
17 white-tailed deer may be further modified by administrative
18 rule.

19 (Source: P.A. 97-564, eff. 8-25-11; 97-907, eff. 8-7-12;
20 98-180, eff. 8-5-13; revised 10-20-15.)

21 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

22 Sec. 2.33. Prohibitions.

23 (a) It is unlawful to carry or possess any gun in any State
24 refuge unless otherwise permitted by administrative rule.

25 (b) It is unlawful to use or possess any snare or

1 snare-like device, deadfall, net, or pit trap to take any
2 species, except that snares not powered by springs or other
3 mechanical devices may be used to trap fur-bearing mammals, in
4 water sets only, if at least one-half of the snare noose is
5 located underwater at all times.

6 (c) It is unlawful for any person at any time to take a
7 wild mammal protected by this Act from its den by means of any
8 mechanical device, spade, or digging device or to use smoke or
9 other gases to dislodge or remove such mammal except as
10 provided in Section 2.37.

11 (d) It is unlawful to use a ferret or any other small
12 mammal which is used in the same or similar manner for which
13 ferrets are used for the purpose of frightening or driving any
14 mammals from their dens or hiding places.

15 (e) (Blank).

16 (f) It is unlawful to use spears, gigs, hooks or any like
17 device to take any species protected by this Act.

18 (g) It is unlawful to use poisons, chemicals or explosives
19 for the purpose of taking any species protected by this Act.

20 (h) It is unlawful to hunt adjacent to or near any peat,
21 grass, brush or other inflammable substance when it is burning.

22 (i) It is unlawful to take, pursue or intentionally harass
23 or disturb in any manner any wild birds or mammals by use or
24 aid of any vehicle or conveyance, except as permitted by the
25 Code of Federal Regulations for the taking of waterfowl. It is
26 also unlawful to use the lights of any vehicle or conveyance or

1 any light from or any light connected to the vehicle or
2 conveyance in any area where wildlife may be found except in
3 accordance with Section 2.37 of this Act; however, nothing in
4 this Section shall prohibit the normal use of headlamps for the
5 purpose of driving upon a roadway. Striped skunk, opossum, red
6 fox, gray fox, raccoon, bobcat, and coyote may be taken during
7 the open season by use of a small light which is worn on the
8 body or hand-held by a person on foot and not in any vehicle.

9 (j) It is unlawful to use any shotgun larger than 10 gauge
10 while taking or attempting to take any of the species protected
11 by this Act.

12 (k) It is unlawful to use or possess in the field any
13 shotgun shell loaded with a shot size larger than lead BB or
14 steel T (.20 diameter) when taking or attempting to take any
15 species of wild game mammals (excluding white-tailed deer),
16 wild game birds, migratory waterfowl or migratory game birds
17 protected by this Act, except white-tailed deer as provided for
18 in Section 2.26 and other species as provided for by subsection
19 (l) or administrative rule.

20 (l) It is unlawful to take any species of wild game, except
21 white-tailed deer and fur-bearing mammals, with a shotgun
22 loaded with slugs unless otherwise provided for by
23 administrative rule.

24 (m) It is unlawful to use any shotgun capable of holding
25 more than 3 shells in the magazine or chamber combined, except
26 on game breeding and hunting preserve areas licensed under

1 Section 3.27 and except as permitted by the Code of Federal
2 Regulations for the taking of waterfowl. If the shotgun is
3 capable of holding more than 3 shells, it shall, while being
4 used on an area other than a game breeding and shooting
5 preserve area licensed pursuant to Section 3.27, be fitted with
6 a one piece plug that is irremovable without dismantling the
7 shotgun or otherwise altered to render it incapable of holding
8 more than 3 shells in the magazine and chamber, combined.

9 (n) It is unlawful for any person, except persons who
10 possess a permit to hunt from a vehicle as provided in this
11 Section and persons otherwise permitted by law, to have or
12 carry any gun in or on any vehicle, conveyance or aircraft,
13 unless such gun is unloaded and enclosed in a case, except that
14 at field trials authorized by Section 2.34 of this Act,
15 unloaded guns or guns loaded with blank cartridges only, may be
16 carried on horseback while not contained in a case, or to have
17 or carry any bow or arrow device in or on any vehicle unless
18 such bow or arrow device is unstrung or enclosed in a case, or
19 otherwise made inoperable.

20 (o) It is unlawful to use any crossbow for the purpose of
21 taking any wild birds or mammals, except as provided for in
22 Section 2.5.

23 (p) It is unlawful to take game birds, migratory game birds
24 or migratory waterfowl with a rifle, pistol, revolver or
25 airgun.

26 (q) It is unlawful to fire a rifle, pistol, revolver or

1 airgun on, over or into any waters of this State, including
2 frozen waters.

3 (r) It is unlawful to discharge any gun or bow and arrow
4 device along, upon, across, or from any public right-of-way or
5 highway in this State.

6 (s) It is unlawful to use a silencer or other device to
7 muffle or mute the sound of the explosion or report resulting
8 from the firing of any gun.

9 (t) It is unlawful for any person to take or attempt to
10 take any species of wildlife or parts thereof, intentionally or
11 wantonly allow a dog to hunt, within or upon the land of
12 another, or upon waters flowing over or standing on the land of
13 another, or to knowingly shoot a gun or bow and arrow device at
14 any wildlife physically on or flying over the property of
15 another without first obtaining permission from the owner or
16 the owner's designee. For the purposes of this Section, the
17 owner's designee means anyone who the owner designates in a
18 written authorization and the authorization must contain (i)
19 the legal or common description of property for such authority
20 is given, (ii) the extent that the owner's designee is
21 authorized to make decisions regarding who is allowed to take
22 or attempt to take any species of wildlife or parts thereof,
23 and (iii) the owner's notarized signature. Before enforcing
24 this Section the law enforcement officer must have received
25 notice from the owner or the owner's designee of a violation of
26 this Section. Statements made to the law enforcement officer

1 regarding this notice shall not be rendered inadmissible by the
2 hearsay rule when offered for the purpose of showing the
3 required notice.

4 (u) It is unlawful for any person to discharge any firearm
5 for the purpose of taking any of the species protected by this
6 Act, or hunt with gun or dog, or intentionally or wantonly
7 allow a dog to hunt, within 300 yards of an inhabited dwelling
8 without first obtaining permission from the owner or tenant,
9 except that while trapping, hunting with bow and arrow, hunting
10 with dog and shotgun using shot shells only, or hunting with
11 shotgun using shot shells only, or providing outfitting
12 services under a waterfowl outfitter permit, or on licensed
13 game breeding and hunting preserve areas, as defined in Section
14 3.27, on federally owned and managed lands and on Department
15 owned, managed, leased, or controlled lands, a 100 yard
16 restriction shall apply.

17 (v) It is unlawful for any person to remove fur-bearing
18 mammals from, or to move or disturb in any manner, the traps
19 owned by another person without written authorization of the
20 owner to do so.

21 (w) It is unlawful for any owner of a dog to knowingly or
22 wantonly allow his or her dog to pursue, harass or kill deer,
23 except that nothing in this Section shall prohibit the tracking
24 of wounded deer with a dog in accordance with the provisions of
25 Section 2.26 of this Code.

26 (x) It is unlawful for any person to wantonly or carelessly

1 injure or destroy, in any manner whatsoever, any real or
2 personal property on the land of another while engaged in
3 hunting or trapping thereon.

4 (y) It is unlawful to hunt wild game protected by this Act
5 between one half hour after sunset and one half hour before
6 sunrise, except that hunting hours between one half hour after
7 sunset and one half hour before sunrise may be established by
8 administrative rule for fur-bearing mammals.

9 (z) It is unlawful to take any game bird (excluding wild
10 turkeys and crippled pheasants not capable of normal flight and
11 otherwise irretrievable) protected by this Act when not flying.
12 Nothing in this Section shall prohibit a person from carrying
13 an uncased, unloaded shotgun in a boat, while in pursuit of a
14 crippled migratory waterfowl that is incapable of normal
15 flight, for the purpose of attempting to reduce the migratory
16 waterfowl to possession, provided that the attempt is made
17 immediately upon downing the migratory waterfowl and is done
18 within 400 yards of the blind from which the migratory
19 waterfowl was downed. This exception shall apply only to
20 migratory game birds that are not capable of normal flight.
21 Migratory waterfowl that are crippled may be taken only with a
22 shotgun as regulated by subsection (j) of this Section using
23 shotgun shells as regulated in subsection (k) of this Section.

24 (aa) It is unlawful to use or possess any device that may
25 be used for tree climbing or cutting, while hunting fur-bearing
26 mammals, excluding coyotes.

1 (bb) It is unlawful for any person, except licensed game
2 breeders, pursuant to Section 2.29 to import, carry into, or
3 possess alive in this State any species of wildlife taken
4 outside of this State, without obtaining permission to do so
5 from the Director.

6 (cc) It is unlawful for any person to have in his or her
7 possession any freshly killed species protected by this Act
8 during the season closed for taking.

9 (dd) It is unlawful to take any species protected by this
10 Act and retain it alive except as provided by administrative
11 rule.

12 (ee) It is unlawful to possess any rifle while in the field
13 during gun deer season except as provided in Section 2.26 and
14 administrative rules.

15 (ff) It is unlawful for any person to take any species
16 protected by this Act, except migratory waterfowl, during the
17 gun deer hunting season in those counties open to gun deer
18 hunting, unless he or she wears, when in the field, a cap and
19 upper outer garment of a solid blaze orange color, with such
20 articles of clothing displaying a minimum of 400 square inches
21 of blaze orange material.

22 (gg) It is unlawful during the upland game season for any
23 person to take upland game with a firearm unless he or she
24 wears, while in the field, a cap of solid blaze orange color.
25 For purposes of this Act, upland game is defined as Bobwhite
26 Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern

1 Cottontail and Swamp Rabbit.

2 (hh) It shall be unlawful to kill or cripple any species
3 protected by this Act for which there is a bag limit without
4 making a reasonable effort to retrieve such species and include
5 such in the bag limit. It shall be unlawful for any person
6 having control over harvested game mammals, game birds, or
7 migratory game birds for which there is a bag limit to wantonly
8 waste or destroy the usable meat of the game, except this shall
9 not apply to wildlife taken under Sections 2.37 or 3.22 of this
10 Code. For purposes of this subsection, "usable meat" means the
11 breast meat of a game bird or migratory game bird and the hind
12 ham and front shoulders of a game mammal. It shall be unlawful
13 for any person to place, leave, dump, or abandon a wildlife
14 carcass or parts of it along or upon a public right-of-way or
15 highway or on public or private property, including a waterway
16 or stream, without the permission of the owner or tenant. It
17 shall not be unlawful to discard game meat that is determined
18 to be unfit for human consumption.

19 (ii) This Section shall apply only to those species
20 protected by this Act taken within the State. Any species or
21 any parts thereof, legally taken in and transported from other
22 states or countries, may be possessed within the State, except
23 as provided in this Section and Sections 2.35, 2.36 and 3.21.

24 (jj) (Blank).

25 (kk) Nothing contained in this Section shall prohibit the
26 Director from issuing permits to paraplegics or to other

1 persons with disabilities who meet the requirements set forth
2 in administrative rule to shoot or hunt from a vehicle as
3 provided by that rule, provided that such is otherwise in
4 accord with this Act.

5 (ll) Nothing contained in this Act shall prohibit the
6 taking of aquatic life protected by the Fish and Aquatic Life
7 Code or birds and mammals protected by this Act, except deer
8 and fur-bearing mammals, from a boat not camouflaged or
9 disguised to alter its identity or to further provide a place
10 of concealment and not propelled by sail or mechanical power.
11 However, only shotguns not larger than 10 gauge nor smaller
12 than .410 bore loaded with not more than 3 shells of a shot
13 size no larger than lead BB or steel T (.20 diameter) may be
14 used to take species protected by this Act.

15 (mm) Nothing contained in this Act shall prohibit the use
16 of a shotgun, not larger than 10 gauge nor smaller than a 20
17 gauge, with a rifled barrel.

18 (nn) It shall be unlawful to possess any species of
19 wildlife or wildlife parts taken unlawfully in Illinois, any
20 other state, or any other country, whether or not the wildlife
21 or wildlife parts is indigenous to Illinois. For the purposes
22 of this subsection, the statute of limitations for unlawful
23 possession of wildlife or wildlife parts shall not cease until
24 2 years after the possession has permanently ended.

25 (Source: P.A. 98-119, eff. 1-1-14; 98-181, eff. 8-5-13; 98-183,
26 eff. 1-1-14; 98-290, eff. 8-9-13; 98-756, eff. 7-16-14; 98-914,

1 eff. 1-1-15; 99-33, eff. 1-1-16; 99-143, eff. 7-27-15; revised
2 10-20-15.)

3 (520 ILCS 5/3.31) (from Ch. 61, par. 3.31)

4 Sec. 3.31. The Department may designate any operator of a
5 licensed ~~license~~ game breeding and hunting preserve area or any
6 of his or its agents or employees as a special representative
7 of the Department with power to enforce the game laws and to
8 prevent trespassing upon such property; provided that not more
9 than two special representatives may be appointed for each such
10 preserve. Such special representative shall be subject to rules
11 and regulations to be prescribed by the Department and shall
12 serve without compensation from the Department.

13 (Source: P.A. 84-150; revised 10-20-15.)

14 Section 525. The Illinois Vehicle Code is amended by
15 changing Sections 3-415, 3-616, 3-626, 3-801, 3-806.3, 3-818,
16 6-106.1, 6-115, 6-118, 6-205, 6-206, 6-208, 6-302, 11-501.01,
17 11-605.1, 12-215, and 15-316 as follows:

18 (625 ILCS 5/3-415) (from Ch. 95 1/2, par. 3-415)

19 Sec. 3-415. Application for and renewal of registration.

20 (a) Calendar year. Application for renewal of a vehicle
21 registration shall be made by the owner, as to those vehicles
22 required to be registered on a calendar registration year, not
23 later than December 1 of each year, upon proper application and

1 by payment of the registration fee and tax for such vehicle, as
2 provided by law except that application for renewal of a
3 vehicle registration, as to those vehicles required to be
4 registered on a staggered calendar year basis, shall be made by
5 the owner in the form and manner prescribed by the Secretary of
6 State.

7 (b) Fiscal year. Application for renewal of a vehicle
8 registration shall be made by the owner, as to those vehicles
9 required to be registered on a fiscal registration year, not
10 later than June 1 of each year, upon proper application and by
11 payment of the registration fee and tax for such vehicle as
12 provided by law, except that application for renewal of a
13 vehicle registration, as to those vehicles required to be
14 registered on a staggered fiscal year basis, shall be made by
15 the owner in the form and manner prescribed by the Secretary of
16 State.

17 (c) Two calendar years. Application for renewal of a
18 vehicle registration shall be made by the owner, as to those
19 vehicles required to be registered for 2 calendar years, not
20 later than December 1 of the year preceding commencement of the
21 2-year registration period, except that application for
22 renewal of a vehicle registration, as to those vehicles
23 required to be registered for 2 years on a staggered
24 registration basis, shall be made by the owner in the form and
25 manner prescribed by the Secretary of State.

26 (d) Two fiscal years. Application for renewal of a vehicle

1 registration shall be made by the owner, as to those vehicles
2 required to be registered for 2 fiscal years, not later than
3 June 1 immediately preceding commencement of the 2-year
4 registration period, except that application for renewal of a
5 vehicle registration, as to those vehicles required to be
6 registered for 2 fiscal years on a staggered registration
7 basis, shall be made by the owner in the form and manner
8 prescribed by the Secretary of State.

9 (d-5) Three calendar years. Application for renewal of a
10 vehicle registration shall be made by the owner, as to those
11 vehicles required to be registered for 3 calendar years, not
12 later than December 1 of the year preceding commencement of the
13 3-year registration period.

14 (d-10) Five calendar years. Application for renewal of a
15 vehicle registration shall be made by the owner, as to those
16 vehicles required to be registered for 5 calendar years, not
17 later than December 1 of the year preceding commencement of the
18 5-year registration period.

19 (e) Time of application. The Secretary of State may receive
20 applications for renewal of registration and grant the same and
21 issue new registration cards and plates or registration
22 stickers at any time prior to expiration of registration. No
23 person shall display upon a vehicle, the new registration
24 plates or registration stickers prior to the dates the
25 Secretary of State in his discretion may select.

26 (f) Verification. The Secretary of State may further

1 require, as to vehicles for-hire, that applications be
2 accompanied by verification that fees due under the Illinois
3 Motor Carrier of Property Law, as amended, have been paid.

4 (g) (Blank).

5 (h) Returning combat mission veterans. Beginning in
6 registration year 2017, the application for renewal, and
7 subsequent fees, of a vehicle registration for a member of the
8 active-duty or reserve component of the United States Armed
9 Forces returning from a combat mission shall not be required
10 for that service member's next scheduled renewal. Proof of
11 combat mission service shall come from the service member's
12 hostile fire pay or imminent danger pay documentation received
13 any time in the 12 months preceding the registration renewal.
14 Nothing in this subsection is applicable to the additional fees
15 incurred by specialty, personalized, or vanity license plates.
16 (Source: P.A. 98-539, eff. 1-1-14; 98-787, eff. 7-25-14; 99-32,
17 eff. 7-10-15; 99-80, eff. 1-1-16; revised 10-19-15.)

18 (625 ILCS 5/3-616) (from Ch. 95 1/2, par. 3-616)

19 Sec. 3-616. Disability license plates.

20 (a) Upon receiving an application for a certificate of
21 registration for a motor vehicle of the first division or for a
22 motor vehicle of the second division weighing no more than
23 8,000 pounds, accompanied with payment of the registration fees
24 required under this Code from a person with disabilities or a
25 person who is deaf or hard of hearing, the Secretary of State,

1 if so requested, shall issue to such person registration plates
2 as provided for in Section 3-611, provided that the person with
3 disabilities or person who is deaf or hard of hearing must not
4 be disqualified from obtaining a driver's license under
5 subsection 8 of Section 6-103 of this Code, and further
6 provided that any person making such a request must submit a
7 statement, certified by a licensed physician, by a licensed
8 physician assistant, or by a licensed advanced practice nurse,
9 to the effect that such person is a person with disabilities as
10 defined by Section 1-159.1 of this Code, or alternatively
11 provide adequate documentation that such person has a Class 1A,
12 Class 2A or Type Four disability under the provisions of
13 Section 4A of the Illinois Identification Card Act. For
14 purposes of this Section, an Illinois Person with a Disability
15 Identification Card issued pursuant to the Illinois
16 Identification Card Act indicating that the person thereon
17 named has a disability shall be adequate documentation of such
18 a disability.

19 (b) The Secretary shall issue plates under this Section to
20 a parent or legal guardian of a person with disabilities if the
21 person with disabilities has a Class 1A or Class 2A disability
22 as defined in Section 4A of the Illinois Identification Card
23 Act or is a person with disabilities as defined by Section
24 1-159.1 of this Code, and does not possess a vehicle registered
25 in his or her name, provided that the person with disabilities
26 relies frequently on the parent or legal guardian for

1 transportation. Only one vehicle per family may be registered
2 under this subsection, unless the applicant can justify in
3 writing the need for one additional set of plates. Any person
4 requesting special plates under this subsection shall submit
5 such documentation or such physician's, physician assistant's,
6 or advanced practice nurse's statement as is required in
7 subsection (a) and a statement describing the circumstances
8 qualifying for issuance of special plates under this
9 subsection. An optometrist may certify a Class 2A Visual
10 Disability, as defined in Section 4A of the Illinois
11 Identification Card Act, for the purpose of qualifying a person
12 with disabilities for special plates under this subsection.

13 (c) The Secretary may issue a parking decal or device to a
14 person with disabilities as defined by Section 1-159.1 without
15 regard to qualification of such person with disabilities for a
16 driver's license or registration of a vehicle by such person
17 with disabilities or such person's immediate family, provided
18 such person with disabilities making such a request has been
19 issued an Illinois Person with a Disability Identification Card
20 indicating that the person named thereon has a Class 1A or
21 Class 2A disability, or alternatively, submits a statement
22 certified by a licensed physician, or by a licensed physician
23 assistant or a licensed advanced practice nurse as provided in
24 subsection (a), to the effect that such person is a person with
25 disabilities as defined by Section 1-159.1. An optometrist may
26 certify a Class 2A Visual Disability as defined in Section 4A

1 of the Illinois Identification Card Act for the purpose of
2 qualifying a person with disabilities for a parking decal or
3 device under this subsection.

4 (d) The Secretary shall prescribe by rules and regulations
5 procedures to certify or re-certify as necessary the
6 eligibility of persons whose disabilities are other than
7 permanent for special plates or parking decals or devices
8 issued under subsections (a), (b) and (c). Except as provided
9 under subsection (f) of this Section, no such special plates,
10 decals or devices shall be issued by the Secretary of State to
11 or on behalf of any person with disabilities unless such person
12 is certified as meeting the definition of a person with
13 disabilities pursuant to Section 1-159.1 or meeting the
14 requirement of a Type Four disability as provided under Section
15 4A of the Illinois Identification Card Act for the period of
16 time that the physician, or the physician assistant or advanced
17 practice nurse as provided in subsection (a), determines the
18 applicant will have the disability, but not to exceed 6 months
19 from the date of certification or recertification.

20 (e) Any person requesting special plates under this Section
21 may also apply to have the special plates personalized, as
22 provided under Section 3-405.1.

23 (f) The Secretary of State, upon application, shall issue
24 disability registration plates or a parking decal to
25 corporations, school districts, State or municipal agencies,
26 limited liability companies, nursing homes, convalescent

1 homes, or special education cooperatives which will transport
2 persons with disabilities. The Secretary shall prescribe by
3 rule a means to certify or re-certify the eligibility of
4 organizations to receive disability plates or decals and to
5 designate which of the 2 person with disabilities emblems shall
6 be placed on qualifying vehicles.

7 (g) The Secretary of State, or his designee, may enter into
8 agreements with other jurisdictions, including foreign
9 jurisdictions, on behalf of this State relating to the
10 extension of parking privileges by such jurisdictions to
11 residents of this State with disabilities who display a special
12 license plate or parking device that contains the International
13 symbol of access on his or her motor vehicle, and to recognize
14 such plates or devices issued by such other jurisdictions. This
15 State shall grant the same parking privileges which are granted
16 to residents of this State with disabilities to any
17 non-resident whose motor vehicle is licensed in another state,
18 district, territory or foreign country if such vehicle displays
19 the international symbol of access or a distinguishing insignia
20 on license plates or parking device issued in accordance with
21 the laws of the non-resident's state, district, territory or
22 foreign country.

23 (Source: P.A. 99-143, eff. 7-27-15; 99-173, eff. 7-29-15;
24 revised 10-19-15.)

1 Sec. 3-626. Korean War Veteran license plates.

2 (a) In addition to any other special license plate, the
3 Secretary, upon receipt of all applicable fees and applications
4 made in the form prescribed by the Secretary of State, may
5 issue special registration plates designated as Korean War
6 Veteran license plates to residents of Illinois who
7 participated in the United States Armed Forces during the
8 Korean War. The special plate issued under this Section shall
9 be affixed only to passenger vehicles of the first division,
10 motorcycles, motor vehicles of the second division weighing not
11 more than 8,000 pounds, and recreational vehicles as defined by
12 Section 1-169 of this Code. Plates issued under this Section
13 shall expire according to the staggered multi-year procedure
14 established by 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 Lincoln", as prescribed in subsection (b) of
21 Section 3-412 of this Code. The Secretary shall prescribe the
22 eligibility requirements and, in his or her discretion, shall
23 approve and prescribe stickers or decals as provided under
24 Section 3-412.

25 (c) (Blank).

26 (d) The Korean War Memorial Construction Fund is created as

1 a special fund in the State treasury. All moneys in the Korean
2 War Memorial Construction Fund shall, subject to
3 appropriation, be used by the Department of Veteran Affairs to
4 provide grants for construction of the Korean War Memorial to
5 be located at Oak Ridge Cemetery in Springfield, Illinois. Upon
6 the completion of the Memorial, the Department of Veteran
7 Affairs shall certify to the State Treasurer that the
8 construction of the Memorial has been completed. Upon the
9 certification by the Department of Veteran Affairs, the State
10 Treasurer shall transfer all moneys in the Fund and any future
11 deposits into the Fund into the Secretary of State Special
12 License Plate Fund.

13 (e) An individual who has been issued Korean War Veteran
14 license plates for a vehicle and who has been approved for
15 benefits under the Senior Citizens and Persons with
16 Disabilities Property Tax Relief Act shall pay the original
17 issuance and the regular annual fee for the registration of the
18 vehicle as provided in Section 3-806.3 of this Code.

19 (Source: P.A. 99-127, eff. 1-1-16; 99-143, eff. 7-27-15;
20 revised 11-2-15.)

21 (625 ILCS 5/3-801) (from Ch. 95 1/2, par. 3-801)

22 Sec. 3-801. Registration.

23 (a) Except as provided herein for new residents, every
24 owner of any vehicle which shall be operated upon the public
25 highways of this State shall, within 24 hours after becoming

1 the owner or at such time as such vehicle becomes subject to
2 registration under the provisions of this Act, file in an
3 office of the Secretary of State, an application for
4 registration properly completed and executed. New residents
5 need not secure registration until 30 days after establishing
6 residency in this State, provided the vehicle is properly
7 registered in another jurisdiction. By the expiration of such
8 30-day ~~30-day~~ statutory grace period, a new resident shall
9 comply with the provisions of this Act and apply for Illinois
10 vehicle registration. All applications for registration shall
11 be accompanied by all documentation required under the
12 provisions of this Act. The appropriate registration fees and
13 taxes provided for in this Article of this Chapter shall be
14 paid to the Secretary of State with the application for
15 registration of vehicles subject to registration under this
16 Act.

17 (b) Any resident of this State, who has been serving as a
18 member or as a civilian employee of the United States Armed
19 Services, or as a civilian employee of the United States
20 Department of Defense, outside of the State of Illinois, need
21 not secure registration until 45 days after returning to this
22 State, provided the vehicle displays temporary military
23 registration.

24 (c) When an application is submitted by mail, the applicant
25 may not submit cash or postage stamps for payment of fees or
26 taxes due. The Secretary in his discretion, may decline to

1 accept a personal or company check or electronic payment in
2 payment of fees or taxes. An application submitted to a dealer,
3 or a remittance made to the Secretary of State shall be deemed
4 in compliance with this Section.

5 (Source: P.A. 99-118, eff. 1-1-16; 99-324, eff. 1-1-16; revised
6 11-2-15.)

7 (625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

8 Sec. 3-806.3. Senior Citizens. Commencing with the 2009
9 registration year, the registration fee paid by any vehicle
10 owner who has been approved for benefits under the Senior
11 Citizens and Persons with Disabilities Property Tax Relief Act
12 or who is the spouse of such a person shall be \$24 instead of
13 the fee otherwise provided in this Code for passenger cars
14 displaying standard multi-year registration plates issued
15 under Section 3-414.1, motor vehicles displaying special
16 registration plates issued under Section 3-609, 3-616, 3-621,
17 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645,
18 3-647, 3-650, 3-651, or 3-663, motor vehicles registered at
19 8,000 pounds or less under Section 3-815(a), and recreational
20 vehicles registered at 8,000 pounds or less under Section
21 3-815(b). Widows and widowers of claimants shall also be
22 entitled to this reduced registration fee for the registration
23 year in which the claimant was eligible.

24 Commencing with the 2009 registration year, the
25 registration fee paid by any vehicle owner who has claimed and

1 received a grant under the Senior Citizens and Persons with
2 Disabilities Property Tax Relief Act or who is the spouse of
3 such a person shall be \$24 instead of the fee otherwise
4 provided in this Code for passenger cars displaying standard
5 multi-year registration plates issued under Section 3-414.1,
6 motor vehicles displaying special registration plates issued
7 under Section 3-607, 3-609, 3-616, 3-621, 3-622, 3-623, 3-624,
8 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651,
9 3-663, or 3-664, motor vehicles registered at 8,000 pounds or
10 less under Section 3-815(a), and recreational vehicles
11 registered at 8,000 pounds or less under Section 3-815(b).
12 Widows and widowers of claimants shall also be entitled to this
13 reduced registration fee for the registration year in which the
14 claimant was eligible.

15 Commencing with the 2017 registration year, the reduced fee
16 under this Section shall apply to any special registration
17 plate authorized in Article VI of Chapter 3 of this Code, for
18 which the applicant would otherwise be eligible.

19 No more than one reduced registration fee under this
20 Section shall be allowed during any 12-month ~~12-month~~ period
21 based on the primary eligibility of any individual, whether
22 such reduced registration fee is allowed to the individual or
23 to the spouse, widow or widower of such individual. This
24 Section does not apply to the fee paid in addition to the
25 registration fee for motor vehicles displaying vanity,
26 personalized, or special license plates.

1 (Source: P.A. 99-71, eff. 1-1-16; 99-143, eff. 7-27-15; revised
2 10-19-15.)

3 (625 ILCS 5/3-818) (from Ch. 95 1/2, par. 3-818)

4 Sec. 3-818. ~~(a)~~ Mileage weight tax option.

5 (a) Any owner of a vehicle of the second division may elect
6 to pay a mileage weight tax for such vehicle in lieu of the
7 flat weight tax set out in Section 3-815. Such election shall
8 be binding to the end of the registration year. Renewal of this
9 election must be filed with the Secretary of State on or before
10 July 1 of each registration period. In such event the owner
11 shall, at the time of making such election, pay the \$10
12 registration fee and the minimum guaranteed mileage weight tax,
13 as hereinafter provided, which payment shall permit the owner
14 to operate that vehicle the maximum mileage in this State
15 hereinafter set forth. Any vehicle being operated on mileage
16 plates cannot be operated outside of this State. In addition
17 thereto, the owner of that vehicle shall pay a mileage weight
18 tax at the following rates for each mile traveled in this State
19 in excess of the maximum mileage provided under the minimum
20 guaranteed basis:

21 BUS, TRUCK OR TRUCK TRACTOR

22		Maximum	Mileage
23	Minimum	Mileage	Weight Tax
24	Guaranteed	Permitted	for Mileage
25	Gross Weight	Mileage	Under in excess of

1	Vehicle and		Weight	Guaranteed	Guaranteed
2	Load	Class	Tax	Tax	Mileage
3	12,000 lbs. or less	MD	\$73	5,000	26 Mills
4	12,001 to 16,000 lbs.	MF	120	6,000	34 Mills
5	16,001 to 20,000 lbs.	MG	180	6,000	46 Mills
6	20,001 to 24,000 lbs.	MH	235	6,000	63 Mills
7	24,001 to 28,000 lbs.	MJ	315	7,000	63 Mills
8	28,001 to 32,000 lbs.	MK	385	7,000	83 Mills
9	32,001 to 36,000 lbs.	ML	485	7,000	99 Mills
10	36,001 to 40,000 lbs.	MN	615	7,000	128 Mills
11	40,001 to 45,000 lbs.	MP	695	7,000	139 Mills
12	45,001 to 54,999 lbs.	MR	853	7,000	156 Mills
13	55,000 to 59,500 lbs.	MS	920	7,000	178 Mills
14	59,501 to 64,000 lbs.	MT	985	7,000	195 Mills
15	64,001 to 73,280 lbs.	MV	1,173	7,000	225 Mills
16	73,281 to 77,000 lbs.	MX	1,328	7,000	258 Mills
17	77,001 to 80,000 lbs.	MZ	1,415	7,000	275 Mills
18		TRAILER			
19				Maximum	Mileage
20			Minimum	Mileage	Weight Tax
21			Guaranteed	Permitted	for Mileage
22	Gross Weight		Mileage	Under	in excess of
23	Vehicle and		Weight	Guaranteed	Guaranteed
24	Load	Class	Tax	Tax	Mileage
25	14,000 lbs. or less	ME	\$75	5,000	31 Mills
26	14,001 to 20,000 lbs.	MF	135	6,000	36 Mills

1	20,001 to 36,000 lbs.	ML	540	7,000	103 Mills
2	36,001 to 40,000 lbs.	MM	750	7,000	150 Mills

3 (a-1) A Special Hauling Vehicle is a vehicle or combination
4 of vehicles of the second division registered under Section
5 3-813 transporting asphalt or concrete in the plastic state or
6 a vehicle or combination of vehicles that are subject to the
7 gross weight limitations in subsection (a) of Section 15-111
8 for which the owner of the vehicle or combination of vehicles
9 has elected to pay, in addition to the registration fee in
10 subsection (a), \$125 to the Secretary of State for each
11 registration year. The Secretary shall designate this class of
12 vehicle as a Special Hauling Vehicle.

13 In preparing rate schedules on registration applications,
14 the Secretary of State shall add to the above rates, the \$10
15 registration fee. The Secretary may decline to accept any
16 renewal filed after July 1st.

17 The number of axles necessary to carry the maximum load
18 provided shall be determined from Chapter 15 of this Code.

19 Every owner of a second division motor vehicle for which he
20 has elected to pay a mileage weight tax shall keep a daily
21 record upon forms prescribed by the Secretary of State, showing
22 the mileage covered by that vehicle in this State. Such record
23 shall contain the license number of the vehicle and the miles
24 traveled by the vehicle in this State for each day of the
25 calendar month. Such owner shall also maintain records of fuel
26 consumed by each such motor vehicle and fuel purchases

1 therefor. On or before the 10th day of July the owner shall
2 certify to the Secretary of State upon forms prescribed
3 therefor, summaries of his daily records which shall show the
4 miles traveled by the vehicle in this State during the
5 preceding 12 months and such other information as the Secretary
6 of State may require. The daily record and fuel records shall
7 be filed, preserved and available for audit for a period of 3
8 years. Any owner filing a return hereunder shall certify that
9 such return is a true, correct and complete return. Any person
10 who willfully makes a false return hereunder is guilty of
11 perjury and shall be punished in the same manner and to the
12 same extent as is provided therefor.

13 At the time of filing his return, each owner shall pay to
14 the Secretary of State the proper amount of tax at the rate
15 herein imposed.

16 Every owner of a vehicle of the second division who elects
17 to pay on a mileage weight tax basis and who operates the
18 vehicle within this State, shall file with the Secretary of
19 State a bond in the amount of \$500. The bond shall be in a form
20 approved by the Secretary of State and with a surety company
21 approved by the Illinois Department of Insurance to transact
22 business in this State as surety, and shall be conditioned upon
23 such applicant's paying to the State of Illinois all money
24 becoming due by reason of the operation of the second division
25 vehicle in this State, together with all penalties and interest
26 thereon.

1 Upon notice from the Secretary that the registrant has
2 failed to pay the excess mileage fees, the surety shall
3 immediately pay the fees together with any penalties and
4 interest thereon in an amount not to exceed the limits of the
5 bond.

6 (b) Beginning January 1, 2016, upon the request of the
7 vehicle owner, a \$10 surcharge shall be collected in addition
8 to the above fees for vehicles in the 12,000 lbs. and less
9 mileage weight plate category as described in subsection (a) to
10 be deposited into the Secretary of State Special License Plate
11 Fund. The \$10 surcharge is to identify vehicles in the 12,000
12 lbs. and less mileage weight plate category as a covered farm
13 vehicle. The \$10 surcharge is an annual flat fee that shall be
14 based on an applicant's new or existing registration year for
15 each vehicle in the 12,000 lbs. and less mileage weight plate
16 category. A designation as a covered farm vehicle under this
17 subsection (b) shall not alter a vehicle's registration as a
18 registration in the 12,000 lbs. or less mileage weight
19 category. The Secretary shall adopt any rules necessary to
20 implement this subsection (b).

21 (Source: P.A. 99-57, eff. 7-16-15; revised 10-19-15.)

22 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

23 Sec. 6-106.1. School bus driver permit.

24 (a) The Secretary of State shall issue a school bus driver
25 permit to those applicants who have met all the requirements of

1 the application and screening process under this Section to
2 insure the welfare and safety of children who are transported
3 on school buses throughout the State of Illinois. Applicants
4 shall obtain the proper application required by the Secretary
5 of State from their prospective or current employer and submit
6 the completed application to the prospective or current
7 employer along with the necessary fingerprint submission as
8 required by the Department of State Police to conduct
9 fingerprint based criminal background checks on current and
10 future information available in the state system and current
11 information available through the Federal Bureau of
12 Investigation's system. Applicants who have completed the
13 fingerprinting requirements shall not be subjected to the
14 fingerprinting process when applying for subsequent permits or
15 submitting proof of successful completion of the annual
16 refresher course. Individuals who on July 1, 1995 (the
17 effective date of Public Act 88-612) ~~this Act~~ possess a valid
18 school bus driver permit that has been previously issued by the
19 appropriate Regional School Superintendent are not subject to
20 the fingerprinting provisions of this Section as long as the
21 permit remains valid and does not lapse. The applicant shall be
22 required to pay all related application and fingerprinting fees
23 as established by rule including, but not limited to, the
24 amounts established by the Department of State Police and the
25 Federal Bureau of Investigation to process fingerprint based
26 criminal background investigations. All fees paid for

1 fingerprint processing services under this Section shall be
2 deposited into the State Police Services Fund for the cost
3 incurred in processing the fingerprint based criminal
4 background investigations. All other fees paid under this
5 Section shall be deposited into the Road Fund for the purpose
6 of defraying the costs of the Secretary of State in
7 administering this Section. All applicants must:

8 1. be 21 years of age or older;

9 2. possess a valid and properly classified driver's
10 license issued by the Secretary of State;

11 3. possess a valid driver's license, which has not been
12 revoked, suspended, or canceled for 3 years immediately
13 prior to the date of application, or have not had his or
14 her commercial motor vehicle driving privileges
15 disqualified within the 3 years immediately prior to the
16 date of application;

17 4. successfully pass a written test, administered by
18 the Secretary of State, on school bus operation, school bus
19 safety, and special traffic laws relating to school buses
20 and submit to a review of the applicant's driving habits by
21 the Secretary of State at the time the written test is
22 given;

23 5. demonstrate ability to exercise reasonable care in
24 the operation of school buses in accordance with rules
25 promulgated by the Secretary of State;

26 6. demonstrate physical fitness to operate school

1 buses by submitting the results of a medical examination,
2 including tests for drug use for each applicant not subject
3 to such testing pursuant to federal law, conducted by a
4 licensed physician, a licensed advanced practice nurse, or
5 a licensed physician assistant within 90 days of the date
6 of application according to standards promulgated by the
7 Secretary of State;

8 7. affirm under penalties of perjury that he or she has
9 not made a false statement or knowingly concealed a
10 material fact in any application for permit;

11 8. have completed an initial classroom course,
12 including first aid procedures, in school bus driver safety
13 as promulgated by the Secretary of State; and after
14 satisfactory completion of said initial course an annual
15 refresher course; such courses and the agency or
16 organization conducting such courses shall be approved by
17 the Secretary of State; failure to complete the annual
18 refresher course, shall result in cancellation of the
19 permit until such course is completed;

20 9. not have been under an order of court supervision
21 for or convicted of 2 or more serious traffic offenses, as
22 defined by rule, within one year prior to the date of
23 application that may endanger the life or safety of any of
24 the driver's passengers within the duration of the permit
25 period;

26 10. not have been under an order of court supervision

1 for or convicted of reckless driving, aggravated reckless
2 driving, driving while under the influence of alcohol,
3 other drug or drugs, intoxicating compound or compounds or
4 any combination thereof, or reckless homicide resulting
5 from the operation of a motor vehicle within 3 years of the
6 date of application;

7 11. not have been convicted of committing or attempting
8 to commit any one or more of the following offenses: (i)
9 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,
10 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,
11 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
12 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,
13 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,
14 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,
15 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,
16 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,
17 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
18 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,
19 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
20 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,
21 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,
22 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
23 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
24 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1,
25 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of Section
26 8-1, and in subdivisions (a)(1), (a)(2), (b)(1), (e)(1),

1 (e) (2), (e) (3), (e) (4), and (f) (1) of Section 12-3.05, and
2 in subsection (a) and subsection (b), clause (1), of
3 Section 12-4, and in subsection (A), clauses (a) and (b),
4 of Section 24-3, and those offenses contained in Article
5 29D of the Criminal Code of 1961 or the Criminal Code of
6 2012; (ii) those offenses defined in the Cannabis Control
7 Act except those offenses defined in subsections (a) and
8 (b) of Section 4, and subsection (a) of Section 5 of the
9 Cannabis Control Act; (iii) those offenses defined in the
10 Illinois Controlled Substances Act; (iv) those offenses
11 defined in the Methamphetamine Control and Community
12 Protection Act; (v) any offense committed or attempted in
13 any other state or against the laws of the United States,
14 which if committed or attempted in this State would be
15 punishable as one or more of the foregoing offenses; (vi)
16 the offenses defined in Section 4.1 and 5.1 of the Wrongs
17 to Children Act or Section 11-9.1A of the Criminal Code of
18 1961 or the Criminal Code of 2012; (vii) those offenses
19 defined in Section 6-16 of the Liquor Control Act of 1934;
20 and (viii) those offenses defined in the Methamphetamine
21 Precursor Control Act;

22 12. not have been repeatedly involved as a driver in
23 motor vehicle collisions or been repeatedly convicted of
24 offenses against laws and ordinances regulating the
25 movement of traffic, to a degree which indicates lack of
26 ability to exercise ordinary and reasonable care in the

1 safe operation of a motor vehicle or disrespect for the
2 traffic laws and the safety of other persons upon the
3 highway;

4 13. not have, through the unlawful operation of a motor
5 vehicle, caused an accident resulting in the death of any
6 person;

7 14. not have, within the last 5 years, been adjudged to
8 be afflicted with or suffering from any mental disability
9 or disease; and

10 15. consent, in writing, to the release of results of
11 reasonable suspicion drug and alcohol testing under
12 Section 6-106.1c of this Code by the employer of the
13 applicant to the Secretary of State.

14 (b) A school bus driver permit shall be valid for a period
15 specified by the Secretary of State as set forth by rule. It
16 shall be renewable upon compliance with subsection (a) of this
17 Section.

18 (c) A school bus driver permit shall contain the holder's
19 driver's license number, legal name, residence address, zip
20 code, and date of birth, a brief description of the holder and
21 a space for signature. The Secretary of State may require a
22 suitable photograph of the holder.

23 (d) The employer shall be responsible for conducting a
24 pre-employment interview with prospective school bus driver
25 candidates, distributing school bus driver applications and
26 medical forms to be completed by the applicant, and submitting

1 the applicant's fingerprint cards to the Department of State
2 Police that are required for the criminal background
3 investigations. The employer shall certify in writing to the
4 Secretary of State that all pre-employment conditions have been
5 successfully completed including the successful completion of
6 an Illinois specific criminal background investigation through
7 the Department of State Police and the submission of necessary
8 fingerprints to the Federal Bureau of Investigation for
9 criminal history information available through the Federal
10 Bureau of Investigation system. The applicant shall present the
11 certification to the Secretary of State at the time of
12 submitting the school bus driver permit application.

13 (e) Permits shall initially be provisional upon receiving
14 certification from the employer that all pre-employment
15 conditions have been successfully completed, and upon
16 successful completion of all training and examination
17 requirements for the classification of the vehicle to be
18 operated, the Secretary of State shall provisionally issue a
19 School Bus Driver Permit. The permit shall remain in a
20 provisional status pending the completion of the Federal Bureau
21 of Investigation's criminal background investigation based
22 upon fingerprinting specimens submitted to the Federal Bureau
23 of Investigation by the Department of State Police. The Federal
24 Bureau of Investigation shall report the findings directly to
25 the Secretary of State. The Secretary of State shall remove the
26 bus driver permit from provisional status upon the applicant's

1 successful completion of the Federal Bureau of Investigation's
2 criminal background investigation.

3 (f) A school bus driver permit holder shall notify the
4 employer and the Secretary of State if he or she is issued an
5 order of court supervision for or convicted in another state of
6 an offense that would make him or her ineligible for a permit
7 under subsection (a) of this Section. The written notification
8 shall be made within 5 days of the entry of the order of court
9 supervision or conviction. Failure of the permit holder to
10 provide the notification is punishable as a petty offense for a
11 first violation and a Class B misdemeanor for a second or
12 subsequent violation.

13 (g) Cancellation; suspension; notice and procedure.

14 (1) The Secretary of State shall cancel a school bus
15 driver permit of an applicant whose criminal background
16 investigation discloses that he or she is not in compliance
17 with the provisions of subsection (a) of this Section.

18 (2) The Secretary of State shall cancel a school bus
19 driver permit when he or she receives notice that the
20 permit holder fails to comply with any provision of this
21 Section or any rule promulgated for the administration of
22 this Section.

23 (3) The Secretary of State shall cancel a school bus
24 driver permit if the permit holder's restricted commercial
25 or commercial driving privileges are withdrawn or
26 otherwise invalidated.

1 (4) The Secretary of State may not issue a school bus
2 driver permit for a period of 3 years to an applicant who
3 fails to obtain a negative result on a drug test as
4 required in item 6 of subsection (a) of this Section or
5 under federal law.

6 (5) The Secretary of State shall forthwith suspend a
7 school bus driver permit for a period of 3 years upon
8 receiving notice that the holder has failed to obtain a
9 negative result on a drug test as required in item 6 of
10 subsection (a) of this Section or under federal law.

11 (6) The Secretary of State shall suspend a school bus
12 driver permit for a period of 3 years upon receiving notice
13 from the employer that the holder failed to perform the
14 inspection procedure set forth in subsection (a) or (b) of
15 Section 12-816 of this Code.

16 (7) The Secretary of State shall suspend a school bus
17 driver permit for a period of 3 years upon receiving notice
18 from the employer that the holder refused to submit to an
19 alcohol or drug test as required by Section 6-106.1c or has
20 submitted to a test required by that Section which
21 disclosed an alcohol concentration of more than 0.00 or
22 disclosed a positive result on a National Institute on Drug
23 Abuse five-drug panel, utilizing federal standards set
24 forth in 49 CFR 40.87.

25 The Secretary of State shall notify the State
26 Superintendent of Education and the permit holder's

1 prospective or current employer that the applicant has (1) has
2 failed a criminal background investigation or (2) is no longer
3 eligible for a school bus driver permit; and of the related
4 cancellation of the applicant's provisional school bus driver
5 permit. The cancellation shall remain in effect pending the
6 outcome of a hearing pursuant to Section 2-118 of this Code.
7 The scope of the hearing shall be limited to the issuance
8 criteria contained in subsection (a) of this Section. A
9 petition requesting a hearing shall be submitted to the
10 Secretary of State and shall contain the reason the individual
11 feels he or she is entitled to a school bus driver permit. The
12 permit holder's employer shall notify in writing to the
13 Secretary of State that the employer has certified the removal
14 of the offending school bus driver from service prior to the
15 start of that school bus driver's next workshift. An employing
16 school board that fails to remove the offending school bus
17 driver from service is subject to the penalties defined in
18 Section 3-14.23 of the School Code. A school bus contractor who
19 violates a provision of this Section is subject to the
20 penalties defined in Section 6-106.11.

21 All valid school bus driver permits issued under this
22 Section prior to January 1, 1995, shall remain effective until
23 their expiration date unless otherwise invalidated.

24 (h) When a school bus driver permit holder who is a service
25 member is called to active duty, the employer of the permit
26 holder shall notify the Secretary of State, within 30 days of

1 notification from the permit holder, that the permit holder has
2 been called to active duty. Upon notification pursuant to this
3 subsection, (i) the Secretary of State shall characterize the
4 permit as inactive until a permit holder renews the permit as
5 provided in subsection (i) of this Section, and (ii) if a
6 permit holder fails to comply with the requirements of this
7 Section while called to active duty, the Secretary of State
8 shall not characterize the permit as invalid.

9 (i) A school bus driver permit holder who is a service
10 member returning from active duty must, within 90 days, renew a
11 permit characterized as inactive pursuant to subsection (h) of
12 this Section by complying with the renewal requirements of
13 subsection (b) of this Section.

14 (j) For purposes of subsections (h) and (i) of this
15 Section:

16 "Active duty" means active duty pursuant to an executive
17 order of the President of the United States, an act of the
18 Congress of the United States, or an order of the Governor.

19 "Service member" means a member of the Armed Services or
20 reserve forces of the United States or a member of the Illinois
21 National Guard.

22 (k) A private carrier employer of a school bus driver
23 permit holder, having satisfied the employer requirements of
24 this Section, shall be held to a standard of ordinary care for
25 intentional acts committed in the course of employment by the
26 bus driver permit holder. This subsection (k) shall in no way

1 limit the liability of the private carrier employer for
2 violation of any provision of this Section or for the negligent
3 hiring or retention of a school bus driver permit holder.

4 (Source: P.A. 99-148, eff. 1-1-16; 99-173, eff. 7-29-15;
5 revised 11-2-15.)

6 (625 ILCS 5/6-115) (from Ch. 95 1/2, par. 6-115)

7 Sec. 6-115. Expiration of driver's license.

8 (a) Except as provided elsewhere in this Section, every
9 driver's license issued under the provisions of this Code shall
10 expire 4 years from the date of its issuance, or at such later
11 date, as the Secretary of State may by proper rule and
12 regulation designate, not to exceed 12 calendar months; in the
13 event that an applicant for renewal of a driver's license fails
14 to apply prior to the expiration date of the previous driver's
15 license, the renewal driver's license shall expire 4 years from
16 the expiration date of the previous driver's license, or at
17 such later date as the Secretary of State may by proper rule
18 and regulation designate, not to exceed 12 calendar months.

19 The Secretary of State may, however, issue to a person not
20 previously licensed as a driver in Illinois a driver's license
21 which will expire not less than 4 years nor more than 5 years
22 from date of issuance, except as provided elsewhere in this
23 Section.

24 (a-5) Beginning July 1, 2016, every driver's license issued
25 under this Code to an applicant who is not a United States

1 citizen shall expire on whichever is the earlier date of the
2 following:

3 (1) as provided under subsection (a), (f), (g), or (i)
4 of this Section; or

5 (2) on the date the applicant's authorized stay in the
6 United States terminates.

7 (b) Before the expiration of a driver's license, except
8 those licenses expiring on the individual's 21st birthday, or 3
9 months after the individual's 21st birthday, the holder thereof
10 may apply for a renewal thereof, subject to all the provisions
11 of Section 6-103, and the Secretary of State may require an
12 examination of the applicant. A licensee whose driver's license
13 expires on his 21st birthday, or 3 months after his 21st
14 birthday, may not apply for a renewal of his driving privileges
15 until he reaches the age of 21.

16 (c) The Secretary of State shall, 30 days prior to the
17 expiration of a driver's license, forward to each person whose
18 license is to expire a notification of the expiration of said
19 license which may be presented at the time of renewal of said
20 license.

21 There may be included with such notification information
22 explaining the anatomical gift and Emergency Medical
23 Information Card provisions of Section 6-110. The format and
24 text of such information shall be prescribed by the Secretary.

25 There shall be included with such notification, for a
26 period of 4 years beginning January 1, 2000 information

1 regarding the Illinois Adoption Registry and Medical
2 Information Exchange established in Section 18.1 of the
3 Adoption Act.

4 (d) The Secretary may defer the expiration of the driver's
5 license of a licensee, spouse, and dependent children who are
6 living with such licensee while on active duty, serving in the
7 Armed Forces of the United States outside of the State of
8 Illinois, and 120 days thereafter, upon such terms and
9 conditions as the Secretary may prescribe.

10 (d-5) The Secretary may defer the expiration of the
11 driver's license of a licensee, or of a spouse or dependent
12 children living with the licensee, serving as a civilian
13 employee of the United States Armed Forces or the United States
14 Department of Defense, outside of the State of Illinois, and
15 120 days thereafter, upon such terms and conditions as the
16 Secretary may prescribe.

17 (e) The Secretary of State may decline to process a renewal
18 of a driver's license of any person who has not paid any fee or
19 tax due under this Code and is not paid upon reasonable notice
20 and demand.

21 (f) The Secretary shall provide that each original or
22 renewal driver's license issued to a licensee under 21 years of
23 age shall expire 3 months after the licensee's 21st birthday.
24 Persons whose current driver's licenses expire on their 21st
25 birthday on or after January 1, 1986 shall not renew their
26 driver's license before their 21st birthday, and their current

1 driver's license will be extended for an additional term of 3
2 months beyond their 21st birthday. Thereafter, the expiration
3 and term of the driver's license shall be governed by
4 subsection (a) hereof.

5 (g) The Secretary shall provide that each original or
6 renewal driver's license issued to a licensee 81 years of age
7 through age 86 shall expire 2 years from the date of issuance,
8 or at such later date as the Secretary may by rule and
9 regulation designate, not to exceed an additional 12 calendar
10 months. The Secretary shall also provide that each original or
11 renewal driver's license issued to a licensee 87 years of age
12 or older shall expire 12 months from the date of issuance, or
13 at such later date as the Secretary may by rule and regulation
14 designate, not to exceed an additional 12 calendar months.

15 (h) The Secretary of State shall provide that each special
16 restricted driver's license issued under subsection (g) of
17 Section 6-113 of this Code shall expire 12 months from the date
18 of issuance. The Secretary shall adopt rules defining renewal
19 requirements.

20 (i) The Secretary of State shall provide that each driver's
21 license issued to a person convicted of a sex offense as
22 defined in Section 2 of the Sex Offender Registration Act shall
23 expire 12 months from the date of issuance or at such date as
24 the Secretary may by rule designate, not to exceed an
25 additional 12 calendar months. The Secretary may adopt rules
26 defining renewal requirements.

1 (Source: P.A. 99-118, eff. 1-1-16; 99-305, eff. 1-1-16; revised
2 11-3-15.)

3 (625 ILCS 5/6-118)

4 Sec. 6-118. Fees.

5 (a) The fee for licenses and permits under this Article is
6 as follows:

7 Original driver's license \$30

8 Original or renewal driver's license

9 issued to 18, 19 and 20 year olds 5

10 All driver's licenses for persons

11 age 69 through age 80 5

12 All driver's licenses for persons

13 age 81 through age 86 2

14 All driver's licenses for persons

15 age 87 or older 0

16 Renewal driver's license (except for

17 applicants ages 18, 19 and 20 or

18 age 69 and older) 30

19 Original instruction permit issued to

20 persons (except those age 69 and older)

21 who do not hold or have not previously

22 held an Illinois instruction permit or

23 driver's license 20

24 Instruction permit issued to any person

25 holding an Illinois driver's license

1 who wishes a change in classifications,
2 other than at the time of renewal 5
3 Any instruction permit issued to a person
4 age 69 and older 5
5 Instruction permit issued to any person,
6 under age 69, not currently holding a
7 valid Illinois driver's license or
8 instruction permit but who has
9 previously been issued either document
10 in Illinois 10
11 Restricted driving permit 8
12 Monitoring device driving permit 8
13 Duplicate or corrected driver's license
14 or permit 5
15 Duplicate or corrected restricted
16 driving permit 5
17 Duplicate or corrected monitoring
18 device driving permit 5
19 Duplicate driver's license or permit issued to
20 an active-duty member of the
21 United States Armed Forces,
22 the member's spouse, or
23 the dependent children living
24 with the member 0
25 Original or renewal M or L endorsement 5
26 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

1 The fees for commercial driver licenses and permits
2 under Article V shall be as follows:

3 Commercial driver's license:

4 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund
5 (Commercial Driver's License Information
6 System/American Association of Motor Vehicle
7 Administrators network/National Motor Vehicle
8 Title Information Service Trust Fund);
9 \$20 for the Motor Carrier Safety Inspection Fund;
10 \$10 for the driver's license;
11 and \$24 for the CDL: \$60

12 Renewal commercial driver's license:

13 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;
14 \$20 for the Motor Carrier Safety Inspection Fund;
15 \$10 for the driver's license; and
16 \$24 for the CDL: \$60

17 Commercial learner's permit

18 issued to any person holding a valid
19 Illinois driver's license for the
20 purpose of changing to a
21 CDL classification: \$6 for the
22 CDLIS/AAMVAnet/NMVTIS Trust Fund;
23 \$20 for the Motor Carrier
24 Safety Inspection Fund; and
25 \$24 for the CDL classification \$50

26 Commercial learner's permit

1 issued to any person holding a valid
2 Illinois CDL for the purpose of
3 making a change in a classification,
4 endorsement or restriction \$5
5 CDL duplicate or corrected license \$5

6 In order to ensure the proper implementation of the Uniform
7 Commercial Driver License Act, Article V of this Chapter, the
8 Secretary of State is empowered to pro-rate the \$24 fee for the
9 commercial driver's license proportionate to the expiration
10 date of the applicant's Illinois driver's license.

11 The fee for any duplicate license or permit shall be waived
12 for any person who presents the Secretary of State's office
13 with a police report showing that his license or permit was
14 stolen.

15 The fee for any duplicate license or permit shall be waived
16 for any person age 60 or older whose driver's license or permit
17 has been lost or stolen.

18 No additional fee shall be charged for a driver's license,
19 or for a commercial driver's license, when issued to the holder
20 of an instruction permit for the same classification or type of
21 license who becomes eligible for such license.

22 (b) Any person whose license or privilege to operate a
23 motor vehicle in this State has been suspended or revoked under
24 Section 3-707, any provision of Chapter 6, Chapter 11, or
25 Section 7-205, 7-303, or 7-702 of the Family Financial
26 Responsibility Law of this Code, shall in addition to any other

1 fees required by this Code, pay a reinstatement fee as follows:

2	Suspension under Section 3-707	\$100
3	Suspension under Section 11-1431	\$100
4	Summary suspension under Section 11-501.1	\$250
5	Suspension under Section 11-501.9	\$250
6	Summary revocation under Section 11-501.1	\$500
7	Other suspension	\$70
8	Revocation	\$500

9 However, any person whose license or privilege to operate a
10 motor vehicle in this State has been suspended or revoked for a
11 second or subsequent time for a violation of Section 11-501,
12 11-501.1, or 11-501.9 of this Code or a similar provision of a
13 local ordinance or a similar out-of-state offense or Section
14 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012
15 and each suspension or revocation was for a violation of
16 Section 11-501, 11-501.1, or 11-501.9 of this Code or a similar
17 provision of a local ordinance or a similar out-of-state
18 offense or Section 9-3 of the Criminal Code of 1961 or the
19 Criminal Code of 2012 shall pay, in addition to any other fees
20 required by this Code, a reinstatement fee as follows:

21	Summary suspension under Section 11-501.1	\$500
22	Suspension under Section 11-501.9	\$500
23	Summary revocation under Section 11-501.1	\$500
24	Revocation	\$500

25 (c) All fees collected under the provisions of this Chapter
26 6 shall be disbursed under subsection (g) of Section 2-119 of

1 this Code, except as follows:

2 1. The following amounts shall be paid into the Driver
3 Education Fund:

4 (A) \$16 of the \$20 fee for an original driver's
5 instruction permit;

6 (B) \$5 of the \$30 fee for an original driver's
7 license;

8 (C) \$5 of the \$30 fee for a 4 year renewal driver's
9 license;

10 (D) \$4 of the \$8 fee for a restricted driving
11 permit; and

12 (E) \$4 of the \$8 fee for a monitoring device
13 driving permit.

14 2. \$30 of the \$250 fee for reinstatement of a license
15 summarily suspended under Section 11-501.1 or suspended
16 under Section 11-501.9 shall be deposited into the Drunk
17 and Drugged Driving Prevention Fund. However, for a person
18 whose license or privilege to operate a motor vehicle in
19 this State has been suspended or revoked for a second or
20 subsequent time for a violation of Section 11-501,
21 11-501.1, or 11-501.9 of this Code or Section 9-3 of the
22 Criminal Code of 1961 or the Criminal Code of 2012, \$190 of
23 the \$500 fee for reinstatement of a license summarily
24 suspended under Section 11-501.1 or suspended under
25 Section 11-501.9, and \$190 of the \$500 fee for
26 reinstatement of a revoked license shall be deposited into

1 the Drunk and Drugged Driving Prevention Fund. \$190 of the
2 \$500 fee for reinstatement of a license summarily revoked
3 pursuant to Section 11-501.1 shall be deposited into the
4 Drunk and Drugged Driving Prevention Fund.

5 3. \$6 of the original or renewal fee for a commercial
6 driver's license and \$6 of the commercial learner's permit
7 fee when the permit is issued to any person holding a valid
8 Illinois driver's license, shall be paid into the
9 CDLIS/AAMVAnet/NMVTIS Trust Fund.

10 4. \$30 of the \$70 fee for reinstatement of a license
11 suspended under the Family Financial Responsibility Law
12 shall be paid into the Family Responsibility Fund.

13 5. The \$5 fee for each original or renewal M or L
14 endorsement shall be deposited into the Cycle Rider Safety
15 Training Fund.

16 6. \$20 of any original or renewal fee for a commercial
17 driver's license or commercial learner's permit shall be
18 paid into the Motor Carrier Safety Inspection Fund.

19 7. The following amounts shall be paid into the General
20 Revenue Fund:

21 (A) \$190 of the \$250 reinstatement fee for a
22 summary suspension under Section 11-501.1 or a
23 suspension under Section 11-501.9;

24 (B) \$40 of the \$70 reinstatement fee for any other
25 suspension provided in subsection (b) of this Section;
26 and

1 (C) \$440 of the \$500 reinstatement fee for a first
2 offense revocation and \$310 of the \$500 reinstatement
3 fee for a second or subsequent revocation.

4 8. Fees collected under paragraph (4) of subsection (d)
5 and subsection (h) of Section 6-205 of this Code;
6 subparagraph (C) of paragraph 3 of subsection (c) of
7 Section 6-206 of this Code; and paragraph (4) of subsection
8 (a) of Section 6-206.1 of this Code, shall be paid into the
9 funds set forth in those Sections.

10 (d) All of the proceeds of the additional fees imposed by
11 this amendatory Act of the 96th General Assembly shall be
12 deposited into the Capital Projects Fund.

13 (e) The additional fees imposed by this amendatory Act of
14 the 96th General Assembly shall become effective 90 days after
15 becoming law.

16 (f) As used in this Section, "active-duty member of the
17 United States Armed Forces" means a member of the Armed
18 Services or Reserve Forces of the United States or a member of
19 the Illinois National Guard who is called to active duty
20 pursuant to an executive order of the President of the United
21 States, an act of the Congress of the United States, or an
22 order of the Governor.

23 (Source: P.A. 98-176 (see Section 10 of P.A. 98-722 and Section
24 10 of P.A. 99-414 for the effective date of changes made by
25 P.A. 98-176); 98-177, eff. 1-1-14; 98-756, eff. 7-16-14;
26 98-1172, eff. 1-12-15; 99-127, eff. 1-1-16; 99-438, eff.

1 1-1-16; revised 10-19-15.)

2 (625 ILCS 5/6-205)

3 Sec. 6-205. Mandatory revocation of license or permit;
4 Hardship cases.

5 (a) Except as provided in this Section, the Secretary of
6 State shall immediately revoke the license, permit, or driving
7 privileges of any driver upon receiving a report of the
8 driver's conviction of any of the following offenses:

9 1. Reckless homicide resulting from the operation of a
10 motor vehicle;

11 2. Violation of Section 11-501 of this Code or a
12 similar provision of a local ordinance relating to the
13 offense of operating or being in physical control of a
14 vehicle while under the influence of alcohol, other drug or
15 drugs, intoxicating compound or compounds, or any
16 combination thereof;

17 3. Any felony under the laws of any State or the
18 federal government in the commission of which a motor
19 vehicle was used;

20 4. Violation of Section 11-401 of this Code relating to
21 the offense of leaving the scene of a traffic accident
22 involving death or personal injury;

23 5. Perjury or the making of a false affidavit or
24 statement under oath to the Secretary of State under this
25 Code or under any other law relating to the ownership or

1 operation of motor vehicles;

2 6. Conviction upon 3 charges of violation of Section
3 11-503 of this Code relating to the offense of reckless
4 driving committed within a period of 12 months;

5 7. Conviction of any offense defined in Section 4-102
6 of this Code;

7 8. Violation of Section 11-504 of this Code relating to
8 the offense of drag racing;

9 9. Violation of Chapters 8 and 9 of this Code;

10 10. Violation of Section 12-5 of the Criminal Code of
11 1961 or the Criminal Code of 2012 arising from the use of a
12 motor vehicle;

13 11. Violation of Section 11-204.1 of this Code relating
14 to aggravated fleeing or attempting to elude a peace
15 officer;

16 12. Violation of paragraph (1) of subsection (b) of
17 Section 6-507, or a similar law of any other state,
18 relating to the unlawful operation of a commercial motor
19 vehicle;

20 13. Violation of paragraph (a) of Section 11-502 of
21 this Code or a similar provision of a local ordinance if
22 the driver has been previously convicted of a violation of
23 that Section or a similar provision of a local ordinance
24 and the driver was less than 21 years of age at the time of
25 the offense;

26 14. Violation of paragraph (a) of Section 11-506 of

1 this Code or a similar provision of a local ordinance
2 relating to the offense of street racing;

3 15. A second or subsequent conviction of driving while
4 the person's driver's license, permit or privileges was
5 revoked for reckless homicide or a similar out-of-state
6 offense;

7 16. Any offense against any provision in this Code, or
8 any local ordinance, regulating the movement of traffic
9 when that offense was the proximate cause of the death of
10 any person. Any person whose driving privileges have been
11 revoked pursuant to this paragraph may seek to have the
12 revocation terminated or to have the length of revocation
13 reduced by requesting an administrative hearing with the
14 Secretary of State prior to the projected driver's license
15 application eligibility date;

16 17. Violation of subsection (a-2) of Section 11-1301.3
17 of this Code or a similar provision of a local ordinance;

18 18. A second or subsequent conviction of illegal
19 possession, while operating or in actual physical control,
20 as a driver, of a motor vehicle, of any controlled
21 substance prohibited under the Illinois Controlled
22 Substances Act, any cannabis prohibited under the Cannabis
23 Control Act, or any methamphetamine prohibited under the
24 Methamphetamine Control and Community Protection Act. A
25 defendant found guilty of this offense while operating a
26 motor vehicle shall have an entry made in the court record

1 by the presiding judge that this offense did occur while
2 the defendant was operating a motor vehicle and order the
3 clerk of the court to report the violation to the Secretary
4 of State.

5 (b) The Secretary of State shall also immediately revoke
6 the license or permit of any driver in the following
7 situations:

8 1. Of any minor upon receiving the notice provided for
9 in Section 5-901 of the Juvenile Court Act of 1987 that the
10 minor has been adjudicated under that Act as having
11 committed an offense relating to motor vehicles prescribed
12 in Section 4-103 of this Code;

13 2. Of any person when any other law of this State
14 requires either the revocation or suspension of a license
15 or permit;

16 3. Of any person adjudicated under the Juvenile Court
17 Act of 1987 based on an offense determined to have been
18 committed in furtherance of the criminal activities of an
19 organized gang as provided in Section 5-710 of that Act,
20 and that involved the operation or use of a motor vehicle
21 or the use of a driver's license or permit. The revocation
22 shall remain in effect for the period determined by the
23 court.

24 (c) (1) Whenever a person is convicted of any of the
25 offenses enumerated in this Section, the court may recommend
26 and the Secretary of State in his discretion, without regard to

1 whether the recommendation is made by the court may, upon
2 application, issue to the person a restricted driving permit
3 granting the privilege of driving a motor vehicle between the
4 petitioner's residence and petitioner's place of employment or
5 within the scope of the petitioner's employment related duties,
6 or to allow the petitioner to transport himself or herself or a
7 family member of the petitioner's household to a medical
8 facility for the receipt of necessary medical care or to allow
9 the petitioner to transport himself or herself to and from
10 alcohol or drug remedial or rehabilitative activity
11 recommended by a licensed service provider, or to allow the
12 petitioner to transport himself or herself or a family member
13 of the petitioner's household to classes, as a student, at an
14 accredited educational institution, or to allow the petitioner
15 to transport children, elderly persons, or persons with
16 disabilities who do not hold driving privileges and are living
17 in the petitioner's household to and from daycare; if the
18 petitioner is able to demonstrate that no alternative means of
19 transportation is reasonably available and that the petitioner
20 will not endanger the public safety or welfare; provided that
21 the Secretary's discretion shall be limited to cases where
22 undue hardship, as defined by the rules of the Secretary of
23 State, would result from a failure to issue the restricted
24 driving permit.

25 (1.5) A person subject to the provisions of paragraph 4
26 of subsection (b) of Section 6-208 of this Code may make

1 application for a restricted driving permit at a hearing
2 conducted under Section 2-118 of this Code after the
3 expiration of 5 years from the effective date of the most
4 recent revocation, or after 5 years from the date of
5 release from a period of imprisonment resulting from a
6 conviction of the most recent offense, whichever is later,
7 provided the person, in addition to all other requirements
8 of the Secretary, shows by clear and convincing evidence:

9 (A) a minimum of 3 years of uninterrupted
10 abstinence from alcohol and the unlawful use or
11 consumption of cannabis under the Cannabis Control
12 Act, a controlled substance under the Illinois
13 Controlled Substances Act, an intoxicating compound
14 under the Use of Intoxicating Compounds Act, or
15 methamphetamine under the Methamphetamine Control and
16 Community Protection Act; and

17 (B) the successful completion of any
18 rehabilitative treatment and involvement in any
19 ongoing rehabilitative activity that may be
20 recommended by a properly licensed service provider
21 according to an assessment of the person's alcohol or
22 drug use under Section 11-501.01 of this Code.

23 In determining whether an applicant is eligible for a
24 restricted driving permit under this paragraph (1.5), the
25 Secretary may consider any relevant evidence, including,
26 but not limited to, testimony, affidavits, records, and the

1 results of regular alcohol or drug tests. Persons subject
2 to the provisions of paragraph 4 of subsection (b) of
3 Section 6-208 of this Code and who have been convicted of
4 more than one violation of paragraph (3), paragraph (4), or
5 paragraph (5) of subsection (a) of Section 11-501 of this
6 Code shall not be eligible to apply for a restricted
7 driving permit.

8 A restricted driving permit issued under this
9 paragraph (1.5) shall provide that the holder may only
10 operate motor vehicles equipped with an ignition interlock
11 device as required under paragraph (2) of subsection (c) of
12 this Section and subparagraph (A) of paragraph 3 of
13 subsection (c) of Section 6-206 of this Code. The Secretary
14 may revoke a restricted driving permit or amend the
15 conditions of a restricted driving permit issued under this
16 paragraph (1.5) if the holder operates a vehicle that is
17 not equipped with an ignition interlock device, or for any
18 other reason authorized under this Code.

19 A restricted driving permit issued under this
20 paragraph (1.5) shall be revoked, and the holder barred
21 from applying for or being issued a restricted driving
22 permit in the future, if the holder is subsequently
23 convicted of a violation of Section 11-501 of this Code, a
24 similar provision of a local ordinance, or a similar
25 offense in another state.

26 (2) If a person's license or permit is revoked or

1 suspended due to 2 or more convictions of violating Section
2 11-501 of this Code or a similar provision of a local
3 ordinance or a similar out-of-state offense, or Section 9-3
4 of the Criminal Code of 1961 or the Criminal Code of 2012,
5 where the use of alcohol or other drugs is recited as an
6 element of the offense, or a similar out-of-state offense,
7 or a combination of these offenses, arising out of separate
8 occurrences, that person, if issued a restricted driving
9 permit, may not operate a vehicle unless it has been
10 equipped with an ignition interlock device as defined in
11 Section 1-129.1.

12 (3) If:

13 (A) a person's license or permit is revoked or
14 suspended 2 or more times due to any combination of:

15 (i) a single conviction of violating Section
16 11-501 of this Code or a similar provision of a
17 local ordinance or a similar out-of-state offense,
18 or Section 9-3 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, where the use of alcohol or
20 other drugs is recited as an element of the
21 offense, or a similar out-of-state offense; or

22 (ii) a statutory summary suspension or
23 revocation under Section 11-501.1; or

24 (iii) a suspension pursuant to Section
25 6-203.1;

26 arising out of separate occurrences; or

1 (B) a person has been convicted of one violation of
2 subparagraph (C) or (F) of paragraph (1) of subsection
3 (d) of Section 11-501 of this Code, Section 9-3 of the
4 Criminal Code of 1961 or the Criminal Code of 2012,
5 relating to the offense of reckless homicide where the
6 use of alcohol or other drugs was recited as an element
7 of the offense, or a similar provision of a law of
8 another state;

9 that person, if issued a restricted driving permit, may not
10 operate a vehicle unless it has been equipped with an
11 ignition interlock device as defined in Section 1-129.1.

12 (4) The person issued a permit conditioned on the use
13 of an ignition interlock device must pay to the Secretary
14 of State DUI Administration Fund an amount not to exceed
15 \$30 per month. The Secretary shall establish by rule the
16 amount and the procedures, terms, and conditions relating
17 to these fees.

18 (5) If the restricted driving permit is issued for
19 employment purposes, then the prohibition against
20 operating a motor vehicle that is not equipped with an
21 ignition interlock device does not apply to the operation
22 of an occupational vehicle owned or leased by that person's
23 employer when used solely for employment purposes. For any
24 person who, within a 5-year period, is convicted of a
25 second or subsequent offense under Section 11-501 of this
26 Code, or a similar provision of a local ordinance or

1 similar out-of-state offense, this employment exemption
2 does not apply until either a one-year ~~one-year~~ period has
3 elapsed during which that person had his or her driving
4 privileges revoked or a one-year ~~one-year~~ period has
5 elapsed during which that person had a restricted driving
6 permit which required the use of an ignition interlock
7 device on every motor vehicle owned or operated by that
8 person.

9 (6) In each case the Secretary of State may issue a
10 restricted driving permit for a period he deems
11 appropriate, except that the permit shall expire within one
12 year from the date of issuance. A restricted driving permit
13 issued under this Section shall be subject to cancellation,
14 revocation, and suspension by the Secretary of State in
15 like manner and for like cause as a driver's license issued
16 under this Code may be cancelled, revoked, or suspended;
17 except that a conviction upon one or more offenses against
18 laws or ordinances regulating the movement of traffic shall
19 be deemed sufficient cause for the revocation, suspension,
20 or cancellation of a restricted driving permit. The
21 Secretary of State may, as a condition to the issuance of a
22 restricted driving permit, require the petitioner to
23 participate in a designated driver remedial or
24 rehabilitative program. The Secretary of State is
25 authorized to cancel a restricted driving permit if the
26 permit holder does not successfully complete the program.

1 However, if an individual's driving privileges have been
2 revoked in accordance with paragraph 13 of subsection (a)
3 of this Section, no restricted driving permit shall be
4 issued until the individual has served 6 months of the
5 revocation period.

6 (c-5) (Blank).

7 (c-6) If a person is convicted of a second violation of
8 operating a motor vehicle while the person's driver's license,
9 permit or privilege was revoked, where the revocation was for a
10 violation of Section 9-3 of the Criminal Code of 1961 or the
11 Criminal Code of 2012 relating to the offense of reckless
12 homicide or a similar out-of-state offense, the person's
13 driving privileges shall be revoked pursuant to subdivision
14 (a) (15) of this Section. The person may not make application
15 for a license or permit until the expiration of five years from
16 the effective date of the revocation or the expiration of five
17 years from the date of release from a term of imprisonment,
18 whichever is later.

19 (c-7) If a person is convicted of a third or subsequent
20 violation of operating a motor vehicle while the person's
21 driver's license, permit or privilege was revoked, where the
22 revocation was for a violation of Section 9-3 of the Criminal
23 Code of 1961 or the Criminal Code of 2012 relating to the
24 offense of reckless homicide or a similar out-of-state offense,
25 the person may never apply for a license or permit.

26 (d) (1) Whenever a person under the age of 21 is convicted

1 under Section 11-501 of this Code or a similar provision of a
2 local ordinance or a similar out-of-state offense, the
3 Secretary of State shall revoke the driving privileges of that
4 person. One year after the date of revocation, and upon
5 application, the Secretary of State may, if satisfied that the
6 person applying will not endanger the public safety or welfare,
7 issue a restricted driving permit granting the privilege of
8 driving a motor vehicle only between the hours of 5 a.m. and 9
9 p.m. or as otherwise provided by this Section for a period of
10 one year. After this one-year ~~one-year~~ period, and upon
11 reapplication for a license as provided in Section 6-106, upon
12 payment of the appropriate reinstatement fee provided under
13 paragraph (b) of Section 6-118, the Secretary of State, in his
14 discretion, may reinstate the petitioner's driver's license
15 and driving privileges, or extend the restricted driving permit
16 as many times as the Secretary of State deems appropriate, by
17 additional periods of not more than 12 months each.

18 (2) If a person's license or permit is revoked or
19 suspended due to 2 or more convictions of violating Section
20 11-501 of this Code or a similar provision of a local
21 ordinance or a similar out-of-state offense, or Section 9-3
22 of the Criminal Code of 1961 or the Criminal Code of 2012,
23 where the use of alcohol or other drugs is recited as an
24 element of the offense, or a similar out-of-state offense,
25 or a combination of these offenses, arising out of separate
26 occurrences, that person, if issued a restricted driving

1 permit, may not operate a vehicle unless it has been
2 equipped with an ignition interlock device as defined in
3 Section 1-129.1.

4 (3) If a person's license or permit is revoked or
5 suspended 2 or more times due to any combination of:

6 (A) a single conviction of violating Section
7 11-501 of this Code or a similar provision of a local
8 ordinance or a similar out-of-state offense, or
9 Section 9-3 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, where the use of alcohol or
11 other drugs is recited as an element of the offense, or
12 a similar out-of-state offense; or

13 (B) a statutory summary suspension or revocation
14 under Section 11-501.1; or

15 (C) a suspension pursuant to Section 6-203.1;

16 arising out of separate occurrences, that person, if issued
17 a restricted driving permit, may not operate a vehicle
18 unless it has been equipped with an ignition interlock
19 device as defined in Section 1-129.1.

20 (3.5) If a person's license or permit is revoked or
21 suspended due to a conviction for a violation of
22 subparagraph (C) or (F) of paragraph (1) of subsection (d)
23 of Section 11-501 of this Code, or a similar provision of a
24 local ordinance or similar out-of-state offense, 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 (4) The person issued a permit conditioned upon the use
3 of an interlock device must pay to the Secretary of State
4 DUI Administration Fund an amount not to exceed \$30 per
5 month. The Secretary shall establish by rule the amount and
6 the procedures, terms, and conditions relating to these
7 fees.

8 (5) If the restricted driving permit is issued for
9 employment purposes, then the prohibition against driving
10 a vehicle that is not equipped with an ignition interlock
11 device does not apply to the operation of an occupational
12 vehicle owned or leased by that person's employer when used
13 solely for employment purposes. For any person who, within
14 a 5-year period, is convicted of a second or subsequent
15 offense under Section 11-501 of this Code, or a similar
16 provision of a local ordinance or similar out-of-state
17 offense, this employment exemption does not apply until
18 either a one-year ~~one-year~~ period has elapsed during which
19 that person had his or her driving privileges revoked or a
20 one-year ~~one-year~~ period has elapsed during which that
21 person had a restricted driving permit which required the
22 use of an ignition interlock device on every motor vehicle
23 owned or operated by that person.

24 (6) A restricted driving permit issued under this
25 Section shall be subject to cancellation, revocation, and
26 suspension by the Secretary of State in like manner and for

1 like cause as a driver's license issued under this Code may
2 be cancelled, revoked, or suspended; except that a
3 conviction upon one or more offenses against laws or
4 ordinances regulating the movement of traffic shall be
5 deemed sufficient cause for the revocation, suspension, or
6 cancellation of a restricted driving permit.

7 (d-5) The revocation of the license, permit, or driving
8 privileges of a person convicted of a third or subsequent
9 violation of Section 6-303 of this Code committed while his or
10 her driver's license, permit, or privilege was revoked because
11 of a violation of Section 9-3 of the Criminal Code of 1961 or
12 the Criminal Code of 2012, relating to the offense of reckless
13 homicide, or a similar provision of a law of another state, is
14 permanent. The Secretary may not, at any time, issue a license
15 or permit to that person.

16 (e) This Section is subject to the provisions of the Driver
17 License Compact.

18 (f) Any revocation imposed upon any person under
19 subsections 2 and 3 of paragraph (b) that is in effect on
20 December 31, 1988 shall be converted to a suspension for a like
21 period of time.

22 (g) The Secretary of State shall not issue a restricted
23 driving permit to a person under the age of 16 years whose
24 driving privileges have been revoked under any provisions of
25 this Code.

26 (h) The Secretary of State shall require the use of

1 ignition interlock devices for a period not less than 5 years
2 on all vehicles owned by a person who has been convicted of a
3 second or subsequent offense under Section 11-501 of this Code
4 or a similar provision of a local ordinance. The person must
5 pay to the Secretary of State DUI Administration Fund an amount
6 not to exceed \$30 for each month that he or she uses the
7 device. The Secretary shall establish by rule and regulation
8 the procedures for certification and use of the interlock
9 system, the amount of the fee, and the procedures, terms, and
10 conditions relating to these fees. During the time period in
11 which a person is required to install an ignition interlock
12 device under this subsection (h), that person shall only
13 operate vehicles in which ignition interlock devices have been
14 installed, except as allowed by subdivision (c) (5) or (d) (5) of
15 this Section.

16 (i) (Blank).

17 (j) In accordance with 49 C.F.R. 384, the Secretary of
18 State may not issue a restricted driving permit for the
19 operation of a commercial motor vehicle to a person holding a
20 CDL whose driving privileges have been revoked, suspended,
21 cancelled, or disqualified under any provisions of this Code.

22 (k) The Secretary of State shall notify by mail any person
23 whose driving privileges have been revoked under paragraph 16
24 of subsection (a) of this Section that his or her driving
25 privileges and driver's license will be revoked 90 days from
26 the date of the mailing of the notice.

1 (Source: P.A. 99-143, eff. 7-27-15; 99-289, eff. 8-6-15;
2 99-290, eff. 1-1-16; 99-296, eff. 1-1-16; 99-297, eff. 1-1-16;
3 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; revised 11-2-15.)

4 (625 ILCS 5/6-206)

5 Sec. 6-206. Discretionary authority to suspend or revoke
6 license or permit; Right to a hearing.

7 (a) The Secretary of State is authorized to suspend or
8 revoke the driving privileges of any person without preliminary
9 hearing upon a showing of the person's records or other
10 sufficient evidence that the person:

11 1. Has committed an offense for which mandatory
12 revocation of a driver's license or permit is required upon
13 conviction;

14 2. Has been convicted of not less than 3 offenses
15 against traffic regulations governing the movement of
16 vehicles committed within any 12 month period. No
17 revocation or suspension shall be entered more than 6
18 months after the date of last conviction;

19 3. Has been repeatedly involved as a driver in motor
20 vehicle collisions or has been repeatedly convicted of
21 offenses against laws and ordinances regulating the
22 movement of traffic, to a degree that indicates lack of
23 ability to exercise ordinary and reasonable care in the
24 safe operation of a motor vehicle or disrespect for the
25 traffic laws and the safety of other persons upon the

1 highway;

2 4. Has by the unlawful operation of a motor vehicle
3 caused or contributed to an accident resulting in injury
4 requiring immediate professional treatment in a medical
5 facility or doctor's office to any person, except that any
6 suspension or revocation imposed by the Secretary of State
7 under the provisions of this subsection shall start no
8 later than 6 months after being convicted of violating a
9 law or ordinance regulating the movement of traffic, which
10 violation is related to the accident, or shall start not
11 more than one year after the date of the accident,
12 whichever date occurs later;

13 5. Has permitted an unlawful or fraudulent use of a
14 driver's license, identification card, or permit;

15 6. Has been lawfully convicted of an offense or
16 offenses in another state, including the authorization
17 contained in Section 6-203.1, which if committed within
18 this State would be grounds for suspension or revocation;

19 7. Has refused or failed to submit to an examination
20 provided for by Section 6-207 or has failed to pass the
21 examination;

22 8. Is ineligible for a driver's license or permit under
23 the provisions of Section 6-103;

24 9. Has made a false statement or knowingly concealed a
25 material fact or has used false information or
26 identification in any application for a license,

1 identification card, or permit;

2 10. Has possessed, displayed, or attempted to
3 fraudulently use any license, identification card, or
4 permit not issued to the person;

5 11. Has operated a motor vehicle upon a highway of this
6 State when the person's driving privilege or privilege to
7 obtain a driver's license or permit was revoked or
8 suspended unless the operation was authorized by a
9 monitoring device driving permit, judicial driving permit
10 issued prior to January 1, 2009, probationary license to
11 drive, or a restricted driving permit issued under this
12 Code;

13 12. Has submitted to any portion of the application
14 process for another person or has obtained the services of
15 another person to submit to any portion of the application
16 process for the purpose of obtaining a license,
17 identification card, or permit for some other person;

18 13. Has operated a motor vehicle upon a highway of this
19 State when the person's driver's license or permit was
20 invalid under the provisions of Sections 6-107.1 and 6-110;

21 14. Has committed a violation of Section 6-301,
22 6-301.1, or 6-301.2 of this Code Act, or Section 14, 14A,
23 or 14B of the Illinois Identification Card Act;

24 15. Has been convicted of violating Section 21-2 of the
25 Criminal Code of 1961 or the Criminal Code of 2012 relating
26 to criminal trespass to vehicles in which case, the

1 suspension shall be for one year;

2 16. Has been convicted of violating Section 11-204 of
3 this Code relating to fleeing from a peace officer;

4 17. Has refused to submit to a test, or tests, as
5 required under Section 11-501.1 of this Code and the person
6 has not sought a hearing as provided for in Section
7 11-501.1;

8 18. Has, since issuance of a driver's license or
9 permit, been adjudged to be afflicted with or suffering
10 from any mental disability or disease;

11 19. Has committed a violation of paragraph (a) or (b)
12 of Section 6-101 relating to driving without a driver's
13 license;

14 20. Has been convicted of violating Section 6-104
15 relating to classification of driver's license;

16 21. Has been convicted of violating Section 11-402 of
17 this Code relating to leaving the scene of an accident
18 resulting in damage to a vehicle in excess of \$1,000, in
19 which case the suspension shall be for one year;

20 22. Has used a motor vehicle in violating paragraph
21 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
22 the Criminal Code of 1961 or the Criminal Code of 2012
23 relating to unlawful use of weapons, in which case the
24 suspension shall be for one year;

25 23. Has, as a driver, been convicted of committing a
26 violation of paragraph (a) of Section 11-502 of this Code

1 for a second or subsequent time within one year of a
2 similar violation;

3 24. Has been convicted by a court-martial or punished
4 by non-judicial punishment by military authorities of the
5 United States at a military installation in Illinois or in
6 another state of or for a traffic related offense that is
7 the same as or similar to an offense specified under
8 Section 6-205 or 6-206 of this Code;

9 25. Has permitted any form of identification to be used
10 by another in the application process in order to obtain or
11 attempt to obtain a license, identification card, or
12 permit;

13 26. Has altered or attempted to alter a license or has
14 possessed an altered license, identification card, or
15 permit;

16 27. Has violated Section 6-16 of the Liquor Control Act
17 of 1934;

18 28. Has been convicted for a first time of the illegal
19 possession, while operating or in actual physical control,
20 as a driver, of a motor vehicle, of any controlled
21 substance prohibited under the Illinois Controlled
22 Substances Act, any cannabis prohibited under the Cannabis
23 Control Act, or any methamphetamine prohibited under the
24 Methamphetamine Control and Community Protection Act, in
25 which case the person's driving privileges shall be
26 suspended for one year. Any defendant found guilty of this

1 offense while operating a motor vehicle, shall have an
2 entry made in the court record by the presiding judge that
3 this offense did occur while the defendant was operating a
4 motor vehicle and order the clerk of the court to report
5 the violation to the Secretary of State;

6 29. Has been convicted of the following offenses that
7 were committed while the person was operating or in actual
8 physical control, as a driver, of a motor vehicle: criminal
9 sexual assault, predatory criminal sexual assault of a
10 child, aggravated criminal sexual assault, criminal sexual
11 abuse, aggravated criminal sexual abuse, juvenile pimping,
12 soliciting for a juvenile prostitute, promoting juvenile
13 prostitution as described in subdivision (a)(1), (a)(2),
14 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
15 or the Criminal Code of 2012, and the manufacture, sale or
16 delivery of controlled substances or instruments used for
17 illegal drug use or abuse in which case the driver's
18 driving privileges shall be suspended for one year;

19 30. Has been convicted a second or subsequent time for
20 any combination of the offenses named in paragraph 29 of
21 this subsection, in which case the person's driving
22 privileges shall be suspended for 5 years;

23 31. Has refused to submit to a test as required by
24 Section 11-501.6 of this Code or Section 5-16c of the Boat
25 Registration and Safety Act or has submitted to a test
26 resulting in an alcohol concentration of 0.08 or more or

1 any amount of a drug, substance, or compound resulting from
2 the unlawful use or consumption of cannabis as listed in
3 the Cannabis Control Act, a controlled substance as listed
4 in the Illinois Controlled Substances Act, an intoxicating
5 compound as listed in the Use of Intoxicating Compounds
6 Act, or methamphetamine as listed in the Methamphetamine
7 Control and Community Protection Act, in which case the
8 penalty shall be as prescribed in Section 6-208.1;

9 32. Has been convicted of Section 24-1.2 of the
10 Criminal Code of 1961 or the Criminal Code of 2012 relating
11 to the aggravated discharge of a firearm if the offender
12 was located in a motor vehicle at the time the firearm was
13 discharged, in which case the suspension shall be for 3
14 years;

15 33. Has as a driver, who was less than 21 years of age
16 on the date of the offense, been convicted a first time of
17 a violation of paragraph (a) of Section 11-502 of this Code
18 or a similar provision of a local ordinance;

19 34. Has committed a violation of Section 11-1301.5 of
20 this Code or a similar provision of a local ordinance;

21 35. Has committed a violation of Section 11-1301.6 of
22 this Code or a similar provision of a local ordinance;

23 36. Is under the age of 21 years at the time of arrest
24 and has been convicted of not less than 2 offenses against
25 traffic regulations governing the movement of vehicles
26 committed within any 24 month period. No revocation or

1 suspension shall be entered more than 6 months after the
2 date of last conviction;

3 37. Has committed a violation of subsection (c) of
4 Section 11-907 of this Code that resulted in damage to the
5 property of another or the death or injury of another;

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, a similar provision of a
15 local ordinance, or a similar violation in any other state
16 within 2 years of the date of the previous violation, in
17 which case the suspension shall be for 90 days;

18 42. Has committed a violation of subsection (a-1) of
19 Section 11-1301.3 of this Code or a similar provision of a
20 local ordinance;

21 43. Has received a disposition of court supervision for
22 a violation of subsection (a), (d), or (e) of Section 6-20
23 of the Liquor Control Act of 1934 or a similar provision of
24 a local ordinance, in which case the suspension shall be
25 for a period of 3 months;

26 44. Is under the age of 21 years at the time of arrest

1 and has been convicted of an offense against traffic
2 regulations governing the movement of vehicles after
3 having previously had his or her driving privileges
4 suspended or revoked pursuant to subparagraph 36 of this
5 Section;

6 45. Has, in connection with or during the course of a
7 formal hearing conducted under Section 2-118 of this Code:

8 (i) committed perjury; (ii) submitted fraudulent or
9 falsified documents; (iii) submitted documents that have
10 been materially altered; or (iv) submitted, as his or her
11 own, documents that were in fact prepared or composed for
12 another person;

13 46. Has committed a violation of subsection (j) of
14 Section 3-413 of this Code; or

15 47. Has committed a violation of Section 11-502.1 of
16 this Code.

17 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
18 and 27 of this subsection, license means any driver's license,
19 any traffic ticket issued when the person's driver's license is
20 deposited in lieu of bail, a suspension notice issued by the
21 Secretary of State, a duplicate or corrected driver's license,
22 a probationary driver's license or a temporary driver's
23 license.

24 (b) If any conviction forming the basis of a suspension or
25 revocation authorized under this Section is appealed, the
26 Secretary of State may rescind or withhold the entry of the

1 order of suspension or revocation, as the case may be, provided
2 that a certified copy of a stay order of a court is filed with
3 the Secretary of State. If the conviction is affirmed on
4 appeal, the date of the conviction shall relate back to the
5 time the original judgment of conviction was entered and the 6
6 month limitation prescribed shall not apply.

7 (c) 1. Upon suspending or revoking the driver's license or
8 permit of any person as authorized in this Section, the
9 Secretary of State shall immediately notify the person in
10 writing of the revocation or suspension. The notice to be
11 deposited in the United States mail, postage prepaid, to the
12 last known address of the person.

13 2. If the Secretary of State suspends the driver's license
14 of a person under subsection 2 of paragraph (a) of this
15 Section, a person's privilege to operate a vehicle as an
16 occupation shall not be suspended, provided an affidavit is
17 properly completed, the appropriate fee received, and a permit
18 issued prior to the effective date of the suspension, unless 5
19 offenses were committed, at least 2 of which occurred while
20 operating a commercial vehicle in connection with the driver's
21 regular occupation. All other driving privileges shall be
22 suspended by the Secretary of State. Any driver prior to
23 operating a vehicle for occupational purposes only must submit
24 the affidavit on forms to be provided by the Secretary of State
25 setting forth the facts of the person's occupation. The
26 affidavit shall also state the number of offenses committed

1 while operating a vehicle in connection with the driver's
2 regular occupation. The affidavit shall be accompanied by the
3 driver's license. Upon receipt of a properly completed
4 affidavit, the Secretary of State shall issue the driver a
5 permit to operate a vehicle in connection with the driver's
6 regular occupation only. Unless the permit is issued by the
7 Secretary of State prior to the date of suspension, the
8 privilege to drive any motor vehicle shall be suspended as set
9 forth in the notice that was mailed under this Section. If an
10 affidavit is received subsequent to the effective date of this
11 suspension, a permit may be issued for the remainder of the
12 suspension period.

13 The provisions of this subparagraph shall not apply to any
14 driver required to possess a CDL for the purpose of operating a
15 commercial motor vehicle.

16 Any person who falsely states any fact in the affidavit
17 required herein shall be guilty of perjury under Section 6-302
18 and upon conviction thereof shall have all driving privileges
19 revoked without further rights.

20 3. At the conclusion of a hearing under Section 2-118 of
21 this Code, the Secretary of State shall either rescind or
22 continue an order of revocation or shall substitute an order of
23 suspension; or, good cause appearing therefor, rescind,
24 continue, change, or extend the order of suspension. If the
25 Secretary of State does not rescind the order, the Secretary
26 may upon application, to relieve undue hardship (as defined by

1 the rules of the Secretary of State), issue a restricted
2 driving permit granting the privilege of driving a motor
3 vehicle between the petitioner's residence and petitioner's
4 place of employment or within the scope of the petitioner's
5 employment related duties, or to allow the petitioner to
6 transport himself or herself, or a family member of the
7 petitioner's household to a medical facility, to receive
8 necessary medical care, to allow the petitioner to transport
9 himself or herself to and from alcohol or drug remedial or
10 rehabilitative activity recommended by a licensed service
11 provider, or to allow the petitioner to transport himself or
12 herself or a family member of the petitioner's household to
13 classes, as a student, at an accredited educational
14 institution, or to allow the petitioner to transport children,
15 elderly persons, or persons with disabilities who do not hold
16 driving privileges and are living in the petitioner's household
17 to and from daycare. The petitioner must demonstrate that no
18 alternative means of transportation is reasonably available
19 and that the petitioner will not endanger the public safety or
20 welfare.

21 (A) If a person's license or permit is revoked or
22 suspended due to 2 or more convictions of violating Section
23 11-501 of this Code or a similar provision of a local
24 ordinance or a similar out-of-state offense, or Section 9-3
25 of the Criminal Code of 1961 or the Criminal Code of 2012,
26 where the use of alcohol or other drugs is recited as an

1 element of the offense, or a similar out-of-state offense,
2 or a combination of these offenses, arising out of separate
3 occurrences, that person, if issued a restricted driving
4 permit, may not operate a vehicle unless it has been
5 equipped with an ignition interlock device as defined in
6 Section 1-129.1.

7 (B) If a person's license or permit is revoked or
8 suspended 2 or more times due to any combination of:

9 (i) a single conviction of violating Section
10 11-501 of this Code or a similar provision of a local
11 ordinance or a similar out-of-state offense or Section
12 9-3 of the Criminal Code of 1961 or the Criminal Code
13 of 2012, where the use of alcohol or other drugs is
14 recited as an element of the offense, or a similar
15 out-of-state offense; or

16 (ii) a statutory summary suspension or revocation
17 under Section 11-501.1; or

18 (iii) a suspension under Section 6-203.1;

19 arising out of separate occurrences; that person, if issued
20 a restricted driving permit, may not operate a vehicle
21 unless it has been equipped with an ignition interlock
22 device as defined in Section 1-129.1.

23 (B-5) If a person's license or permit is revoked or
24 suspended due to a conviction for a violation of
25 subparagraph (C) or (F) of paragraph (1) of subsection (d)
26 of Section 11-501 of this Code, or a similar provision of a

1 local ordinance or similar out-of-state offense, that
2 person, if issued a restricted driving permit, may not
3 operate a vehicle unless it has been equipped with an
4 ignition interlock device as defined in Section 1-129.1.

5 (C) The person issued a permit conditioned upon the use
6 of an ignition interlock device must pay to the Secretary
7 of State DUI Administration Fund an amount not to exceed
8 \$30 per month. The Secretary shall establish by rule the
9 amount and the procedures, terms, and conditions relating
10 to these fees.

11 (D) 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. For any
17 person who, within a 5-year period, is convicted of a
18 second or subsequent offense under Section 11-501 of this
19 Code, or a similar provision of a local ordinance or
20 similar out-of-state offense, this employment exemption
21 does not apply until either a one-year ~~one-year~~ period has
22 elapsed during which that person had his or her driving
23 privileges revoked or a one-year ~~one-year~~ period has
24 elapsed during which that person had a restricted driving
25 permit which required the use of an ignition interlock
26 device on every motor vehicle owned or operated by that

1 person.

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. A restricted driving permit issued under this
6 Section shall be subject to cancellation, revocation, and
7 suspension by the Secretary of State in like manner and for
8 like cause as a driver's license issued under this Code may
9 be cancelled, revoked, or suspended; except that a
10 conviction upon one or more offenses against laws or
11 ordinances regulating the movement of traffic shall be
12 deemed sufficient cause for the revocation, suspension, or
13 cancellation of a restricted driving permit. The Secretary
14 of State may, as a condition to the issuance of a
15 restricted driving permit, require the applicant to
16 participate in a designated driver remedial or
17 rehabilitative program. The Secretary of State is
18 authorized to cancel a restricted driving permit if the
19 permit holder does not successfully complete the program.

20 (F) A person subject to the provisions of paragraph 4
21 of subsection (b) of Section 6-208 of this Code may make
22 application for a restricted driving permit at a hearing
23 conducted under Section 2-118 of this Code after the
24 expiration of 5 years from the effective date of the most
25 recent revocation or after 5 years from the date of release
26 from a period of imprisonment resulting from a conviction

1 of the most recent offense, whichever is later, provided
2 the person, in addition to all other requirements of the
3 Secretary, shows by clear and convincing evidence:

4 (i) a minimum of 3 years of uninterrupted
5 abstinence from alcohol and the unlawful use or
6 consumption of cannabis under the Cannabis Control
7 Act, a controlled substance under the Illinois
8 Controlled Substances Act, an intoxicating compound
9 under the Use of Intoxicating Compounds Act, or
10 methamphetamine under the Methamphetamine Control and
11 Community Protection Act; and

12 (ii) the successful completion of any
13 rehabilitative treatment and involvement in any
14 ongoing rehabilitative activity that may be
15 recommended by a properly licensed service provider
16 according to an assessment of the person's alcohol or
17 drug use under Section 11-501.01 of this Code.

18 In determining whether an applicant is eligible for a
19 restricted driving permit under this subparagraph (F), the
20 Secretary may consider any relevant evidence, including,
21 but not limited to, testimony, affidavits, records, and the
22 results of regular alcohol or drug tests. Persons subject
23 to the provisions of paragraph 4 of subsection (b) of
24 Section 6-208 of this Code and who have been convicted of
25 more than one violation of paragraph (3), paragraph (4), or
26 paragraph (5) of subsection (a) of Section 11-501 of this

1 Code shall not be eligible to apply for a restricted
2 driving permit under this subparagraph (F).

3 A restricted driving permit issued under this
4 subparagraph (F) shall provide that the holder may only
5 operate motor vehicles equipped with an ignition interlock
6 device as required under paragraph (2) of subsection (c) of
7 Section 6-205 of this Code and subparagraph (A) of
8 paragraph 3 of subsection (c) of this Section. The
9 Secretary may revoke a restricted driving permit or amend
10 the conditions of a restricted driving permit issued under
11 this subparagraph (F) if the holder operates a vehicle that
12 is not equipped with an ignition interlock device, or for
13 any other reason authorized under this Code.

14 A restricted driving permit issued under this
15 subparagraph (F) shall be revoked, and the holder barred
16 from applying for or being issued a restricted driving
17 permit in the future, if the holder is convicted of a
18 violation of Section 11-501 of this Code, a similar
19 provision of a local ordinance, or a similar offense in
20 another state.

21 (c-3) In the case of a suspension under paragraph 43 of
22 subsection (a), reports received by the Secretary of State
23 under this Section shall, except during the actual time the
24 suspension is in effect, be privileged information and for use
25 only by the courts, police officers, prosecuting authorities,
26 the driver licensing administrator of any other state, the

1 Secretary of State, or the parent or legal guardian of a driver
2 under the age of 18. However, beginning January 1, 2008, if the
3 person is a CDL holder, the suspension shall also be made
4 available to the driver licensing administrator of any other
5 state, the U.S. Department of Transportation, and the affected
6 driver or motor carrier or prospective motor carrier upon
7 request.

8 (c-4) In the case of a suspension under paragraph 43 of
9 subsection (a), the Secretary of State shall notify the person
10 by mail that his or her driving privileges and driver's license
11 will be suspended one month after the date of the mailing of
12 the notice.

13 (c-5) The Secretary of State may, as a condition of the
14 reissuance of a driver's license or permit to an applicant
15 whose driver's license or permit has been suspended before he
16 or she reached the age of 21 years pursuant to any of the
17 provisions of this Section, require the applicant to
18 participate in a driver remedial education course and be
19 retested under Section 6-109 of this Code.

20 (d) This Section is subject to the provisions of the
21 Drivers License Compact.

22 (e) The Secretary of State shall not issue a restricted
23 driving permit to a person under the age of 16 years whose
24 driving privileges have been suspended or revoked under any
25 provisions of this Code.

26 (f) In accordance with 49 C.F.R. 384, the Secretary of

1 State may not issue a restricted driving permit for the
2 operation of a commercial motor vehicle to a person holding a
3 CDL whose driving privileges have been suspended, revoked,
4 cancelled, or disqualified under any provisions of this Code.

5 (Source: P.A. 98-103, eff. 1-1-14; 98-122, eff. 1-1-14; 98-726,
6 eff. 1-1-15; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15;
7 99-290, eff. 1-1-16; 99-467, eff. 1-1-16; 99-483, eff. 1-1-16;
8 revised 11-3-15.)

9 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

10 Sec. 6-208. Period of Suspension - Application After
11 Revocation.

12 (a) Except as otherwise provided by this Code or any other
13 law of this State, the Secretary of State shall not suspend a
14 driver's license, permit, or privilege to drive a motor vehicle
15 on the highways for a period of more than one year.

16 (b) Any person whose license, permit, or privilege to drive
17 a motor vehicle on the highways has been revoked shall not be
18 entitled to have such license, permit, or privilege renewed or
19 restored. However, such person may, except as provided under
20 subsections (d) and (d-5) of Section 6-205, make application
21 for a license pursuant to Section 6-106 (i) if the revocation
22 was for a cause that has been removed or (ii) as provided in
23 the following subparagraphs:

24 1. Except as provided in subparagraphs 1.3, 1.5, 2, 3,
25 4, and 5, the person may make application for a license (A)

1 after the expiration of one year from the effective date of
2 the revocation, (B) in the case of a violation of paragraph
3 (b) of Section 11-401 of this Code or a similar provision
4 of a local ordinance, after the expiration of 3 years from
5 the effective date of the revocation, or (C) in the case of
6 a violation of Section 9-3 of the Criminal Code of 1961 or
7 the Criminal Code of 2012 or a similar provision of a law
8 of another state relating to the offense of reckless
9 homicide or a violation of subparagraph (F) of paragraph 1
10 of subsection (d) of Section 11-501 of this Code relating
11 to aggravated driving under the influence of alcohol, other
12 drug or drugs, intoxicating compound or compounds, or any
13 combination thereof, if the violation was the proximate
14 cause of a death, after the expiration of 2 years from the
15 effective date of the revocation or after the expiration of
16 24 months from the date of release from a period of
17 imprisonment as provided in Section 6-103 of this Code,
18 whichever is later.

19 1.3. If the person is convicted of a second or
20 subsequent violation of Section 11-501 of this Code or a
21 similar provision of a local ordinance or a similar
22 out-of-state offense, or Section 9-3 of the Criminal Code
23 of 1961 or the Criminal Code of 2012, in which the use of
24 alcohol or other drugs is recited as an element of the
25 offense, or a similar out-of-state offense, or a
26 combination of these offenses, arising out of separate

1 occurrences, that person may not make application for a
2 driver's license until:

3 (A) the person has first been issued a restricted
4 driving permit by the Secretary of State; and

5 (B) the expiration of a continuous period of not
6 less than 5 years following the issuance of the
7 restricted driving permit during which the person's
8 restricted driving permit is not suspended, cancelled,
9 or revoked for a violation of any provision of law, or
10 any rule or regulation of the Secretary of State
11 relating to the required use of an ignition interlock
12 device.

13 1.5. If the person is convicted of a violation of
14 Section 6-303 of this Code committed while his or her
15 driver's license, permit, or privilege was revoked because
16 of a violation of Section 9-3 of the Criminal Code of 1961
17 or the Criminal Code of 2012, relating to the offense of
18 reckless homicide, or a similar provision of a law of
19 another state, the person may not make application for a
20 license or permit until the expiration of 3 years from the
21 date of the conviction.

22 2. If such person is convicted of committing a second
23 violation within a 20-year period of:

24 (A) Section 11-501 of this Code or a similar
25 provision of a local ordinance;

26 (B) Paragraph (b) of Section 11-401 of this Code or

1 a similar provision of a local ordinance;

2 (C) Section 9-3 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, relating to the offense of
4 reckless homicide; or

5 (D) any combination of the above offenses
6 committed at different instances;

7 then such person may not make application for a license
8 until after the expiration of 5 years from the effective
9 date of the most recent revocation. The 20-year period
10 shall be computed by using the dates the offenses were
11 committed and shall also include similar out-of-state
12 offenses and similar offenses committed on a military
13 installation.

14 2.5. If a person is convicted of a second violation of
15 Section 6-303 of this Code committed while the person's
16 driver's license, permit, or privilege was revoked because
17 of a violation of Section 9-3 of the Criminal Code of 1961
18 or the Criminal Code of 2012, relating to the offense of
19 reckless homicide, or a similar provision of a law of
20 another state, the person may not make application for a
21 license or permit until the expiration of 5 years from the
22 date of release from a term of imprisonment.

23 3. However, except as provided in subparagraph 4, if
24 such person is convicted of committing a third violation or
25 any combination of the above offenses, including similar
26 out-of-state offenses and similar offenses committed on a

1 military installation, contained in subparagraph 2, then
2 such person may not make application for a license until
3 after the expiration of 10 years from the effective date of
4 the most recent revocation.

5 4. Except as provided in paragraph (1.5) of subsection
6 (c) of Section 6-205 and subparagraph (F) of paragraph 3 of
7 subsection (c) of Section 6-206 of this Code, the person
8 may not make application for a license if the person is
9 convicted of committing a fourth or subsequent violation of
10 Section 11-501 of this Code or a similar provision of a
11 local ordinance, Section 11-401 of this Code, Section 9-3
12 of the Criminal Code of 1961 or the Criminal Code of 2012,
13 or a combination of these offenses, similar provisions of
14 local ordinances, similar out-of-state offenses, or
15 similar offenses committed on a military installation.

16 4.5. A bona fide resident of a foreign jurisdiction who
17 is subject to the provisions of subparagraph 4 of this
18 subsection (b) may make application for termination of the
19 revocation after a period of 10 years from the effective
20 date of the most recent revocation. However, if a person
21 who has been granted a termination of revocation under this
22 subparagraph 4.5 subsequently becomes a resident of this
23 State, the revocation shall be reinstated and the person
24 shall be subject to the provisions of subparagraph 4.

25 5. The person may not make application for a license or
26 permit if the person is convicted of a third or subsequent

1 violation of Section 6-303 of this Code committed while his
2 or her driver's license, permit, or privilege was revoked
3 because of a violation of Section 9-3 of the Criminal Code
4 of 1961 or the Criminal Code of 2012, relating to the
5 offense of reckless homicide, or a similar provision of a
6 law of another state.

7 Notwithstanding any other provision of this Code, all
8 persons referred to in this paragraph (b) may not have their
9 privileges restored until the Secretary receives payment of the
10 required reinstatement fee pursuant to subsection (b) of
11 Section 6-118.

12 In no event shall the Secretary issue such license unless
13 and until such person has had a hearing pursuant to this Code
14 and the appropriate administrative rules and the Secretary is
15 satisfied, after a review or investigation of such person, that
16 to grant the privilege of driving a motor vehicle on the
17 highways will not endanger the public safety or welfare.

18 (c) (Blank).

19 (Source: P.A. 99-290, eff. 1-1-16; 99-296, eff. 1-1-16; revised
20 11-3-15.)

21 (625 ILCS 5/6-302) (from Ch. 95 1/2, par. 6-302)

22 Sec. 6-302. Making false application or affidavit -
23 Perjury.

24 (a) It is a violation of this Section for any person:

25 1. To display or present any document for the purpose

1 of making application for a driver's license or permit
2 knowing that such document contains false information
3 concerning the identity ~~identify~~ of the applicant;

4 2. To accept or allow to be accepted any document
5 displayed or presented for the purpose of making
6 application for a driver's license or permit knowing that
7 such document contains false information concerning the
8 identity of the applicant;

9 3. To knowingly make any false affidavit or swear or
10 affirm falsely to any matter or thing required by the terms
11 of this Act to be sworn to or affirmed.

12 (b) Sentence.

13 1. Any person convicted of a violation of this Section
14 shall be guilty of a Class 4 felony.

15 2. Any person convicted of a second or subsequent
16 violation of this Section shall be guilty of a Class 3
17 felony.

18 (c) This Section does not prohibit any lawfully authorized
19 investigative, protective, law enforcement or other activity
20 of any agency of the United States, State of Illinois or any
21 other state or political subdivision thereof.

22 (Source: P.A. 86-503; revised 11-2-15.)

23 (625 ILCS 5/11-501.01)

24 Sec. 11-501.01. Additional administrative sanctions.

25 (a) 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 Section 11-501 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 (b) Any person who is found guilty of or pleads guilty to
13 violating Section 11-501, including any person receiving a
14 disposition of court supervision for violating that 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 (c) Every person found guilty of violating Section 11-501,
23 whose operation of a motor vehicle while in violation of that
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 (i) of this

1 Section.

2 (d) The Secretary of State shall revoke the driving
3 privileges of any person convicted under Section 11-501 or a
4 similar provision of a local ordinance.

5 (e) The Secretary of State shall require the use of
6 ignition interlock devices for a period not less than 5 years
7 on all vehicles owned by a person who has been convicted of a
8 second or subsequent offense of Section 11-501 or a similar
9 provision of a local ordinance. The person must pay to the
10 Secretary of State DUI Administration Fund an amount not to
11 exceed \$30 for each month that he or she uses the device. The
12 Secretary shall establish by rule and regulation the procedures
13 for certification and use of the interlock system, the amount
14 of the fee, and the procedures, terms, and conditions relating
15 to these fees. During the time period in which a person is
16 required to install an ignition interlock device under this
17 subsection (e), that person shall only operate vehicles in
18 which ignition interlock devices have been installed, except as
19 allowed by subdivision (c) (5) or (d) (5) of Section 6-205 of
20 this Code.

21 (f) In addition to any other penalties and liabilities, a
22 person who is found guilty of or pleads guilty to violating
23 Section 11-501, including any person placed on court
24 supervision for violating Section 11-501, shall be assessed
25 \$750, payable to the circuit clerk, who shall distribute the
26 money as follows: \$350 to the law enforcement agency that made

1 the arrest, and \$400 shall be forwarded to the State Treasurer
2 for deposit into the General Revenue Fund. If the person has
3 been previously convicted of violating Section 11-501 or a
4 similar provision of a local ordinance, the fine shall be
5 \$1,000, and the circuit clerk shall distribute \$200 to the law
6 enforcement agency that made the arrest and \$800 to the State
7 Treasurer for deposit into the General Revenue Fund. In the
8 event that more than one agency is responsible for the arrest,
9 the amount payable to law enforcement agencies shall be shared
10 equally. Any moneys received by a law enforcement agency under
11 this subsection (f) shall be used for enforcement and
12 prevention of driving while under the influence of alcohol,
13 other drug or drugs, intoxicating compound or compounds or any
14 combination thereof, as defined by Section 11-501 of this Code,
15 including but not limited to the purchase of law enforcement
16 equipment and commodities that will assist in the prevention of
17 alcohol related criminal violence throughout the State; police
18 officer training and education in areas related to alcohol
19 related crime, including but not limited to DUI training; and
20 police officer salaries, including but not limited to salaries
21 for hire back funding for safety checkpoints, saturation
22 patrols, and liquor store sting operations. Any moneys received
23 by the Department of State Police under this subsection (f)
24 shall be deposited into the State Police DUI Fund and shall be
25 used to purchase law enforcement equipment that will assist in
26 the prevention of alcohol related criminal violence throughout

1 the State.

2 (g) 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 (f) 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 Section 11-501 of this Code,
10 including but not limited to the purchase of law enforcement
11 equipment and commodities to assist in the prevention of
12 alcohol related criminal violence throughout the State; police
13 officer training and education in areas related to alcohol
14 related crime, including but not limited to DUI training; and
15 police officer salaries, including but not limited to salaries
16 for hire back funding for safety checkpoints, saturation
17 patrols, and liquor store sting operations.

18 (h) Whenever an individual is sentenced for an offense
19 based upon an arrest for a violation of Section 11-501 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 (i) In addition to any other fine or penalty required by
10 law, an individual convicted of a violation of Section 11-501,
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 Section 11-501,
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 (i), "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. With respect to funds designated for the Department
26 of State Police, the moneys shall be remitted by the circuit

1 court clerk to the State Police within one month after receipt
2 for deposit into the State Police DUI Fund. With respect to
3 funds designated for the Department of Natural Resources, the
4 Department of Natural Resources shall deposit the moneys into
5 the Conservation Police Operations Assistance Fund.

6 (j) A person that is subject to a chemical test or tests of
7 blood under subsection (a) of Section 11-501.1 or subdivision
8 (c) (2) of Section 11-501.2 of this Code, whether or not that
9 person consents to testing, shall be liable for the expense up
10 to \$500 for blood withdrawal by a physician authorized to
11 practice medicine, a licensed physician assistant, a licensed
12 advanced practice nurse, a registered nurse, a trained
13 phlebotomist, a licensed paramedic, or a qualified person other
14 than a police officer approved by the Department of State
15 Police to withdraw blood, who responds, whether at a law
16 enforcement facility or a health care facility, to a police
17 department request for the drawing of blood based upon refusal
18 of the person to submit to a lawfully requested breath test or
19 probable cause exists to believe the test would disclose the
20 ingestion, consumption, or use of drugs or intoxicating
21 compounds if:

22 (1) the person is found guilty of violating Section
23 11-501 of this Code or a similar provision of a local
24 ordinance; or

25 (2) the person pleads guilty to or stipulates to facts
26 supporting a violation of Section 11-503 of this Code or a

1 similar provision of a local ordinance when the plea or
2 stipulation was the result of a plea agreement in which the
3 person was originally charged with violating Section
4 11-501 of this Code or a similar local ordinance.

5 (Source: P.A. 98-292, eff. 1-1-14; 98-463, eff. 8-16-13;
6 98-973, eff. 8-15-14; 99-289, eff. 8-6-15; 99-296, eff. 1-1-16;
7 revised 11-3-15.)

8 (625 ILCS 5/11-605.1)

9 Sec. 11-605.1. Special limit while traveling through a
10 highway construction or maintenance speed zone.

11 (a) A person may not operate a motor vehicle in a
12 construction or maintenance speed zone at a speed in excess of
13 the posted speed limit when workers are present.

14 (a-5) A person may not operate a motor vehicle in a
15 construction or maintenance speed zone at a speed in excess of
16 the posted speed limit when workers are not present.

17 (b) Nothing in this Chapter prohibits the use of electronic
18 speed-detecting devices within 500 feet of signs within a
19 construction or maintenance speed zone indicating the zone, as
20 defined in this Section, nor shall evidence obtained by use of
21 those devices be inadmissible in any prosecution for speeding,
22 provided the use of the device shall apply only to the
23 enforcement of the speed limit in the construction or
24 maintenance speed zone.

25 (c) As used in this Section, a "construction or maintenance

1 speed zone" is an area in which the Department, Toll Highway
2 Authority, or local agency has posted signage advising drivers
3 that a construction or maintenance speed zone is being
4 approached, or in which the Department, Authority, or local
5 agency has posted a lower speed limit with a highway
6 construction or maintenance speed zone special speed limit sign
7 after determining that the preexisting established speed limit
8 through a highway construction or maintenance project is
9 greater than is reasonable or safe with respect to the
10 conditions expected to exist in the construction or maintenance
11 speed zone.

12 If it is determined that the preexisting established speed
13 limit is safe with respect to the conditions expected to exist
14 in the construction or maintenance speed zone, additional speed
15 limit signs which conform to the requirements of this
16 subsection (c) shall be posted.

17 Highway construction or maintenance speed zone special
18 speed limit signs shall be of a design approved by the
19 Department. The signs must give proper due warning that a
20 construction or maintenance speed zone is being approached and
21 must indicate the maximum speed limit in effect. The signs also
22 must state the amount of the minimum fine for a violation.

23 (d) Except as provided under subsection (d-5), a person who
24 violates this Section is guilty of a petty offense. Violations
25 of this Section are punishable with a minimum fine of \$250 for
26 the first violation and a minimum fine of \$750 for the second

1 or subsequent violation.

2 (d-5) A person committing a violation of this Section is
3 guilty of aggravated special speed limit while traveling
4 through a highway construction or maintenance speed zone when
5 he or she drives a motor vehicle at a speed that is:

6 (1) 26 miles per hour or more but less than 35 miles
7 per hour in excess of the applicable special speed limit
8 established under this Section or a similar provision of a
9 local ordinance and is guilty of a Class B misdemeanor; or

10 (2) 35 miles per hour or more in excess of the
11 applicable special speed limit established under this
12 Section or a similar provision of a local ordinance and is
13 guilty of a Class A misdemeanor.

14 (e) If a fine for a violation of this Section is \$250 or
15 greater, the person who violated this Section shall be charged
16 an additional \$125, which shall be deposited into the
17 Transportation Safety Highway Hire-back Fund in the State
18 treasury, unless (i) the violation occurred on a highway other
19 than an interstate highway and (ii) a county police officer
20 wrote the ticket for the violation, in which case the \$125
21 shall be deposited into that county's Transportation Safety
22 Highway Hire-back Fund. In the case of a second or subsequent
23 violation of this Section, if the fine is \$750 or greater, the
24 person who violated this Section shall be charged an additional
25 \$250, which shall be deposited into the Transportation Safety
26 Highway Hire-back Fund in the State treasury, unless (i) the

1 violation occurred on a highway other than an interstate
2 highway and (ii) a county police officer wrote the ticket for
3 the violation, in which case the \$250 shall be deposited into
4 that county's Transportation Safety Highway Hire-back Fund.

5 (e-5) The Department of State Police and the local county
6 police department have concurrent jurisdiction over any
7 violation of this Section that occurs on an interstate highway.

8 (f) The Transportation Safety Highway Hire-back Fund,
9 which was created by Public Act 92-619, shall continue to be a
10 special fund in the State treasury. Subject to appropriation by
11 the General Assembly and approval by the Secretary, the
12 Secretary of Transportation shall use all moneys in the
13 Transportation Safety Highway Hire-back Fund to hire off-duty
14 Department of State Police officers to monitor construction or
15 maintenance zones.

16 (f-5) Each county shall create a Transportation Safety
17 Highway Hire-back Fund. The county shall use the moneys in its
18 Transportation Safety Highway Hire-back Fund to hire off-duty
19 county police officers to monitor construction or maintenance
20 zones in that county on highways other than interstate
21 highways. The county, in its discretion, may also use a portion
22 of the moneys in its Transportation Safety Highway Hire-back
23 Fund to purchase equipment for county law enforcement and fund
24 the production of materials to educate drivers on construction
25 zone safe driving habits.

26 (g) For a second or subsequent violation of this Section

1 within 2 years of the date of the previous violation, the
2 Secretary of State shall suspend the driver's license of the
3 violator for a period of 90 days. This suspension shall only be
4 imposed if the current violation of this Section and at least
5 one prior violation of this Section occurred during a period
6 when workers were present in the construction or maintenance
7 zone.

8 (Source: P.A. 98-337, eff. 1-1-14; 99-212, eff. 1-1-16; 99-280,
9 eff. 1-1-16; revised 10-15-15.)

10 (625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

11 Sec. 12-215. Oscillating, rotating or flashing lights on
12 motor vehicles. Except as otherwise provided in this Code:

13 (a) The use of red or white oscillating, rotating or
14 flashing lights, whether lighted or unlighted, is prohibited
15 except on:

16 1. Law enforcement vehicles of State, Federal or local
17 authorities;

18 2. A vehicle operated by a police officer or county
19 coroner and designated or authorized by local authorities,
20 in writing, as a law enforcement vehicle; however, such
21 designation or authorization must be carried in the
22 vehicle;

23 2.1. A vehicle operated by a fire chief who has
24 completed an emergency vehicle operation training course
25 approved by the Office of the State Fire Marshal and

1 designated or authorized by local authorities, in writing,
2 as a fire department, fire protection district, or township
3 fire department vehicle; however, the designation or
4 authorization must be carried in the vehicle, and the
5 lights may be visible or activated only when responding to
6 a bona fide emergency;

7 3. Vehicles of local fire departments and State or
8 federal firefighting vehicles;

9 4. Vehicles which are designed and used exclusively as
10 ambulances or rescue vehicles; furthermore, such lights
11 shall not be lighted except when responding to an emergency
12 call for and while actually conveying the sick or injured;

13 4.5. Vehicles which are occasionally used as rescue
14 vehicles that have been authorized for use as rescue
15 vehicles by a volunteer EMS provider, provided that the
16 operator of the vehicle has successfully completed an
17 emergency vehicle operation training course recognized by
18 the Department of Public Health; furthermore, the lights
19 shall not be lighted except when responding to an emergency
20 call for the sick or injured;

21 5. Tow trucks licensed in a state that requires such
22 lights; furthermore, such lights shall not be lighted on
23 any such tow truck while the tow truck is operating in the
24 State of Illinois;

25 6. Vehicles of the Illinois Emergency Management
26 Agency, vehicles of the Office of the Illinois State Fire

1 Marshal, vehicles of the Illinois Department of Public
2 Health, vehicles of the Illinois Department of
3 Corrections, and vehicles of the Illinois Department of
4 Juvenile Justice;

5 7. Vehicles operated by a local or county emergency
6 management services agency as defined in the Illinois
7 Emergency Management Agency Act;

8 8. School buses operating alternately flashing head
9 lamps as permitted under Section 12-805 of this Code;

10 9. Vehicles that are equipped and used exclusively as
11 organ transplant vehicles when used in combination with
12 blue oscillating, rotating, or flashing lights;
13 furthermore, these lights shall be lighted only when the
14 transportation is declared an emergency by a member of the
15 transplant team or a representative of the organ
16 procurement organization;

17 10. Vehicles of the Illinois Department of Natural
18 Resources that are used for mine rescue and explosives
19 emergency response;

20 11. Vehicles of the Illinois Department of
21 Transportation identified as Emergency Traffic Patrol; the
22 lights shall not be lighted except when responding to an
23 emergency call or when parked or stationary while engaged
24 in motor vehicle assistance or at the scene of the
25 emergency; and

26 12. Vehicles of the Illinois State Toll Highway

1 Authority identified as Highway Emergency Lane Patrol; the
2 lights shall not be lighted except when responding to an
3 emergency call or when parked or stationary while engaged
4 in motor vehicle assistance or at the scene of the
5 emergency.

6 (b) The use of amber oscillating, rotating or flashing
7 lights, whether lighted or unlighted, is prohibited except on:

8 1. Second division vehicles designed and used for
9 towing or hoisting vehicles; furthermore, such lights
10 shall not be lighted except as required in this paragraph
11 1; such lights shall be lighted when such vehicles are
12 actually being used at the scene of an accident or
13 disablement; if the towing vehicle is equipped with a flat
14 bed that supports all wheels of the vehicle being
15 transported, the lights shall not be lighted while the
16 vehicle is engaged in towing on a highway; if the towing
17 vehicle is not equipped with a flat bed that supports all
18 wheels of a vehicle being transported, the lights shall be
19 lighted while the towing vehicle is engaged in towing on a
20 highway during all times when the use of headlights is
21 required under Section 12-201 of this Code; in addition,
22 these vehicles may use white oscillating, rotating, or
23 flashing lights in combination with amber oscillating,
24 rotating, or flashing lights as provided in this paragraph;

25 2. Motor vehicles or equipment of the State of
26 Illinois, the Illinois State Toll Highway Authority, local

1 authorities and contractors; furthermore, such lights
2 shall not be lighted except while such vehicles are engaged
3 in maintenance or construction operations within the
4 limits of construction projects;

5 3. Vehicles or equipment used by engineering or survey
6 crews; furthermore, such lights shall not be lighted except
7 while such vehicles are actually engaged in work on a
8 highway;

9 4. Vehicles of public utilities, municipalities, or
10 other construction, maintenance or automotive service
11 vehicles except that such lights shall be lighted only as a
12 means for indicating the presence of a vehicular traffic
13 hazard requiring unusual care in approaching, overtaking
14 or passing while such vehicles are engaged in maintenance,
15 service or construction on a highway;

16 5. Oversized vehicle or load; however, such lights
17 shall only be lighted when moving under permit issued by
18 the Department under Section 15-301 of this Code;

19 6. The front and rear of motorized equipment owned and
20 operated by the State of Illinois or any political
21 subdivision thereof, which is designed and used for removal
22 of snow and ice from highways;

23 6.1. The front and rear of motorized equipment or
24 vehicles that (i) are not owned by the State of Illinois or
25 any political subdivision of the State, (ii) are designed
26 and used for removal of snow and ice from highways and

1 parking lots, and (iii) are equipped with a snow plow that
2 is 12 feet in width; these lights may not be lighted except
3 when the motorized equipment or vehicle is actually being
4 used for those purposes on behalf of a unit of government;

5 7. Fleet safety vehicles registered in another state,
6 furthermore, such lights shall not be lighted except as
7 provided for in Section 12-212 of this Code;

8 8. Such other vehicles as may be authorized by local
9 authorities;

10 9. Law enforcement vehicles of State or local
11 authorities when used in combination with red oscillating,
12 rotating or flashing lights;

13 9.5. Propane delivery trucks;

14 10. Vehicles used for collecting or delivering mail for
15 the United States Postal Service provided that such lights
16 shall not be lighted except when such vehicles are actually
17 being used for such purposes;

18 10.5. Vehicles of the Office of the Illinois State Fire
19 Marshal, provided that such lights shall not be lighted
20 except for when such vehicles are engaged in work for the
21 Office of the Illinois State Fire Marshal;

22 11. Any vehicle displaying a slow-moving vehicle
23 emblem as provided in Section 12-205.1;

24 12. All trucks equipped with self-compactors or
25 roll-off hoists and roll-on containers for garbage,
26 recycling, or refuse hauling. Such lights shall not be

1 lighted except when such vehicles are actually being used
2 for such purposes;

3 13. Vehicles used by a security company, alarm
4 responder, control agency, or the Illinois Department of
5 Corrections;

6 14. Security vehicles of the Department of Human
7 Services; however, the lights shall not be lighted except
8 when being used for security related purposes under the
9 direction of the superintendent of the facility where the
10 vehicle is located; and

11 15. Vehicles of union representatives, except that the
12 lights shall be lighted only while the vehicle is within
13 the limits of a construction project.

14 (c) The use of blue oscillating, rotating or flashing
15 lights, whether lighted or unlighted, is prohibited except on:

16 1. Rescue squad vehicles not owned by a fire department
17 and vehicles owned or operated by a:

18 voluntary firefighter;

19 paid firefighter;

20 part-paid firefighter;

21 call firefighter;

22 member of the board of trustees of a fire
23 protection district;

24 paid or unpaid member of a rescue squad;

25 paid or unpaid member of a voluntary ambulance
26 unit; or

1 paid or unpaid members of a local or county
2 emergency management services agency as defined in the
3 Illinois Emergency Management Agency Act, designated
4 or authorized by local authorities, in writing, and
5 carrying that designation or authorization in the
6 vehicle.

7 However, such lights are not to be lighted except when
8 responding to a bona fide emergency or when parked or
9 stationary at the scene of a fire, rescue call, ambulance
10 call, or motor vehicle accident.

11 Any person using these lights in accordance with this
12 subdivision (c)1 must carry on his or her person an
13 identification card or letter identifying the bona fide
14 member of a fire department, fire protection district,
15 rescue squad, ambulance unit, or emergency management
16 services agency that owns or operates that vehicle. The
17 card or letter must include:

18 (A) the name of the fire department, fire
19 protection district, rescue squad, ambulance unit, or
20 emergency management services agency;

21 (B) the member's position within the fire
22 department, fire protection district, rescue squad,
23 ambulance unit, or emergency management services
24 agency;

25 (C) the member's term of service; and

26 (D) the name of a person within the fire

1 department, fire protection district, rescue squad,
2 ambulance unit, or emergency management services
3 agency to contact to verify the information provided.

4 2. Police department vehicles in cities having a
5 population of 500,000 or more inhabitants.

6 3. Law enforcement vehicles of State or local
7 authorities when used in combination with red oscillating,
8 rotating or flashing lights.

9 4. Vehicles of local fire departments and State or
10 federal firefighting vehicles when used in combination
11 with red oscillating, rotating or flashing lights.

12 5. Vehicles which are designed and used exclusively as
13 ambulances or rescue vehicles when used in combination with
14 red oscillating, rotating or flashing lights; furthermore,
15 such lights shall not be lighted except when responding to
16 an emergency call.

17 6. Vehicles that are equipped and used exclusively as
18 organ transport vehicles when used in combination with red
19 oscillating, rotating, or flashing lights; furthermore,
20 these lights shall only be lighted when the transportation
21 is declared an emergency by a member of the transplant team
22 or a representative of the organ procurement organization.

23 7. Vehicles of the Illinois Emergency Management
24 Agency, vehicles of the Office of the Illinois State Fire
25 Marshal, vehicles of the Illinois Department of Public
26 Health, vehicles of the Illinois Department of

1 Corrections, and vehicles of the Illinois Department of
2 Juvenile Justice, when used in combination with red
3 oscillating, rotating, or flashing lights.

4 8. Vehicles operated by a local or county emergency
5 management services agency as defined in the Illinois
6 Emergency Management Agency Act, when used in combination
7 with red oscillating, rotating, or flashing lights.

8 9. Vehicles of the Illinois Department of Natural
9 Resources that are used for mine rescue and explosives
10 emergency response, when used in combination with red
11 oscillating, rotating, or flashing lights.

12 (c-1) In addition to the blue oscillating, rotating, or
13 flashing lights permitted under subsection (c), and
14 notwithstanding subsection (a), a vehicle operated by a
15 voluntary firefighter, a voluntary member of a rescue squad, or
16 a member of a voluntary ambulance unit may be equipped with
17 flashing white headlights and blue grill lights, which may be
18 used only in responding to an emergency call or when parked or
19 stationary at the scene of a fire, rescue call, ambulance call,
20 or motor vehicle accident.

21 (c-2) In addition to the blue oscillating, rotating, or
22 flashing lights permitted under subsection (c), and
23 notwithstanding subsection (a), a vehicle operated by a paid or
24 unpaid member of a local or county emergency management
25 services agency as defined in the Illinois Emergency Management
26 Agency Act, may be equipped with white oscillating, rotating,

1 or flashing lights to be used in combination with blue
2 oscillating, rotating, or flashing lights, if authorization by
3 local authorities is in writing and carried in the vehicle.

4 (d) The use of a combination of amber and white
5 oscillating, rotating or flashing lights, whether lighted or
6 unlighted, is prohibited except on second division vehicles
7 designed and used for towing or hoisting vehicles or motor
8 vehicles or equipment of the State of Illinois, local
9 authorities, contractors, and union representatives;
10 furthermore, such lights shall not be lighted on second
11 division vehicles designed and used for towing or hoisting
12 vehicles or vehicles of the State of Illinois, local
13 authorities, and contractors except while such vehicles are
14 engaged in a tow operation, highway maintenance, or
15 construction operations within the limits of highway
16 construction projects, and shall not be lighted on the vehicles
17 of union representatives except when those vehicles are within
18 the limits of a construction project.

19 (e) All oscillating, rotating or flashing lights referred
20 to in this Section shall be of sufficient intensity, when
21 illuminated, to be visible at 500 feet in normal sunlight.

22 (f) Nothing in this Section shall prohibit a manufacturer
23 of oscillating, rotating or flashing lights or his
24 representative or authorized vendor from temporarily mounting
25 such lights on a vehicle for demonstration purposes only. If
26 the lights are not covered while the vehicle is operated upon a

1 highway, the vehicle shall display signage indicating that the
2 vehicle is out of service or not an emergency vehicle. The
3 signage shall be displayed on all sides of the vehicle in
4 letters at least 2 inches tall and one-half inch wide. A
5 vehicle authorized to have oscillating, rotating, or flashing
6 lights mounted for demonstration purposes may not activate the
7 lights while the vehicle is operated upon a highway.

8 (g) Any person violating the provisions of subsections (a),
9 (b), (c) or (d) of this Section who without lawful authority
10 stops or detains or attempts to stop or detain another person
11 shall be guilty of a Class 2 felony.

12 (h) Except as provided in subsection (g) above, any person
13 violating the provisions of subsections (a) or (c) of this
14 Section shall be guilty of a Class A misdemeanor.

15 (Source: P.A. 98-80, eff. 7-15-13; 98-123, eff. 1-1-14; 98-468,
16 eff. 8-16-13; 98-756, eff. 7-16-14; 98-873, eff. 1-1-15; 99-40,
17 eff. 1-1-16; 99-78, eff. 7-20-15; 99-125, eff. 1-1-16; revised
18 10-15-15.)

19 (625 ILCS 5/15-316) (from Ch. 95 1/2, par. 15-316)

20 Sec. 15-316. When the Department or local authority may
21 restrict right to use highways.

22 (a) Except as provided in subsection (g), local authorities
23 with respect to highways under their jurisdiction may by
24 ordinance or resolution prohibit the operation of vehicles upon
25 any such highway or impose restrictions as to the weight of

1 vehicles to be operated upon any such highway, for a total
2 period of not to exceed 90 days, measured in either consecutive
3 or nonconsecutive days at the discretion of local authorities,
4 in any one calendar year, whenever any said highway by reason
5 of deterioration, rain, snow, or other climate conditions will
6 be seriously damaged or destroyed unless the use of vehicles
7 thereon is prohibited or the permissible weights thereof
8 reduced.

9 (b) The local authority enacting any such ordinance or
10 resolution shall erect or cause to be erected and maintained
11 signs designating the provision of the ordinance or resolution
12 at each end of that portion of any highway affected thereby,
13 and the ordinance or resolution shall not be effective unless
14 and until such signs are erected and maintained.

15 (c) Local authorities with respect to highways under their
16 jurisdiction may also, by ordinance or resolution, prohibit the
17 operation of trucks or other commercial vehicles, or may impose
18 limitations as the weight thereof, on designated highways,
19 which prohibitions and limitations shall be designated by
20 appropriate signs placed on such highways.

21 (c-1) (Blank).

22 (c-5) Highway commissioners, with respect to roads under
23 their authority, may not permanently post a road or portion
24 thereof at a reduced weight limit unless the decision to do so
25 is made in accordance with Section ~~See~~ 6-201.22 of the
26 Illinois Highway Code.

1 (d) The Department shall likewise have authority as
2 hereinbefore granted to local authorities to determine by
3 resolution and to impose restrictions as to the weight of
4 vehicles operated upon any highway under the jurisdiction of
5 said department, and such restrictions shall be effective when
6 signs giving notice thereof are erected upon the highway or
7 portion of any highway affected by such resolution.

8 (d-1) (Blank).

9 (d-2) (Blank).

10 (e) When any vehicle is operated in violation of this
11 Section, the owner or driver of the vehicle shall be deemed
12 guilty of a violation and either the owner or the driver of the
13 vehicle may be prosecuted for the violation. Any person, firm,
14 or corporation convicted of violating this Section shall be
15 fined \$50 for any weight exceeding the posted limit up to the
16 axle or gross weight limit allowed a vehicle as provided for in
17 subsections (a) or (b) of Section 15-111 and \$75 per every 500
18 pounds or fraction thereof for any weight exceeding that which
19 is provided for in subsections (a) or (b) of Section 15-111.

20 (f) A municipality is authorized to enforce a county weight
21 limit ordinance applying to county highways within its
22 corporate limits and is entitled to the proceeds of any fines
23 collected from the enforcement.

24 (g) An ordinance or resolution enacted by a county or
25 township pursuant to subsection (a) of this Section shall not
26 apply to cargo tank vehicles with two or three permanent axles

1 when delivering propane for emergency heating purposes if the
2 cargo tank is loaded at no more than 50 percent capacity, the
3 gross vehicle weight of the vehicle does not exceed 32,000
4 pounds, and the driver of the cargo tank vehicle notifies the
5 appropriate agency or agencies with jurisdiction over the
6 highway before driving the vehicle on the highway pursuant to
7 this subsection. The cargo tank vehicle must have an operating
8 gauge on the cargo tank which indicates the amount of propane
9 as a percent of capacity of the cargo tank. The cargo tank must
10 have the capacity displayed on the cargo tank, or documentation
11 of the capacity of the cargo tank must be available in the
12 vehicle. For the purposes of this subsection, propane weighs
13 4.2 pounds per gallon. This subsection does not apply to
14 municipalities. Nothing in this subsection shall allow cargo
15 tank vehicles to cross bridges with posted weight restrictions
16 if the vehicle exceeds the posted weight limit.

17 (Source: P.A. 99-168, eff. 1-1-16; 99-237, eff. 1-1-16; revised
18 10-19-15.)

19 Section 530. The Juvenile Court Act of 1987 is amended by
20 changing Sections 2-10, 3-12, and 5-530 as follows:

21 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

22 Sec. 2-10. Temporary custody hearing. At the appearance of
23 the minor before the court at the temporary custody hearing,
24 all witnesses present shall be examined before the court in

1 relation to any matter connected with the allegations made in
2 the petition.

3 (1) If the court finds that there is not probable cause to
4 believe that the minor is abused, neglected or dependent it
5 shall release the minor and dismiss the petition.

6 (2) If the court finds that there is probable cause to
7 believe that the minor is abused, neglected or dependent, the
8 court shall state in writing the factual basis supporting its
9 finding and the minor, his or her parent, guardian, custodian
10 and other persons able to give relevant testimony shall be
11 examined before the court. The Department of Children and
12 Family Services shall give testimony concerning indicated
13 reports of abuse and neglect, of which they are aware of
14 through the central registry, involving the minor's parent,
15 guardian or custodian. After such testimony, the court may,
16 consistent with the health, safety and best interests of the
17 minor, enter an order that the minor shall be released upon the
18 request of parent, guardian or custodian if the parent,
19 guardian or custodian appears to take custody. If it is
20 determined that a parent's, guardian's, or custodian's
21 compliance with critical services mitigates the necessity for
22 removal of the minor from his or her home, the court may enter
23 an Order of Protection setting forth reasonable conditions of
24 behavior that a parent, guardian, or custodian must observe for
25 a specified period of time, not to exceed 12 months, without a
26 violation; provided, however, that the 12-month period shall

1 begin anew after any violation. Custodian shall include any
2 agency of the State which has been given custody or wardship of
3 the child. If it is consistent with the health, safety and best
4 interests of the minor, the court may also prescribe shelter
5 care and order that the minor be kept in a suitable place
6 designated by the court or in a shelter care facility
7 designated by the Department of Children and Family Services or
8 a licensed child welfare agency; however, on and after January
9 1, 2015 (the effective date of Public Act 98-803) ~~this~~
10 ~~amendatory Act of the 98th General Assembly~~ and before January
11 1, 2017, a minor charged with a criminal offense under the
12 Criminal Code of 1961 or the Criminal Code of 2012 or
13 adjudicated delinquent shall not be placed in the custody of or
14 committed to the Department of Children and Family Services by
15 any court, except a minor less than 16 years of age and
16 committed to the Department of Children and Family Services
17 under Section 5-710 of this Act or a minor for whom an
18 independent basis of abuse, neglect, or dependency exists; and
19 on and after January 1, 2017, a minor charged with a criminal
20 offense under the Criminal Code of 1961 or the Criminal Code of
21 2012 or adjudicated delinquent shall not be placed in the
22 custody of or committed to the Department of Children and
23 Family Services by any court, except a minor less than 15 years
24 of age and committed to the Department of Children and Family
25 Services under Section 5-710 of this Act or a minor for whom an
26 independent basis of abuse, neglect, or dependency exists. An

1 independent basis exists when the allegations or adjudication
2 of abuse, neglect, or dependency do not arise from the same
3 facts, incident, or circumstances which give rise to a charge
4 or adjudication of delinquency.

5 In placing the minor, the Department or other agency shall,
6 to the extent compatible with the court's order, comply with
7 Section 7 of the Children and Family Services Act. In
8 determining the health, safety and best interests of the minor
9 to prescribe shelter care, the court must find that it is a
10 matter of immediate and urgent necessity for the safety and
11 protection of the minor or of the person or property of another
12 that the minor be placed in a shelter care facility or that he
13 or she is likely to flee the jurisdiction of the court, and
14 must further find that reasonable efforts have been made or
15 that, consistent with the health, safety and best interests of
16 the minor, no efforts reasonably can be made to prevent or
17 eliminate the necessity of removal of the minor from his or her
18 home. The court shall require documentation from the Department
19 of Children and Family Services as to the reasonable efforts
20 that were made to prevent or eliminate the necessity of removal
21 of the minor from his or her home or the reasons why no efforts
22 reasonably could be made to prevent or eliminate the necessity
23 of removal. When a minor is placed in the home of a relative,
24 the Department of Children and Family Services shall complete a
25 preliminary background review of the members of the minor's
26 custodian's household in accordance with Section 4.3 of the

1 Child Care Act of 1969 within 90 days of that placement. If the
2 minor is ordered placed in a shelter care facility of the
3 Department of Children and Family Services or a licensed child
4 welfare agency, the court shall, upon request of the
5 appropriate Department or other agency, appoint the Department
6 of Children and Family Services Guardianship Administrator or
7 other appropriate agency executive temporary custodian of the
8 minor and the court may enter such other orders related to the
9 temporary custody as it deems fit and proper, including the
10 provision of services to the minor or his family to ameliorate
11 the causes contributing to the finding of probable cause or to
12 the finding of the existence of immediate and urgent necessity.

13 Where the Department of Children and Family Services
14 Guardianship Administrator is appointed as the executive
15 temporary custodian, the Department of Children and Family
16 Services shall file with the court and serve on the parties a
17 parent-child visiting plan, within 10 days, excluding weekends
18 and holidays, after the appointment. The parent-child visiting
19 plan shall set out the time and place of visits, the frequency
20 of visits, the length of visits, who shall be present at the
21 visits, and where appropriate, the minor's opportunities to
22 have telephone and mail communication with the parents.

23 Where the Department of Children and Family Services
24 Guardianship Administrator is appointed as the executive
25 temporary custodian, and when the child has siblings in care,
26 the Department of Children and Family Services shall file with

1 the court and serve on the parties a sibling placement and
2 contact plan within 10 days, excluding weekends and holidays,
3 after the appointment. The sibling placement and contact plan
4 shall set forth whether the siblings are placed together, and
5 if they are not placed together, what, if any, efforts are
6 being made to place them together. If the Department has
7 determined that it is not in a child's best interest to be
8 placed with a sibling, the Department shall document in the
9 sibling placement and contact plan the basis for its
10 determination. For siblings placed separately, the sibling
11 placement and contact plan shall set the time and place for
12 visits, the frequency of the visits, the length of visits, who
13 shall be present for the visits, and where appropriate, the
14 child's opportunities to have contact with their siblings in
15 addition to in person contact. If the Department determines it
16 is not in the best interest of a sibling to have contact with a
17 sibling, the Department shall document in the sibling placement
18 and contact plan the basis for its determination. The sibling
19 placement and contact plan shall specify a date for development
20 of the Sibling Contact Support Plan, under subsection (f) of
21 Section 7.4 of the Children and Family Services Act, and shall
22 remain in effect until the Sibling Contact Support Plan is
23 developed.

24 For good cause, the court may waive the requirement to
25 file the parent-child visiting plan or the sibling placement
26 and contact plan, or extend the time for filing either plan.

1 Any party may, by motion, request the court to review the
2 parent-child visiting plan to determine whether it is
3 reasonably calculated to expeditiously facilitate the
4 achievement of the permanency goal. A party may, by motion,
5 request the court to review the parent-child visiting plan or
6 the sibling placement and contact plan to determine whether it
7 is consistent with the minor's best interest. The court may
8 refer the parties to mediation where available. The frequency,
9 duration, and locations of visitation shall be measured by the
10 needs of the child and family, and not by the convenience of
11 Department personnel. Child development principles shall be
12 considered by the court in its analysis of how frequent
13 visitation should be, how long it should last, where it should
14 take place, and who should be present. If upon motion of the
15 party to review either plan and after receiving evidence, the
16 court determines that the parent-child visiting plan is not
17 reasonably calculated to expeditiously facilitate the
18 achievement of the permanency goal or that the restrictions
19 placed on parent-child contact or sibling placement or contact
20 are contrary to the child's best interests, the court shall put
21 in writing the factual basis supporting the determination and
22 enter specific findings based on the evidence. The court shall
23 enter an order for the Department to implement changes to the
24 parent-child visiting plan or sibling placement or contact
25 plan, consistent with the court's findings. At any stage of
26 proceeding, any party may by motion request the court to enter

1 any orders necessary to implement the parent-child visiting
2 plan, sibling placement or contact plan or subsequently
3 developed Sibling Contact Support Plan. Nothing under this
4 subsection (2) shall restrict the court from granting
5 discretionary authority to the Department to increase
6 opportunities for additional parent-child contacts or sibling
7 contacts, without further court orders. Nothing in this
8 subsection (2) shall restrict the Department from immediately
9 restricting or terminating parent-child contact or sibling
10 contacts, without either amending the parent-child visiting
11 plan or the sibling contact plan or obtaining a court order,
12 where the Department or its assigns reasonably believe that
13 continuation of the contact, as set out in the plan, would be
14 contrary to the child's health, safety, and welfare. The
15 Department shall file with the court and serve on the parties
16 any amendments to the plan within 10 days, excluding weekends
17 and holidays, of the change of the visitation.

18 Acceptance of services shall not be considered an admission
19 of any allegation in a petition made pursuant to this Act, nor
20 may a referral of services be considered as evidence in any
21 proceeding pursuant to this Act, except where the issue is
22 whether the Department has made reasonable efforts to reunite
23 the family. In making its findings that it is consistent with
24 the health, safety and best interests of the minor to prescribe
25 shelter care, the court shall state in writing (i) the factual
26 basis supporting its findings concerning the immediate and

1 urgent necessity for the protection of the minor or of the
2 person or property of another and (ii) the factual basis
3 supporting its findings that reasonable efforts were made to
4 prevent or eliminate the removal of the minor from his or her
5 home or that no efforts reasonably could be made to prevent or
6 eliminate the removal of the minor from his or her home. The
7 parents, guardian, custodian, temporary custodian and minor
8 shall each be furnished a copy of such written findings. The
9 temporary custodian shall maintain a copy of the court order
10 and written findings in the case record for the child. The
11 order together with the court's findings of fact in support
12 thereof shall be entered of record in the court.

13 Once the court finds that it is a matter of immediate and
14 urgent necessity for the protection of the minor that the minor
15 be placed in a shelter care facility, the minor shall not be
16 returned to the parent, custodian or guardian until the court
17 finds that such placement is no longer necessary for the
18 protection of the minor.

19 If the child is placed in the temporary custody of the
20 Department of Children and Family Services for his or her
21 protection, the court shall admonish the parents, guardian,
22 custodian or responsible relative that the parents must
23 cooperate with the Department of Children and Family Services,
24 comply with the terms of the service plans, and correct the
25 conditions which require the child to be in care, or risk
26 termination of their parental rights.

1 (3) If prior to the shelter care hearing for a minor
2 described in Sections 2-3, 2-4, 3-3, and 4-3 the moving party
3 is unable to serve notice on the party respondent, the shelter
4 care hearing may proceed ex parte ~~ex parte~~. A shelter care
5 order from an ex parte ~~ex parte~~ hearing shall be endorsed with
6 the date and hour of issuance and shall be filed with the
7 clerk's office and entered of record. The order shall expire
8 after 10 days from the time it is issued unless before its
9 expiration it is renewed, at a hearing upon appearance of the
10 party respondent, or upon an affidavit of the moving party as
11 to all diligent efforts to notify the party respondent by
12 notice as herein prescribed. The notice prescribed shall be in
13 writing and shall be personally delivered to the minor or the
14 minor's attorney and to the last known address of the other
15 person or persons entitled to notice. The notice shall also
16 state the nature of the allegations, the nature of the order
17 sought by the State, including whether temporary custody is
18 sought, and the consequences of failure to appear and shall
19 contain a notice that the parties will not be entitled to
20 further written notices or publication notices of proceedings
21 in this case, including the filing of an amended petition or a
22 motion to terminate parental rights, except as required by
23 Supreme Court Rule 11; and shall explain the right of the
24 parties and the procedures to vacate or modify a shelter care
25 order as provided in this Section. The notice for a shelter
26 care hearing shall be substantially as follows:

NOTICE TO PARENTS AND CHILDREN
OF SHELTER CARE HEARING

On at, before the Honorable
....., (address:), the State
of Illinois will present evidence (1) that (name of child
or children) are abused, neglected
or dependent for the following reasons:

..... and (2)
whether there is "immediate and urgent necessity" to remove
the child or children from the responsible relative.

YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
PLACEMENT of the child or children in foster care until a
trial can be held. A trial may not be held for up to 90
days. You will not be entitled to further notices of
proceedings in this case, including the filing of an
amended petition or a motion to terminate parental rights.

At the shelter care hearing, parents have the following
rights:

1. To ask the court to appoint a lawyer if they
cannot afford one.

2. To ask the court to continue the hearing to
allow them time to prepare.

3. To present evidence concerning:

a. Whether or not the child or children were
abused, neglected or dependent.

b. Whether or not there is "immediate and

1 urgent necessity" to remove the child from home
2 (including: their ability to care for the child,
3 conditions in the home, alternative means of
4 protecting the child other than removal).

5 c. The best interests of the child.

6 4. To cross examine the State's witnesses.

7 The Notice for rehearings shall be substantially as
8 follows:

9 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS
10 TO REHEARING ON TEMPORARY CUSTODY

11 If you were not present at and did not have adequate
12 notice of the Shelter Care Hearing at which temporary
13 custody of was awarded to
14, you have the right to request a full
15 rehearing on whether the State should have temporary
16 custody of To request this rehearing,
17 you must file with the Clerk of the Juvenile Court
18 (address):, in person or by
19 mailing a statement (affidavit) setting forth the
20 following:

21 1. That you were not present at the shelter care
22 hearing.

23 2. That you did not get adequate notice (explaining
24 how the notice was inadequate).

25 3. Your signature.

1 4. Signature must be notarized.

2 The rehearing should be scheduled within 48 hours of
3 your filing this affidavit.

4 At the rehearing, your rights are the same as at the
5 initial shelter care hearing. The enclosed notice explains
6 those rights.

7 At the Shelter Care Hearing, children have the
8 following rights:

9 1. To have a guardian ad litem appointed.

10 2. To be declared competent as a witness and to
11 present testimony concerning:

12 a. Whether they are abused, neglected or
13 dependent.

14 b. Whether there is "immediate and urgent
15 necessity" to be removed from home.

16 c. Their best interests.

17 3. To cross examine witnesses for other parties.

18 4. To obtain an explanation of any proceedings and
19 orders of the court.

20 (4) If the parent, guardian, legal custodian, responsible
21 relative, minor age 8 or over, or counsel of the minor did not
22 have actual notice of or was not present at the shelter care
23 hearing, he or she may file an affidavit setting forth these
24 facts, and the clerk shall set the matter for rehearing not
25 later than 48 hours, excluding Sundays and legal holidays,
26 after the filing of the affidavit. At the rehearing, the court

1 shall proceed in the same manner as upon the original hearing.

2 (5) Only when there is reasonable cause to believe that the
3 minor taken into custody is a person described in subsection
4 (3) of Section 5-105 may the minor be kept or detained in a
5 detention home or county or municipal jail. This Section shall
6 in no way be construed to limit subsection (6).

7 (6) No minor under 16 years of age may be confined in a
8 jail or place ordinarily used for the confinement of prisoners
9 in a police station. Minors under 18 years of age must be kept
10 separate from confined adults and may not at any time be kept
11 in the same cell, room, or yard with adults confined pursuant
12 to the criminal law.

13 (7) If the minor is not brought before a judicial officer
14 within the time period as specified in Section 2-9, the minor
15 must immediately be released from custody.

16 (8) If neither the parent, guardian or custodian appears
17 within 24 hours to take custody of a minor released upon
18 request pursuant to subsection (2) of this Section, then the
19 clerk of the court shall set the matter for rehearing not later
20 than 7 days after the original order and shall issue a summons
21 directed to the parent, guardian or custodian to appear. At the
22 same time the probation department shall prepare a report on
23 the minor. If a parent, guardian or custodian does not appear
24 at such rehearing, the judge may enter an order prescribing
25 that the minor be kept in a suitable place designated by the
26 Department of Children and Family Services or a licensed child

1 welfare agency.

2 (9) Notwithstanding any other provision of this Section any
3 interested party, including the State, the temporary
4 custodian, an agency providing services to the minor or family
5 under a service plan pursuant to Section 8.2 of the Abused and
6 Neglected Child Reporting Act, foster parent, or any of their
7 representatives, on notice to all parties entitled to notice,
8 may file a motion that it is in the best interests of the minor
9 to modify or vacate a temporary custody order on any of the
10 following grounds:

11 (a) It is no longer a matter of immediate and urgent
12 necessity that the minor remain in shelter care; or

13 (b) There is a material change in the circumstances of
14 the natural family from which the minor was removed and the
15 child can be cared for at home without endangering the
16 child's health or safety; or

17 (c) A person not a party to the alleged abuse, neglect
18 or dependency, including a parent, relative or legal
19 guardian, is capable of assuming temporary custody of the
20 minor; or

21 (d) Services provided by the Department of Children and
22 Family Services or a child welfare agency or other service
23 provider have been successful in eliminating the need for
24 temporary custody and the child can be cared for at home
25 without endangering the child's health or safety.

26 In ruling on the motion, the court shall determine whether

1 it is consistent with the health, safety and best interests of
2 the minor to modify or vacate a temporary custody order.

3 The clerk shall set the matter for hearing not later than
4 14 days after such motion is filed. In the event that the court
5 modifies or vacates a temporary custody order but does not
6 vacate its finding of probable cause, the court may order that
7 appropriate services be continued or initiated in behalf of the
8 minor and his or her family.

9 (10) When the court finds or has found that there is
10 probable cause to believe a minor is an abused minor as
11 described in subsection (2) of Section 2-3 and that there is an
12 immediate and urgent necessity for the abused minor to be
13 placed in shelter care, immediate and urgent necessity shall be
14 presumed for any other minor residing in the same household as
15 the abused minor provided:

16 (a) Such other minor is the subject of an abuse or
17 neglect petition pending before the court; and

18 (b) A party to the petition is seeking shelter care for
19 such other minor.

20 Once the presumption of immediate and urgent necessity has
21 been raised, the burden of demonstrating the lack of immediate
22 and urgent necessity shall be on any party that is opposing
23 shelter care for the other minor.

24 (11) The changes made to this Section by Public Act 98-61
25 apply to a minor who has been arrested or taken into custody on
26 or after January 1, 2014 (the effective date of Public Act

1 98-61).

2 (Source: P.A. 97-1076, eff. 8-24-12; 97-1150, eff. 1-25-13;
3 98-61, eff. 1-1-14; 98-756, eff. 7-16-14; 98-803, eff. 1-1-15;
4 revised 10-16-15.)

5 (705 ILCS 405/3-12) (from Ch. 37, par. 803-12)

6 Sec. 3-12. Shelter care hearing. At the appearance of the
7 minor before the court at the shelter care hearing, all
8 witnesses present shall be examined before the court in
9 relation to any matter connected with the allegations made in
10 the petition.

11 (1) If the court finds that there is not probable cause to
12 believe that the minor is a person requiring authoritative
13 intervention, it shall release the minor and dismiss the
14 petition.

15 (2) If the court finds that there is probable cause to
16 believe that the minor is a person requiring authoritative
17 intervention, the minor, his or her parent, guardian, custodian
18 and other persons able to give relevant testimony shall be
19 examined before the court. After such testimony, the court may
20 enter an order that the minor shall be released upon the
21 request of a parent, guardian or custodian if the parent,
22 guardian or custodian appears to take custody. Custodian shall
23 include any agency of the State which has been given custody or
24 wardship of the child. The Court shall require documentation by
25 representatives of the Department of Children and Family

1 Services or the probation department as to the reasonable
2 efforts that were made to prevent or eliminate the necessity of
3 removal of the minor from his or her home, and shall consider
4 the testimony of any person as to those reasonable efforts. If
5 the court finds that it is a matter of immediate and urgent
6 necessity for the protection of the minor or of the person or
7 property of another that the minor be placed in a shelter care
8 facility, or that he or she is likely to flee the jurisdiction
9 of the court, and further finds that reasonable efforts have
10 been made or good cause has been shown why reasonable efforts
11 cannot prevent or eliminate the necessity of removal of the
12 minor from his or her home, the court may prescribe shelter
13 care and order that the minor be kept in a suitable place
14 designated by the court or in a shelter care facility
15 designated by the Department of Children and Family Services or
16 a licensed child welfare agency; otherwise it shall release the
17 minor from custody. If the court prescribes shelter care, then
18 in placing the minor, the Department or other agency shall, to
19 the extent compatible with the court's order, comply with
20 Section 7 of the Children and Family Services Act. If the minor
21 is ordered placed in a shelter care facility of the Department
22 of Children and Family Services or a licensed child welfare
23 agency, the court shall, upon request of the Department or
24 other agency, appoint the Department of Children and Family
25 Services Guardianship Administrator or other appropriate
26 agency executive temporary custodian of the minor and the court

1 may enter such other orders related to the temporary custody as
2 it deems fit and proper, including the provision of services to
3 the minor or his family to ameliorate the causes contributing
4 to the finding of probable cause or to the finding of the
5 existence of immediate and urgent necessity. Acceptance of
6 services shall not be considered an admission of any allegation
7 in a petition made pursuant to this Act, nor may a referral of
8 services be considered as evidence in any proceeding pursuant
9 to this Act, except where the issue is whether the Department
10 has made reasonable efforts to reunite the family. In making
11 its findings that reasonable efforts have been made or that
12 good cause has been shown why reasonable efforts cannot prevent
13 or eliminate the necessity of removal of the minor from his or
14 her home, the court shall state in writing its findings
15 concerning the nature of the services that were offered or the
16 efforts that were made to prevent removal of the child and the
17 apparent reasons that such services or efforts could not
18 prevent the need for removal. The parents, guardian, custodian,
19 temporary custodian and minor shall each be furnished a copy of
20 such written findings. The temporary custodian shall maintain a
21 copy of the court order and written findings in the case record
22 for the child.

23 The order together with the court's findings of fact and
24 support thereof shall be entered of record in the court.

25 Once the court finds that it is a matter of immediate and
26 urgent necessity for the protection of the minor that the minor

1 be placed in a shelter care facility, the minor shall not be
2 returned to the parent, custodian or guardian until the court
3 finds that such placement is no longer necessary for the
4 protection of the minor.

5 (3) If prior to the shelter care hearing for a minor
6 described in Sections 2-3, 2-4, 3-3, and 4-3 the petitioner is
7 unable to serve notice on the party respondent, the shelter
8 care hearing may proceed ex parte ~~ex parte~~. A shelter care
9 order from an ex parte ~~ex parte~~ hearing shall be endorsed with
10 the date and hour of issuance and shall be filed with the
11 clerk's office and entered of record. The order shall expire
12 after 10 days from the time it is issued unless before its
13 expiration it is renewed, at a hearing upon appearance of the
14 party respondent, or upon an affidavit of the moving party as
15 to all diligent efforts to notify the party respondent by
16 notice as herein prescribed. The notice prescribed shall be in
17 writing and shall be personally delivered to the minor or the
18 minor's attorney and to the last known address of the other
19 person or persons entitled to notice. The notice shall also
20 state the nature of the allegations, the nature of the order
21 sought by the State, including whether temporary custody is
22 sought, and the consequences of failure to appear; and shall
23 explain the right of the parties and the procedures to vacate
24 or modify a shelter care order as provided in this Section. The
25 notice for a shelter care hearing shall be substantially as
26 follows:

1 NOTICE TO PARENTS AND CHILDREN OF SHELTER CARE HEARING

2 On at, before the Honorable
3, (address:), the State of
4 Illinois will present evidence (1) that (name of child or
5 children) are abused, neglected or
6 dependent for the following reasons:

7
8 and (2) that there is "immediate and urgent necessity" to
9 remove the child or children from the responsible relative.

10 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
11 PLACEMENT of the child or children in foster care until a trial
12 can be held. A trial may not be held for up to 90 days.

13 At the shelter care hearing, parents have the following
14 rights:

15 1. To ask the court to appoint a lawyer if they cannot
16 afford one.

17 2. To ask the court to continue the hearing to allow
18 them time to prepare.

19 3. To present evidence concerning:

20 a. Whether or not the child or children were
21 abused, neglected or dependent.

22 b. Whether or not there is "immediate and urgent
23 necessity" to remove the child from home (including:
24 their ability to care for the child, conditions in the
25 home, alternative means of protecting the child other
26 than removal).

1 c. The best interests of the child.

2 4. To cross examine the State's witnesses.

3 The Notice for rehearings shall be substantially as
4 follows:

5 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

6 TO REHEARING ON TEMPORARY CUSTODY

7 If you were not present at and did not have adequate notice
8 of the Shelter Care Hearing at which temporary custody of
9 was awarded to, you have the
10 right to request a full rehearing on whether the State should
11 have temporary custody of To request this
12 rehearing, you must file with the Clerk of the Juvenile Court
13 (address):, in person or by mailing a
14 statement (affidavit) setting forth the following:

15 1. That you were not present at the shelter care
16 hearing.

17 2. That you did not get adequate notice (explaining how
18 the notice was inadequate).

19 3. Your signature.

20 4. Signature must be notarized.

21 The rehearing should be scheduled within one day of your
22 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.

26 At the Shelter Care Hearing, children have the following

1 rights:

2 1. To have a guardian ad litem appointed.

3 2. To be declared competent as a witness and to present
4 testimony concerning:

5 a. Whether they are abused, neglected or
6 dependent.

7 b. Whether there is "immediate and urgent
8 necessity" to be removed from home.

9 c. Their best interests.

10 3. To cross examine witnesses for other parties.

11 4. To obtain an explanation of any proceedings and
12 orders of the court.

13 (4) If the parent, guardian, legal custodian, responsible
14 relative, or counsel of the minor did not have actual notice of
15 or was not present at the shelter care hearing, he or she may
16 file an affidavit setting forth these facts, and the clerk
17 shall set the matter for rehearing not later than 48 hours,
18 excluding Sundays and legal holidays, after the filing of the
19 affidavit. At the rehearing, the court shall proceed in the
20 same manner as upon the original hearing.

21 (5) Only when there is reasonable cause to believe that the
22 minor taken into custody is a person described in subsection
23 (3) of Section 5-105 may the minor be kept or detained in a
24 detention home or county or municipal jail. This Section shall
25 in no way be construed to limit subsection (6).

26 (6) No minor under 16 years of age may be confined in a

1 jail or place ordinarily used for the confinement of prisoners
2 in a police station. Minors under 18 years of age must be kept
3 separate from confined adults and may not at any time be kept
4 in the same cell, room, or yard with adults confined pursuant
5 to the criminal law.

6 (7) If the minor is not brought before a judicial officer
7 within the time period specified in Section 3-11, the minor
8 must immediately be released from custody.

9 (8) If neither the parent, guardian or custodian appears
10 within 24 hours to take custody of a minor released upon
11 request pursuant to subsection (2) of this Section, then the
12 clerk of the court shall set the matter for rehearing not later
13 than 7 days after the original order and shall issue a summons
14 directed to the parent, guardian or custodian to appear. At the
15 same time the probation department shall prepare a report on
16 the minor. If a parent, guardian or custodian does not appear
17 at such rehearing, the judge may enter an order prescribing
18 that the minor be kept in a suitable place designated by the
19 Department of Children and Family Services or a licensed child
20 welfare agency.

21 (9) Notwithstanding any other provision of this Section,
22 any interested party, including the State, the temporary
23 custodian, an agency providing services to the minor or family
24 under a service plan pursuant to Section 8.2 of the Abused and
25 Neglected Child Reporting Act, foster parent, or any of their
26 representatives, on notice to all parties entitled to notice,

1 may file a motion to modify or vacate a temporary custody order
2 on any of the following grounds:

3 (a) It is no longer a matter of immediate and urgent
4 necessity that the minor remain in shelter care; or

5 (b) There is a material change in the circumstances of
6 the natural family from which the minor was removed; or

7 (c) A person, including a parent, relative or legal
8 guardian, is capable of assuming temporary custody of the
9 minor; or

10 (d) Services provided by the Department of Children and
11 Family Services or a child welfare agency or other service
12 provider have been successful in eliminating the need for
13 temporary custody.

14 The clerk shall set the matter for hearing not later than
15 14 days after such motion is filed. In the event that the court
16 modifies or vacates a temporary custody order but does not
17 vacate its finding of probable cause, the court may order that
18 appropriate services be continued or initiated in behalf of the
19 minor and his or her family.

20 (10) The changes made to this Section by Public Act 98-61
21 apply to a minor who has been arrested or taken into custody on
22 or after January 1, 2014 (the effective date of Public Act
23 98-61).

24 (Source: P.A. 98-61, eff. 1-1-14; 98-756, eff. 7-16-14; revised
25 10-16-15.)

1 (705 ILCS 405/5-530)

2 Sec. 5-530. Notice.

3 (1) A party presenting a supplemental or amended petition
4 or motion to the court shall provide the other parties with a
5 copy of any supplemental or amended petition, motion or
6 accompanying affidavit not yet served upon that party, and
7 shall file proof of that service, in accordance with
8 subsections (2), (3), and (4) of this Section. Written notice
9 of the date, time and place of the hearing, shall be provided
10 to all parties in accordance with local court rules.

11 (2) (a) On whom made. If a party is represented by an
12 attorney of record, service shall be made upon the attorney.
13 Otherwise service shall be made upon the party.

14 (b) Method. Papers shall be served as follows:

15 (1) by delivering them to the attorney or party
16 personally;

17 (2) by leaving them in the office of the attorney
18 with his or her clerk, or with a person in charge of
19 the office; or if a party is not represented by
20 counsel, by leaving them at his or her residence with a
21 family member of the age of 10 years or upwards;

22 (3) by depositing them in the United States post
23 office or post-office box enclosed in an envelope,
24 plainly addressed to the attorney at his or her
25 business address, or to the party at his or her
26 business address or residence, with postage fully

1 pre-paid; or

2 (4) by transmitting them via facsimile machine to
3 the office of the attorney or party, who has consented
4 to receiving service by facsimile transmission. Briefs
5 filed in reviewing courts shall be served in accordance
6 with Supreme Court Rule.

7 (i) A party or attorney electing to serve
8 pleading by facsimile must include on the
9 certificate of service transmitted the telephone
10 number of the sender's facsimile transmitting
11 device. Use of service by facsimile shall be deemed
12 consent by that party or attorney to receive
13 service by facsimile transmission. Any party may
14 rescind consent of service by facsimile
15 transmission in a case by filing with the court and
16 serving a notice on all parties or their attorneys
17 who have filed appearances that facsimile service
18 will not be accepted. A party or attorney who has
19 rescinded consent to service by facsimile
20 transmission in a case may not serve another party
21 or attorney by facsimile transmission in that
22 case.

23 (ii) Each page of notices and documents
24 transmitted by facsimile pursuant to this rule
25 should bear the circuit court number, the title of
26 the document, and the page number.

1 (c) Multiple parties or attorneys. In cases in which
2 there are 2 or more minor-respondents who appear by
3 different attorneys, service on all papers shall be made on
4 the attorney for each of the parties. If one attorney
5 appears for several parties, he or she is entitled to only
6 one copy of any paper served upon him or her by the
7 opposite side. When more than one attorney appears for a
8 party, service of a copy upon one of them is sufficient.

9 (3)(a) Filing. When service of a paper is required, proof
10 of service shall be filed with the clerk.

11 (b) Manner of Proof. Service is proved:

12 (i) by written acknowledgement signed by the
13 person served;

14 (ii) in case of service by personal delivery, by
15 certificate of the attorney, or affidavit of a person,
16 other than ~~that~~ an attorney, who made delivery;

17 (iii) in case of service by mail, by certificate of
18 the attorney, or affidavit of a person other than the
19 attorney, who deposited the paper in the mail, stating
20 the time and place of mailing, the complete address
21 which appeared on the envelope, and the fact that
22 proper postage was pre-paid; or

23 (iv) in case of service by facsimile transmission,
24 by certificate of the attorney or affidavit of a person
25 other than the attorney, who transmitted the paper via
26 facsimile machine, stating the time and place of

1 transmission, the telephone number to which the
2 transmission was sent and the number of pages
3 transmitted.

4 (c) Effective date of service by mail. Service by mail
5 is complete 4 days after mailing.

6 (d) Effective date of service by facsimile
7 transmission. Service by facsimile machine is complete on
8 the first court day following transmission.

9 (Source: P.A. 90-590, eff. 1-1-99; revised 10-16-15.)

10 Section 535. The Criminal Code of 2012 is amended by
11 changing Sections 7-5.5, 10-2, 11-1.30, 11-21, 12-2, 12-4.4a,
12 24-3, and 26-1 as follows:

13 (720 ILCS 5/7-5.5)

14 Sec. 7-5.5. Prohibited use of force by a peace officer.

15 (a) A peace officer shall not use a chokehold in the
16 performance of his or her duties, unless deadly force is
17 justified under Article 7 of this Code.

18 (b) A peace officer shall not use a chokehold, or any
19 lesser contact with the throat or neck area of another, in
20 order to prevent the destruction of evidence by ingestion.

21 (c) As used in this Section, "chokehold" means applying any
22 direct pressure to the throat, windpipe, or airway of another
23 with the intent to reduce or prevent the intake of air.
24 "Chokehold" does not include any holding involving contact with

1 the neck that is not intended to reduce the intake of air.

2 (Source: P.A. 99-352, eff. 1-1-16; revised 10-16-15.)

3 (720 ILCS 5/10-2) (from Ch. 38, par. 10-2)

4 Sec. 10-2. Aggravated kidnaping.

5 (a) A person commits the offense of aggravated kidnaping
6 when he or she commits kidnaping and:

7 (1) kidnaps with the intent to obtain ransom from the
8 person kidnaped or from any other person;

9 (2) takes as his or her victim a child under the age of
10 13 years, or a person with a severe or profound
11 intellectual disability;

12 (3) inflicts great bodily harm, other than by the
13 discharge of a firearm, or commits another felony upon his
14 or her victim;

15 (4) wears a hood, robe, or mask or conceals his or her
16 identity;

17 (5) commits the offense of kidnaping while armed with a
18 dangerous weapon, other than a firearm, as defined in
19 Section 33A-1 of this Code;

20 (6) commits the offense of kidnaping while armed with a
21 firearm;

22 (7) during the commission of the offense of kidnaping,
23 personally discharges a firearm; or

24 (8) during the commission of the offense of kidnaping,
25 personally discharges a firearm that proximately causes

1 great bodily harm, permanent disability, permanent
2 disfigurement, or death to another person.

3 As used in this Section, "ransom" includes money, benefit,
4 or other valuable thing or concession.

5 (b) Sentence. Aggravated kidnaping in violation of
6 paragraph (1), (2), (3), (4), or (5) of subsection (a) is a
7 Class X felony. A violation of subsection (a) (6) is a Class X
8 felony for which 15 years shall be added to the term of
9 imprisonment imposed by the court. A violation of subsection
10 (a) (7) is a Class X felony for which 20 years shall be added to
11 the term of imprisonment imposed by the court. A violation of
12 subsection (a) (8) is a Class X felony for which 25 years or up
13 to a term of natural life shall be added to the term of
14 imprisonment imposed by the court. An offender under the age of
15 18 years at the time of the commission of aggravated kidnaping
16 in violation of paragraphs (1) through (8) of subsection (a)
17 shall be sentenced under Section 5-4.5-105 of the Unified Code
18 of Corrections.

19 A person who has attained the age of 18 years at the time
20 of the commission of the offense and who is convicted of a
21 second or subsequent offense of aggravated kidnaping shall be
22 sentenced to a term of natural life imprisonment; except that a
23 sentence of natural life imprisonment shall not be imposed
24 under this Section unless the second or subsequent offense was
25 committed after conviction on the first offense. An offender
26 under the age of 18 years at the time of the commission of the

1 second or subsequent offense shall be sentenced under Section
2 5-4.5-105 of the Unified Code of Corrections.

3 (Source: P.A. 99-69, eff. 1-1-16; 99-143, eff. 7-27-15; revised
4 10-16-16.)

5 (720 ILCS 5/11-1.30) (was 720 ILCS 5/12-14)

6 Sec. 11-1.30. Aggravated Criminal Sexual Assault.

7 (a) A person commits aggravated criminal sexual assault if
8 that person commits criminal sexual assault and any of the
9 following aggravating circumstances exist during the
10 commission of the offense or, for purposes of paragraph (7),
11 occur as part of the same course of conduct as the commission
12 of the offense:

13 (1) the person displays, threatens to use, or uses a
14 dangerous weapon, other than a firearm, or any other object
15 fashioned or used in a manner that leads the victim, under
16 the circumstances, reasonably to believe that the object is
17 a dangerous weapon;

18 (2) the person causes bodily harm to the victim, except
19 as provided in paragraph (10);

20 (3) the person acts in a manner that threatens or
21 endangers the life of the victim or any other person;

22 (4) the person commits the criminal sexual assault
23 during the course of committing or attempting to commit any
24 other felony;

25 (5) the victim is 60 years of age or older;

1 (6) the victim is a person with a physical disability;

2 (7) the person delivers (by injection, inhalation,
3 ingestion, transfer of possession, or any other means) any
4 controlled substance to the victim without the victim's
5 consent or by threat or deception for other than medical
6 purposes;

7 (8) the person is armed with a firearm;

8 (9) the person personally discharges a firearm during
9 the commission of the offense; or

10 (10) the person personally discharges a firearm during
11 the commission of the offense, and that discharge
12 proximately causes great bodily harm, permanent
13 disability, permanent disfigurement, or death to another
14 person.

15 (b) A person commits aggravated criminal sexual assault if
16 that person is under 17 years of age and: (i) commits an act of
17 sexual penetration with a victim who is under 9 years of age;
18 or (ii) commits an act of sexual penetration with a victim who
19 is at least 9 years of age but under 13 years of age and the
20 person uses force or threat of force to commit the act.

21 (c) A person commits aggravated criminal sexual assault if
22 that person commits an act of sexual penetration with a victim
23 who is a person with a severe or profound intellectual
24 disability.

25 (d) Sentence.

26 (1) Aggravated criminal sexual assault in violation of

1 paragraph (2), (3), (4), (5), (6), or (7) of subsection (a)
2 or in violation of subsection (b) or (c) is a Class X
3 felony. A violation of subsection (a)(1) is a Class X
4 felony for which 10 years shall be added to the term of
5 imprisonment imposed by the court. A violation of
6 subsection (a)(8) is a Class X felony for which 15 years
7 shall be added to the term of imprisonment imposed by the
8 court. A violation of subsection (a)(9) is a Class X felony
9 for which 20 years shall be added to the term of
10 imprisonment imposed by the court. A violation of
11 subsection (a)(10) is a Class X felony for which 25 years
12 or up to a term of natural life imprisonment shall be added
13 to the term of imprisonment imposed by the court. An
14 offender under the age of 18 years at the time of the
15 commission of aggravated criminal sexual assault in
16 violation of paragraphs (1) through (10) of subsection (a)
17 shall be sentenced under Section 5-4.5-105 of the Unified
18 Code of Corrections.

19 (2) A person who has attained the age of 18 years at
20 the time of the commission of the offense and who is
21 convicted of a second or subsequent offense of aggravated
22 criminal sexual assault, or who is convicted of the offense
23 of aggravated criminal sexual assault after having
24 previously been convicted of the offense of criminal sexual
25 assault or the offense of predatory criminal sexual assault
26 of a child, or who is convicted of the offense of

1 aggravated criminal sexual assault after having previously
2 been convicted under the laws of this or any other state of
3 an offense that is substantially equivalent to the offense
4 of criminal sexual assault, the offense of aggravated
5 criminal sexual assault or the offense of predatory
6 criminal sexual assault of a child, shall be sentenced to a
7 term of natural life imprisonment. The commission of the
8 second or subsequent offense is required to have been after
9 the initial conviction for this paragraph (2) to apply. An
10 offender under the age of 18 years at the time of the
11 commission of the offense covered by this paragraph (2)
12 shall be sentenced under Section 5-4.5-105 of the Unified
13 Code of Corrections.

14 (Source: P.A. 99-69, eff. 1-1-16; 99-143, eff. 7-27-15; revised
15 10-16-15.)

16 (720 ILCS 5/11-21) (from Ch. 38, par. 11-21)

17 Sec. 11-21. Harmful material.

18 (a) As used in this Section:

19 "Distribute" means to transfer possession of, whether
20 with or without consideration.

21 "Harmful to minors" means that quality of any
22 description or representation, in whatever form, of
23 nudity, sexual conduct, sexual excitement, or
24 sado-masochistic abuse, when, taken as a whole, it (i)
25 predominately appeals to the prurient interest in sex of

1 minors, (ii) is patently offensive to prevailing standards
2 in the adult community in the State as a whole with respect
3 to what is suitable material for minors, and (iii) lacks
4 serious literary, artistic, political, or scientific value
5 for minors.

6 "Knowingly" means having knowledge of the contents of
7 the subject matter, or recklessly failing to exercise
8 reasonable inspection which would have disclosed the
9 contents.

10 "Material" means (i) any picture, photograph, drawing,
11 sculpture, film, video game, computer game, video or
12 similar visual depiction, including any such
13 representation or image which is stored electronically, or
14 (ii) any book, magazine, printed matter however
15 reproduced, or recorded audio of any sort.

16 "Minor" means any person under the age of 18.

17 "Nudity" means the showing of the human male or female
18 genitals, pubic area or buttocks with less than a fully
19 opaque covering, or the showing of the female breast with
20 less than a fully opaque covering of any portion below the
21 top of the nipple, or the depiction of covered male
22 genitals in a discernibly ~~discernably~~ turgid state.

23 "Sado-masochistic abuse" means flagellation or torture
24 by or upon a person clad in undergarments, a mask or
25 bizarre costume, or the condition of being fettered, bound
26 or otherwise physically restrained on the part of one

1 clothed for sexual gratification or stimulation.

2 "Sexual conduct" means acts of masturbation, sexual
3 intercourse, or physical contact with a person's clothed or
4 unclothed genitals, pubic area, buttocks or, if such person
5 be a female, breast.

6 "Sexual excitement" means the condition of human male
7 or female genitals when in a state of sexual stimulation or
8 arousal.

9 (b) A person is guilty of distributing harmful material to
10 a minor when he or she:

11 (1) knowingly sells, lends, distributes, exhibits to,
12 depicts to, or gives away to a minor, knowing that the
13 minor is under the age of 18 or failing to exercise
14 reasonable care in ascertaining the person's true age:

15 (A) any material which depicts nudity, sexual
16 conduct or sado-masochistic abuse, or which contains
17 explicit and detailed verbal descriptions or narrative
18 accounts of sexual excitement, sexual conduct or
19 sado-masochistic abuse, and which taken as a whole is
20 harmful to minors;

21 (B) a motion picture, show, or other presentation
22 which depicts nudity, sexual conduct or
23 sado-masochistic abuse and is harmful to minors; or

24 (C) an admission ticket or pass to premises where
25 there is exhibited or to be exhibited such a motion
26 picture, show, or other presentation; or

1 (2) admits a minor to premises where there is exhibited
2 or to be exhibited such a motion picture, show, or other
3 presentation, knowing that the minor is a person under the
4 age of 18 or failing to exercise reasonable care in
5 ascertaining the person's true age.

6 (c) In any prosecution arising under this Section, it is an
7 affirmative defense:

8 (1) that the minor as to whom the offense is alleged to
9 have been committed exhibited to the accused a draft card,
10 driver's license, birth certificate or other official or
11 apparently official document purporting to establish that
12 the minor was 18 years of age or older, which was relied
13 upon by the accused;

14 (2) that the defendant was in a parental or
15 guardianship relationship with the minor or that the minor
16 was accompanied by a parent or legal guardian;

17 (3) that the defendant was a bona fide school, museum,
18 or public library, or was a person acting in the course of
19 his or her employment as an employee or official of such
20 organization or retail outlet affiliated with and serving
21 the educational purpose of such organization;

22 (4) that the act charged was committed in aid of
23 legitimate scientific or educational purposes; or

24 (5) that an advertisement of harmful material as
25 defined in this Section culminated in the sale or
26 distribution of such harmful material to a child under

1 circumstances where there was no personal confrontation of
2 the child by the defendant, his or her employees, or
3 agents, as where the order or request for such harmful
4 material was transmitted by mail, telephone, Internet or
5 similar means of communication, and delivery of such
6 harmful material to the child was by mail, freight,
7 Internet or similar means of transport, which
8 advertisement contained the following statement, or a
9 substantially similar statement, and that the defendant
10 required the purchaser to certify that he or she was not
11 under the age of 18 and that the purchaser falsely stated
12 that he or she was not under the age of 18: "NOTICE: It is
13 unlawful for any person under the age of 18 to purchase the
14 matter advertised. Any person under the age of 18 that
15 falsely states that he or she is not under the age of 18
16 for the purpose of obtaining the material advertised is
17 guilty of a Class B misdemeanor under the laws of the
18 State."

19 (d) The predominant appeal to prurient interest of the
20 material shall be judged with reference to average children of
21 the same general age of the child to whom such material was
22 sold, lent, distributed or given, unless it appears from the
23 nature of the matter or the circumstances of its dissemination
24 or distribution that it is designed for specially susceptible
25 groups, in which case the predominant appeal of the material
26 shall be judged with reference to its intended or probable

1 recipient group.

2 (e) Distribution of harmful material in violation of this
3 Section is a Class A misdemeanor. A second or subsequent
4 offense is a Class 4 felony.

5 (f) Any person under the age of 18 who falsely states,
6 either orally or in writing, that he or she is not under the
7 age of 18, or who presents or offers to any person any evidence
8 of age and identity that is false or not actually his or her
9 own with the intent of ordering, obtaining, viewing, or
10 otherwise procuring or attempting to procure or view any
11 harmful material is guilty of a Class B misdemeanor.

12 (g) A person over the age of 18 who fails to exercise
13 reasonable care in ascertaining the true age of a minor,
14 knowingly distributes to, or sends, or causes to be sent, or
15 exhibits to, or offers to distribute, or exhibits any harmful
16 material to a person that he or she believes is a minor is
17 guilty of a Class A misdemeanor. If that person utilized a
18 computer web camera, cellular telephone, or any other type of
19 device to manufacture the harmful material, then each offense
20 is a Class 4 felony.

21 (h) Telecommunications carriers, commercial mobile service
22 providers, and providers of information services, including,
23 but not limited to, Internet service providers and hosting
24 service providers, are not liable under this Section, except
25 for willful and wanton misconduct, by virtue of the
26 transmission, storage, or caching of electronic communications

1 or messages of others or by virtue of the provision of other
2 related telecommunications, commercial mobile services, or
3 information services used by others in violation of this
4 Section.

5 (Source: P.A. 95-983, eff. 6-1-09; 96-280, eff. 1-1-10;
6 96-1551, eff. 7-1-11; revised 10-16-15.)

7 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

8 Sec. 12-2. Aggravated assault.

9 (a) Offense based on location of conduct. A person commits
10 aggravated assault when he or she commits an assault against an
11 individual who is on or about a public way, public property, a
12 public place of accommodation or amusement, or a sports venue.

13 (b) Offense based on status of victim. A person commits
14 aggravated assault when, in committing an assault, he or she
15 knows the individual assaulted to be any of the following:

16 (1) A person with a physical disability or a person 60
17 years of age or older and the assault is without legal
18 justification.

19 (2) A teacher or school employee upon school grounds or
20 grounds adjacent to a school or in any part of a building
21 used for school purposes.

22 (3) A park district employee upon park grounds or
23 grounds adjacent to a park or in any part of a building
24 used for park purposes.

25 (4) A community policing volunteer, private security

1 officer, or utility worker:

2 (i) performing his or her official duties;

3 (ii) assaulted to prevent performance of his or her
4 official duties; or

5 (iii) assaulted in retaliation for performing his
6 or her official duties.

7 (4.1) A peace officer, fireman, emergency management
8 worker, or emergency medical technician:

9 (i) performing his or her official duties;

10 (ii) assaulted to prevent performance of his or her
11 official duties; or

12 (iii) assaulted in retaliation for performing his
13 or her official duties.

14 (5) A correctional officer or probation officer:

15 (i) performing his or her official duties;

16 (ii) assaulted to prevent performance of his or her
17 official duties; or

18 (iii) assaulted in retaliation for performing his
19 or her official duties.

20 (6) A correctional institution employee, a county
21 juvenile detention center employee who provides direct and
22 continuous supervision of residents of a juvenile
23 detention center, including a county juvenile detention
24 center employee who supervises recreational activity for
25 residents of a juvenile detention center, or a Department
26 of Human Services employee, Department of Human Services

1 officer, or employee of a subcontractor of the Department
2 of Human Services supervising or controlling sexually
3 dangerous persons or sexually violent persons:

4 (i) performing his or her official duties;

5 (ii) assaulted to prevent performance of his or her
6 official duties; or

7 (iii) assaulted in retaliation for performing his
8 or her official duties.

9 (7) An employee of the State of Illinois, a municipal
10 corporation therein, or a political subdivision thereof,
11 performing his or her official duties.

12 (8) A transit employee performing his or her official
13 duties, or a transit passenger.

14 (9) A sports official or coach actively participating
15 in any level of athletic competition within a sports venue,
16 on an indoor playing field or outdoor playing field, or
17 within the immediate vicinity of such a facility or field.

18 (10) A person authorized to serve process under Section
19 2-202 of the Code of Civil Procedure or a special process
20 server appointed by the circuit court, while that
21 individual is in the performance of his or her duties as a
22 process server.

23 (c) Offense based on use of firearm, device, or motor
24 vehicle. A person commits aggravated assault when, in
25 committing an assault, he or she does any of the following:

26 (1) Uses a deadly weapon, an air rifle as defined in

1 Section 24.8-0.1 of this Act, or any device manufactured
2 and designed to be substantially similar in appearance to a
3 firearm, other than by discharging a firearm.

4 (2) Discharges a firearm, other than from a motor
5 vehicle.

6 (3) Discharges a firearm from a motor vehicle.

7 (4) Wears a hood, robe, or mask to conceal his or her
8 identity.

9 (5) Knowingly and without lawful justification shines
10 or flashes a laser gun sight or other laser device attached
11 to a firearm, or used in concert with a firearm, so that
12 the laser beam strikes near or in the immediate vicinity of
13 any person.

14 (6) Uses a firearm, other than by discharging the
15 firearm, against a peace officer, community policing
16 volunteer, fireman, private security officer, emergency
17 management worker, emergency medical technician, employee
18 of a police department, employee of a sheriff's department,
19 or traffic control municipal employee:

20 (i) performing his or her official duties;

21 (ii) assaulted to prevent performance of his or her
22 official duties; or

23 (iii) assaulted in retaliation for performing his
24 or her official duties.

25 (7) Without justification operates a motor vehicle in a
26 manner which places a person, other than a person listed in

1 subdivision (b)(4), in reasonable apprehension of being
2 struck by the moving motor vehicle.

3 (8) Without justification operates a motor vehicle in a
4 manner which places a person listed in subdivision (b)(4),
5 in reasonable apprehension of being struck by the moving
6 motor vehicle.

7 (9) Knowingly video or audio records the offense with
8 the intent to disseminate the recording.

9 (d) Sentence. Aggravated assault as defined in subdivision
10 (a), (b)(1), (b)(2), (b)(3), (b)(4), (b)(7), (b)(8), (b)(9),
11 (c)(1), (c)(4), or (c)(9) is a Class A misdemeanor, except that
12 aggravated assault as defined in subdivision (b)(4) and (b)(7)
13 is a Class 4 felony if a Category I, Category II, or Category
14 III weapon is used in the commission of the assault. Aggravated
15 assault as defined in subdivision (b)(4.1), (b)(5), (b)(6),
16 (b)(10), (c)(2), (c)(5), (c)(6), or (c)(7) is a Class 4 felony.
17 Aggravated assault as defined in subdivision (c)(3) or (c)(8)
18 is a Class 3 felony.

19 (e) For the purposes of this Section, "Category I weapon",
20 "Category II weapon, and "Category III weapon" have the
21 meanings ascribed to those terms in Section 33A-1 of this Code.
22 (Source: P.A. 98-385, eff. 1-1-14; 99-78, eff. 7-20-15; 99-143,
23 eff. 7-27-15; 99-256, eff. 1-1-16; revised 10-19-15.)

24 (720 ILCS 5/12-4.4a)

25 Sec. 12-4.4a. Abuse or criminal neglect of a long term care

1 facility resident; criminal abuse or neglect of an elderly
2 person or person with a disability.

3 (a) Abuse or criminal neglect of a long term care facility
4 resident.

5 (1) A person or an owner or licensee commits abuse of a
6 long term care facility resident when he or she knowingly
7 causes any physical or mental injury to, or commits any
8 sexual offense in this Code against, a resident.

9 (2) A person or an owner or licensee commits criminal
10 neglect of a long term care facility resident when he or
11 she recklessly:

12 (A) performs acts that cause a resident's life to
13 be endangered, health to be injured, or pre-existing
14 physical or mental condition to deteriorate, or that
15 create the substantial likelihood that an elderly
16 person's or person with a disability's life will be
17 endangered, health will be injured, or pre-existing
18 physical or mental condition will deteriorate;

19 (B) fails to perform acts that he or she knows or
20 reasonably should know are necessary to maintain or
21 preserve the life or health of a resident, and that
22 failure causes the resident's life to be endangered,
23 health to be injured, or pre-existing physical or
24 mental condition to deteriorate, or that create the
25 substantial likelihood that an elderly person's or
26 person with a disability's life will be endangered,

1 health will be injured, or pre-existing physical or
2 mental condition will deteriorate; or

3 (C) abandons a resident.

4 (3) A person or an owner or licensee commits neglect of
5 a long term care facility resident when he or she
6 negligently fails to provide adequate medical care,
7 personal care, or maintenance to the resident which results
8 in physical or mental injury or deterioration of the
9 resident's physical or mental condition. An owner or
10 licensee is guilty under this subdivision (a) (3), however,
11 only if the owner or licensee failed to exercise reasonable
12 care in the hiring, training, supervising, or providing of
13 staff or other related routine administrative
14 responsibilities.

15 (b) Criminal abuse or neglect of an elderly person or
16 person with a disability.

17 (1) A caregiver commits criminal abuse or neglect of an
18 elderly person or person with a disability when he or she
19 knowingly does any of the following:

20 (A) performs acts that cause the person's life to
21 be endangered, health to be injured, or pre-existing
22 physical or mental condition to deteriorate;

23 (B) fails to perform acts that he or she knows or
24 reasonably should know are necessary to maintain or
25 preserve the life or health of the person, and that
26 failure causes the person's life to be endangered,

1 health to be injured, or pre-existing physical or
2 mental condition to deteriorate;

3 (C) abandons the person;

4 (D) physically abuses, harasses, intimidates, or
5 interferes with the personal liberty of the person; or

6 (E) exposes the person to willful deprivation.

7 (2) It is not a defense to criminal abuse or neglect of
8 an elderly person or person with a disability that the
9 caregiver reasonably believed that the victim was not an
10 elderly person or person with a disability.

11 (c) Offense not applicable.

12 (1) Nothing in this Section applies to a physician
13 licensed to practice medicine in all its branches or a duly
14 licensed nurse providing care within the scope of his or
15 her professional judgment and within the accepted
16 standards of care within the community.

17 (2) Nothing in this Section imposes criminal liability
18 on a caregiver who made a good faith effort to provide for
19 the health and personal care of an elderly person or person
20 with a disability, but through no fault of his or her own
21 was unable to provide such care.

22 (3) Nothing in this Section applies to the medical
23 supervision, regulation, or control of the remedial care or
24 treatment of residents in a long term care facility
25 conducted for those who rely upon treatment by prayer or
26 spiritual means in accordance with the creed or tenets of

1 any well-recognized church or religious denomination as
2 described in Section 3-803 of the Nursing Home Care Act,
3 Section 1-102 of the Specialized Mental Health
4 Rehabilitation Act of 2013, Section 3-803 of the ID/DD
5 Community Care Act, or Section 3-803 of the MC/DD Act.

6 (4) Nothing in this Section prohibits a caregiver from
7 providing treatment to an elderly person or person with a
8 disability by spiritual means through prayer alone and care
9 consistent therewith in lieu of medical care and treatment
10 in accordance with the tenets and practices of any church
11 or religious denomination of which the elderly person or
12 person with a disability is a member.

13 (5) Nothing in this Section limits the remedies
14 available to the victim under the Illinois Domestic
15 Violence Act of 1986.

16 (d) Sentence.

17 (1) Long term care facility. Abuse of a long term care
18 facility resident is a Class 3 felony. Criminal neglect of
19 a long term care facility resident is a Class 4 felony,
20 unless it results in the resident's death in which case it
21 is a Class 3 felony. Neglect of a long term care facility
22 resident is a petty offense.

23 (2) Caregiver. Criminal abuse or neglect of an elderly
24 person or person with a disability is a Class 3 felony,
25 unless it results in the person's death in which case it is
26 a Class 2 felony, and if imprisonment is imposed it shall

1 be for a minimum term of 3 years and a maximum term of 14
2 years.

3 (e) Definitions. For the purposes of this Section:

4 "Abandon" means to desert or knowingly forsake a resident
5 or an elderly person or person with a disability under
6 circumstances in which a reasonable person would continue to
7 provide care and custody.

8 "Caregiver" means a person who has a duty to provide for an
9 elderly person or person with a disability's health and
10 personal care, at the elderly person or person with a
11 disability's place of residence, including, but not limited to,
12 food and nutrition, shelter, hygiene, prescribed medication,
13 and medical care and treatment, and includes any of the
14 following:

15 (1) A parent, spouse, adult child, or other relative by
16 blood or marriage who resides with or resides in the same
17 building with or regularly visits the elderly person or
18 person with a disability, knows or reasonably should know
19 of such person's physical or mental impairment, and knows
20 or reasonably should know that such person is unable to
21 adequately provide for his or her own health and personal
22 care.

23 (2) A person who is employed by the elderly person or
24 person with a disability or by another to reside with or
25 regularly visit the elderly person or person with a
26 disability and provide for such person's health and

1 personal care.

2 (3) A person who has agreed for consideration to reside
3 with or regularly visit the elderly person or person with a
4 disability and provide for such person's health and
5 personal care.

6 (4) A person who has been appointed by a private or
7 public agency or by a court of competent jurisdiction to
8 provide for the elderly person or person with a
9 disability's health and personal care.

10 "Caregiver" does not include a long-term care facility
11 licensed or certified under the Nursing Home Care Act or a
12 facility licensed or certified under the ID/DD Community Care
13 Act, the MC/DD Act, or the Specialized Mental Health
14 Rehabilitation Act of 2013, or any administrative, medical, or
15 other personnel of such a facility, or a health care provider
16 who is licensed under the Medical Practice Act of 1987 and
17 renders care in the ordinary course of his or her profession.

18 "Elderly person" means a person 60 years of age or older
19 who is incapable of adequately providing for his or her own
20 health and personal care.

21 "Licensee" means the individual or entity licensed to
22 operate a facility under the Nursing Home Care Act, the
23 Specialized Mental Health Rehabilitation Act of 2013, the ID/DD
24 Community Care Act, the MC/DD Act, or the Assisted Living and
25 Shared Housing Act.

26 "Long term care facility" means a private home,

1 institution, building, residence, or other place, whether
2 operated for profit or not, or a county home for the infirm and
3 chronically ill operated pursuant to Division 5-21 or 5-22 of
4 the Counties Code, or any similar institution operated by the
5 State of Illinois or a political subdivision thereof, which
6 provides, through its ownership or management, personal care,
7 sheltered care, or nursing for 3 or more persons not related to
8 the owner by blood or marriage. The term also includes skilled
9 nursing facilities and intermediate care facilities as defined
10 in Titles XVIII and XIX of the federal Social Security Act and
11 assisted living establishments and shared housing
12 establishments licensed under the Assisted Living and Shared
13 Housing Act.

14 "Owner" means the owner of a long term care facility as
15 provided in the Nursing Home Care Act, the owner of a facility
16 as provided under the Specialized Mental Health Rehabilitation
17 Act of 2013, the owner of a facility as provided in the ID/DD
18 Community Care Act, the owner of a facility as provided in the
19 MC/DD Act, or the owner of an assisted living or shared housing
20 establishment as provided in the Assisted Living and Shared
21 Housing Act.

22 "Person with a disability" means a person who suffers from
23 a permanent physical or mental impairment, resulting from
24 disease, injury, functional disorder, or congenital condition,
25 which renders the person incapable of adequately providing for
26 his or her own health and personal care.

1 "Resident" means a person residing in a long term care
2 facility.

3 "Willful deprivation" has the meaning ascribed to it in
4 paragraph (15) of Section 103 of the Illinois Domestic Violence
5 Act of 1986.

6 (Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15;
7 revised 10-16-15.)

8 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

9 Sec. 24-3. Unlawful sale or delivery of firearms.

10 (A) A person commits the offense of unlawful sale or
11 delivery of firearms when he or she knowingly does any of the
12 following:

13 (a) Sells or gives any firearm of a size which may be
14 concealed upon the person to any person under 18 years of
15 age.

16 (b) Sells or gives any firearm to a person under 21
17 years of age who has been convicted of a misdemeanor other
18 than a traffic offense or adjudged delinquent.

19 (c) Sells or gives any firearm to any narcotic addict.

20 (d) Sells or gives any firearm to any person who has
21 been convicted of a felony under the laws of this or any
22 other jurisdiction.

23 (e) Sells or gives any firearm to any person who has
24 been a patient in a mental institution within the past 5
25 years. In this subsection (e):

1 "Mental institution" means any hospital,
2 institution, clinic, evaluation facility, mental
3 health center, or part thereof, which is used primarily
4 for the care or treatment of persons with mental
5 illness.

6 "Patient in a mental institution" means the person
7 was admitted, either voluntarily or involuntarily, to
8 a mental institution for mental health treatment,
9 unless the treatment was voluntary and solely for an
10 alcohol abuse disorder and no other secondary
11 substance abuse disorder or mental illness.

12 (f) Sells or gives any firearms to any person who is a
13 person with an intellectual disability.

14 (g) Delivers any firearm of a size which may be
15 concealed upon the person, incidental to a sale, without
16 withholding delivery of such firearm for at least 72 hours
17 after application for its purchase has been made, or
18 delivers any rifle, shotgun or other long gun, or a stun
19 gun or taser, incidental to a sale, without withholding
20 delivery of such rifle, shotgun or other long gun, or a
21 stun gun or taser for at least 24 hours after application
22 for its purchase has been made. However, this paragraph (g)
23 does not apply to: (1) the sale of a firearm to a law
24 enforcement officer if the seller of the firearm knows that
25 the person to whom he or she is selling the firearm is a
26 law enforcement officer or the sale of a firearm to a

1 person who desires to purchase a firearm for use in
2 promoting the public interest incident to his or her
3 employment as a bank guard, armed truck guard, or other
4 similar employment; (2) a mail order sale of a firearm from
5 a federally licensed firearms dealer to a nonresident of
6 Illinois under which the firearm is mailed to a federally
7 licensed firearms dealer outside the boundaries of
8 Illinois; (3) the sale of a firearm to a nonresident of
9 Illinois while at a firearm showing or display recognized
10 by the Illinois Department of State Police; (4) the sale of
11 a firearm to a dealer licensed as a federal firearms dealer
12 under Section 923 of the federal Gun Control Act of 1968
13 (18 U.S.C. 923); or (5) the transfer or sale of any rifle,
14 shotgun, or other long gun to a resident registered
15 competitor or attendee or non-resident registered
16 competitor or attendee by any dealer licensed as a federal
17 firearms dealer under Section 923 of the federal Gun
18 Control Act of 1968 at competitive shooting events held at
19 the World Shooting Complex sanctioned by a national
20 governing body. For purposes of transfers or sales under
21 subparagraph (5) of this paragraph (g), the Department of
22 Natural Resources shall give notice to the Department of
23 State Police at least 30 calendar days prior to any
24 competitive shooting events at the World Shooting Complex
25 sanctioned by a national governing body. The notification
26 shall be made on a form prescribed by the Department of

1 State Police. The sanctioning body shall provide a list of
2 all registered competitors and attendees at least 24 hours
3 before the events to the Department of State Police. Any
4 changes to the list of registered competitors and attendees
5 shall be forwarded to the Department of State Police as
6 soon as practicable. The Department of State Police must
7 destroy the list of registered competitors and attendees no
8 later than 30 days after the date of the event. Nothing in
9 this paragraph (g) relieves a federally licensed firearm
10 dealer from the requirements of conducting a NICS
11 background check through the Illinois Point of Contact
12 under 18 U.S.C. 922(t). For purposes of this paragraph (g),
13 "application" means when the buyer and seller reach an
14 agreement to purchase a firearm. For purposes of this
15 paragraph (g), "national governing body" means a group of
16 persons who adopt rules and formulate policy on behalf of a
17 national firearm sporting organization.

18 (h) While holding any license as a dealer, importer,
19 manufacturer or pawnbroker under the federal Gun Control
20 Act of 1968, manufactures, sells or delivers to any
21 unlicensed person a handgun having a barrel, slide, frame
22 or receiver which is a die casting of zinc alloy or any
23 other nonhomogeneous metal which will melt or deform at a
24 temperature of less than 800 degrees Fahrenheit. For
25 purposes of this paragraph, (1) "firearm" is defined as in
26 the Firearm Owners Identification Card Act; and (2)

1 "handgun" is defined as a firearm designed to be held and
2 fired by the use of a single hand, and includes a
3 combination of parts from which such a firearm can be
4 assembled.

5 (i) Sells or gives a firearm of any size to any person
6 under 18 years of age who does not possess a valid Firearm
7 Owner's Identification Card.

8 (j) Sells or gives a firearm while engaged in the
9 business of selling firearms at wholesale or retail without
10 being licensed as a federal firearms dealer under Section
11 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
12 In this paragraph (j):

13 A person "engaged in the business" means a person who
14 devotes time, attention, and labor to engaging in the
15 activity as a regular course of trade or business with the
16 principal objective of livelihood and profit, but does not
17 include a person who makes occasional repairs of firearms
18 or who occasionally fits special barrels, stocks, or
19 trigger mechanisms to firearms.

20 "With the principal objective of livelihood and
21 profit" means that the intent underlying the sale or
22 disposition of firearms is predominantly one of obtaining
23 livelihood and pecuniary gain, as opposed to other intents,
24 such as improving or liquidating a personal firearms
25 collection; however, proof of profit shall not be required
26 as to a person who engages in the regular and repetitive

1 purchase and disposition of firearms for criminal purposes
2 or terrorism.

3 (k) Sells or transfers ownership of a firearm to a
4 person who does not display to the seller or transferor of
5 the firearm either: (1) a currently valid Firearm Owner's
6 Identification Card that has previously been issued in the
7 transferee's name by the Department of State Police under
8 the provisions of the Firearm Owners Identification Card
9 Act; or (2) a currently valid license to carry a concealed
10 firearm that has previously been issued in the transferee's
11 name by the Department of State Police under the Firearm
12 Concealed Carry Act. This paragraph (k) does not apply to
13 the transfer of a firearm to a person who is exempt from
14 the requirement of possessing a Firearm Owner's
15 Identification Card under Section 2 of the Firearm Owners
16 Identification Card Act. For the purposes of this Section,
17 a currently valid Firearm Owner's Identification Card
18 means (i) a Firearm Owner's Identification Card that has
19 not expired or (ii) an approval number issued in accordance
20 with subsection (a-10) of subsection 3 or Section 3.1 of
21 the Firearm Owners Identification Card Act shall be proof
22 that the Firearm Owner's Identification Card was valid.

23 (1) In addition to the other requirements of this
24 paragraph (k), all persons who are not federally
25 licensed firearms dealers must also have complied with
26 subsection (a-10) of Section 3 of the Firearm Owners

1 Identification Card Act by determining the validity of
2 a purchaser's Firearm Owner's Identification Card.

3 (2) All sellers or transferors who have complied
4 with the requirements of subparagraph (1) of this
5 paragraph (k) shall not be liable for damages in any
6 civil action arising from the use or misuse by the
7 transferee of the firearm transferred, except for
8 willful or wanton misconduct on the part of the seller
9 or transferor.

10 (1) Not being entitled to the possession of a firearm,
11 delivers the firearm, knowing it to have been stolen or
12 converted. It may be inferred that a person who possesses a
13 firearm with knowledge that its serial number has been
14 removed or altered has knowledge that the firearm is stolen
15 or converted.

16 (B) Paragraph (h) of subsection (A) does not include
17 firearms sold within 6 months after enactment of Public Act
18 78-355 (approved August 21, 1973, effective October 1, 1973),
19 nor is any firearm legally owned or possessed by any citizen or
20 purchased by any citizen within 6 months after the enactment of
21 Public Act 78-355 subject to confiscation or seizure under the
22 provisions of that Public Act. Nothing in Public Act 78-355
23 shall be construed to prohibit the gift or trade of any firearm
24 if that firearm was legally held or acquired within 6 months
25 after the enactment of that Public Act.

26 (C) Sentence.

1 (1) Any person convicted of unlawful sale or delivery
2 of firearms in violation of paragraph (c), (e), (f), (g),
3 or (h) of subsection (A) commits a Class 4 felony.

4 (2) Any person convicted of unlawful sale or delivery
5 of firearms in violation of paragraph (b) or (i) of
6 subsection (A) commits a Class 3 felony.

7 (3) Any person convicted of unlawful sale or delivery
8 of firearms in violation of paragraph (a) of subsection (A)
9 commits a Class 2 felony.

10 (4) Any person convicted of unlawful sale or delivery
11 of firearms in violation of paragraph (a), (b), or (i) of
12 subsection (A) in any school, on the real property
13 comprising a school, within 1,000 feet of the real property
14 comprising a school, at a school related activity, or on or
15 within 1,000 feet of any conveyance owned, leased, or
16 contracted by a school or school district to transport
17 students to or from school or a school related activity,
18 regardless of the time of day or time of year at which the
19 offense was committed, commits a Class 1 felony. Any person
20 convicted of a second or subsequent violation of unlawful
21 sale or delivery of firearms in violation of paragraph (a),
22 (b), or (i) of subsection (A) in any school, on the real
23 property comprising a school, within 1,000 feet of the real
24 property comprising a school, at a school related activity,
25 or on or within 1,000 feet of any conveyance owned, leased,
26 or contracted by a school or school district to transport

1 students to or from school or a school related activity,
2 regardless of the time of day or time of year at which the
3 offense was committed, commits a Class 1 felony for which
4 the sentence shall be a term of imprisonment of no less
5 than 5 years and no more than 15 years.

6 (5) Any person convicted of unlawful sale or delivery
7 of firearms in violation of paragraph (a) or (i) of
8 subsection (A) in residential property owned, operated, or
9 managed by a public housing agency or leased by a public
10 housing agency as part of a scattered site or mixed-income
11 development, in a public park, in a courthouse, on
12 residential property owned, operated, or managed by a
13 public housing agency or leased by a public housing agency
14 as part of a scattered site or mixed-income development, on
15 the real property comprising any public park, on the real
16 property comprising any courthouse, or on any public way
17 within 1,000 feet of the real property comprising any
18 public park, courthouse, or residential property owned,
19 operated, or managed by a public housing agency or leased
20 by a public housing agency as part of a scattered site or
21 mixed-income development commits a Class 2 felony.

22 (6) Any person convicted of unlawful sale or delivery
23 of firearms in violation of paragraph (j) of subsection (A)
24 commits a Class A misdemeanor. A second or subsequent
25 violation is a Class 4 felony.

26 (7) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (k) of subsection (A)
2 commits a Class 4 felony, except that a violation of
3 subparagraph (1) of paragraph (k) of subsection (A) shall
4 not be punishable as a crime or petty offense. A third or
5 subsequent conviction for a violation of paragraph (k) of
6 subsection (A) is a Class 1 felony.

7 (8) A person 18 years of age or older convicted of
8 unlawful sale or delivery of firearms in violation of
9 paragraph (a) or (i) of subsection (A), when the firearm
10 that was sold or given to another person under 18 years of
11 age was used in the commission of or attempt to commit a
12 forcible felony, shall be fined or imprisoned, or both, not
13 to exceed the maximum provided for the most serious
14 forcible felony so committed or attempted by the person
15 under 18 years of age who was sold or given the firearm.

16 (9) Any person convicted of unlawful sale or delivery
17 of firearms in violation of paragraph (d) of subsection (A)
18 commits a Class 3 felony.

19 (10) Any person convicted of unlawful sale or delivery
20 of firearms in violation of paragraph (l) of subsection (A)
21 commits a Class 2 felony if the delivery is of one firearm.
22 Any person convicted of unlawful sale or delivery of
23 firearms in violation of paragraph (l) of subsection (A)
24 commits a Class 1 felony if the delivery is of not less
25 than 2 and not more than 5 firearms at the same time or
26 within a one year period. Any person convicted of unlawful

1 sale or delivery of firearms in violation of paragraph (1)
2 of subsection (A) commits a Class X felony for which he or
3 she shall be sentenced to a term of imprisonment of not
4 less than 6 years and not more than 30 years if the
5 delivery is of not less than 6 and not more than 10
6 firearms at the same time or within a 2 year period. Any
7 person convicted of unlawful sale or delivery of firearms
8 in violation of paragraph (1) of subsection (A) commits a
9 Class X felony for which he or she shall be sentenced to a
10 term of imprisonment of not less than 6 years and not more
11 than 40 years if the delivery is of not less than 11 and
12 not more than 20 firearms at the same time or within a 3
13 year period. Any person convicted of unlawful sale or
14 delivery of firearms in violation of paragraph (1) of
15 subsection (A) commits a Class X felony for which he or she
16 shall be sentenced to a term of imprisonment of not less
17 than 6 years and not more than 50 years if the delivery is
18 of not less than 21 and not more than 30 firearms at the
19 same time or within a 4 year period. Any person convicted
20 of unlawful sale or delivery of firearms in violation of
21 paragraph (1) of subsection (A) commits a Class X felony
22 for which he or she shall be sentenced to a term of
23 imprisonment of not less than 6 years and not more than 60
24 years if the delivery is of 31 or more firearms at the same
25 time or within a 5 year period.

26 (D) For purposes of this Section:

1 "School" means a public or private elementary or secondary
2 school, community college, college, or university.

3 "School related activity" means any sporting, social,
4 academic, or other activity for which students' attendance or
5 participation is sponsored, organized, or funded in whole or in
6 part by a school or school district.

7 (E) A prosecution for a violation of paragraph (k) of
8 subsection (A) of this Section may be commenced within 6 years
9 after the commission of the offense. A prosecution for a
10 violation of this Section other than paragraph (g) of
11 subsection (A) of this Section may be commenced within 5 years
12 after the commission of the offense defined in the particular
13 paragraph.

14 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15;
15 99-143, eff. 7-27-15; revised 10-16-15.)

16 (720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

17 Sec. 26-1. Disorderly conduct.

18 (a) A person commits disorderly conduct when he or she
19 knowingly:

20 (1) Does any act in such unreasonable manner as to
21 alarm or disturb another and to provoke a breach of the
22 peace;

23 (2) Transmits or causes to be transmitted in any manner
24 to the fire department of any city, town, village or fire
25 protection district a false alarm of fire, knowing at the

1 time of the transmission that there is no reasonable ground
2 for believing that the fire exists;

3 (3) Transmits or causes to be transmitted in any manner
4 to another a false alarm to the effect that a bomb or other
5 explosive of any nature or a container holding poison gas,
6 a deadly biological or chemical contaminant, or
7 radioactive substance is concealed in a place where its
8 explosion or release would endanger human life, knowing at
9 the time of the transmission that there is no reasonable
10 ground for believing that the bomb, explosive or a
11 container holding poison gas, a deadly biological or
12 chemical contaminant, or radioactive substance is
13 concealed in the place;

14 (3.5) Transmits or causes to be transmitted a threat of
15 destruction of a school building or school property, or a
16 threat of violence, death, or bodily harm directed against
17 persons at a school, school function, or school event,
18 whether or not school is in session;

19 (4) Transmits or causes to be transmitted in any manner
20 to any peace officer, public officer or public employee a
21 report to the effect that an offense will be committed, is
22 being committed, or has been committed, knowing at the time
23 of the transmission that there is no reasonable ground for
24 believing that the offense will be committed, is being
25 committed, or has been committed;

26 (5) Transmits or causes to be transmitted a false

1 report to any public safety agency without the reasonable
2 grounds necessary to believe that transmitting the report
3 is necessary for the safety and welfare of the public; or

4 (6) Calls the number "911" for the purpose of making or
5 transmitting a false alarm or complaint and reporting
6 information when, at the time the call or transmission is
7 made, the person knows there is no reasonable ground for
8 making the call or transmission and further knows that the
9 call or transmission could result in the emergency response
10 of any public safety agency;

11 (7) Transmits or causes to be transmitted a false
12 report to the Department of Children and Family Services
13 under Section 4 of the "Abused and Neglected Child
14 Reporting Act";

15 (8) Transmits or causes to be transmitted a false
16 report to the Department of Public Health under the Nursing
17 Home Care Act, the Specialized Mental Health
18 Rehabilitation Act of 2013, the ID/DD Community Care Act,
19 or the MC/DD Act;

20 (9) Transmits or causes to be transmitted in any manner
21 to the police department or fire department of any
22 municipality or fire protection district, or any privately
23 owned and operated ambulance service, a false request for
24 an ambulance, emergency medical technician-ambulance or
25 emergency medical technician-paramedic knowing at the time
26 there is no reasonable ground for believing that the

1 assistance is required;

2 (10) Transmits or causes to be transmitted a false
3 report under Article II of Public Act 83-1432 ~~"An Act in~~
4 ~~relation to victims of violence and abuse"~~, approved
5 ~~September 16, 1984, as amended;~~

6 (11) Enters upon the property of another and for a lewd
7 or unlawful purpose deliberately looks into a dwelling on
8 the property through any window or other opening in it; or

9 (12) While acting as a collection agency as defined in
10 the Collection Agency Act or as an employee of the
11 collection agency, and while attempting to collect an
12 alleged debt, makes a telephone call to the alleged debtor
13 which is designed to harass, annoy or intimidate the
14 alleged debtor.

15 (b) Sentence. A violation of subsection (a)(1) of this
16 Section is a Class C misdemeanor. A violation of subsection
17 (a)(5) or (a)(11) of this Section is a Class A misdemeanor. A
18 violation of subsection (a)(8) or (a)(10) of this Section is a
19 Class B misdemeanor. A violation of subsection (a)(2),
20 (a)(3.5), (a)(4), (a)(6), (a)(7), or (a)(9) of this Section is
21 a Class 4 felony. A violation of subsection (a)(3) of this
22 Section is a Class 3 felony, for which a fine of not less than
23 \$3,000 and no more than \$10,000 shall be assessed in addition
24 to any other penalty imposed.

25 A violation of subsection (a)(12) of this Section is a
26 Business Offense and shall be punished by a fine not to exceed

1 \$3,000. A second or subsequent violation of subsection (a) (7)
2 or (a) (5) of this Section is a Class 4 felony. A third or
3 subsequent violation of subsection (a) (11) of this Section is a
4 Class 4 felony.

5 (c) In addition to any other sentence that may be imposed,
6 a court shall order any person convicted of disorderly conduct
7 to perform community service for not less than 30 and not more
8 than 120 hours, if community service is available in the
9 jurisdiction and is funded and approved by the county board of
10 the county where the offense was committed. In addition,
11 whenever any person is placed on supervision for an alleged
12 offense under this Section, the supervision shall be
13 conditioned upon the performance of the community service.

14 This subsection does not apply when the court imposes a
15 sentence of incarceration.

16 (d) In addition to any other sentence that may be imposed,
17 the court shall order any person convicted of disorderly
18 conduct under paragraph (3) of subsection (a) involving a false
19 alarm of a threat that a bomb or explosive device has been
20 placed in a school to reimburse the unit of government that
21 employs the emergency response officer or officers that were
22 dispatched to the school for the cost of the search for a bomb
23 or explosive device.

24 (e) In addition to any other sentence that may be imposed,
25 the court shall order any person convicted of disorderly
26 conduct under paragraph (6) of subsection (a) to reimburse the

1 public agency for the reasonable costs of the emergency
2 response by the public agency up to \$10,000. If the court
3 determines that the person convicted of disorderly conduct
4 under paragraph (6) of subsection (a) is indigent, the
5 provisions of this subsection (e) do not apply.

6 (f) For the purposes of this Section, "emergency response"
7 means any condition that results in, or could result in, the
8 response of a public official in an authorized emergency
9 vehicle, any condition that jeopardizes or could jeopardize
10 public safety and results in, or could result in, the
11 evacuation of any area, building, structure, vehicle, or of any
12 other place that any person may enter, or any incident
13 requiring a response by a police officer, a firefighter, a
14 State Fire Marshal employee, or an ambulance.

15 (Source: P.A. 98-104, eff. 7-22-13; 99-160, eff. 1-1-16;
16 99-180, eff. 7-29-15; revised 10-16-15.)

17 Section 540. The Illinois Controlled Substances Act is
18 amended by changing Sections 102 and 302 as follows:

19 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

20 Sec. 102. Definitions. As used in this Act, unless the
21 context otherwise requires:

22 (a) "Addict" means any person who habitually uses any drug,
23 chemical, substance or dangerous drug other than alcohol so as
24 to endanger the public morals, health, safety or welfare or who

1 is so far addicted to the use of a dangerous drug or controlled
2 substance other than alcohol as to have lost the power of self
3 control with reference to his or her addiction.

4 (b) "Administer" means the direct application of a
5 controlled substance, whether by injection, inhalation,
6 ingestion, or any other means, to the body of a patient,
7 research subject, or animal (as defined by the Humane
8 Euthanasia in Animal Shelters Act) by:

9 (1) a practitioner (or, in his or her presence, by his
10 or her authorized agent),

11 (2) the patient or research subject pursuant to an
12 order, or

13 (3) a euthanasia technician as defined by the Humane
14 Euthanasia in Animal Shelters Act.

15 (c) "Agent" means an authorized person who acts on behalf
16 of or at the direction of a manufacturer, distributor,
17 dispenser, prescriber, or practitioner. It does not include a
18 common or contract carrier, public warehouseman or employee of
19 the carrier or warehouseman.

20 (c-1) "Anabolic Steroids" means any drug or hormonal
21 substance, chemically and pharmacologically related to
22 testosterone (other than estrogens, progestins,
23 corticosteroids, and dehydroepiandrosterone), and includes:

24 (i) 3[beta],17-dihydroxy-5a-androstane,

25 (ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,

26 (iii) 5[alpha]-androstan-3,17-dione,

- 1 (iv) 1-androstenediol (3[beta],
2 17[beta]-dihydroxy-5[alpha]-androst-1-ene),
3 (v) 1-androstenediol (3[alpha],
4 17[beta]-dihydroxy-5[alpha]-androst-1-ene),
5 (vi) 4-androstenediol
6 (3[beta],17[beta]-dihydroxy-androst-4-ene),
7 (vii) 5-androstenediol
8 (3[beta],17[beta]-dihydroxy-androst-5-ene),
9 (viii) 1-androstenedione
10 ([5alpha]-androst-1-en-3,17-dione),
11 (ix) 4-androstenedione
12 (androst-4-en-3,17-dione),
13 (x) 5-androstenedione
14 (androst-5-en-3,17-dione),
15 (xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-
16 hydroxyandrost-4-en-3-one),
17 (xii) boldenone (17[beta]-hydroxyandrost-
18 1,4,-diene-3-one),
19 (xiii) boldione (androsta-1,4-
20 diene-3,17-dione),
21 (xiv) calusterone (7[beta],17[alpha]-dimethyl-17
22 [beta]-hydroxyandrost-4-en-3-one),
23 (xv) clostebol (4-chloro-17[beta]-
24 hydroxyandrost-4-en-3-one),
25 (xvi) dehydrochloromethyltestosterone (4-chloro-
26 17[beta]-hydroxy-17[alpha]-methyl-

1 androst-1,4-dien-3-one),
2 (xvii) desoxymethyltestosterone
3 (17[alpha]-methyl-5[alpha]
4 -androst-2-en-17[beta]-ol) (a.k.a., madol),
5 (xviii) [delta]1-dihydrotestosterone (a.k.a.
6 '1-testosterone') (17[beta]-hydroxy-
7 5[alpha]-androst-1-en-3-one),
8 (xix) 4-dihydrotestosterone (17[beta]-hydroxy-
9 androstan-3-one),
10 (xx) drostanolone (17[beta]-hydroxy-2[alpha]-methyl-
11 5[alpha]-androstan-3-one),
12 (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-
13 hydroxyestr-4-ene),
14 (xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-
15 1[beta],17[beta]-dihydroxyandrost-4-en-3-one),
16 (xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha],
17 17[beta]-dihydroxyandrost-1,4-dien-3-one),
18 (xxiv) furazabol (17[alpha]-methyl-17[beta]-
19 hydroxyandrostan[2,3-c]-furazan),
20 (xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one)
21 (xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-
22 androst-4-en-3-one),
23 (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-
24 dihydroxy-estr-4-en-3-one),
25 (xxviii) mestanolone (17[alpha]-methyl-17[beta]-
26 hydroxy-5-androstan-3-one),

- 1 (xxix) mesterolone (1-methyl-17[beta]-hydroxy-
2 [5a]-androst-3-one),
- 3 (xxx) methandienone (17[alpha]-methyl-17[beta]-
4 hydroxyandrost-1,4-dien-3-one),
- 5 (xxxix) methandriol (17[alpha]-methyl-3[beta],17[beta]-
6 dihydroxyandrost-5-ene),
- 7 (xxxix) methenolone (1-methyl-17[beta]-hydroxy-
8 5[alpha]-androst-1-en-3-one),
- 9 (xxxiii) 17[alpha]-methyl-3[beta], 17[beta]-
10 dihydroxy-5a-androstane),
- 11 (xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy
12 -5a-androstane),
- 13 (xxxv) 17[alpha]-methyl-3[beta],17[beta]-
14 dihydroxyandrost-4-ene),
- 15 (xxxvi) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-
16 methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),
- 17 (xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-
18 hydroxyestra-4,9(10)-dien-3-one),
- 19 (xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-
20 hydroxyestra-4,9-11-trien-3-one),
- 21 (xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-
22 hydroxyandrost-4-en-3-one),
- 23 (xl) mibolerone (7[alpha],17a-dimethyl-17[beta]-
24 hydroxyestr-4-en-3-one),
- 25 (xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone
26 (17b[beta]-hydroxy-17[alpha]-methyl-5[alpha]-

1 androst-1-en-3-one) (a.k.a. '17-[alpha]-methyl-
2 1-testosterone'),
3 (xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one),
4 (xliiii) 19-nor-4-androstenediol (3[beta], 17[beta]-
5 dihydroxyestr-4-ene),
6 (xliv) 19-nor-4-androstenediol (3[alpha], 17[beta]-
7 dihydroxyestr-4-ene),
8 (xlv) 19-nor-5-androstenediol (3[beta], 17[beta]-
9 dihydroxyestr-5-ene),
10 (xlvi) 19-nor-5-androstenediol (3[alpha], 17[beta]-
11 dihydroxyestr-5-ene),
12 (xlvii) 19-nor-4,9(10)-androstadienedione
13 (estra-4,9(10)-diene-3,17-dione),
14 (xlviii) 19-nor-4-androstenedione (estr-4-
15 en-3,17-dione),
16 (xlix) 19-nor-5-androstenedione (estr-5-
17 en-3,17-dione),
18 (l) norbolethone (13[beta], 17a-diethyl-17[beta]-
19 hydroxygon-4-en-3-one),
20 (li) norclostebol (4-chloro-17[beta]-
21 hydroxyestr-4-en-3-one),
22 (lii) norethandrolone (17[alpha]-ethyl-17[beta]-
23 hydroxyestr-4-en-3-one),
24 (liii) normethandrolone (17[alpha]-methyl-17[beta]-
25 hydroxyestr-4-en-3-one),
26 (liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-

- 1 2-oxa-5[alpha]-androstan-3-one),
2 (lv) oxymesterone (17[alpha]-methyl-4,17[beta]-
3 dihydroxyandrost-4-en-3-one),
4 (lvi) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-
5 17[beta]-hydroxy-(5[alpha]-androstan-3-one),
6 (lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-
7 (5[alpha]-androst-2-eno[3,2-c]-pyrazole),
8 (lviii) stenbolone (17[beta]-hydroxy-2-methyl-
9 (5[alpha]-androst-1-en-3-one),
10 (lix) testolactone (13-hydroxy-3-oxo-13,17-
11 secoandrosta-1,4-dien-17-oic
12 acid lactone),
13 (lx) testosterone (17[beta]-hydroxyandrost-
14 4-en-3-one),
15 (lxi) tetrahydrogestrinone (13[beta], 17[alpha]-
16 diethyl-17[beta]-hydroxygon-
17 4,9,11-trien-3-one),
18 (lxii) trenbolone (17[beta]-hydroxyestr-4,9,
19 11-trien-3-one).

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 (d-5) "Clinical Director, Prescription Monitoring Program"
11 means a Department of Human Services administrative employee
12 licensed to either prescribe or dispense controlled substances
13 who shall run the clinical aspects of the Department of Human
14 Services Prescription Monitoring Program and its Prescription
15 Information Library.

16 (d-10) "Compounding" means the preparation and mixing of
17 components, excluding flavorings, (1) as the result of a
18 prescriber's prescription drug order or initiative based on the
19 prescriber-patient-pharmacist relationship in the course of
20 professional practice or (2) for the purpose of, or incident
21 to, research, teaching, or chemical analysis and not for sale
22 or dispensing. "Compounding" includes the preparation of drugs
23 or devices in anticipation of receiving prescription drug
24 orders based on routine, regularly observed dispensing
25 patterns. Commercially available products may be compounded
26 for dispensing to individual patients only if both of the

1 following conditions are met: (i) the commercial product is not
2 reasonably available from normal distribution channels in a
3 timely manner to meet the patient's needs and (ii) the
4 prescribing practitioner has requested that the drug be
5 compounded.

6 (e) "Control" means to add a drug or other substance, or
7 immediate precursor, to a Schedule whether by transfer from
8 another Schedule or otherwise.

9 (f) "Controlled Substance" means (i) a drug, substance,
10 immediate precursor, or synthetic drug in the Schedules of
11 Article II of this Act or (ii) a drug or other substance, or
12 immediate precursor, designated as a controlled substance by
13 the Department through administrative rule. The term does not
14 include distilled spirits, wine, malt beverages, or tobacco, as
15 those terms are defined or used in the Liquor Control Act of
16 1934 and the Tobacco Products Tax Act of 1995.

17 (f-5) "Controlled substance analog" means a substance:

18 (1) the chemical structure of which is substantially
19 similar to the chemical structure of a controlled substance
20 in Schedule I or II;

21 (2) which has a stimulant, depressant, or
22 hallucinogenic effect on the central nervous system that is
23 substantially similar to or greater than the stimulant,
24 depressant, or hallucinogenic effect on the central
25 nervous system of a controlled substance in Schedule I or
26 II; or

1 (3) with respect to a particular person, which such
2 person represents or intends to have a stimulant,
3 depressant, or hallucinogenic effect on the central
4 nervous system that is substantially similar to or greater
5 than the stimulant, depressant, or hallucinogenic effect
6 on the central nervous system of a controlled substance in
7 Schedule I or II.

8 (g) "Counterfeit substance" means a controlled substance,
9 which, or the container or labeling of which, without
10 authorization bears the trademark, trade name, or other
11 identifying mark, imprint, number or device, or any likeness
12 thereof, of a manufacturer, distributor, or dispenser other
13 than the person who in fact manufactured, distributed, or
14 dispensed the substance.

15 (h) "Deliver" or "delivery" means the actual, constructive
16 or attempted transfer of possession of a controlled substance,
17 with or without consideration, whether or not there is an
18 agency relationship.

19 (i) "Department" means the Illinois Department of Human
20 Services (as successor to the Department of Alcoholism and
21 Substance Abuse) or its successor agency.

22 (j) (Blank).

23 (k) "Department of Corrections" means the Department of
24 Corrections of the State of Illinois or its successor agency.

25 (l) "Department of Financial and Professional Regulation"
26 means the Department of Financial and Professional Regulation

1 of the State of Illinois or its successor agency.

2 (m) "Depressant" means any drug that (i) causes an overall
3 depression of central nervous system functions, (ii) causes
4 impaired consciousness and awareness, and (iii) can be
5 habit-forming or lead to a substance abuse problem, including
6 but not limited to alcohol, cannabis and its active principles
7 and their analogs, benzodiazepines and their analogs,
8 barbiturates and their analogs, opioids (natural and
9 synthetic) and their analogs, and chloral hydrate and similar
10 sedative hypnotics.

11 (n) (Blank).

12 (o) "Director" means the Director of the Illinois State
13 Police or his or her designated agents.

14 (p) "Dispense" means to deliver a controlled substance to
15 an ultimate user or research subject by or pursuant to the
16 lawful order of a prescriber, including the prescribing,
17 administering, packaging, labeling, or compounding necessary
18 to prepare the substance for that delivery.

19 (q) "Dispenser" means a practitioner who dispenses.

20 (r) "Distribute" means to deliver, other than by
21 administering or dispensing, a controlled substance.

22 (s) "Distributor" means a person who distributes.

23 (t) "Drug" means (1) substances recognized as drugs in the
24 official United States Pharmacopoeia, Official Homeopathic
25 Pharmacopoeia of the United States, or official National
26 Formulary, or any supplement to any of them; (2) substances

1 intended for use in diagnosis, cure, mitigation, treatment, or
2 prevention of disease in man or animals; (3) substances (other
3 than food) intended to affect the structure of any function of
4 the body of man or animals and (4) substances intended for use
5 as a component of any article specified in clause (1), (2), or
6 (3) of this subsection. It does not include devices or their
7 components, parts, or accessories.

8 (t-3) "Electronic health record" or "EHR" means an
9 electronic record of health-related information on an
10 individual that is created, gathered, managed, and consulted by
11 authorized health care clinicians and staff.

12 (t-5) "Euthanasia agency" means an entity certified by the
13 Department of Financial and Professional Regulation for the
14 purpose of animal euthanasia that holds an animal control
15 facility license or animal shelter license under the Animal
16 Welfare Act. A euthanasia agency is authorized to purchase,
17 store, possess, and utilize Schedule II nonnarcotic and
18 Schedule III nonnarcotic drugs for the sole purpose of animal
19 euthanasia.

20 (t-10) "Euthanasia drugs" means Schedule II or Schedule III
21 substances (nonnarcotic controlled substances) that are used
22 by a euthanasia agency for the purpose of animal euthanasia.

23 (u) "Good faith" means the prescribing or dispensing of a
24 controlled substance by a practitioner in the regular course of
25 professional treatment to or for any person who is under his or
26 her treatment for a pathology or condition other than that

1 individual's physical or psychological dependence upon or
2 addiction to a controlled substance, except as provided herein:
3 and application of the term to a pharmacist shall mean the
4 dispensing of a controlled substance pursuant to the
5 prescriber's order which in the professional judgment of the
6 pharmacist is lawful. The pharmacist shall be guided by
7 accepted professional standards including, but not limited to
8 the following, in making the judgment:

9 (1) lack of consistency of prescriber-patient
10 relationship,

11 (2) frequency of prescriptions for same drug by one
12 prescriber for large numbers of patients,

13 (3) quantities beyond those normally prescribed,

14 (4) unusual dosages (recognizing that there may be
15 clinical circumstances where more or less than the usual
16 dose may be used legitimately),

17 (5) unusual geographic distances between patient,
18 pharmacist and prescriber,

19 (6) consistent prescribing of habit-forming drugs.

20 (u-0.5) "Hallucinogen" means a drug that causes markedly
21 altered sensory perception leading to hallucinations of any
22 type.

23 (u-1) "Home infusion services" means services provided by a
24 pharmacy in compounding solutions for direct administration to
25 a patient in a private residence, long-term care facility, or
26 hospice setting by means of parenteral, intravenous,

1 intramuscular, subcutaneous, or intraspinal infusion.

2 (u-5) "Illinois State Police" means the State Police of the
3 State of Illinois, or its successor agency.

4 (v) "Immediate precursor" means a substance:

5 (1) which the Department has found to be and by rule
6 designated as being a principal compound used, or produced
7 primarily for use, in the manufacture of a controlled
8 substance;

9 (2) which is an immediate chemical intermediary used or
10 likely to be used in the manufacture of such controlled
11 substance; and

12 (3) the control of which is necessary to prevent,
13 curtail or limit the manufacture of such controlled
14 substance.

15 (w) "Instructional activities" means the acts of teaching,
16 educating or instructing by practitioners using controlled
17 substances within educational facilities approved by the State
18 Board of Education or its successor agency.

19 (x) "Local authorities" means a duly organized State,
20 County or Municipal peace unit or police force.

21 (y) "Look-alike substance" means a substance, other than a
22 controlled substance which (1) by overall dosage unit
23 appearance, including shape, color, size, markings or lack
24 thereof, taste, consistency, or any other identifying physical
25 characteristic of the substance, would lead a reasonable person
26 to believe that the substance is a controlled substance, or (2)

1 is expressly or impliedly represented to be a controlled
2 substance or is distributed under circumstances which would
3 lead a reasonable person to believe that the substance is a
4 controlled substance. For the purpose of determining whether
5 the representations made or the circumstances of the
6 distribution would lead a reasonable person to believe the
7 substance to be a controlled substance under this clause (2) of
8 subsection (y), the court or other authority may consider the
9 following factors in addition to any other factor that may be
10 relevant:

11 (a) statements made by the owner or person in control
12 of the substance concerning its nature, use or effect;

13 (b) statements made to the buyer or recipient that the
14 substance may be resold for profit;

15 (c) whether the substance is packaged in a manner
16 normally used for the illegal distribution of controlled
17 substances;

18 (d) whether the distribution or attempted distribution
19 included an exchange of or demand for money or other
20 property as consideration, and whether the amount of the
21 consideration was substantially greater than the
22 reasonable retail market value of the substance.

23 Clause (1) of this subsection (y) shall not apply to a
24 noncontrolled substance in its finished dosage form that was
25 initially introduced into commerce prior to the initial
26 introduction into commerce of a controlled substance in its

1 finished dosage form which it may substantially resemble.

2 Nothing in this subsection (y) prohibits the dispensing or
3 distributing of noncontrolled substances by persons authorized
4 to dispense and distribute controlled substances under this
5 Act, provided that such action would be deemed to be carried
6 out in good faith under subsection (u) if the substances
7 involved were controlled substances.

8 Nothing in this subsection (y) or in this Act prohibits the
9 manufacture, preparation, propagation, compounding,
10 processing, packaging, advertising or distribution of a drug or
11 drugs by any person registered pursuant to Section 510 of the
12 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

13 (y-1) "Mail-order pharmacy" means a pharmacy that is
14 located in a state of the United States that delivers,
15 dispenses or distributes, through the United States Postal
16 Service or other common carrier, to Illinois residents, any
17 substance which requires a prescription.

18 (z) "Manufacture" means the production, preparation,
19 propagation, compounding, conversion or processing of a
20 controlled substance other than methamphetamine, either
21 directly or indirectly, by extraction from substances of
22 natural origin, or independently by means of chemical
23 synthesis, or by a combination of extraction and chemical
24 synthesis, and includes any packaging or repackaging of the
25 substance or labeling of its container, except that this term
26 does not include:

1 (1) by an ultimate user, the preparation or compounding
2 of a controlled substance for his or her own use; or

3 (2) by a practitioner, or his or her authorized agent
4 under his or her supervision, the preparation,
5 compounding, packaging, or labeling of a controlled
6 substance:

7 (a) as an incident to his or her administering or
8 dispensing of a controlled substance in the course of
9 his or her professional practice; or

10 (b) as an incident to lawful research, teaching or
11 chemical analysis and not for sale.

12 (z-1) (Blank).

13 (z-5) "Medication shopping" means the conduct prohibited
14 under subsection (a) of Section 314.5 of this Act.

15 (z-10) "Mid-level practitioner" means (i) a physician
16 assistant who has been delegated authority to prescribe through
17 a written delegation of authority by a physician licensed to
18 practice medicine in all of its branches, in accordance with
19 Section 7.5 of the Physician Assistant Practice Act of 1987,
20 (ii) an advanced practice nurse who has been delegated
21 authority to prescribe through a written delegation of
22 authority by a physician licensed to practice medicine in all
23 of its branches or by a podiatric physician, in accordance with
24 Section 65-40 of the Nurse Practice Act, (iii) an advanced
25 practice nurse certified as a nurse practitioner, nurse
26 midwife, or clinical nurse specialist who has been granted

1 authority to prescribe by a hospital affiliate in accordance
2 with Section 65-45 of the Nurse Practice Act, (iv) an animal
3 euthanasia agency, or (v) a prescribing psychologist.

4 (aa) "Narcotic drug" means any of the following, whether
5 produced directly or indirectly by extraction from substances
6 of vegetable origin, or independently by means of chemical
7 synthesis, or by a combination of extraction and chemical
8 synthesis:

9 (1) opium, opiates, derivatives of opium and opiates,
10 including their isomers, esters, ethers, salts, and salts
11 of isomers, esters, and ethers, whenever the existence of
12 such isomers, esters, ethers, and salts is possible within
13 the specific chemical designation; however the term
14 "narcotic drug" does not include the isoquinoline
15 alkaloids of opium;

16 (2) (blank);

17 (3) opium poppy and poppy straw;

18 (4) coca leaves, except coca leaves and extracts of
19 coca leaves from which substantially all of the cocaine and
20 ecgonine, and their isomers, derivatives and salts, have
21 been removed;

22 (5) cocaine, its salts, optical and geometric isomers,
23 and salts of isomers;

24 (6) ecgonine, its derivatives, their salts, isomers,
25 and salts of isomers;

26 (7) any compound, mixture, or preparation which

1 contains any quantity of any of the substances referred to
2 in subparagraphs (1) through (6).

3 (bb) "Nurse" means a registered nurse licensed under the
4 Nurse Practice Act.

5 (cc) (Blank).

6 (dd) "Opiate" means any substance having an addiction
7 forming or addiction sustaining liability similar to morphine
8 or being capable of conversion into a drug having addiction
9 forming or addiction sustaining liability.

10 (ee) "Opium poppy" means the plant of the species *Papaver*
11 *somniferum* L., except its seeds.

12 (ee-5) "Oral dosage" means a tablet, capsule, elixir, or
13 solution or other liquid form of medication intended for
14 administration by mouth, but the term does not include a form
15 of medication intended for buccal, sublingual, or transmucosal
16 administration.

17 (ff) "Parole and Pardon Board" means the Parole and Pardon
18 Board of the State of Illinois or its successor agency.

19 (gg) "Person" means any individual, corporation,
20 mail-order pharmacy, government or governmental subdivision or
21 agency, business trust, estate, trust, partnership or
22 association, or any other entity.

23 (hh) "Pharmacist" means any person who holds a license or
24 certificate of registration as a registered pharmacist, a local
25 registered pharmacist or a registered assistant pharmacist
26 under the Pharmacy Practice Act.

1 (ii) "Pharmacy" means any store, ship or other place in
2 which pharmacy is authorized to be practiced under the Pharmacy
3 Practice Act.

4 (ii-5) "Pharmacy shopping" means the conduct prohibited
5 under subsection (b) of Section 314.5 of this Act.

6 (ii-10) "Physician" (except when the context otherwise
7 requires) means a person licensed to practice medicine in all
8 of its branches.

9 (jj) "Poppy straw" means all parts, except the seeds, of
10 the opium poppy, after mowing.

11 (kk) "Practitioner" means a physician licensed to practice
12 medicine in all its branches, dentist, optometrist, podiatric
13 physician, veterinarian, scientific investigator, pharmacist,
14 physician assistant, advanced practice nurse, licensed
15 practical nurse, registered nurse, hospital, laboratory, or
16 pharmacy, or other person licensed, registered, or otherwise
17 lawfully permitted by the United States or this State to
18 distribute, dispense, conduct research with respect to,
19 administer or use in teaching or chemical analysis, a
20 controlled substance in the course of professional practice or
21 research.

22 (ll) "Pre-printed prescription" means a written
23 prescription upon which the designated drug has been indicated
24 prior to the time of issuance; the term does not mean a written
25 prescription that is individually generated by machine or
26 computer in the prescriber's office.

1 (mm) "Prescriber" means a physician licensed to practice
2 medicine in all its branches, dentist, optometrist,
3 prescribing psychologist licensed under Section 4.2 of the
4 Clinical Psychologist Licensing Act with prescriptive
5 authority delegated under Section 4.3 of the Clinical
6 Psychologist Licensing Act, podiatric physician, or
7 veterinarian who issues a prescription, a physician assistant
8 who issues a prescription for a controlled substance in
9 accordance with Section 303.05, a written delegation, and a
10 written supervision agreement required under Section 7.5 of the
11 Physician Assistant Practice Act of 1987, an advanced practice
12 nurse with prescriptive authority delegated under Section
13 65-40 of the Nurse Practice Act and in accordance with Section
14 303.05, a written delegation, and a written collaborative
15 agreement under Section 65-35 of the Nurse Practice Act, or an
16 advanced practice nurse certified as a nurse practitioner,
17 nurse midwife, or clinical nurse specialist who has been
18 granted authority to prescribe by a hospital affiliate in
19 accordance with Section 65-45 of the Nurse Practice Act and in
20 accordance with Section 303.05.

21 (nn) "Prescription" means a written, facsimile, or oral
22 order, or an electronic order that complies with applicable
23 federal requirements, of a physician licensed to practice
24 medicine in all its branches, dentist, podiatric physician or
25 veterinarian for any controlled substance, of an optometrist in
26 accordance with Section 15.1 of the Illinois Optometric

1 Practice Act of 1987, of a prescribing psychologist licensed
2 under Section 4.2 of the Clinical Psychologist Licensing Act
3 with prescriptive authority delegated under Section 4.3 of the
4 Clinical Psychologist Licensing Act, of a physician assistant
5 for a controlled substance in accordance with Section 303.05, a
6 written delegation, and a written supervision agreement
7 required under Section 7.5 of the Physician Assistant Practice
8 Act of 1987, of an advanced practice nurse with prescriptive
9 authority delegated under Section 65-40 of the Nurse Practice
10 Act who issues a prescription for a controlled substance in
11 accordance with Section 303.05, a written delegation, and a
12 written collaborative agreement under Section 65-35 of the
13 Nurse Practice Act, or of an advanced practice nurse certified
14 as a nurse practitioner, nurse midwife, or clinical nurse
15 specialist who has been granted authority to prescribe by a
16 hospital affiliate in accordance with Section 65-45 of the
17 Nurse Practice Act and in accordance with Section 303.05 when
18 required by law.

19 (nn-5) "Prescription Information Library" (PIL) means an
20 electronic library that contains reported controlled substance
21 data.

22 (nn-10) "Prescription Monitoring Program" (PMP) means the
23 entity that collects, tracks, and stores reported data on
24 controlled substances and select drugs pursuant to Section 316.

25 (oo) "Production" or "produce" means manufacture,
26 planting, cultivating, growing, or harvesting of a controlled

1 substance other than methamphetamine.

2 (pp) "Registrant" means every person who is required to
3 register under Section 302 of this Act.

4 (qq) "Registry number" means the number assigned to each
5 person authorized to handle controlled substances under the
6 laws of the United States and of this State.

7 (qq-5) "Secretary" means, as the context requires, either
8 the Secretary of the Department or the Secretary of the
9 Department of Financial and Professional Regulation, and the
10 Secretary's designated agents.

11 (rr) "State" includes the State of Illinois and any state,
12 district, commonwealth, territory, insular possession thereof,
13 and any area subject to the legal authority of the United
14 States of America.

15 (rr-5) "Stimulant" means any drug that (i) causes an
16 overall excitation of central nervous system functions, (ii)
17 causes impaired consciousness and awareness, and (iii) can be
18 habit-forming or lead to a substance abuse problem, including
19 but not limited to amphetamines and their analogs,
20 methylphenidate and its analogs, cocaine, and phencyclidine
21 and its analogs.

22 (ss) "Ultimate user" means a person who lawfully possesses
23 a controlled substance for his or her own use or for the use of
24 a member of his or her household or for administering to an
25 animal owned by him or her or by a member of his or her
26 household.

1 (Source: P.A. 98-214, eff. 8-9-13; 98-668, eff. 6-25-14;
2 98-756, eff. 7-16-14; 98-1111, eff. 8-26-14; 99-78, eff.
3 7-20-15; 99-173, eff. 7-29-15; 99-371, eff. 1-1-16; 99-480,
4 eff. 9-9-15; revised 10-19-15.)

5 (720 ILCS 570/302) (from Ch. 56 1/2, par. 1302)

6 Sec. 302. (a) Every person who manufactures, distributes,
7 or dispenses any controlled substances; engages in chemical
8 analysis, research, or instructional activities which utilize
9 controlled substances; purchases, stores, or administers
10 euthanasia drugs, within this State; provides canine odor
11 detection services; proposes to engage in the manufacture,
12 distribution, or dispensing of any controlled substance;
13 proposes to engage in chemical analysis, research, or
14 instructional activities which utilize controlled substances;
15 proposes to engage in purchasing, storing, or administering
16 euthanasia drugs; or proposes to provide canine odor detection
17 services within this State, must obtain a registration issued
18 by the Department of Financial and Professional Regulation in
19 accordance with its rules. The rules shall include, but not be
20 limited to, setting the expiration date and renewal period for
21 each registration under this Act. The Department, any facility
22 or service licensed by the Department, and any veterinary
23 hospital or clinic operated by a veterinarian or veterinarians
24 licensed under the Veterinary Medicine and Surgery Practice Act
25 of 2004 or maintained by a State-supported or publicly funded

1 university or college shall be exempt from the regulation
2 requirements of this Section; however, such exemption shall not
3 operate to bar the University of Illinois from requesting, nor
4 the Department of Financial and Professional Regulation from
5 issuing, a registration to the University of Illinois
6 Veterinary Teaching Hospital under this Act. Neither a request
7 for such registration nor the issuance of such registration to
8 the University of Illinois shall operate to otherwise waive or
9 modify the exemption provided in this subsection (a).

10 (b) Persons registered by the Department of Financial and
11 Professional Regulation under this Act to manufacture,
12 distribute, or dispense controlled substances, engage in
13 chemical analysis, research, or instructional activities which
14 utilize controlled substances, purchase, store, or administer
15 euthanasia drugs, or provide canine odor detection services,
16 may possess, manufacture, distribute, engage in chemical
17 analysis, research, or instructional activities which utilize
18 controlled substances, dispense those substances, or purchase,
19 store, or administer euthanasia drugs, or provide canine odor
20 detection services to the extent authorized by their
21 registration and in conformity with the other provisions of
22 this Article.

23 (c) The following persons need not register and may
24 lawfully possess controlled substances under this Act:

25 (1) an agent or employee of any registered
26 manufacturer, distributor, or dispenser of any controlled

1 substance if he or she is acting in the usual course of his
2 or her employer's lawful business or employment;

3 (2) a common or contract carrier or warehouseman, or an
4 agent or employee thereof, whose possession of any
5 controlled substance is in the usual lawful course of such
6 business or employment;

7 (3) an ultimate user or a person in possession of a
8 controlled substance prescribed for the ultimate user
9 under a lawful prescription of a practitioner, including an
10 advanced practice nurse, practical nurse, or registered
11 nurse licensed under the Nurse Practice Act, or a physician
12 assistant licensed under the Physician Assistant Practice
13 Act of 1987, who provides hospice services to a hospice
14 patient or who provides home health services to a person,
15 or a person in possession of any controlled substance
16 pursuant to a lawful prescription of a practitioner or in
17 lawful possession of a Schedule V substance. In this
18 Section, "home health services" has the meaning ascribed to
19 it in the Home Health, Home Services, and Home Nursing
20 Agency Licensing Act; and "hospice patient" and "hospice
21 services" have the meanings ascribed to them in the Hospice
22 Program Licensing Act;

23 (4) officers and employees of this State or of the
24 United States while acting in the lawful course of their
25 official duties which requires possession of controlled
26 substances;

1 (5) a registered pharmacist who is employed in, or the
2 owner of, a pharmacy licensed under this Act and the
3 Federal Controlled Substances Act, at the licensed
4 location, or if he or she is acting in the usual course of
5 his or her lawful profession, business, or employment;

6 (6) a holder of a temporary license issued under
7 Section 17 of the Medical Practice Act of 1987 practicing
8 within the scope of that license and in compliance with the
9 rules adopted under this Act. In addition to possessing
10 controlled substances, a temporary license holder may
11 order, administer, and prescribe controlled substances
12 when acting within the scope of his or her license and in
13 compliance with the rules adopted under this Act.

14 (d) A separate registration is required at each place of
15 business or professional practice where the applicant
16 manufactures, distributes, or dispenses controlled substances,
17 or purchases, stores, or administers euthanasia drugs. Persons
18 are required to obtain a separate registration for each place
19 of business or professional practice where controlled
20 substances are located or stored. A separate registration is
21 not required for every location at which a controlled substance
22 may be prescribed.

23 (e) The Department of Financial and Professional
24 Regulation or the Illinois State Police may inspect the
25 controlled premises, as defined in Section 502 of this Act, of
26 a registrant or applicant for registration in accordance with

1 this Act and the rules promulgated hereunder and with regard to
2 persons licensed by the Department, in accordance with
3 subsection (bb) of Section 30-5 of the Alcoholism and Other
4 Drug Abuse and Dependency Act and the rules and regulations
5 promulgated thereunder.

6 (Source: P.A. 99-163, eff. 1-1-16; 99-247, eff. 8-3-15; revised
7 10-16-15.)

8 Section 545. The Code of Criminal Procedure of 1963 is
9 amended by changing Sections 111-8 and 115-17b as follows:

10 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

11 Sec. 111-8. Orders of protection to prohibit domestic
12 violence.

13 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,
14 10-3.1, 10-4, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
15 11-1.60, 11-14.3 that involves soliciting for a prostitute,
16 11-14.4 that involves soliciting for a juvenile prostitute,
17 11-15, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, 11-20a, 12-1,
18 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3, 12-3.5, 12-4, 12-4.1,
19 12-4.3, 12-4.6, 12-5, 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5,
20 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 19-4, 19-6, 21-1,
21 21-2, 21-3, or 26.5-2 of the Criminal Code of 1961 or the
22 Criminal Code of 2012 or Section 1-1 of the Harassing and
23 Obscene Communications Act is alleged in an information,
24 complaint or indictment on file, and the alleged offender and

1 victim are family or household members, as defined in the
2 Illinois Domestic Violence Act of 1986, as now or hereafter
3 amended, the People through the respective State's Attorneys
4 may by separate petition and upon notice to the defendant,
5 except as provided in subsection (c) herein, request the court
6 to issue an order of protection.

7 (b) In addition to any other remedies specified in Section
8 208 of the Illinois Domestic Violence Act of 1986, as now or
9 hereafter amended, the order may direct the defendant to
10 initiate no contact with the alleged victim or victims who are
11 family or household members and to refrain from entering the
12 residence, school or place of business of the alleged victim or
13 victims.

14 (c) The court may grant emergency relief without notice
15 upon a showing of immediate and present danger of abuse to the
16 victim or minor children of the victim and may enter a
17 temporary order pending notice and full hearing on the matter.

18 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;
19 P.A. 96-1551, Article 2, Section 1040, eff. 7-1-11; 97-1108,
20 eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
21 revised 10-20-15.)

22 (725 ILCS 5/115-17b)

23 Sec. 115-17b. Administrative subpoenas.

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

25 "Electronic communication services" and "remote

1 computing services" have the same meaning as provided in
2 the Electronic Communications Privacy Act in Chapter 121
3 (commencing with Section 2701) of Part I of Title 18 of the
4 United States Code Annotated.

5 "Offense involving the sexual exploitation of
6 children" means an offense under Section 11-1.20, 11-1.30,
7 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9.1,
8 11-14.4, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2,
9 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-23, 11-25, 11-26,
10 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code
11 of 1961 or the Criminal Code of 2012 or any attempt to
12 commit any of these offenses when the victim is under 18
13 years of age.

14 (b) Subpoenas duces tecum. In any criminal investigation of
15 an offense involving the sexual exploitation of children, the
16 Attorney General, or his or her designee, or a State's
17 Attorney, or his or her designee, may issue in writing and
18 cause to be served subpoenas duces tecum to providers of
19 electronic communication services or remote computing services
20 requiring the production of records relevant to the
21 investigation. Any such request for records shall not extend
22 beyond requiring the provider to disclose the information
23 specified in 18 U.S.C. 2703(c)(2). Any subpoena duces tecum
24 issued under this Section shall be made returnable to the Chief
25 Judge of the Circuit Court for the Circuit in which the State's
26 Attorney resides, or his or her designee, or for subpoenas

1 issued by the Attorney General, the subpoena shall be made
2 returnable to the Chief Judge of the Circuit Court for the
3 Circuit to which the investigation pertains, or his or her
4 designee, to determine whether the documents are privileged and
5 whether the subpoena is unreasonable or oppressive.

6 (c) Contents of subpoena. A subpoena under this Section
7 shall describe the records or other things required to be
8 produced and prescribe a return date within a reasonable period
9 of time within which the objects or records can be assembled
10 and made available.

11 (c-5) Contemporaneous notice to Chief Judge. Whenever a
12 subpoena is issued under this Section, the Attorney General or
13 his or her designee or the State's Attorney or his or ~~of~~ her
14 designee shall be required to provide a copy of the subpoena to
15 the Chief Judge of the county in which the subpoena is
16 returnable.

17 (d) Modifying or quashing subpoena. At any time before the
18 return date specified in the subpoena, the person or entity to
19 whom the subpoena is directed may petition for an order
20 modifying or quashing the subpoena on the grounds that the
21 subpoena is oppressive or unreasonable or that the subpoena
22 seeks privileged documents or records.

23 (e) Ex parte order. An Illinois circuit court for the
24 circuit in which the subpoena is or will be issued, upon
25 application of the Attorney General, or his or her designee, or
26 State's Attorney, or his or her designee, may issue an ex parte

1 order that no person or entity disclose to any other person or
2 entity (other than persons necessary to comply with the
3 subpoena) the existence of such subpoena for a period of up to
4 90 days.

5 (1) Such order may be issued upon a showing that the
6 things being sought may be relevant to the investigation
7 and there is reason to believe that such disclosure may
8 result in:

9 (A) endangerment to the life or physical safety of
10 any person;

11 (B) flight to avoid prosecution;

12 (C) destruction of or tampering with evidence;

13 (D) intimidation of potential witnesses; or

14 (E) otherwise seriously jeopardizing an
15 investigation or unduly delaying a trial.

16 (2) An order under this Section may be renewed for
17 additional periods of up to 90 days upon a showing that the
18 circumstances described in paragraph (1) of this
19 subsection (e) continue to exist.

20 (f) Enforcement. A witness who is duly subpoenaed who
21 neglects or refuses to comply with the subpoena shall be
22 proceeded against and punished for contempt of the court. A
23 subpoena duces tecum issued under this Section may be enforced
24 pursuant to the Uniform Act to Secure the Attendance of
25 Witnesses from Within or Without a State in Criminal
26 Proceedings.

1 (g) Immunity from civil liability. Notwithstanding any
2 federal, State, or local law, any person, including officers,
3 agents, and employees, receiving a subpoena under this Section,
4 who complies in good faith with the subpoena and thus produces
5 the materials sought, shall not be liable in any court of
6 Illinois to any customer or other person for such production or
7 for nondisclosure of that production to the customer.

8 (Source: P.A. 97-475, eff. 8-22-11; 97-1150, eff. 1-25-13;
9 revised 10-16-15.)

10 Section 550. The Rights of Crime Victims and Witnesses Act
11 is amended by changing Section 3 as follows:

12 (725 ILCS 120/3) (from Ch. 38, par. 1403)

13 Sec. 3. The terms used in this Act shall have the following
14 meanings:

15 (a) "Crime victim" or "victim" means: (1) any natural
16 person determined by the prosecutor or the court to have
17 suffered direct physical or psychological harm as a result of a
18 violent crime perpetrated or attempted against that person or
19 direct physical or psychological harm as a result of (i) a
20 violation of Section 11-501 of the Illinois Vehicle Code or
21 similar provision of a local ordinance or (ii) a violation of
22 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
23 of 2012; (2) in the case of a crime victim who is under 18 years
24 of age or an adult victim who is incompetent or incapacitated,

1 both parents, legal guardians, foster parents, or a single
2 adult representative; (3) in the case of an adult deceased
3 victim, 2 representatives who may be the spouse, parent, child
4 or sibling of the victim, or the representative of the victim's
5 estate; and (4) an immediate family member of a victim under
6 clause (1) of this paragraph (a) chosen by the victim. If the
7 victim is 18 years of age or over, the victim may choose any
8 person to be the victim's representative. In no event shall the
9 defendant or any person who aided and abetted in the commission
10 of the crime be considered a victim, a crime victim, or a
11 representative of the victim.

12 A board, agency, or other governmental entity making
13 decisions regarding an offender's release, sentence reduction,
14 or clemency can determine additional persons are victims for
15 the purpose of its proceedings. ~~person with a disability~~

16 (a-3) "Advocate" means a person whose communications with
17 the victim are privileged under Section 8-802.1 or 8-802.2 of
18 the Code of Civil Procedure, or Section 227 of the Illinois
19 Domestic Violence Act of 1986.

20 (a-5) "Confer" means to consult together, share
21 information, compare opinions and carry on a discussion or
22 deliberation.

23 (a-7) "Sentence" includes, but is not limited to, the
24 imposition of sentence, a request for a reduction in sentence,
25 parole, mandatory supervised release, aftercare release, early
26 release, clemency, or a proposal that would reduce the

1 defendant's sentence or result in the defendant's release.

2 "Early release" refers to a discretionary release.

3 (a-9) "Sentencing" includes, but is not limited to, the
4 imposition of sentence and a request for a reduction in
5 sentence, parole, mandatory supervised release, aftercare
6 release, or early release.

7 (b) "Witness" means any person who personally observed the
8 commission of a crime and who will testify on behalf of the
9 State of Illinois.

10 (c) "Violent ~~crime~~ crime" means: (1) any felony in which
11 force or threat of force was used against the victim; (2) any
12 offense involving sexual exploitation, sexual conduct, or
13 sexual penetration; (3) a violation of Section 11-20.1,
14 11-20.1B, 11-20.3, or 11-23.5 of the Criminal Code of 1961 or
15 the Criminal Code of 2012; (4) domestic battery or ~~7~~ stalking;
16 (5) violation of an order of protection, a civil no contact
17 order, or a stalking no contact order; (6) any misdemeanor
18 which results in death or great bodily harm to the victim; or
19 (7) any violation of Section 9-3 of the Criminal Code of 1961
20 or the Criminal Code of 2012, or Section 11-501 of the Illinois
21 Vehicle Code, or a similar provision of a local ordinance, if
22 the violation resulted in personal injury or death. "Violent
23 crime" includes any action committed by a juvenile that would
24 be a violent crime if committed by an adult. For the purposes
25 of this paragraph, "personal injury" shall include any Type A
26 injury as indicated on the traffic accident report completed by

1 a law enforcement officer that requires immediate professional
2 attention in either a doctor's office or medical facility. A
3 type A injury shall include severely bleeding wounds, distorted
4 extremities, and injuries that require the injured party to be
5 carried from the scene.

6 (d) (Blank).

7 (e) "Court proceedings" includes, but is not limited to,
8 the preliminary hearing, any post-arraignment hearing the
9 effect of which may be the release of the defendant from
10 custody or to alter the conditions of bond, change of plea
11 hearing, the trial, any pretrial or post-trial hearing,
12 sentencing, any oral argument or hearing before an Illinois
13 appellate court, any hearing under the Mental Health and
14 Developmental Disabilities Code after a finding that the
15 defendant is not guilty by reason of insanity, any hearing
16 related to a modification of sentence, probation revocation
17 hearing, aftercare release or parole hearings, post-conviction
18 relief proceedings, habeas corpus proceedings and clemency
19 proceedings related to the defendant's conviction or sentence.
20 For purposes of the victim's right to be present, "court
21 proceedings" does not include (1) hearings under Section 109-1
22 of the Code of Criminal Procedure of 1963, (2) grand jury
23 proceedings, (3) status hearings, or (4) the issuance of an
24 order or decision of an Illinois court that dismisses a charge,
25 reverses a conviction, reduces a sentence, or releases an
26 offender under a court rule.

1 (f) "Concerned citizen" includes relatives of the victim,
2 friends of the victim, witnesses to the crime, or any other
3 person associated with the victim or prisoner.

4 (g) "Victim's attorney" means an attorney retained by the
5 victim for the purposes of asserting the victim's
6 constitutional and statutory rights. An attorney retained by
7 the victim means an attorney who is hired to represent the
8 victim at the victim's expense or an attorney who has agreed to
9 provide pro bono representation. Nothing in this statute
10 creates a right to counsel at public expense for a victim.

11 (Source: P.A. 98-558, eff. 1-1-14; 99-143, eff. 7-27-15;
12 99-413, eff. 8-20-15; revised 10-19-15.)

13 Section 555. The Witness Protection Act is amended by
14 changing Section 2 as follows:

15 (725 ILCS 245/2) (from Ch. 38, par. 155-22)

16 Sec. 2. The Illinois Law Enforcement Commission with
17 respect to federal grant moneys received by such Commission
18 prior to January 1, 1983, may make grants prior to April 1,
19 1983 to the several State's Attorneys ~~states attorneys~~ of the
20 State of Illinois. Such grants may be made to any State's
21 Attorney ~~states attorney~~ who applies for funds to provide for
22 protection of witnesses and the families and property of
23 witnesses involved in criminal investigations and
24 prosecutions.

1 (Source: P.A. 82-1039; revised 10-16-15.)

2 Section 560. The Unified Code of Corrections is amended by
3 changing Sections 3-6-3, 5-4-3b, 5-5-3.1, 5-5-3.2, 5-5.5-5,
4 and 5-6-3.1 as follows:

5 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)
6 Sec. 3-6-3. Rules and Regulations for Sentence Credit.

7 (a) (1) The Department of Corrections shall prescribe
8 rules and regulations for awarding and revoking sentence
9 credit for persons committed to the Department which shall
10 be subject to review by the Prisoner Review Board.

11 (1.5) As otherwise provided by law, sentence credit may
12 be awarded for the following:

13 (A) successful completion of programming while in
14 custody of the Department or while in custody prior to
15 sentencing;

16 (B) compliance with the rules and regulations of
17 the Department; or

18 (C) service to the institution, service to a
19 community, or service to the State.

20 (2) The rules and regulations on sentence credit 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

1 June 23, 2005 (the effective date of Public Act 94-71) or
2 with respect to offense listed in clause (vi) committed on
3 or after June 1, 2008 (the effective date of Public Act
4 95-625) or with respect to the offense of being an armed
5 habitual criminal committed on or after August 2, 2005 (the
6 effective date of Public Act 94-398) or with respect to the
7 offenses listed in clause (v) of this paragraph (2)
8 committed on or after August 13, 2007 (the effective date
9 of Public Act 95-134) or with respect to the offense of
10 aggravated domestic battery committed on or after July 23,
11 2010 (the effective date of Public Act 96-1224) or with
12 respect to the offense of attempt to commit terrorism
13 committed on or after January 1, 2013 (the effective date
14 of Public Act 97-990), the following:

15 (i) that a prisoner who is serving a term of
16 imprisonment for first degree murder or for the offense
17 of terrorism shall receive no sentence credit and shall
18 serve the entire sentence imposed by the court;

19 (ii) that a prisoner serving a sentence for attempt
20 to commit terrorism, attempt to commit first degree
21 murder, solicitation of murder, solicitation of murder
22 for hire, intentional homicide of an unborn child,
23 predatory criminal sexual assault of a child,
24 aggravated criminal sexual assault, criminal sexual
25 assault, aggravated kidnapping, aggravated battery
26 with a firearm as described in Section 12-4.2 or

1 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of
2 Section 12-3.05, heinous battery as described in
3 Section 12-4.1 or subdivision (a) (2) of Section
4 12-3.05, being an armed habitual criminal, aggravated
5 battery of a senior citizen as described in Section
6 12-4.6 or subdivision (a) (4) of Section 12-3.05, or
7 aggravated battery of a child as described in Section
8 12-4.3 or subdivision (b) (1) of Section 12-3.05 shall
9 receive no more than 4.5 days of sentence credit for
10 each month of his or her sentence of imprisonment;

11 (iii) that a prisoner serving a sentence for home
12 invasion, armed robbery, aggravated vehicular
13 hijacking, aggravated discharge of a firearm, or armed
14 violence with a category I weapon or category II
15 weapon, when the court has made and entered a finding,
16 pursuant to subsection (c-1) of Section 5-4-1 of this
17 Code, that the conduct leading to conviction for the
18 enumerated offense resulted in great bodily harm to a
19 victim, shall receive no more than 4.5 days of sentence
20 credit for each month of his or her sentence of
21 imprisonment;

22 (iv) that a prisoner serving a sentence for
23 aggravated discharge of a firearm, whether or not the
24 conduct leading to conviction for the offense resulted
25 in great bodily harm to the victim, shall receive no
26 more than 4.5 days of sentence credit for each month of

1 his or her sentence of imprisonment;

2 (v) that a person serving a sentence for
3 gunrunning, narcotics racketeering, controlled
4 substance trafficking, methamphetamine trafficking,
5 drug-induced homicide, aggravated
6 methamphetamine-related child endangerment, money
7 laundering pursuant to clause (c) (4) or (5) of Section
8 29B-1 of the Criminal Code of 1961 or the Criminal Code
9 of 2012, or a Class X felony conviction for delivery of
10 a controlled substance, possession of a controlled
11 substance with intent to manufacture or deliver,
12 calculated criminal drug conspiracy, criminal drug
13 conspiracy, street gang criminal drug conspiracy,
14 participation in methamphetamine manufacturing,
15 aggravated participation in methamphetamine
16 manufacturing, delivery of methamphetamine, possession
17 with intent to deliver methamphetamine, aggravated
18 delivery of methamphetamine, aggravated possession
19 with intent to deliver methamphetamine,
20 methamphetamine conspiracy when the substance
21 containing the controlled substance or methamphetamine
22 is 100 grams or more shall receive no more than 7.5
23 days sentence credit for each month of his or her
24 sentence of imprisonment;

25 (vi) that a prisoner serving a sentence for a
26 second or subsequent offense of luring a minor shall

1 receive no more than 4.5 days of sentence credit for
2 each month of his or her sentence of imprisonment; and

3 (vii) that a prisoner serving a sentence for
4 aggravated domestic battery shall receive no more than
5 4.5 days of sentence credit for each month of his or
6 her sentence of imprisonment.

7 (2.1) For all offenses, other than those enumerated in
8 subdivision (a)(2)(i), (ii), or (iii) committed on or after
9 June 19, 1998 or subdivision (a)(2)(iv) committed on or
10 after June 23, 2005 (the effective date of Public Act
11 94-71) or subdivision (a)(2)(v) committed on or after
12 August 13, 2007 (the effective date of Public Act 95-134)
13 or subdivision (a)(2)(vi) committed on or after June 1,
14 2008 (the effective date of Public Act 95-625) or
15 subdivision (a)(2)(vii) committed on or after July 23, 2010
16 (the effective date of Public Act 96-1224), and other than
17 the offense of aggravated driving under the influence of
18 alcohol, other drug or drugs, or intoxicating compound or
19 compounds, or any combination thereof as defined in
20 subparagraph (F) of paragraph (1) of subsection (d) of
21 Section 11-501 of the Illinois Vehicle Code, and other than
22 the offense of aggravated driving under the influence of
23 alcohol, other drug or drugs, or intoxicating compound or
24 compounds, or any combination thereof as defined in
25 subparagraph (C) of paragraph (1) of subsection (d) of
26 Section 11-501 of the Illinois Vehicle Code committed on or

1 after January 1, 2011 (the effective date of Public Act
2 96-1230), the rules and regulations shall provide that a
3 prisoner who is serving a term of imprisonment shall
4 receive one day of sentence credit for each day of his or
5 her sentence of imprisonment or recommitment under Section
6 3-3-9. Each day of sentence credit shall reduce by one day
7 the prisoner's period of imprisonment or recommitment
8 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 sentence credit.

12 (2.3) The rules and regulations on sentence credit
13 shall provide that a prisoner who is serving a sentence for
14 aggravated driving under the influence of alcohol, other
15 drug or drugs, or intoxicating compound or compounds, or
16 any combination thereof as defined in subparagraph (F) of
17 paragraph (1) of subsection (d) of Section 11-501 of the
18 Illinois Vehicle Code, shall receive no more than 4.5 days
19 of sentence credit for each month of his or her sentence of
20 imprisonment.

21 (2.4) The rules and regulations on sentence credit
22 shall provide with respect to the offenses of aggravated
23 battery with a machine gun or a firearm equipped with any
24 device or attachment designed or used for silencing the
25 report of a firearm or aggravated discharge of a machine
26 gun or a firearm equipped with any device or attachment

1 designed or used for silencing the report of a firearm,
2 committed on or after July 15, 1999 (the effective date of
3 Public Act 91-121), that a prisoner serving a sentence for
4 any of these offenses shall receive no more than 4.5 days
5 of sentence credit for each month of his or her sentence of
6 imprisonment.

7 (2.5) The rules and regulations on sentence credit
8 shall provide that a prisoner who is serving a sentence for
9 aggravated arson committed on or after July 27, 2001 (the
10 effective date of Public Act 92-176) shall receive no more
11 than 4.5 days of sentence credit for each month of his or
12 her sentence of imprisonment.

13 (2.6) The rules and regulations on sentence credit
14 shall provide that a prisoner who is serving a sentence for
15 aggravated driving under the influence of alcohol, other
16 drug or drugs, or intoxicating compound or compounds or any
17 combination thereof as defined in subparagraph (C) of
18 paragraph (1) of subsection (d) of Section 11-501 of the
19 Illinois Vehicle Code committed on or after January 1, 2011
20 (the effective date of Public Act 96-1230) shall receive no
21 more than 4.5 days of sentence credit for each month of his
22 or her sentence of imprisonment.

23 (3) The rules and regulations shall also provide that
24 the Director may award up to 180 days additional sentence
25 credit for good conduct in specific instances as the
26 Director deems proper. The good conduct may include, but is

1 not limited to, compliance with the rules and regulations
2 of the Department, service to the Department, service to a
3 community, or service to the State. However, the Director
4 shall not award more than 90 days of sentence credit for
5 good conduct to any prisoner who is serving a sentence for
6 conviction of first degree murder, reckless homicide while
7 under the influence of alcohol or any other drug, or
8 aggravated driving under the influence of alcohol, other
9 drug or drugs, or intoxicating compound or compounds, or
10 any combination thereof as defined in subparagraph (F) of
11 paragraph (1) of subsection (d) of Section 11-501 of the
12 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
13 predatory criminal sexual assault of a child, aggravated
14 criminal sexual assault, criminal sexual assault, deviate
15 sexual assault, aggravated criminal sexual abuse,
16 aggravated indecent liberties with a child, indecent
17 liberties with a child, child pornography, heinous battery
18 as described in Section 12-4.1 or subdivision (a)(2) of
19 Section 12-3.05, aggravated battery of a spouse,
20 aggravated battery of a spouse with a firearm, stalking,
21 aggravated stalking, aggravated battery of a child as
22 described in Section 12-4.3 or subdivision (b)(1) of
23 Section 12-3.05, endangering the life or health of a child,
24 or cruelty to a child. Notwithstanding the foregoing,
25 sentence credit for good conduct shall not be awarded on a
26 sentence of imprisonment imposed for conviction of: (i) one

1 of the offenses enumerated in subdivision (a)(2)(i), (ii),
2 or (iii) when the offense is committed on or after June 19,
3 1998 or subdivision (a)(2)(iv) when the offense is
4 committed on or after June 23, 2005 (the effective date of
5 Public Act 94-71) or subdivision (a)(2)(v) when the offense
6 is committed on or after August 13, 2007 (the effective
7 date of Public Act 95-134) or subdivision (a)(2)(vi) when
8 the offense is committed on or after June 1, 2008 (the
9 effective date of Public Act 95-625) or subdivision
10 (a)(2)(vii) when the offense is committed on or after July
11 23, 2010 (the effective date of Public Act 96-1224), (ii)
12 aggravated driving under the influence of alcohol, other
13 drug or drugs, or intoxicating compound or compounds, or
14 any combination thereof as defined in subparagraph (F) of
15 paragraph (1) of subsection (d) of Section 11-501 of the
16 Illinois Vehicle Code, (iii) one of the offenses enumerated
17 in subdivision (a)(2.4) when the offense is committed on or
18 after July 15, 1999 (the effective date of Public Act
19 91-121), (iv) aggravated arson when the offense is
20 committed on or after July 27, 2001 (the effective date of
21 Public Act 92-176), (v) offenses that may subject the
22 offender to commitment under the Sexually Violent Persons
23 Commitment Act, or (vi) aggravated driving under the
24 influence of alcohol, other drug or drugs, or intoxicating
25 compound or compounds or any combination thereof as defined
26 in subparagraph (C) of paragraph (1) of subsection (d) of

1 Section 11-501 of the Illinois Vehicle Code committed on or
2 after January 1, 2011 (the effective date of Public Act
3 96-1230).

4 Eligible inmates for an award of sentence credit under this
5 paragraph (3) may be selected to receive the credit at the
6 Director's or his or her designee's sole discretion.
7 Consideration may be based on, but not limited to, any
8 available risk assessment analysis on the inmate, any history
9 of conviction for violent crimes as defined by the Rights of
10 Crime Victims and Witnesses Act, facts and circumstances of the
11 inmate's holding offense or offenses, and the potential for
12 rehabilitation.

13 The Director shall not award sentence credit under this
14 paragraph (3) to an inmate unless the inmate has served a
15 minimum of 60 days of the sentence; except nothing in this
16 paragraph shall be construed to permit the Director to extend
17 an inmate's sentence beyond that which was imposed by the
18 court. Prior to awarding credit under this paragraph (3), the
19 Director shall make a written determination that the inmate:

20 (A) is eligible for the sentence credit;

21 (B) has served a minimum of 60 days, or as close to
22 60 days as the sentence will allow; and

23 (C) has met the eligibility criteria established
24 by rule.

25 The Director shall determine the form and content of
26 the written determination required in this subsection.

1 (3.5) The Department shall provide annual written
2 reports to the Governor and the General Assembly on the
3 award of sentence credit for good conduct, with the first
4 report due January 1, 2014. The Department must publish
5 both reports on its website within 48 hours of transmitting
6 the reports to the Governor and the General Assembly. The
7 reports must include:

8 (A) the number of inmates awarded sentence credit
9 for good conduct;

10 (B) the average amount of sentence credit for good
11 conduct awarded;

12 (C) the holding offenses of inmates awarded
13 sentence credit for good conduct; and

14 (D) the number of sentence credit for good conduct
15 revocations.

16 (4) The rules and regulations shall also provide that
17 the sentence credit accumulated and retained under
18 paragraph (2.1) of subsection (a) of this Section by any
19 inmate during specific periods of time in which such inmate
20 is engaged full-time in substance abuse programs,
21 correctional industry assignments, educational programs,
22 behavior modification programs, life skills courses, or
23 re-entry planning provided by the Department under this
24 paragraph (4) and satisfactorily completes the assigned
25 program as determined by the standards of the Department,
26 shall be multiplied by a factor of 1.25 for program

1 participation before August 11, 1993 and 1.50 for program
2 participation on or after that date. The rules and
3 regulations shall also provide that sentence credit,
4 subject to the same offense limits and multiplier provided
5 in this paragraph, may be provided to an inmate who was
6 held in pre-trial detention prior to his or her current
7 commitment to the Department of Corrections and
8 successfully completed a full-time, 60-day or longer
9 substance abuse program, educational program, behavior
10 modification program, life skills course, or re-entry
11 planning provided by the county department of corrections
12 or county jail. Calculation of this county program credit
13 shall be done at sentencing as provided in Section
14 5-4.5-100 of this Code and shall be included in the
15 sentencing order. However, no inmate shall be eligible for
16 the additional sentence credit under this paragraph (4) or
17 (4.1) of this subsection (a) while assigned to a boot camp
18 or electronic detention, or if convicted of an offense
19 enumerated in subdivision (a)(2)(i), (ii), or (iii) of this
20 Section that is committed on or after June 19, 1998 or
21 subdivision (a)(2)(iv) of this Section that is committed on
22 or after June 23, 2005 (the effective date of Public Act
23 94-71) or subdivision (a)(2)(v) of this Section that is
24 committed on or after August 13, 2007 (the effective date
25 of Public Act 95-134) or subdivision (a)(2)(vi) when the
26 offense is committed on or after June 1, 2008 (the

1 effective date of Public Act 95-625) or subdivision
2 (a)(2)(vii) when the offense is committed on or after July
3 23, 2010 (the effective date of Public Act 96-1224), or if
4 convicted of aggravated driving under the influence of
5 alcohol, other drug or drugs, or intoxicating compound or
6 compounds or any combination thereof as defined in
7 subparagraph (F) of paragraph (1) of subsection (d) of
8 Section 11-501 of the Illinois Vehicle Code, or if
9 convicted of aggravated driving under the influence of
10 alcohol, other drug or drugs, or intoxicating compound or
11 compounds or any combination thereof as defined in
12 subparagraph (C) of paragraph (1) of subsection (d) of
13 Section 11-501 of the Illinois Vehicle Code committed on or
14 after January 1, 2011 (the effective date of Public Act
15 96-1230), or if convicted of an offense enumerated in
16 paragraph (a)(2.4) of this Section that is committed on or
17 after July 15, 1999 (the effective date of Public Act
18 91-121), or first degree murder, a Class X felony, criminal
19 sexual assault, felony criminal sexual abuse, aggravated
20 criminal sexual abuse, aggravated battery with a firearm as
21 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
22 (e)(3), or (e)(4) of Section 12-3.05, or any predecessor or
23 successor offenses with the same or substantially the same
24 elements, or any inchoate offenses relating to the
25 foregoing offenses. No inmate shall be eligible for the
26 additional good conduct credit under this paragraph (4) who

1 (i) has previously received increased good conduct credit
2 under this paragraph (4) and has subsequently been
3 convicted of a felony, or (ii) has previously served more
4 than one prior sentence of imprisonment for a felony in an
5 adult correctional facility.

6 Educational, vocational, substance abuse, behavior
7 modification programs, life skills courses, re-entry
8 planning, and correctional industry programs under which
9 sentence credit may be increased under this paragraph (4)
10 and paragraph (4.1) of this subsection (a) shall be
11 evaluated by the Department on the basis of documented
12 standards. The Department shall report the results of these
13 evaluations to the Governor and the General Assembly by
14 September 30th of each year. The reports shall include data
15 relating to the recidivism rate among program
16 participants.

17 Availability of these programs shall be subject to the
18 limits of fiscal resources appropriated by the General
19 Assembly for these purposes. Eligible inmates who are
20 denied immediate admission shall be placed on a waiting
21 list under criteria established by the Department. The
22 inability of any inmate to become engaged in any such
23 programs by reason of insufficient program resources or for
24 any other reason established under the rules and
25 regulations of the Department shall not be deemed a cause
26 of action under which the Department or any employee or

1 agent of the Department shall be liable for damages to the
2 inmate.

3 (4.1) The rules and regulations shall also provide that
4 an additional 90 days of sentence credit shall be awarded
5 to any prisoner who passes high school equivalency testing
6 while the prisoner is committed to the Department of
7 Corrections. The sentence credit awarded under this
8 paragraph (4.1) shall be in addition to, and shall not
9 affect, the award of sentence credit under any other
10 paragraph of this Section, but shall also be pursuant to
11 the guidelines and restrictions set forth in paragraph (4)
12 of subsection (a) of this Section. The sentence credit
13 provided for in this paragraph shall be available only to
14 those prisoners who have not previously earned a high
15 school diploma or a high school equivalency certificate.
16 If, after an award of the high school equivalency testing
17 sentence credit has been made, the Department determines
18 that the prisoner was not eligible, then the award shall be
19 revoked. The Department may also award 90 days of sentence
20 credit to any committed person who passed high school
21 equivalency testing while he or she was held in pre-trial
22 detention prior to the current commitment to the Department
23 of Corrections.

24 (4.5) The rules and regulations on sentence credit
25 shall also provide that when the court's sentencing order
26 recommends a prisoner for substance abuse treatment and the

1 crime was committed on or after September 1, 2003 (the
2 effective date of Public Act 93-354), the prisoner shall
3 receive no sentence credit awarded under clause (3) of this
4 subsection (a) unless he or she participates in and
5 completes a substance abuse treatment program. The
6 Director may waive the requirement to participate in or
7 complete a substance abuse treatment program and award the
8 sentence credit in specific instances if the prisoner is
9 not a good candidate for a substance abuse treatment
10 program for medical, programming, or operational reasons.
11 Availability of substance abuse treatment shall be subject
12 to the limits of fiscal resources appropriated by the
13 General Assembly for these purposes. If treatment is not
14 available and the requirement to participate and complete
15 the treatment has not been waived by the Director, the
16 prisoner shall be placed on a waiting list under criteria
17 established by the Department. The Director may allow a
18 prisoner placed on a waiting list to participate in and
19 complete a substance abuse education class or attend
20 substance abuse self-help meetings in lieu of a substance
21 abuse treatment program. A prisoner on a waiting list who
22 is not placed in a substance abuse program prior to release
23 may be eligible for a waiver and receive sentence credit
24 under clause (3) of this subsection (a) at the discretion
25 of the Director.

26 (4.6) The rules and regulations on sentence credit

1 shall also provide that a prisoner who has been convicted
2 of a sex offense as defined in Section 2 of the Sex
3 Offender Registration Act shall receive no sentence credit
4 unless he or she either has successfully completed or is
5 participating in sex offender treatment as defined by the
6 Sex Offender Management Board. However, prisoners who are
7 waiting to receive treatment, but who are unable to do so
8 due solely to the lack of resources on the part of the
9 Department, may, at the Director's sole discretion, be
10 awarded sentence credit at a rate as the Director shall
11 determine.

12 (5) Whenever the Department is to release any inmate
13 earlier than it otherwise would because of a grant of
14 sentence credit for good conduct under paragraph (3) of
15 subsection (a) of this Section given at any time during the
16 term, the Department shall give reasonable notice of the
17 impending release not less than 14 days prior to the date
18 of the release to the State's Attorney of the county where
19 the prosecution of the inmate took place, and if
20 applicable, the State's Attorney of the county into which
21 the inmate will be released. The Department must also make
22 identification information and a recent photo of the inmate
23 being released accessible on the Internet by means of a
24 hyperlink labeled "Community Notification of Inmate Early
25 Release" on the Department's World Wide Web homepage. The
26 identification information shall include the inmate's:

1 name, any known alias, date of birth, physical
2 characteristics, commitment offense and county where
3 conviction was imposed. The identification information
4 shall be placed on the website within 3 days of the
5 inmate's release and the information may not be removed
6 until either: completion of the first year of mandatory
7 supervised release or return of the inmate to custody of
8 the Department.

9 (b) Whenever a person is or has been committed under
10 several convictions, with separate sentences, the sentences
11 shall be construed under Section 5-8-4 in granting and
12 forfeiting of sentence credit.

13 (c) The Department shall prescribe rules and regulations
14 for revoking sentence credit, including revoking sentence
15 credit awarded for good conduct under paragraph (3) of
16 subsection (a) of this Section. The Department shall prescribe
17 rules and regulations for suspending or reducing the rate of
18 accumulation of sentence credit for specific rule violations,
19 during imprisonment. These rules and regulations shall provide
20 that no inmate may be penalized more than one year of sentence
21 credit for any one infraction.

22 When the Department seeks to revoke, suspend or reduce the
23 rate of accumulation of any sentence credits for an alleged
24 infraction of its rules, it shall bring charges therefor
25 against the prisoner sought to be so deprived of sentence
26 credits before the Prisoner Review Board as provided in

1 subparagraph (a) (4) of Section 3-3-2 of this Code, if the
2 amount of credit at issue exceeds 30 days or when during any 12
3 month period, the cumulative amount of credit revoked exceeds
4 30 days except where the infraction is committed or discovered
5 within 60 days of scheduled release. In those cases, the
6 Department of Corrections may revoke up to 30 days of sentence
7 credit. The Board may subsequently approve the revocation of
8 additional sentence credit, if the Department seeks to revoke
9 sentence credit in excess of 30 days. However, the Board shall
10 not be empowered to review the Department's decision with
11 respect to the loss of 30 days of sentence credit within any
12 calendar year for any prisoner or to increase any penalty
13 beyond the length requested by the Department.

14 The Director of the Department of Corrections, in
15 appropriate cases, may restore up to 30 days of sentence
16 credits which have been revoked, suspended or reduced. Any
17 restoration of sentence credits in excess of 30 days shall be
18 subject to review by the Prisoner Review Board. However, the
19 Board may not restore sentence credit in excess of the amount
20 requested by the Director.

21 Nothing contained in this Section shall prohibit the
22 Prisoner Review Board from ordering, pursuant to Section
23 3-3-9(a) (3) (i) (B), that a prisoner serve up to one year of the
24 sentence imposed by the court that was not served due to the
25 accumulation of sentence credit.

26 (d) If a lawsuit is filed by a prisoner in an Illinois or

1 federal court against the State, the Department of Corrections,
2 or the Prisoner Review Board, or against any of their officers
3 or employees, and the court makes a specific finding that a
4 pleading, motion, or other paper filed by the prisoner is
5 frivolous, the Department of Corrections shall conduct a
6 hearing to revoke up to 180 days of sentence credit by bringing
7 charges against the prisoner sought to be deprived of the
8 sentence credits before the Prisoner Review Board as provided
9 in subparagraph (a)(8) of Section 3-3-2 of this Code. If the
10 prisoner has not accumulated 180 days of sentence credit at the
11 time of the finding, then the Prisoner Review Board may revoke
12 all sentence credit accumulated by the prisoner.

13 For purposes of this subsection (d):

14 (1) "Frivolous" means that a pleading, motion, or other
15 filing which purports to be a legal document filed by a
16 prisoner in his or her lawsuit meets any or all of the
17 following criteria:

18 (A) it lacks an arguable basis either in law or in
19 fact;

20 (B) it is being presented for any improper purpose,
21 such as to harass or to cause unnecessary delay or
22 needless increase in the cost of litigation;

23 (C) the claims, defenses, and other legal
24 contentions therein are not warranted by existing law
25 or by a nonfrivolous argument for the extension,
26 modification, or reversal of existing law or the

1 establishment of new law;

2 (D) the allegations and other factual contentions
3 do not have evidentiary support or, if specifically so
4 identified, are not likely to have evidentiary support
5 after a reasonable opportunity for further
6 investigation or discovery; or

7 (E) the denials of factual contentions are not
8 warranted on the evidence, or if specifically so
9 identified, are not reasonably based on a lack of
10 information or belief.

11 (2) "Lawsuit" means a motion pursuant to Section 116-3
12 of the Code of Criminal Procedure of 1963, a habeas corpus
13 action under Article X of the Code of Civil Procedure or
14 under federal law (28 U.S.C. 2254), a petition for claim
15 under the Court of Claims Act, an action under the federal
16 Civil Rights Act (42 U.S.C. 1983), or a second or
17 subsequent petition for post-conviction relief under
18 Article 122 of the Code of Criminal Procedure of 1963
19 whether filed with or without leave of court or a second or
20 subsequent petition for relief from judgment under Section
21 2-1401 of the Code of Civil Procedure.

22 (e) Nothing in Public Act 90-592 or 90-593 affects the
23 validity of Public Act 89-404.

24 (f) Whenever the Department is to release any inmate who
25 has been convicted of a violation of an order of protection
26 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, earlier than it otherwise would
2 because of a grant of sentence credit, the Department, as a
3 condition of release, shall require that the person, upon
4 release, be placed under electronic surveillance as provided in
5 Section 5-8A-7 of this Code.

6 (Source: P.A. 98-718, eff. 1-1-15; 99-241, eff. 1-1-16; 99-275,
7 eff. 1-1-16; revised 10-19-15.)

8 (730 ILCS 5/5-4-3b)

9 Sec. 5-4-3b. Electronic Laboratory Information Management
10 System.

11 (a) The Department of State Police shall obtain, implement,
12 and maintain an Electronic Laboratory Information Management
13 System (LIMS) to efficiently and effectively track all
14 evidence submitted for forensic testing. At a minimum, the LIMS
15 shall record:

16 (1) the criminal offense or suspected criminal offense
17 for which the evidence is being submitted;

18 (2) the law enforcement agency submitting the
19 evidence;

20 (3) the name of the victim;

21 (4) the law enforcement agency case number;

22 (5) the State Police Laboratory case number;

23 (6) the date the evidence was received by the State
24 Police Laboratory;

25 (7) if the State Police Laboratory sent the evidence

1 for analysis to another designated laboratory, the name of
2 the laboratory and the date the evidence was sent to that
3 laboratory; and

4 (8) the date and description of any results or
5 information regarding the analysis sent to the submitting
6 law enforcement agency by the State Police Laboratory or
7 any other designated laboratory.

8 The LIMS shall also link multiple forensic evidence
9 submissions pertaining to a single criminal investigation such
10 that evidence submitted to confirm a previously reported
11 Combined DNA Index System (CODIS) hit in a State or federal
12 database can be linked to the initial evidence submission. The
13 LIMS shall be such that the system provides ease of
14 interoperability with law enforcement agencies for evidence
15 submission and reporting, as well as supports expansion
16 capabilities for future internal networking and laboratory
17 operations.

18 (b) The Department of State Police, in consultation with
19 and subject to the approval of the Chief Procurement Officer,
20 may procure a single contract or multiple contracts to
21 implement the provisions of this Section. A contract or
22 contracts under this subsection are not subject to the
23 provisions of the Illinois Procurement Code, except for
24 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of that
25 Code, provided that the Chief Procurement Officer may, in
26 writing with justification, waive any certification required

1 under Article 50 of the Illinois Procurement Code. This
2 exemption is inoperative 2 years from January 1, 2016 (the
3 effective date of Public Act 99-352) ~~this amendatory Act of the~~
4 ~~99th General Assembly.~~

5 (Source: P.A. 99-352, eff. 1-1-16; revised 10-20-15.)

6 (730 ILCS 5/5-5-3.1) (from Ch. 38, par. 1005-5-3.1)

7 Sec. 5-5-3.1. Factors in Mitigation.

8 (a) The following grounds shall be accorded weight in favor
9 of withholding or minimizing a sentence of imprisonment:

10 (1) The defendant's criminal conduct neither caused
11 nor threatened serious physical harm to another.

12 (2) The defendant did not contemplate that his criminal
13 conduct would cause or threaten serious physical harm to
14 another.

15 (3) The defendant acted under a strong provocation.

16 (4) There were substantial grounds tending to excuse or
17 justify the defendant's criminal conduct, though failing
18 to establish a defense.

19 (5) The defendant's criminal conduct was induced or
20 facilitated by someone other than the defendant.

21 (6) The defendant has compensated or will compensate
22 the victim of his criminal conduct for the damage or injury
23 that he sustained.

24 (7) The defendant has no history of prior delinquency
25 or criminal activity or has led a law-abiding life for a

1 substantial period of time before the commission of the
2 present crime.

3 (8) The defendant's criminal conduct was the result of
4 circumstances unlikely to recur.

5 (9) The character and attitudes of the defendant
6 indicate that he is unlikely to commit another crime.

7 (10) The defendant is particularly likely to comply
8 with the terms of a period of probation.

9 (11) The imprisonment of the defendant would entail
10 excessive hardship to his dependents.

11 (12) The imprisonment of the defendant would endanger
12 his or her medical condition.

13 (13) The defendant was a person with an intellectual
14 disability as defined in Section 5-1-13 of this Code.

15 (14) The defendant sought or obtained emergency
16 medical assistance for an overdose and was convicted of a
17 Class 3 felony or higher possession, manufacture, or
18 delivery of a controlled, counterfeit, or look-alike
19 substance or a controlled substance analog under the
20 Illinois Controlled Substances Act or a Class 2 felony or
21 higher possession, manufacture or delivery of
22 methamphetamine under the Methamphetamine Control and
23 Community Protection Act.

24 (15) At the time of the offense, the defendant is or
25 had been the victim of domestic violence and the effects of
26 the domestic violence tended to excuse or justify the

1 defendant's criminal conduct. As used in this paragraph
2 (15), "domestic violence" means abuse as defined in Section
3 103 of the Illinois Domestic Violence Act of 1986.

4 (b) If the court, having due regard for the character of
5 the offender, the nature and circumstances of the offense and
6 the public interest finds that a sentence of imprisonment is
7 the most appropriate disposition of the offender, or where
8 other provisions of this Code mandate the imprisonment of the
9 offender, the grounds listed in paragraph (a) of this
10 subsection shall be considered as factors in mitigation of the
11 term imposed.

12 (Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15;
13 99-384, eff. 1-1-16; revised 10-16-15.)

14 (730 ILCS 5/5-5-3.2)

15 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
16 Sentencing.

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 or Article 4.5 of Chapter V:

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 has a physical disability 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" has the meaning ascribed to it in paragraph
4 (0-1) of Section 1-103 of the Illinois Human Rights Act;

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 11-0.1 of the Criminal Code of 2012,
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 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
4 11-14.4 except for an offense that involves keeping a place
5 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
6 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
7 or 12-16 of the Criminal Code of 1961 or the Criminal Code
8 of 2012 against that victim;

9 (15) the defendant committed an offense related to the
10 activities of an organized gang. For the purposes of this
11 factor, "organized gang" has the meaning ascribed to it in
12 Section 10 of the Streetgang Terrorism Omnibus Prevention
13 Act;

14 (16) the defendant committed an offense in violation of
15 one of the following Sections while in a school, regardless
16 of the time of day or time of year; on any conveyance
17 owned, leased, or contracted by a school to transport
18 students to or from school or a school related activity; on
19 the real property of a school; or on a public way within
20 1,000 feet of the real property comprising any school:
21 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
22 11-1.50, 11-1.60, 11-14.4, 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, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
25 18-2, or 33A-2, or Section 12-3.05 except for subdivision
26 (a)(4) or (g)(1), of the Criminal Code of 1961 or the

1 Criminal Code of 2012;

2 (16.5) the defendant committed an offense in violation
3 of one of the following Sections while in a day care
4 center, regardless of the time of day or time of year; on
5 the real property of a day care center, regardless of the
6 time of day or time of year; or on a public way within
7 1,000 feet of the real property comprising any day care
8 center, regardless of the time of day or time of year:
9 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
10 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
11 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
12 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
13 18-2, or 33A-2, or Section 12-3.05 except for subdivision
14 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
15 Criminal Code of 2012;

16 (17) the defendant committed the offense by reason of
17 any person's activity as a community policing volunteer or
18 to prevent any person from engaging in activity as a
19 community policing volunteer. For the purpose of this
20 Section, "community policing volunteer" has the meaning
21 ascribed to it in Section 2-3.5 of the Criminal Code of
22 2012;

23 (18) the defendant committed the offense in a nursing
24 home or on the real property comprising a nursing home. For
25 the purposes of this paragraph (18), "nursing home" means a
26 skilled nursing or intermediate long term care facility

1 that is subject to license by the Illinois Department of
2 Public Health under the Nursing Home Care Act, the
3 Specialized Mental Health Rehabilitation Act of 2013, the
4 ID/DD Community Care Act, or the MC/DD Act;

5 (19) the defendant was a federally licensed firearm
6 dealer and was previously convicted of a violation of
7 subsection (a) of Section 3 of the Firearm Owners
8 Identification Card Act and has now committed either a
9 felony violation of the Firearm Owners Identification Card
10 Act or an act of armed violence while armed with a firearm;

11 (20) the defendant (i) committed the offense of
12 reckless homicide under Section 9-3 of the Criminal Code of
13 1961 or the Criminal Code of 2012 or the offense of driving
14 under the influence of alcohol, other drug or drugs,
15 intoxicating compound or compounds or any combination
16 thereof under Section 11-501 of the Illinois Vehicle Code
17 or a similar provision of a local ordinance and (ii) was
18 operating a motor vehicle in excess of 20 miles per hour
19 over the posted speed limit as provided in Article VI of
20 Chapter 11 of the Illinois Vehicle Code;

21 (21) the defendant (i) committed the offense of
22 reckless driving or aggravated reckless driving under
23 Section 11-503 of the Illinois Vehicle Code and (ii) was
24 operating a motor vehicle in excess of 20 miles per hour
25 over the posted speed limit as provided in Article VI of
26 Chapter 11 of the Illinois Vehicle Code;

1 (22) the defendant committed the offense against a
2 person that the defendant knew, or reasonably should have
3 known, was a member of the Armed Forces of the United
4 States serving on active duty. For purposes of this clause
5 (22), the term "Armed Forces" means any of the Armed Forces
6 of the United States, including a member of any reserve
7 component thereof or National Guard unit called to active
8 duty;

9 (23) the defendant committed the offense against a
10 person who was elderly or infirm or who was a person with a
11 disability by taking advantage of a family or fiduciary
12 relationship with the elderly or infirm person or person
13 with a disability;

14 (24) the defendant committed any offense under Section
15 11-20.1 of the Criminal Code of 1961 or the Criminal Code
16 of 2012 and possessed 100 or more images;

17 (25) the defendant committed the offense while the
18 defendant or the victim was in a train, bus, or other
19 vehicle used for public transportation;

20 (26) the defendant committed the offense of child
21 pornography or aggravated child pornography, specifically
22 including paragraph (1), (2), (3), (4), (5), or (7) of
23 subsection (a) of Section 11-20.1 of the Criminal Code of
24 1961 or the Criminal Code of 2012 where a child engaged in,
25 solicited for, depicted in, or posed in any act of sexual
26 penetration or bound, fettered, or subject to sadistic,

1 masochistic, or sadomasochistic abuse in a sexual context
2 and specifically including paragraph (1), (2), (3), (4),
3 (5), or (7) of subsection (a) of Section 11-20.1B or
4 Section 11-20.3 of the Criminal Code of 1961 where a child
5 engaged in, solicited for, depicted in, or posed in any act
6 of sexual penetration or bound, fettered, or subject to
7 sadistic, masochistic, or sadomasochistic abuse in a
8 sexual context;

9 (27) the defendant committed the offense of first
10 degree murder, assault, aggravated assault, battery,
11 aggravated battery, robbery, armed robbery, or aggravated
12 robbery against a person who was a veteran and the
13 defendant knew, or reasonably should have known, that the
14 person was a veteran performing duties as a representative
15 of a veterans' organization. For the purposes of this
16 paragraph (27), "veteran" means an Illinois resident who
17 has served as a member of the United States Armed Forces, a
18 member of the Illinois National Guard, or a member of the
19 United States Reserve Forces; and "veterans' organization"
20 means an organization comprised of members of which
21 substantially all are individuals who are veterans or
22 spouses, widows, or widowers of veterans, the primary
23 purpose of which is to promote the welfare of its members
24 and to provide assistance to the general public in such a
25 way as to confer a public benefit;

26 (28) the defendant committed the offense of assault,

1 aggravated assault, battery, aggravated battery, robbery,
2 armed robbery, or aggravated robbery against a person that
3 the defendant knew or reasonably should have known was a
4 letter carrier or postal worker while that person was
5 performing his or her duties delivering mail for the United
6 States Postal Service; ~~or~~

7 (29) the defendant committed the offense of criminal
8 sexual assault, aggravated criminal sexual assault,
9 criminal sexual abuse, or aggravated criminal sexual abuse
10 against a victim with an intellectual disability, and the
11 defendant holds a position of trust, authority, or
12 supervision in relation to the victim; or

13 (30) ~~(29)~~ the defendant committed the offense of
14 promoting juvenile prostitution, patronizing a prostitute,
15 or patronizing a minor engaged in prostitution and at the
16 time of the commission of the offense knew that the
17 prostitute or minor engaged in prostitution was in the
18 custody or guardianship of the Department of Children and
19 Family Services.

20 For the purposes of this Section:

21 "School" is defined as a public or private elementary or
22 secondary school, community college, college, or university.

23 "Day care center" means a public or private State certified
24 and licensed day care center as defined in Section 2.09 of the
25 Child Care Act of 1969 that displays a sign in plain view
26 stating that the property is a day care center.

1 "Intellectual disability" means significantly subaverage
2 intellectual functioning which exists concurrently with
3 impairment in adaptive behavior.

4 "Public transportation" means the transportation or
5 conveyance of persons by means available to the general public,
6 and includes paratransit services.

7 (b) The following factors, related to all felonies, may be
8 considered by the court as reasons to impose an extended term
9 sentence under Section 5-8-2 upon any offender:

10 (1) When a defendant is convicted of any felony, after
11 having been previously convicted in Illinois or any other
12 jurisdiction of the same or similar class felony or greater
13 class felony, when such conviction has occurred within 10
14 years after the previous conviction, excluding time spent
15 in custody, and such charges are separately brought and
16 tried and arise out of different series of acts; or

17 (2) When a defendant is convicted of any felony and the
18 court finds that the offense was accompanied by
19 exceptionally brutal or heinous behavior indicative of
20 wanton cruelty; or

21 (3) 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 who had a physical disability at the
2 time of the offense or such person's property; or

3 (4) When a defendant is convicted of any felony and the
4 offense involved any of the following types of specific
5 misconduct committed as part of a ceremony, rite,
6 initiation, observance, performance, practice or activity
7 of any actual or ostensible religious, fraternal, or social
8 group:

9 (i) the brutalizing or torturing of humans or
10 animals;

11 (ii) the theft of human corpses;

12 (iii) the kidnapping of humans;

13 (iv) the desecration of any cemetery, religious,
14 fraternal, business, governmental, educational, or
15 other building or property; or

16 (v) ritualized abuse of a child; or

17 (5) When a defendant is convicted of a felony other
18 than conspiracy and the court finds that the felony was
19 committed under an agreement with 2 or more other persons
20 to commit that offense and the defendant, with respect to
21 the other individuals, occupied a position of organizer,
22 supervisor, financier, or any other position of management
23 or leadership, and the court further finds that the felony
24 committed was related to or in furtherance of the criminal
25 activities of an organized gang or was motivated by the
26 defendant's leadership in an organized gang; or

1 (6) When a defendant is convicted of an offense
2 committed while using a firearm with a laser sight attached
3 to it. For purposes of this paragraph, "laser sight" has
4 the meaning ascribed to it in Section 26-7 of the Criminal
5 Code of 2012; or

6 (7) When a defendant who was at least 17 years of age
7 at the time of the commission of the offense is convicted
8 of a felony and has been previously adjudicated a
9 delinquent minor under the Juvenile Court Act of 1987 for
10 an act that if committed by an adult would be a Class X or
11 Class 1 felony when the conviction has occurred within 10
12 years after the previous adjudication, excluding time
13 spent in custody; or

14 (8) When a defendant commits any felony and the
15 defendant used, possessed, exercised control over, or
16 otherwise directed an animal to assault a law enforcement
17 officer engaged in the execution of his or her official
18 duties or in furtherance of the criminal activities of an
19 organized gang in which the defendant is engaged; or

20 (9) When a defendant commits any felony and the
21 defendant knowingly video or audio records the offense with
22 the intent to disseminate the recording.

23 (c) The following factors may be considered by the court as
24 reasons to impose an extended term sentence under Section 5-8-2
25 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

26 (1) When a defendant is convicted of first degree

1 murder, after having been previously convicted in Illinois
2 of any offense listed under paragraph (c)(2) of Section
3 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
4 within 10 years after the previous conviction, excluding
5 time spent in custody, and the charges are separately
6 brought and tried and arise out of different series of
7 acts.

8 (1.5) When a defendant is convicted of first degree
9 murder, after having been previously convicted of domestic
10 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
11 (720 ILCS 5/12-3.3) committed on the same victim or after
12 having been previously convicted of violation of an order
13 of protection (720 ILCS 5/12-30) in which the same victim
14 was the protected person.

15 (2) When a defendant is convicted of voluntary
16 manslaughter, second degree murder, involuntary
17 manslaughter, or reckless homicide in which the defendant
18 has been convicted of causing the death of more than one
19 individual.

20 (3) When a defendant is convicted of aggravated
21 criminal sexual assault or criminal sexual assault, when
22 there is a finding that aggravated criminal sexual assault
23 or criminal sexual assault was also committed on the same
24 victim by one or more other individuals, and the defendant
25 voluntarily participated in the crime with the knowledge of
26 the participation of the others in the crime, and the

1 commission of the crime was part of a single course of
2 conduct during which there was no substantial change in the
3 nature of the criminal objective.

4 (4) If the victim was under 18 years of age at the time
5 of the commission of the offense, when a defendant is
6 convicted of aggravated criminal sexual assault or
7 predatory criminal sexual assault of a child under
8 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
9 of Section 12-14.1 of the Criminal Code of 1961 or the
10 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

11 (5) When a defendant is convicted of a felony violation
12 of Section 24-1 of the Criminal Code of 1961 or the
13 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
14 finding that the defendant is a member of an organized
15 gang.

16 (6) When a defendant was convicted of unlawful use of
17 weapons under Section 24-1 of the Criminal Code of 1961 or
18 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
19 a weapon that is not readily distinguishable as one of the
20 weapons enumerated in Section 24-1 of the Criminal Code of
21 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

22 (7) When a defendant is convicted of an offense
23 involving the illegal manufacture of a controlled
24 substance under Section 401 of the Illinois Controlled
25 Substances Act (720 ILCS 570/401), the illegal manufacture
26 of methamphetamine under Section 25 of the Methamphetamine

1 Control and Community Protection Act (720 ILCS 646/25), or
2 the illegal possession of explosives and an emergency
3 response officer in the performance of his or her duties is
4 killed or injured at the scene of the offense while
5 responding to the emergency caused by the commission of the
6 offense. In this paragraph, "emergency" means a situation
7 in which a person's life, health, or safety is in jeopardy;
8 and "emergency response officer" means a peace officer,
9 community policing volunteer, fireman, emergency medical
10 technician-ambulance, emergency medical
11 technician-intermediate, emergency medical
12 technician-paramedic, ambulance driver, other medical
13 assistance or first aid personnel, or hospital emergency
14 room personnel.

15 (8) When the defendant is convicted of attempted mob
16 action, solicitation to commit mob action, or conspiracy to
17 commit mob action under Section 8-1, 8-2, or 8-4 of the
18 Criminal Code of 2012, where the criminal object is a
19 violation of Section 25-1 of the Criminal Code of 2012, and
20 an electronic communication is used in the commission of
21 the offense. For the purposes of this paragraph (8),
22 "electronic communication" shall have the meaning provided
23 in Section 26.5-0.1 of the Criminal Code of 2012.

24 (d) For the purposes of this Section, "organized gang" has
25 the meaning ascribed to it in Section 10 of the Illinois
26 Streetgang Terrorism Omnibus Prevention Act.

1 (e) The court may impose an extended term sentence under
2 Article 4.5 of Chapter V upon an offender who has been
3 convicted of a felony violation of Section 11-1.20, 11-1.30,
4 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
5 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
6 when the victim of the offense is under 18 years of age at the
7 time of the commission of the offense and, during the
8 commission of the offense, the victim was under the influence
9 of alcohol, regardless of whether or not the alcohol was
10 supplied by the offender; and the offender, at the time of the
11 commission of the offense, knew or should have known that the
12 victim had consumed alcohol.

13 (Source: P.A. 98-14, eff. 1-1-14; 98-104, eff. 7-22-13; 98-385,
14 eff. 1-1-14; 98-756, eff. 7-16-14; 99-77, eff. 1-1-16; 99-143,
15 eff. 7-27-15; 99-180, eff. 7-29-15; 99-283, eff. 1-1-16;
16 99-347, eff. 1-1-16; revised 10-19-15.)

17 (730 ILCS 5/5-5.5-5)

18 Sec. 5-5.5-5. Definition ~~Definitions and rules of~~
19 ~~construction~~. In this Article, "eligible: ~~"Eligible~~ offender"
20 means a person who has been convicted of a crime in this State
21 or of an offense in any other jurisdiction that does not
22 include any offense or attempted offense that would subject a
23 person to registration under the Sex Offender Registration Act,
24 the Arsonist Registration Act, or the Murderer and Violent
25 Offender Against Youth Registration Act. "Eligible offender"

1 does not include a person who has been convicted of arson,
2 aggravated arson, kidnapping, aggravated kidnaping, aggravated
3 driving under the influence of alcohol, other drug or drugs, or
4 intoxicating compound or compounds, or any combination
5 thereof, or aggravated domestic battery.

6 (Source: P.A. 99-381, eff. 1-1-16; revised 10-19-15.)

7 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

8 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

9 (a) When a defendant is placed on supervision, the court
10 shall enter an order for supervision specifying the period of
11 such supervision, and shall defer further proceedings in the
12 case until the conclusion of the period.

13 (b) The period of supervision shall be reasonable under all
14 of the circumstances of the case, but may not be longer than 2
15 years, unless the defendant has failed to pay the assessment
16 required by Section 10.3 of the Cannabis Control Act, Section
17 411.2 of the Illinois Controlled Substances Act, or Section 80
18 of the Methamphetamine Control and Community Protection Act, in
19 which case the court may extend supervision beyond 2 years.
20 Additionally, the court shall order the defendant to perform no
21 less than 30 hours of community service and not more than 120
22 hours of community service, if community service is available
23 in the jurisdiction and is funded and approved by the county
24 board where the offense was committed, when the offense (1) was
25 related to or in furtherance of the criminal activities of an

1 organized gang or was motivated by the defendant's membership
2 in or allegiance to an organized gang; or (2) is a violation of
3 any Section of Article 24 of the Criminal Code of 1961 or the
4 Criminal Code of 2012 where a disposition of supervision is not
5 prohibited by Section 5-6-1 of this Code. The community service
6 shall include, but not be limited to, the cleanup and repair of
7 any damage caused by violation of Section 21-1.3 of the
8 Criminal Code of 1961 or the Criminal Code of 2012 and similar
9 damages to property located within the municipality or county
10 in which the violation occurred. Where possible and reasonable,
11 the community service should be performed in the offender's
12 neighborhood.

13 For the purposes of this Section, "organized gang" has the
14 meaning ascribed to it in Section 10 of the Illinois Streetgang
15 Terrorism Omnibus Prevention Act.

16 (c) The court may in addition to other reasonable
17 conditions relating to the nature of the offense or the
18 rehabilitation of the defendant as determined for each
19 defendant in the proper discretion of the court require that
20 the person:

21 (1) make a report to and appear in person before or
22 participate with the court or such courts, person, or
23 social service agency as directed by the court in the order
24 of supervision;

25 (2) pay a fine and costs;

26 (3) work or pursue a course of study or vocational

1 training;

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

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

6 (6) support his dependents;

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

9 (8) and 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 (iv) contribute to his own support at home or in a
14 foster home; or

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

23 (9) make restitution or reparation in an amount not to
24 exceed actual loss or damage to property and pecuniary loss
25 or make restitution under Section 5-5-6 to a domestic
26 violence shelter. The court shall determine the amount and

1 conditions of payment;

2 (10) perform some reasonable public or community
3 service;

4 (11) comply with the terms and conditions of an order
5 of protection issued by the court pursuant to the Illinois
6 Domestic Violence Act of 1986 or an order of protection
7 issued by the court of another state, tribe, or United
8 States territory. If the court has ordered the defendant to
9 make a report and appear in person under paragraph (1) of
10 this subsection, a copy of the order of protection shall be
11 transmitted to the person or agency so designated by the
12 court;

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

19 (13) contribute a reasonable sum of money, not to
20 exceed the maximum amount of the fine authorized for the
21 offense for which the defendant was sentenced, (i) to a
22 "local anti-crime program", as defined in Section 7 of the
23 Anti-Crime Advisory Council Act, or (ii) for offenses under
24 the jurisdiction of the Department of Natural Resources, to
25 the fund established by the Department of Natural Resources
26 for the purchase of evidence for investigation purposes and

1 to conduct investigations as outlined in Section 805-105 of
2 the Department of Natural Resources (Conservation) Law;

3 (14) refrain from entering into a designated
4 geographic area except upon such terms as the court finds
5 appropriate. Such terms may include consideration of the
6 purpose of the entry, the time of day, other persons
7 accompanying the defendant, and advance approval by a
8 probation officer;

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

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

20 (17) refrain from operating any motor vehicle not
21 equipped with an ignition interlock device as defined in
22 Section 1-129.1 of the Illinois Vehicle Code; under this
23 condition the court may allow a defendant who is not
24 self-employed to operate a vehicle owned by the defendant's
25 employer that is not equipped with an ignition interlock
26 device in the course and scope of the defendant's

1 employment; and

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

13 (c-5) If payment of restitution as ordered has not been
14 made, the victim shall file a petition notifying the sentencing
15 court, any other person to whom restitution is owed, and the
16 State's Attorney of the status of the ordered restitution
17 payments unpaid at least 90 days before the supervision
18 expiration date. If payment as ordered has not been made, the
19 court shall hold a review hearing prior to the expiration date,
20 unless the hearing is voluntarily waived by the defendant with
21 the knowledge that waiver may result in an extension of the
22 supervision period or in a revocation of supervision. If the
23 court does not extend supervision, it shall issue a judgment
24 for the unpaid restitution and direct the clerk of the circuit
25 court to file and enter the judgment in the judgment and lien
26 docket, without fee, unless it finds that the victim has

1 recovered a judgment against the defendant for the amount
2 covered by the restitution order. If the court issues a
3 judgment for the unpaid restitution, the court shall send to
4 the defendant at his or her last known address written
5 notification that a civil judgment has been issued for the
6 unpaid restitution.

7 (d) The court shall defer entering any judgment on the
8 charges until the conclusion of the supervision.

9 (e) At the conclusion of the period of supervision, if the
10 court determines that the defendant has successfully complied
11 with all of the conditions of supervision, the court shall
12 discharge the defendant and enter a judgment dismissing the
13 charges.

14 (f) Discharge and dismissal upon a successful conclusion of
15 a disposition of supervision shall be deemed without
16 adjudication of guilt and shall not be termed a conviction for
17 purposes of disqualification or disabilities imposed by law
18 upon conviction of a crime. Two years after the discharge and
19 dismissal under this Section, unless the disposition of
20 supervision was for a violation of Sections 3-707, 3-708,
21 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
22 similar provision of a local ordinance, or for a violation of
23 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961
24 or the Criminal Code of 2012, in which case it shall be 5 years
25 after discharge and dismissal, a person may have his record of
26 arrest sealed or expunged as may be provided by law. However,

1 any defendant placed on supervision before January 1, 1980, may
2 move for sealing or expungement of his arrest record, as
3 provided by law, at any time after discharge and dismissal
4 under this Section. A person placed on supervision for a sexual
5 offense committed against a minor as defined in clause
6 (a) (1) (L) of Section 5.2 of the Criminal Identification Act or
7 for a violation of Section 11-501 of the Illinois Vehicle Code
8 or a similar provision of a local ordinance shall not have his
9 or her record of arrest sealed or expunged.

10 (g) A defendant placed on supervision and who during the
11 period of supervision undergoes mandatory drug or alcohol
12 testing, or both, or is assigned to be placed on an approved
13 electronic monitoring device, shall be ordered to pay the costs
14 incidental to such mandatory drug or alcohol testing, or both,
15 and costs incidental to such approved electronic monitoring in
16 accordance with the defendant's ability to pay those costs. The
17 county board with the concurrence of the Chief Judge of the
18 judicial circuit in which the county is located shall establish
19 reasonable fees for the cost of maintenance, testing, and
20 incidental expenses related to the mandatory drug or alcohol
21 testing, or both, and all costs incidental to approved
22 electronic monitoring, of all defendants placed on
23 supervision. The concurrence of the Chief Judge shall be in the
24 form of an administrative order. The fees shall be collected by
25 the clerk of the circuit court. The clerk of the circuit court
26 shall pay all moneys collected from these fees to the county

1 treasurer who shall use the moneys collected to defray the
2 costs of drug testing, alcohol testing, and electronic
3 monitoring. The county treasurer shall deposit the fees
4 collected in the county working cash fund under Section 6-27001
5 or Section 6-29002 of the Counties Code, as the case may be.

6 (h) A disposition of supervision is a final order for the
7 purposes of appeal.

8 (i) The court shall impose upon a defendant placed on
9 supervision after January 1, 1992 or to community service under
10 the supervision of a probation or court services department
11 after January 1, 2004, as a condition of supervision or
12 supervised community service, a fee of \$50 for each month of
13 supervision or supervised community service ordered by the
14 court, unless after determining the inability of the person
15 placed on supervision or supervised community service to pay
16 the fee, the court assesses a lesser fee. The court may not
17 impose the fee on a minor who is made a ward of the State under
18 the Juvenile Court Act of 1987 while the minor is in placement.
19 The fee shall be imposed only upon a defendant who is actively
20 supervised by the probation and court services department. The
21 fee shall be collected by the clerk of the circuit court. The
22 clerk of the circuit court shall pay all monies collected from
23 this fee to the county treasurer for deposit in the probation
24 and court services fund pursuant to Section 15.1 of the
25 Probation and Probation Officers Act.

26 A circuit court may not impose a probation fee in excess of

1 \$25 per month unless the circuit court has adopted, by
2 administrative order issued by the chief judge, a standard
3 probation fee guide determining an offender's ability to pay.
4 Of the amount collected as a probation fee, not to exceed \$5 of
5 that fee collected per month may be used to provide services to
6 crime victims and their families.

7 The Court may only waive probation fees based on an
8 offender's ability to pay. The probation department may
9 re-evaluate an offender's ability to pay every 6 months, and,
10 with the approval of the Director of Court Services or the
11 Chief Probation Officer, adjust the monthly fee amount. An
12 offender may elect to pay probation fees due in a lump sum. Any
13 offender that has been assigned to the supervision of a
14 probation department, or has been transferred either under
15 subsection (h) of this Section or under any interstate compact,
16 shall be required to pay probation fees to the department
17 supervising the offender, based on the offender's ability to
18 pay.

19 (j) All fines and costs imposed under this Section for any
20 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
21 Code, or a similar provision of a local ordinance, and any
22 violation of the Child Passenger Protection Act, or a similar
23 provision of a local ordinance, shall be collected and
24 disbursed by the circuit clerk as provided under Section 27.5
25 of the Clerks of Courts Act.

26 (k) A defendant at least 17 years of age who is placed on

1 supervision for a misdemeanor in a county of 3,000,000 or more
2 inhabitants and who has not been previously convicted of a
3 misdemeanor or felony may as a condition of his or her
4 supervision be required by the court to attend educational
5 courses designed to prepare the defendant for a high school
6 diploma and to work toward a high school diploma or to work
7 toward passing high school equivalency testing or to work
8 toward completing a vocational training program approved by the
9 court. The defendant placed on supervision must attend a public
10 institution of education to obtain the educational or
11 vocational training required by this subsection (k). The
12 defendant placed on supervision shall be required to pay for
13 the cost of the educational courses or high school equivalency
14 testing if a fee is charged for those courses or testing. The
15 court shall revoke the supervision of a person who wilfully
16 fails to comply with this subsection (k). The court shall
17 resentence the defendant upon revocation of supervision as
18 provided in Section 5-6-4. This subsection (k) does not apply
19 to a defendant who has a high school diploma or has
20 successfully passed high school equivalency testing. This
21 subsection (k) does not apply to a defendant who is determined
22 by the court to be developmentally disabled or otherwise
23 mentally incapable of completing the educational or vocational
24 program.

25 (1) The court shall require a defendant placed on
26 supervision for possession of a substance prohibited by the

1 Cannabis Control Act, the Illinois Controlled Substances Act,
2 or the Methamphetamine Control and Community Protection Act
3 after a previous conviction or disposition of supervision for
4 possession of a substance prohibited by the Cannabis Control
5 Act, the Illinois Controlled Substances Act, or the
6 Methamphetamine Control and Community Protection Act or a
7 sentence of probation under Section 10 of the Cannabis Control
8 Act or Section 410 of the Illinois Controlled Substances Act
9 and after a finding by the court that the person is addicted,
10 to undergo treatment at a substance abuse program approved by
11 the court.

12 (m) The Secretary of State shall require anyone placed on
13 court supervision for a violation of Section 3-707 of the
14 Illinois Vehicle Code or a similar provision of a local
15 ordinance to give proof of his or her financial responsibility
16 as defined in Section 7-315 of the Illinois Vehicle Code. The
17 proof shall be maintained by the individual in a manner
18 satisfactory to the Secretary of State for a minimum period of
19 3 years after the date the proof is first filed. The proof
20 shall be limited to a single action per arrest and may not be
21 affected by any post-sentence disposition. The Secretary of
22 State shall suspend the driver's license of any person
23 determined by the Secretary to be in violation of this
24 subsection.

25 (n) Any offender placed on supervision for any offense that
26 the court or probation department has determined to be sexually

1 motivated as defined in the Sex Offender Management Board Act
2 shall be required to refrain from any contact, directly or
3 indirectly, with any persons specified by the court and shall
4 be available for all evaluations and treatment programs
5 required by the court or the probation department.

6 (o) An offender placed on supervision for a sex offense as
7 defined in the Sex Offender Management Board Act shall refrain
8 from residing at the same address or in the same condominium
9 unit or apartment unit or in the same condominium complex or
10 apartment complex with another person he or she knows or
11 reasonably should know is a convicted sex offender or has been
12 placed on supervision for a sex offense. The provisions of this
13 subsection (o) do not apply to a person convicted of a sex
14 offense who is placed in a Department of Corrections licensed
15 transitional housing facility for sex offenders.

16 (p) An offender placed on supervision for an offense
17 committed on or after June 1, 2008 (the effective date of
18 Public Act 95-464) that would qualify the accused as a child
19 sex offender as defined in Section 11-9.3 or 11-9.4 of the
20 Criminal Code of 1961 or the Criminal Code of 2012 shall
21 refrain from communicating with or contacting, by means of the
22 Internet, a person who is not related to the accused and whom
23 the accused reasonably believes to be under 18 years of age.
24 For purposes of this subsection (p), "Internet" has the meaning
25 ascribed to it in Section 16-0.1 of the Criminal Code of 2012;
26 and a person is not related to the accused if the person is

1 not: (i) the spouse, brother, or sister of the accused; (ii) a
2 descendant of the accused; (iii) a first or second cousin of
3 the accused; or (iv) a step-child or adopted child of the
4 accused.

5 (q) 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) that would qualify the accused as a child
8 sex offender as defined in Section 11-9.3 or 11-9.4 of the
9 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so
10 ordered by the court, refrain from communicating with or
11 contacting, by means of the Internet, a person who is related
12 to the accused and whom the accused reasonably believes to be
13 under 18 years of age. For purposes of this subsection (q),
14 "Internet" has the meaning ascribed to it in Section 16-0.1 of
15 the Criminal Code of 2012; and a person is related to the
16 accused if the person is: (i) the spouse, brother, or sister of
17 the accused; (ii) a descendant of the accused; (iii) a first or
18 second cousin of the accused; or (iv) a step-child or adopted
19 child of the accused.

20 (r) An offender placed on supervision for an offense under
21 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
22 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
23 11-21 of the Criminal Code of 1961 or the Criminal Code of
24 2012, or any attempt to commit any of these offenses, committed
25 on or after the effective date of this amendatory Act of the
26 95th General Assembly shall:

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

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

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

18 (iv) submit to any other appropriate restrictions
19 concerning the offender's use of or access to a computer or
20 any other device with Internet capability imposed by the
21 court.

22 (s) An offender placed on supervision for an offense that
23 is a sex offense as defined in Section 2 of the Sex Offender
24 Registration Act that is committed on or after January 1, 2010
25 (the effective date of Public Act 96-362) that requires the
26 person to register as a sex offender under that Act, may not

1 knowingly use any computer scrub software on any computer that
2 the sex offender uses.

3 (t) An offender placed on supervision for a sex offense as
4 defined in the Sex Offender Registration Act committed on or
5 after January 1, 2010 (the effective date of Public Act 96-262)
6 shall refrain from accessing or using a social networking
7 website as defined in Section 17-0.5 of the Criminal Code of
8 2012.

9 (u) Jurisdiction over an offender may be transferred from
10 the sentencing court to the court of another circuit with the
11 concurrence of both courts. Further transfers or retransfers of
12 jurisdiction are also authorized in the same manner. The court
13 to which jurisdiction has been transferred shall have the same
14 powers as the sentencing court. The probation department within
15 the circuit to which jurisdiction has been transferred may
16 impose probation fees upon receiving the transferred offender,
17 as provided in subsection (i). The probation department from
18 the original sentencing court shall retain all probation fees
19 collected prior to the transfer.

20 (Source: P.A. 97-454, eff. 1-1-12; 97-597, eff. 1-1-12;
21 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff.
22 1-1-15; 98-940, eff. 1-1-15; revised 10-1-14.)

23 Section 565. The Code of Civil Procedure is amended by
24 changing Sections 2-1401, 3-102, and 12-654 as follows:

1 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

2 Sec. 2-1401. Relief from judgments.

3 (a) Relief from final orders and judgments, after 30 days
4 from the entry thereof, may be had upon petition as provided in
5 this Section. Writs of error coram nobis and coram vobis, bills
6 of review and bills in the nature of bills of review are
7 abolished. All relief heretofore obtainable and the grounds for
8 such relief heretofore available, whether by any of the
9 foregoing remedies or otherwise, shall be available in every
10 case, by proceedings hereunder, regardless of the nature of the
11 order or judgment from which relief is sought or of the
12 proceedings in which it was entered. Except as provided in the
13 Illinois Parentage Act of 2015, there shall be no distinction
14 between actions and other proceedings, statutory or otherwise,
15 as to availability of relief, grounds for relief or the relief
16 obtainable.

17 (b) The petition must be filed in the same proceeding in
18 which the order or judgment was entered but is not a
19 continuation thereof. The petition must be supported by
20 affidavit or other appropriate showing as to matters not of
21 record. All parties to the petition shall be notified as
22 provided by rule.

23 (b-5) A movant may present a meritorious claim under this
24 Section if the allegations in the petition establish each of
25 the following by a preponderance of the evidence:

26 (1) the movant was convicted of a forcible felony;

1 (2) the movant's participation in the offense was
2 related to him or her previously having been a victim of
3 domestic violence as perpetrated by an intimate partner;

4 (3) no evidence of domestic violence against the movant
5 was presented at the movant's sentencing hearing;

6 (4) the movant was unaware of the mitigating nature of
7 the evidence of the domestic violence at the time of
8 sentencing and could not have learned of its significance
9 sooner through diligence; and

10 (5) the new evidence of domestic violence against the
11 movant is material and noncumulative to other evidence
12 offered at the sentencing hearing, and is of such a
13 conclusive character that it would likely change the
14 sentence imposed by the original trial court.

15 Nothing in this subsection (b-5) shall prevent a movant
16 from applying for any other relief under this Section or any
17 other law otherwise available to him or her.

18 As used in this subsection (b-5):

19 "Domestic violence" means abuse as defined in Section
20 103 of the Illinois Domestic Violence Act of 1986.

21 "Forcible felony" has the meaning ascribed to the term
22 in Section 2-8 of the Criminal Code of 2012.

23 "Intimate partner" means a spouse or former spouse,
24 persons who have or allegedly have had a child in common,
25 or persons who have or have had a dating or engagement
26 relationship.

1 (c) Except as provided in Section 20b of the Adoption Act
2 and Section 2-32 of the Juvenile Court Act of 1987 or in a
3 petition based upon Section 116-3 of the Code of Criminal
4 Procedure of 1963, the petition must be filed not later than 2
5 years after the entry of the order or judgment. Time during
6 which the person seeking relief is under legal disability or
7 duress or the ground for relief is fraudulently concealed shall
8 be excluded in computing the period of 2 years.

9 (d) The filing of a petition under this Section does not
10 affect the order or judgment, or suspend its operation.

11 (e) Unless lack of jurisdiction affirmatively appears from
12 the record proper, the vacation or modification of an order or
13 judgment pursuant to the provisions of this Section does not
14 affect the right, title or interest in or to any real or
15 personal property of any person, not a party to the original
16 action, acquired for value after the entry of the order or
17 judgment but before the filing of the petition, nor affect any
18 right of any person not a party to the original action under
19 any certificate of sale issued before the filing of the
20 petition, pursuant to a sale based on the order or judgment.

21 (f) Nothing contained in this Section affects any existing
22 right to relief from a void order or judgment, or to employ any
23 existing method to procure that relief.

24 (Source: P.A. 99-85, eff. 1-1-16; 99-384, eff. 1-1-16; revised
25 10-19-15.)

1 (735 ILCS 5/3-102) (from Ch. 110, par. 3-102)

2 Sec. 3-102. Scope of Article. This Article III ~~of this Act~~
3 shall apply to and govern every action to review judicially a
4 final decision of any administrative agency where the Act
5 creating or conferring power on such agency, by express
6 reference, adopts the provisions of this Article III ~~of this~~
7 ~~Act~~ or its predecessor, the Administrative Review Act. This
8 Article shall be known as the "Administrative Review Law". In
9 all such cases, any other statutory, equitable or common law
10 mode of review of decisions of administrative agencies
11 heretofore available shall not hereafter be employed.

12 Unless review is sought of an administrative decision
13 within the time and in the manner herein provided, the parties
14 to the proceeding before the administrative agency shall be
15 barred from obtaining judicial review of such administrative
16 decision. In an action to review any final decision of any
17 administrative agency brought under this Article III, if a
18 judgment is reversed or entered against the plaintiff, or the
19 action is voluntarily dismissed by the plaintiff, or the action
20 is dismissed for want of prosecution, or the action is
21 dismissed by a United States District Court for lack of
22 jurisdiction, neither the plaintiff nor his or her heirs,
23 executors, or administrators may commence a new action within
24 one year or within the remaining period of limitation,
25 whichever is greater. All proceedings in the court for revision
26 of such final decision shall terminate upon the date of the

1 entry of any Order under either Section 2-1009 or Section
2 13-217. Such Order shall cause the final administrative
3 decision of any administrative agency to become immediately
4 enforceable. If under the terms of the Act governing the
5 procedure before an administrative agency an administrative
6 decision has become final because of the failure to file any
7 document in the nature of objections, protests, petition for
8 hearing or application for administrative review within the
9 time allowed by such Act, such decision shall not be subject to
10 judicial review hereunder excepting only for the purpose of
11 questioning the jurisdiction of the administrative agency over
12 the person or subject matter.

13 (Source: P.A. 88-1; revised 10-19-15.)

14 (735 ILCS 5/12-654) (from Ch. 110, par. 12-654)

15 Sec. 12-654. Stay.

16 (a) If the judgment debtor shows the circuit court that an
17 appeal from the foreign judgment is pending or will be taken,
18 or that a stay of execution has been granted, the court shall
19 stay enforcement of the foreign judgment until the appeal is
20 concluded, the time for appeal expires, or the stay of
21 execution expires or is vacated, upon proof that the judgment
22 debtor has furnished the security for the satisfaction of the
23 judgment required by the state in which it ~~is~~ was rendered.

24 (b) If the judgment debtor shows the circuit court any
25 ground upon which enforcement of a judgment of any circuit

1 court for any county of this State would be stayed, the court
2 shall stay enforcement of the foreign judgment for an
3 appropriate period, upon requiring the same security for
4 satisfaction of the judgment which is required in this State.

5 (Source: P.A. 87-358; 87-895; revised 10-19-15.)

6 Section 570. The Mental Health and Developmental
7 Disabilities Confidentiality Act is amended by changing
8 Section 12 as follows:

9 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

10 Sec. 12. (a) If the United States Secret Service or the
11 Department of State Police requests information from a mental
12 health or developmental disability facility, as defined in
13 Section 1-107 and 1-114 of the Mental Health and Developmental
14 Disabilities Code, relating to a specific recipient and the
15 facility director determines that disclosure of such
16 information may be necessary to protect the life of, or to
17 prevent the infliction of great bodily harm to, a public
18 official, or a person under the protection of the United States
19 Secret Service, only the following information may be
20 disclosed: the recipient's name, address, and age and the date
21 of any admission to or discharge from a facility; and any
22 information which would indicate whether or not the recipient
23 has a history of violence or presents a danger of violence to
24 the person under protection. Any information so disclosed shall

1 be used for investigative purposes only and shall not be
2 publicly disseminated. Any person participating in good faith
3 in the disclosure of such information in accordance with this
4 provision shall have immunity from any liability, civil,
5 criminal or otherwise, if such information is disclosed relying
6 upon the representation of an officer of the United States
7 Secret Service or the Department of State Police that a person
8 is under the protection of the United States Secret Service or
9 is a public official.

10 For the purpose of this subsection (a), the term "public
11 official" means the Governor, Lieutenant Governor, Attorney
12 General, Secretary of State, State Comptroller, State
13 Treasurer, member of the General Assembly, member of the United
14 States Congress, Judge of the United States as defined in 28
15 U.S.C. 451, Justice of the United States as defined in 28
16 U.S.C. 451, United States Magistrate Judge as defined in 28
17 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
18 Supreme, Appellate, Circuit, or Associate Judge of the State of
19 Illinois. The term shall also include the spouse, child or
20 children of a public official.

21 (b) The Department of Human Services (acting as successor
22 to the Department of Mental Health and Developmental
23 Disabilities) and all public or private hospitals and mental
24 health facilities are required, as hereafter described in this
25 subsection, to furnish the Department of State Police only such
26 information as may be required for the sole purpose of

1 determining whether an individual who may be or may have been a
2 patient is disqualified because of that status from receiving
3 or retaining a Firearm Owner's Identification Card or falls
4 within the federal prohibitors under subsection (e), (f), (g),
5 (r), (s), or (t) of Section 8 of the Firearm Owners
6 Identification Card Act, or falls within the federal
7 prohibitors in 18 U.S.C. 922(g) and (n). All physicians,
8 clinical psychologists, or qualified examiners at public or
9 private mental health facilities or parts thereof as defined in
10 this subsection shall, in the form and manner required by the
11 Department, provide notice directly to the Department of Human
12 Services, or to his or her employer who shall then report to
13 the Department, within 24 hours after determining that a person
14 poses a clear and present danger to himself, herself, or
15 others, or within 7 days after a person 14 years or older is
16 determined to be a person with a developmental disability by a
17 physician, clinical psychologist, or qualified examiner as
18 described in Section 1.1 of the Firearm Owners Identification
19 Card Act. If a person is a patient as described in clause (1)
20 of the definition of "patient" in Section 1.1 of the Firearm
21 Owners Identification Card Act, this information shall be
22 furnished within 7 days after admission to a public or private
23 hospital or mental health facility or the provision of
24 services. Any such information disclosed under this subsection
25 shall remain privileged and confidential, and shall not be
26 redisclosed, except as required by subsection (e) of Section

1 3.1 of the Firearm Owners Identification Card Act, nor utilized
2 for any other purpose. The method of requiring the providing of
3 such information shall guarantee that no information is
4 released beyond what is necessary for this purpose. In
5 addition, the information disclosed shall be provided by the
6 Department within the time period established by Section 24-3
7 of the Criminal Code of 2012 regarding the delivery of
8 firearms. The method used shall be sufficient to provide the
9 necessary information within the prescribed time period, which
10 may include periodically providing lists to the Department of
11 Human Services or any public or private hospital or mental
12 health facility of Firearm Owner's Identification Card
13 applicants on which the Department or hospital shall indicate
14 the identities of those individuals who are to its knowledge
15 disqualified from having a Firearm Owner's Identification Card
16 for reasons described herein. The Department may provide for a
17 centralized source of information for the State on this subject
18 under its jurisdiction. The identity of the person reporting
19 under this subsection shall not be disclosed to the subject of
20 the report. For the purposes of this subsection, the physician,
21 clinical psychologist, or qualified examiner making the
22 determination and his or her employer shall not be held
23 criminally, civilly, or professionally liable for making or not
24 making the notification required under this subsection, except
25 for willful or wanton misconduct.

26 Any person, institution, or agency, under this Act,

1 participating in good faith in the reporting or disclosure of
2 records and communications otherwise in accordance with this
3 provision or with rules, regulations or guidelines issued by
4 the Department shall have immunity from any liability, civil,
5 criminal or otherwise, that might result by reason of the
6 action. For the purpose of any proceeding, civil or criminal,
7 arising out of a report or disclosure in accordance with this
8 provision, the good faith of any person, institution, or agency
9 so reporting or disclosing shall be presumed. The full extent
10 of the immunity provided in this subsection (b) shall apply to
11 any person, institution or agency that fails to make a report
12 or disclosure in the good faith belief that the report or
13 disclosure would violate federal regulations governing the
14 confidentiality of alcohol and drug abuse patient records
15 implementing 42 U.S.C. 290dd-3 and 290ee-3.

16 For purposes of this subsection (b) only, the following
17 terms shall have the meaning prescribed:

18 (1) (Blank).

19 (1.3) "Clear and present danger" has the meaning as
20 defined in Section 1.1 of the Firearm Owners Identification
21 Card Act.

22 (1.5) "Person with a developmental disability" has the
23 meaning as defined in Section 1.1 of the Firearm Owners
24 Identification Card Act.

25 (2) "Patient" has the meaning as defined in Section 1.1
26 of the Firearm Owners Identification Card Act.

1 (3) "Mental health facility" has the meaning as defined
2 in Section 1.1 of the Firearm Owners Identification Card
3 Act.

4 (c) Upon the request of a peace officer who takes a person
5 into custody and transports such person to a mental health or
6 developmental disability facility pursuant to Section 3-606 or
7 4-404 of the Mental Health and Developmental Disabilities Code
8 or who transports a person from such facility, a facility
9 director shall furnish said peace officer the name, address,
10 age and name of the nearest relative of the person transported
11 to or from the mental health or developmental disability
12 facility. In no case shall the facility director disclose to
13 the peace officer any information relating to the diagnosis,
14 treatment or evaluation of the person's mental or physical
15 health.

16 For the purposes of this subsection (c), the terms "mental
17 health or developmental disability facility", "peace officer"
18 and "facility director" shall have the meanings ascribed to
19 them in the Mental Health and Developmental Disabilities Code.

20 (d) Upon the request of a peace officer or prosecuting
21 authority who is conducting a bona fide investigation of a
22 criminal offense, or attempting to apprehend a fugitive from
23 justice, a facility director may disclose whether a person is
24 present at the facility. Upon request of a peace officer or
25 prosecuting authority who has a valid forcible felony warrant
26 issued, a facility director shall disclose: (1) whether the

1 person who is the subject of the warrant is present at the
2 facility and (2) the date of that person's discharge or future
3 discharge from the facility. The requesting peace officer or
4 prosecuting authority must furnish a case number and the
5 purpose of the investigation or an outstanding arrest warrant
6 at the time of the request. Any person, institution, or agency
7 participating in good faith in disclosing such information in
8 accordance with this subsection (d) is immune from any
9 liability, civil, criminal or otherwise, that might result by
10 reason of the action.

11 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
12 eff. 7-27-15; revised 10-22-15.)

13 Section 575. The Premises Liability Act is amended by
14 changing Section 4.1 as follows:

15 (740 ILCS 130/4.1)

16 Sec. 4.1. Off-road riding facilities; liability.

17 (a) As used in this Section, "off-road riding facility"
18 means:

19 (1) an area of land, consisting of a closed course,
20 designed for use of off-highway vehicles in events such as,
21 but not limited to, dirt track, short track, flat track,
22 speedway, drag racing, grand prix, hare scrambles, hill
23 climb, ice racing, observed trails, mud and snow scrambles,
24 tractor pulls, sled pulls, truck pulls, mud runs, or other

1 contests of a side-by-side nature in a sporting event for
2 practice, instruction, testing, or competition of
3 off-highway vehicles; or

4 (2) a thoroughfare or track across land or snow used
5 for off-highway motorcycles or all-terrain vehicles.

6 (b) An owner or operator of an off-road riding facility in
7 existence on January 1, 2002 is immune from any criminal
8 liability arising out of or as a consequence of noise or sound
9 emissions resulting from the use of the off-road riding
10 facility. An owner or operator of an a off-road riding facility
11 is not subject to any action for public or private nuisance or
12 trespass, and no court in this State may enjoin the use or
13 operation of an a off-road riding facility on the basis of
14 noise or sound emissions resulting from the use of the off-road
15 riding facility.

16 (c) An owner or operator of an a off-road riding facility
17 placed in operation after January 1, 2002 is immune from any
18 criminal liability and is not subject to any action for public
19 or private nuisance or trespass arising out of or as a
20 consequence of noise or sound emissions resulting from the use
21 of the off-road riding facility, if the off-road riding
22 facility conforms to any one of the following requirements:

23 (1) All areas from which an off-road vehicle may be
24 properly operated are at least 1,000 feet from any occupied
25 permanent dwelling on adjacent property at the time the
26 facility was placed into operation.

1 (2) The off-road riding facility is situated on land
2 otherwise subject to land use zoning, and the off-road
3 riding facility was not prohibited by the zoning authority
4 at the time the facility was placed into operation.

5 (3) The off-road riding facility is operated by a
6 governmental entity or the off-road riding facility was the
7 recipient of grants under the Recreational Trails of
8 Illinois Act.

9 (d) The civil immunity in subsection (c) does not apply if
10 there is willful or wanton misconduct outside the normal use of
11 the off-road riding facility.

12 (Source: P.A. 98-847, eff. 1-1-15; revised 10-19-15.)

13 Section 580. The Illinois Marriage and Dissolution of
14 Marriage Act is amended by changing Section 513 as follows:

15 (750 ILCS 5/513) (from Ch. 40, par. 513)

16 Sec. 513. Educational Expenses for a Non-minor Child.

17 (a) The court may award sums of money out of the property
18 and income of either or both parties or the estate of a
19 deceased parent, as equity may require, for the educational
20 expenses of any child of the parties. Unless otherwise agreed
21 to by the parties, all educational expenses which are the
22 subject of a petition brought pursuant to this Section shall be
23 incurred no later than the student's 23rd birthday, except for
24 good cause shown, but in no event later than the child's 25th

1 birthday.

2 (b) Regardless of whether an award has been made under
3 subsection (a), the court may require both parties and the
4 child to complete the Free Application for Federal Student Aid
5 (FAFSA) and other financial aid forms and to submit any form of
6 that type prior to the designated submission deadline for the
7 form. The court may require either or both parties to provide
8 funds for the child so as to pay for the cost of up to 5 college
9 applications, the cost of 2 standardized college entrance
10 examinations, and the cost of one standardized college entrance
11 examination preparatory course.

12 (c) The authority under this Section to make provision for
13 educational expenses extends not only to periods of college
14 education or vocational or professional or other training after
15 graduation from high school, but also to any period during
16 which the child of the parties is still attending high school,
17 even though he or she attained the age of 19.

18 (d) Educational expenses may include, but shall not be
19 limited to, the following:

20 (1) except for good cause shown, the actual cost of the
21 child's post-secondary expenses, including tuition and
22 fees, provided that the cost for tuition and fees does not
23 exceed the amount of tuition and fees paid by a student at
24 the University of Illinois at Urbana-Champaign for the same
25 academic year;

26 (2) except for good cause shown, the actual costs of

1 the child's housing expenses, whether on-campus or
2 off-campus, provided that the housing expenses do not
3 exceed the cost for the same academic year of a
4 double-occupancy student room, with a standard meal plan,
5 in a residence hall operated by the University of Illinois
6 at Urbana-Champaign;

7 (3) the actual costs of the child's medical expenses,
8 including medical insurance, and dental expenses;

9 (4) the reasonable living expenses of the child during
10 the academic year and periods of recess:

11 (A) if the child is a resident student attending a
12 post-secondary educational program; or

13 (B) if the child is living with one party at that
14 party's home and attending a post-secondary
15 educational program as a non-resident student, in
16 which case the living expenses include an amount that
17 pays for the reasonable cost of the child's food,
18 utilities, and transportation; and

19 (5) the cost of books and other supplies necessary to
20 attend college.

21 (e) Sums may be ordered payable to the child, to either
22 party, or to the educational institution, directly or through a
23 special account or trust created for that purpose, as the court
24 sees fit.

25 (f) If educational expenses are ordered payable, each party
26 and the child shall sign any consent necessary for the

1 educational institution to provide a supporting party with
2 access to the child's academic transcripts, records, and grade
3 reports. The consent shall not apply to any non-academic
4 records. Failure to execute the required consent may be a basis
5 for a modification or termination of any order entered under
6 this Section. Unless the court specifically finds that the
7 child's safety would be jeopardized, each party is entitled to
8 know the name of the educational institution the child attends.

9 (g) The authority under this Section to make provision for
10 educational expenses terminates when the child either: fails to
11 maintain a cumulative "C" grade point average, except in the
12 event of illness or other good cause shown; attains the age of
13 23; receives a baccalaureate degree; or marries. A child's
14 enlisting in the armed forces, being incarcerated, or becoming
15 pregnant does not terminate the court's authority to make
16 provisions for the educational expenses for the child under
17 this Section.

18 (h) An account established prior to the dissolution that is
19 to be used for the child's post-secondary education, that is an
20 account in a state tuition program under Section 529 of the
21 Internal Revenue Code, or that is some other college savings
22 plan, is to be considered by the court to be a resource of the
23 child, provided that any post-judgment contribution made by a
24 party to such an account is to be considered a contribution
25 from that party.

26 (i) The child is not a third party beneficiary to the

1 settlement agreement or judgment between the parties after
2 trial and is not entitled to file a petition for contribution.
3 If the parties' settlement agreement describes the manner in
4 which a child's educational expenses will be paid, or if the
5 court makes an award pursuant to this Section, then the parties
6 are responsible pursuant to that agreement or award for the
7 child's educational expenses, but in no event shall the court
8 consider the child a third party beneficiary of that provision.
9 In the event of the death or legal disability of a party who
10 would have the right to file a petition for contribution, the
11 child of the party may file a petition for contribution. ~~a~~
12 ~~person with a mental or physical disability a person with a~~
13 ~~mental or physical disability~~

14 (j) In making awards under this Section, or pursuant to a
15 petition or motion to decrease, modify, or terminate any such
16 award, the court shall consider all relevant factors that
17 appear reasonable and necessary, including:

18 (1) The present and future financial resources of both
19 parties to meet their needs, including, but not limited to,
20 savings for retirement.

21 (2) The standard of living the child would have enjoyed
22 had the marriage not been dissolved.

23 (3) The financial resources of the child.

24 (4) The child's academic performance.

25 (k) The establishment of an obligation to pay under this
26 Section is retroactive only to the date of filing a petition.

1 The right to enforce a prior obligation to pay may be enforced
2 either before or after the obligation is incurred.

3 (Source: P.A. 99-90, eff. 1-1-16; 99-143, eff. 7-27-15; revised
4 10-22-15.)

5 Section 585. The Uniform Interstate Family Support Act is
6 amended by changing Section 102 as follows:

7 (750 ILCS 22/102) (was 750 ILCS 22/101)

8 Sec. 102. Definitions. In this Act:

9 (1) "Child" means an individual, whether over or under the
10 age of majority, who is or is alleged to be owed a duty of
11 support by the individual's parent or who is or is alleged to
12 be the beneficiary of a support order directed to the parent.

13 (2) "Child-support order" means a support order for a
14 child, including a child who has attained the age of majority
15 under the law of the issuing state or foreign country.

16 (3) "Convention" means the Convention on the International
17 Recovery of Child Support and Other Forms of Family
18 Maintenance, concluded at The Hague on November 23, 2007.

19 (4) "Duty of support" means an obligation imposed or
20 imposable by law to provide support for a child, spouse, or
21 former spouse including an unsatisfied obligation to provide
22 support.

23 (5) "Foreign country" means a country, including a
24 political subdivision thereof, other than the United States,

1 that authorizes the issuance of support orders and:

2 (A) which has been declared under the law of the United
3 States to be a foreign reciprocating country;

4 (B) which has established a reciprocal arrangement for
5 child support with this State as provided in Section 308;

6 (C) which has enacted a law or established procedures
7 for the issuance and enforcement of support orders which
8 are substantially similar to the procedures under this Act;
9 or

10 (D) in which the Convention is in force with respect to
11 the United States.

12 (6) "Foreign support order" means a support order of a
13 foreign tribunal.

14 (7) "Foreign tribunal" means a court, administrative
15 agency, or quasi-judicial entity of a foreign country which is
16 authorized to establish, enforce, or modify support orders or
17 to determine parentage of a child. The term includes a
18 competent authority under the Convention.

19 (8) "Home state" means the state or foreign country in
20 which a child lived with a parent or a person acting as parent
21 for at least 6 consecutive months immediately preceding the
22 time of filing of a petition or comparable pleading for
23 support, and if a child is less than 6 months old, the state or
24 foreign country in which the child lived from birth with any of
25 them. A period of temporary absence of any of them is counted
26 as part of the 6-month or other period.

1 (9) "Income" includes earnings or other periodic
2 entitlements to money from any source and any other property
3 subject to withholding for support under the law of this State.

4 (10) "Income-withholding order" means an order or other
5 legal process directed to an obligor's employer or other
6 debtor, as defined by the Income Withholding for Support Act~~7~~
7 ~~2015~~, to withhold support from the income of the obligor.

8 (11) "Initiating tribunal" means the tribunal of a state or
9 foreign country from which a petition or comparable pleading is
10 forwarded or in which a petition or comparable pleading is
11 filed for forwarding to another state or foreign country.

12 (12) "Issuing foreign country" means the foreign country in
13 which a tribunal issues a support order or a judgment
14 determining parentage of a child.

15 (13) "Issuing state" means the state in which a tribunal
16 issues a support order or a judgment determining parentage of a
17 child.

18 (14) "Issuing tribunal" means the tribunal of a state or
19 foreign country that issues a support order or a judgment
20 determining parentage of a child.

21 (15) "Law" includes decisional and statutory law and rules
22 and regulations having the force of law.

23 (16) "Obligee" means:

24 (A) an individual to whom a duty of support is or is
25 alleged to be owed or in whose favor a support order or a
26 judgment determining parentage of a child has been issued;

1 (B) a foreign country, state, or political subdivision
2 of a state to which the rights under a duty of support or
3 support order have been assigned or which has independent
4 claims based on financial assistance provided to an
5 individual obligee in place of child support;

6 (C) an individual seeking a judgment determining
7 parentage of the individual's child; or

8 (D) a person that is a creditor in a proceeding under
9 Article 7.

10 (17) "Obligor" means an individual, or the estate of a
11 decedent that:

12 (A) owes or is alleged to owe a duty of support;

13 (B) is alleged but has not been adjudicated to be a
14 parent of a child;

15 (C) is liable under a support order; or

16 (D) is a debtor in a proceeding under Article 7.

17 (18) "Outside this State" means a location in another state
18 or a country other than the United States, whether or not the
19 country is a foreign country.

20 (19) "Person" means an individual, corporation, business
21 trust, estate, trust, partnership, limited liability company,
22 association, joint venture, public corporation, government or
23 governmental subdivision, agency, or instrumentality, or any
24 other legal or commercial entity.

25 (20) "Record" means information that is inscribed on a
26 tangible medium or that is stored in an electronic or other

1 medium and is retrievable in perceivable form.

2 (21) "Register" means to record or file in a tribunal of
3 this State a support order or judgment determining parentage of
4 a child issued in another state or a foreign country.

5 (22) "Registering tribunal" means a tribunal in which a
6 support order or judgment determining parentage of a child is
7 registered.

8 (23) "Responding state" means a state in which a petition
9 or comparable pleading for support or to determine parentage of
10 a child is filed or to which a petition or comparable pleading
11 is forwarded for filing from another state or a foreign
12 country.

13 (24) "Responding tribunal" means the authorized tribunal
14 in a responding state or foreign country.

15 (25) "Spousal-support order" means a support order for a
16 spouse or former spouse of the obligor.

17 (26) "State" means a state of the United States, the
18 District of Columbia, Puerto Rico, the United States Virgin
19 Islands, or any territory or insular possession under the
20 jurisdiction of the United States. The term includes an Indian
21 nation or tribe.

22 (27) "Support enforcement agency" means a public official,
23 governmental entity, or private agency authorized to:

24 (A) seek enforcement of support orders or laws relating
25 to the duty of support;

26 (B) seek establishment or modification of child

1 support;

2 (C) request determination of parentage of a child;

3 (D) attempt to locate obligors or their assets; or

4 (E) request determination of the controlling
5 child-support order.

6 (28) "Support order" means a judgment, decree, order,
7 decision, or directive, whether temporary, final, or subject to
8 modification, issued in a state or foreign country for the
9 benefit of a child, a spouse, or a former spouse, which
10 provides for monetary support, health care, arrearages,
11 retroactive support, or reimbursement for financial assistance
12 provided to an individual obligee in place of child support.
13 The term may include related costs and fees, interest, income
14 withholding, automatic adjustment, reasonable attorney's fees,
15 and other relief.

16 (29) "Tribunal" means a court, administrative agency, or
17 quasi-judicial entity authorized to establish, enforce, or
18 modify support orders or to determine parentage of a child.

19 (Source: P.A. 99-78, eff. 7-20-15; 99-85, eff. 1-1-16; 99-119,
20 eff. 1-1-16; revised 10-22-15.)

21 Section 590. The Adoption Act is amended by changing
22 Sections 1 and 18.06 as follows:

23 (750 ILCS 50/1) (from Ch. 40, par. 1501)

24 Sec. 1. Definitions. When used in this Act, unless the

1 context otherwise requires:

2 A. "Child" means a person under legal age subject to
3 adoption under this Act.

4 B. "Related child" means a child subject to adoption where
5 either or both of the adopting parents stands in any of the
6 following relationships to the child by blood, marriage,
7 adoption, or civil union: parent, grand-parent,
8 great-grandparent, brother, sister, step-parent,
9 step-grandparent, step-brother, step-sister, uncle, aunt,
10 great-uncle, great-aunt, first cousin, or second cousin. A
11 person is related to the child as a first cousin or second
12 cousin if they are both related to the same ancestor as either
13 grandchild or great-grandchild. A child whose parent has
14 executed a consent to adoption, a surrender, or a waiver
15 pursuant to Section 10 of this Act or whose parent has signed a
16 denial of paternity pursuant to Section 12 of the Vital Records
17 Act or Section 12a of this Act, or whose parent has had his or
18 her parental rights terminated, is not a related child to that
19 person, unless (1) the consent is determined to be void or is
20 void pursuant to subsection O of Section 10 of this Act; or (2)
21 the parent of the child executed a consent to adoption by a
22 specified person or persons pursuant to subsection A-1 of
23 Section 10 of this Act and a court of competent jurisdiction
24 finds that such consent is void; or (3) the order terminating
25 the parental rights of the parent is vacated by a court of
26 competent jurisdiction.

1 C. "Agency" for the purpose of this Act means a public
2 child welfare agency or a licensed child welfare agency.

3 D. "Unfit person" means any person whom the court shall
4 find to be unfit to have a child, without regard to the
5 likelihood that the child will be placed for adoption. The
6 grounds of unfitness are any one or more of the following,
7 except that a person shall not be considered an unfit person
8 for the sole reason that the person has relinquished a child in
9 accordance with the Abandoned Newborn Infant Protection Act:

10 (a) Abandonment of the child.

11 (a-1) Abandonment of a newborn infant in a hospital.

12 (a-2) Abandonment of a newborn infant in any setting
13 where the evidence suggests that the parent intended to
14 relinquish his or her parental rights.

15 (b) Failure to maintain a reasonable degree of
16 interest, concern or responsibility as to the child's
17 welfare.

18 (c) Desertion of the child for more than 3 months next
19 preceding the commencement of the Adoption proceeding.

20 (d) Substantial neglect of the child if continuous or
21 repeated.

22 (d-1) Substantial neglect, if continuous or repeated,
23 of any child residing in the household which resulted in
24 the death of that child.

25 (e) Extreme or repeated cruelty to the child.

26 (f) There is a rebuttable presumption, which can be

1 overcome only by clear and convincing evidence, that a
2 parent is unfit if:

3 (1) Two or more findings of physical abuse have
4 been entered regarding any children under Section 2-21
5 of the Juvenile Court Act of 1987, the most recent of
6 which was determined by the juvenile court hearing the
7 matter to be supported by clear and convincing
8 evidence; or

9 (2) The parent has been convicted or found not
10 guilty by reason of insanity and the conviction or
11 finding resulted from the death of any child by
12 physical abuse; or

13 (3) There is a finding of physical child abuse
14 resulting from the death of any child under Section
15 2-21 of the Juvenile Court Act of 1987.

16 No conviction or finding of delinquency pursuant
17 to Article V of the Juvenile Court Act of 1987 shall be
18 considered a criminal conviction for the purpose of
19 applying any presumption under this item (f).

20 (g) Failure to protect the child from conditions within
21 his environment injurious to the child's welfare.

22 (h) Other neglect of, or misconduct toward the child;
23 provided that in making a finding of unfitness the court
24 hearing the adoption proceeding shall not be bound by any
25 previous finding, order or judgment affecting or
26 determining the rights of the parents toward the child

1 sought to be adopted in any other proceeding except such
2 proceedings terminating parental rights as shall be had
3 under either this Act, the Juvenile Court Act or the
4 Juvenile Court Act of 1987.

5 (i) Depravity. Conviction of any one of the following
6 crimes shall create a presumption that a parent is deprived
7 which can be overcome only by clear and convincing
8 evidence: (1) first degree murder in violation of paragraph
9 1 or 2 of subsection (a) of Section 9-1 of the Criminal
10 Code of 1961 or the Criminal Code of 2012 or conviction of
11 second degree murder in violation of subsection (a) of
12 Section 9-2 of the Criminal Code of 1961 or the Criminal
13 Code of 2012 of a parent of the child to be adopted; (2)
14 first degree murder or second degree murder of any child in
15 violation of the Criminal Code of 1961 or the Criminal Code
16 of 2012; (3) attempt or conspiracy to commit first degree
17 murder or second degree murder of any child in violation of
18 the Criminal Code of 1961 or the Criminal Code of 2012; (4)
19 solicitation to commit murder of any child, solicitation to
20 commit murder of any child for hire, or solicitation to
21 commit second degree murder of any child in violation of
22 the Criminal Code of 1961 or the Criminal Code of 2012; (5)
23 predatory criminal sexual assault of a child in violation
24 of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961
25 or the Criminal Code of 2012; (6) heinous battery of any
26 child in violation of the Criminal Code of 1961; or (7)

1 aggravated battery of any child in violation of the
2 Criminal Code of 1961 or the Criminal Code of 2012.

3 There is a rebuttable presumption that a parent is
4 deprived if the parent has been criminally convicted of at
5 least 3 felonies under the laws of this State or any other
6 state, or under federal law, or the criminal laws of any
7 United States territory; and at least one of these
8 convictions took place within 5 years of the filing of the
9 petition or motion seeking termination of parental rights.

10 There is a rebuttable presumption that a parent is
11 deprived if that parent has been criminally convicted of
12 either first or second degree murder of any person as
13 defined in the Criminal Code of 1961 or the Criminal Code
14 of 2012 within 10 years of the filing date of the petition
15 or motion to terminate parental rights.

16 No conviction or finding of delinquency pursuant to
17 Article 5 of the Juvenile Court Act of 1987 shall be
18 considered a criminal conviction for the purpose of
19 applying any presumption under this item (i).

20 (j) Open and notorious adultery or fornication.

21 (j-1) (Blank).

22 (k) Habitual drunkenness or addiction to drugs, other
23 than those prescribed by a physician, for at least one year
24 immediately prior to the commencement of the unfitness
25 proceeding.

26 There is a rebuttable presumption that a parent is

1 unfit under this subsection with respect to any child to
2 which that parent gives birth where there is a confirmed
3 test result that at birth the child's blood, urine, or
4 meconium contained any amount of a controlled substance as
5 defined in subsection (f) of Section 102 of the Illinois
6 Controlled Substances Act or metabolites of such
7 substances, the presence of which in the newborn infant was
8 not the result of medical treatment administered to the
9 mother or the newborn infant; and the biological mother of
10 this child is the biological mother of at least one other
11 child who was adjudicated a neglected minor under
12 subsection (c) of Section 2-3 of the Juvenile Court Act of
13 1987.

14 (1) Failure to demonstrate a reasonable degree of
15 interest, concern or responsibility as to the welfare of a
16 new born child during the first 30 days after its birth.

17 (m) Failure by a parent (i) to make reasonable efforts
18 to correct the conditions that were the basis for the
19 removal of the child from the parent during any 9-month
20 period following the adjudication of neglected or abused
21 minor under Section 2-3 of the Juvenile Court Act of 1987
22 or dependent minor under Section 2-4 of that Act, or (ii)
23 to make reasonable progress toward the return of the child
24 to the parent during any 9-month period following the
25 adjudication of neglected or abused minor under Section 2-3
26 of the Juvenile Court Act of 1987 or dependent minor under

1 Section 2-4 of that Act. If a service plan has been
2 established as required under Section 8.2 of the Abused and
3 Neglected Child Reporting Act to correct the conditions
4 that were the basis for the removal of the child from the
5 parent and if those services were available, then, for
6 purposes of this Act, "failure to make reasonable progress
7 toward the return of the child to the parent" includes the
8 parent's failure to substantially fulfill his or her
9 obligations under the service plan and correct the
10 conditions that brought the child into care during any
11 9-month period following the adjudication under Section
12 2-3 or 2-4 of the Juvenile Court Act of 1987.
13 Notwithstanding any other provision, when a petition or
14 motion seeks to terminate parental rights on the basis of
15 item (ii) of this subsection (m), the petitioner shall file
16 with the court and serve on the parties a pleading that
17 specifies the 9-month period or periods relied on. The
18 pleading shall be filed and served on the parties no later
19 than 3 weeks before the date set by the court for closure
20 of discovery, and the allegations in the pleading shall be
21 treated as incorporated into the petition or motion.
22 Failure of a respondent to file a written denial of the
23 allegations in the pleading shall not be treated as an
24 admission that the allegations are true.

25 (m-1) Pursuant to the Juvenile Court Act of 1987, a
26 child has been in foster care for 15 months out of any 22

1 month period which begins on or after the effective date of
2 this amendatory Act of 1998 unless the child's parent can
3 prove by a preponderance of the evidence that it is more
4 likely than not that it will be in the best interests of
5 the child to be returned to the parent within 6 months of
6 the date on which a petition for termination of parental
7 rights is filed under the Juvenile Court Act of 1987. The
8 15 month time limit is tolled during any period for which
9 there is a court finding that the appointed custodian or
10 guardian failed to make reasonable efforts to reunify the
11 child with his or her family, provided that (i) the finding
12 of no reasonable efforts is made within 60 days of the
13 period when reasonable efforts were not made or (ii) the
14 parent filed a motion requesting a finding of no reasonable
15 efforts within 60 days of the period when reasonable
16 efforts were not made. For purposes of this subdivision
17 (m-1), the date of entering foster care is the earlier of:
18 (i) the date of a judicial finding at an adjudicatory
19 hearing that the child is an abused, neglected, or
20 dependent minor; or (ii) 60 days after the date on which
21 the child is removed from his or her parent, guardian, or
22 legal custodian.

23 (n) Evidence of intent to forgo his or her parental
24 rights, whether or not the child is a ward of the court,
25 (1) as manifested by his or her failure for a period of 12
26 months: (i) to visit the child, (ii) to communicate with

1 the child or agency, although able to do so and not
2 prevented from doing so by an agency or by court order, or
3 (iii) to maintain contact with or plan for the future of
4 the child, although physically able to do so, or (2) as
5 manifested by the father's failure, where he and the mother
6 of the child were unmarried to each other at the time of
7 the child's birth, (i) to commence legal proceedings to
8 establish his paternity under the Illinois Parentage Act of
9 1984, the Illinois Parentage Act of 2015, or the law of the
10 jurisdiction of the child's birth within 30 days of being
11 informed, pursuant to Section 12a of this Act, that he is
12 the father or the likely father of the child or, after
13 being so informed where the child is not yet born, within
14 30 days of the child's birth, or (ii) to make a good faith
15 effort to pay a reasonable amount of the expenses related
16 to the birth of the child and to provide a reasonable
17 amount for the financial support of the child, the court to
18 consider in its determination all relevant circumstances,
19 including the financial condition of both parents;
20 provided that the ground for termination provided in this
21 subparagraph (n) (2) (ii) shall only be available where the
22 petition is brought by the mother or the husband of the
23 mother.

24 Contact or communication by a parent with his or her
25 child that does not demonstrate affection and concern does
26 not constitute reasonable contact and planning under

1 subdivision (n). In the absence of evidence to the
2 contrary, the ability to visit, communicate, maintain
3 contact, pay expenses and plan for the future shall be
4 presumed. The subjective intent of the parent, whether
5 expressed or otherwise, unsupported by evidence of the
6 foregoing parental acts manifesting that intent, shall not
7 preclude a determination that the parent has intended to
8 forgo his or her parental rights. In making this
9 determination, the court may consider but shall not require
10 a showing of diligent efforts by an authorized agency to
11 encourage the parent to perform the acts specified in
12 subdivision (n).

13 It shall be an affirmative defense to any allegation
14 under paragraph (2) of this subsection that the father's
15 failure was due to circumstances beyond his control or to
16 impediments created by the mother or any other person
17 having legal custody. Proof of that fact need only be by a
18 preponderance of the evidence.

19 (o) Repeated or continuous failure by the parents,
20 although physically and financially able, to provide the
21 child with adequate food, clothing, or shelter.

22 (p) Inability to discharge parental responsibilities
23 supported by competent evidence from a psychiatrist,
24 licensed clinical social worker, or clinical psychologist
25 of mental impairment, mental illness or an intellectual
26 disability as defined in Section 1-116 of the Mental Health

1 and Developmental Disabilities Code, or developmental
2 disability as defined in Section 1-106 of that Code, and
3 there is sufficient justification to believe that the
4 inability to discharge parental responsibilities shall
5 extend beyond a reasonable time period. However, this
6 subdivision (p) shall not be construed so as to permit a
7 licensed clinical social worker to conduct any medical
8 diagnosis to determine mental illness or mental
9 impairment.

10 (q) (Blank).

11 (r) The child is in the temporary custody or
12 guardianship of the Department of Children and Family
13 Services, the parent is incarcerated as a result of
14 criminal conviction at the time the petition or motion for
15 termination of parental rights is filed, prior to
16 incarceration the parent had little or no contact with the
17 child or provided little or no support for the child, and
18 the parent's incarceration will prevent the parent from
19 discharging his or her parental responsibilities for the
20 child for a period in excess of 2 years after the filing of
21 the petition or motion for termination of parental rights.

22 (s) The child is in the temporary custody or
23 guardianship of the Department of Children and Family
24 Services, the parent is incarcerated at the time the
25 petition or motion for termination of parental rights is
26 filed, the parent has been repeatedly incarcerated as a

1 result of criminal convictions, and the parent's repeated
2 incarceration has prevented the parent from discharging
3 his or her parental responsibilities for the child.

4 (t) A finding that at birth the child's blood, urine,
5 or meconium contained any amount of a controlled substance
6 as defined in subsection (f) of Section 102 of the Illinois
7 Controlled Substances Act, or a metabolite of a controlled
8 substance, with the exception of controlled substances or
9 metabolites of such substances, the presence of which in
10 the newborn infant was the result of medical treatment
11 administered to the mother or the newborn infant, and that
12 the biological mother of this child is the biological
13 mother of at least one other child who was adjudicated a
14 neglected minor under subsection (c) of Section 2-3 of the
15 Juvenile Court Act of 1987, after which the biological
16 mother had the opportunity to enroll in and participate in
17 a clinically appropriate substance abuse counseling,
18 treatment, and rehabilitation program.

19 E. "Parent" means a person who is the legal mother or legal
20 father of the child as defined in subsection X or Y of this
21 Section. For the purpose of this Act, a parent who has executed
22 a consent to adoption, a surrender, or a waiver pursuant to
23 Section 10 of this Act, who has signed a Denial of Paternity
24 pursuant to Section 12 of the Vital Records Act or Section 12a
25 of this Act, or whose parental rights have been terminated by a
26 court, is not a parent of the child who was the subject of the

1 consent, surrender, waiver, or denial unless (1) the consent is
2 void pursuant to subsection O of Section 10 of this Act; or (2)
3 the person executed a consent to adoption by a specified person
4 or persons pursuant to subsection A-1 of Section 10 of this Act
5 and a court of competent jurisdiction finds that the consent is
6 void; or (3) the order terminating the parental rights of the
7 person is vacated by a court of competent jurisdiction.

8 F. A person is available for adoption when the person is:

9 (a) a child who has been surrendered for adoption to an
10 agency and to whose adoption the agency has thereafter
11 consented;

12 (b) a child to whose adoption a person authorized by
13 law, other than his parents, has consented, or to whose
14 adoption no consent is required pursuant to Section 8 of
15 this Act;

16 (c) a child who is in the custody of persons who intend
17 to adopt him through placement made by his parents;

18 (c-1) a child for whom a parent has signed a specific
19 consent pursuant to subsection O of Section 10;

20 (d) an adult who meets the conditions set forth in
21 Section 3 of this Act; or

22 (e) a child who has been relinquished as defined in
23 Section 10 of the Abandoned Newborn Infant Protection Act.

24 A person who would otherwise be available for adoption
25 shall not be deemed unavailable for adoption solely by reason
26 of his or her death.

1 G. The singular includes the plural and the plural includes
2 the singular and the "male" includes the "female", as the
3 context of this Act may require.

4 H. (Blank).

5 I. "Habitual residence" has the meaning ascribed to it in
6 the federal Intercountry Adoption Act of 2000 and regulations
7 promulgated thereunder.

8 J. "Immediate relatives" means the biological parents, the
9 parents of the biological parents and siblings of the
10 biological parents.

11 K. "Intercountry adoption" is a process by which a child
12 from a country other than the United States is adopted by
13 persons who are habitual residents of the United States, or the
14 child is a habitual resident of the United States who is
15 adopted by persons who are habitual residents of a country
16 other than the United States.

17 L. (Blank).

18 M. "Interstate Compact on the Placement of Children" is a
19 law enacted by all states and certain territories for the
20 purpose of establishing uniform procedures for handling the
21 interstate placement of children in foster homes, adoptive
22 homes, or other child care facilities.

23 N. (Blank).

24 O. "Preadoption requirements" means any conditions or
25 standards established by the laws or administrative rules of
26 this State that must be met by a prospective adoptive parent

1 prior to the placement of a child in an adoptive home.

2 P. "Abused child" means a child whose parent or immediate
3 family member, or any person responsible for the child's
4 welfare, or any individual residing in the same home as the
5 child, or a paramour of the child's parent:

6 (a) inflicts, causes to be inflicted, or allows to be
7 inflicted upon the child physical injury, by other than
8 accidental means, that causes death, disfigurement,
9 impairment of physical or emotional health, or loss or
10 impairment of any bodily function;

11 (b) creates a substantial risk of physical injury to
12 the child by other than accidental means which would be
13 likely to cause death, disfigurement, impairment of
14 physical or emotional health, or loss or impairment of any
15 bodily function;

16 (c) commits or allows to be committed any sex offense
17 against the child, as sex offenses are defined in the
18 Criminal Code of 2012 and extending those definitions of
19 sex offenses to include children under 18 years of age;

20 (d) commits or allows to be committed an act or acts of
21 torture upon the child; or

22 (e) inflicts excessive corporal punishment.

23 Q. "Neglected child" means any child whose parent or other
24 person responsible for the child's welfare withholds or denies
25 nourishment or medically indicated treatment including food or
26 care denied solely on the basis of the present or anticipated

1 mental or physical impairment as determined by a physician
2 acting alone or in consultation with other physicians or
3 otherwise does not provide the proper or necessary support,
4 education as required by law, or medical or other remedial care
5 recognized under State law as necessary for a child's
6 well-being, or other care necessary for his or her well-being,
7 including adequate food, clothing and shelter; or who is
8 abandoned by his or her parents or other person responsible for
9 the child's welfare.

10 A child shall not be considered neglected or abused for the
11 sole reason that the child's parent or other person responsible
12 for his or her welfare depends upon spiritual means through
13 prayer alone for the treatment or cure of disease or remedial
14 care as provided under Section 4 of the Abused and Neglected
15 Child Reporting Act. A child shall not be considered neglected
16 or abused for the sole reason that the child's parent or other
17 person responsible for the child's welfare failed to vaccinate,
18 delayed vaccination, or refused vaccination for the child due
19 to a waiver on religious or medical grounds as permitted by
20 law.

21 R. "Putative father" means a man who may be a child's
22 father, but who (1) is not married to the child's mother on or
23 before the date that the child was or is to be born and (2) has
24 not established paternity of the child in a court proceeding
25 before the filing of a petition for the adoption of the child.
26 The term includes a male who is less than 18 years of age.

1 "Putative father" does not mean a man who is the child's father
2 as a result of criminal sexual abuse or assault as defined
3 under Article 11 of the Criminal Code of 2012.

4 S. "Standby adoption" means an adoption in which a parent
5 consents to custody and termination of parental rights to
6 become effective upon the occurrence of a future event, which
7 is either the death of the parent or the request of the parent
8 for the entry of a final judgment of adoption.

9 T. (Blank).

10 T-5. "Biological parent", "birth parent", or "natural
11 parent" of a child are interchangeable terms that mean a person
12 who is biologically or genetically related to that child as a
13 parent.

14 U. "Interstate adoption" means the placement of a minor
15 child with a prospective adoptive parent for the purpose of
16 pursuing an adoption for that child that is subject to the
17 provisions of the Interstate Compact on Placement of Children.

18 V. (Blank).

19 W. (Blank).

20 X. "Legal father" of a child means a man who is recognized
21 as or presumed to be that child's father:

22 (1) because of his marriage to or civil union with the
23 child's parent at the time of the child's birth or within
24 300 days prior to that child's birth, unless he signed a
25 denial of paternity pursuant to Section 12 of the Vital
26 Records Act or a waiver pursuant to Section 10 of this Act;

1 or

2 (2) because his paternity of the child has been
3 established pursuant to the Illinois Parentage Act, the
4 Illinois Parentage Act of 1984, or the Gestational
5 Surrogacy Act; or

6 (3) because he is listed as the child's father or
7 parent on the child's birth certificate, unless he is
8 otherwise determined by an administrative or judicial
9 proceeding not to be the parent of the child or unless he
10 rescinds his acknowledgment of paternity pursuant to the
11 Illinois Parentage Act of 1984; or

12 (4) because his paternity or adoption of the child has
13 been established by a court of competent jurisdiction.

14 The definition in this subsection X shall not be construed
15 to provide greater or lesser rights as to the number of parents
16 who can be named on a final judgment order of adoption or
17 Illinois birth certificate that otherwise exist under Illinois
18 law.

19 Y. "Legal mother" of a child means a woman who is
20 recognized as or presumed to be that child's mother:

21 (1) because she gave birth to the child except as
22 provided in the Gestational Surrogacy Act; or

23 (2) because her maternity of the child has been
24 established pursuant to the Illinois Parentage Act of 1984
25 or the Gestational Surrogacy Act; or

26 (3) because her maternity or adoption of the child has

1 been established by a court of competent jurisdiction; or

2 (4) because of her marriage to or civil union with the
3 child's other parent at the time of the child's birth or
4 within 300 days prior to the time of birth; or

5 (5) because she is listed as the child's mother or
6 parent on the child's birth certificate unless she is
7 otherwise determined by an administrative or judicial
8 proceeding not to be the parent of the child.

9 The definition in this subsection Y shall not be construed
10 to provide greater or lesser rights as to the number of parents
11 who can be named on a final judgment order of adoption or
12 Illinois birth certificate that otherwise exist under Illinois
13 law.

14 Z. "Department" means the Illinois Department of Children
15 and Family Services.

16 AA. "Placement disruption" means a circumstance where the
17 child is removed from an adoptive placement before the adoption
18 is finalized.

19 BB. "Secondary placement" means a placement, including but
20 not limited to the placement of a ward of the Department, that
21 occurs after a placement disruption or an adoption dissolution.
22 "Secondary placement" does not mean secondary placements
23 arising due to the death of the adoptive parent of the child.

24 CC. "Adoption dissolution" means a circumstance where the
25 child is removed from an adoptive placement after the adoption
26 is finalized.

1 DD. "Unregulated placement" means the secondary placement
2 of a child that occurs without the oversight of the courts, the
3 Department, or a licensed child welfare agency.

4 EE. "Post-placement and post-adoption support services"
5 means support services for placed or adopted children and
6 families that include, but are not limited to, counseling for
7 emotional, behavioral, or developmental needs.

8 (Source: P.A. 98-455, eff. 1-1-14; 98-532, eff. 1-1-14; 98-804,
9 eff. 1-1-15; 99-49, eff. 7-15-15; 99-85, eff. 1-1-16; revised
10 8-4-15.)

11 (750 ILCS 50/18.06)

12 Sec. 18.06. Definitions. When used in Sections 18.05
13 through Section 18.6, for the purposes of the Registry:

14 "Adopted person" means a person who was adopted pursuant to
15 the laws in effect at the time of the adoption.

16 "Adoptive parent" means a person who has become a parent
17 through the legal process of adoption.

18 "Adult child" means the biological child 21 years of age or
19 over of a deceased adopted or surrendered person.

20 "Adult grandchild" means the biological grandchild 21
21 years of age or over of a deceased adopted or surrendered
22 person.

23 "Adult adopted or surrendered person" means an adopted or
24 surrendered person 21 years of age or over.

25 "Agency" means a public child welfare agency or a licensed

1 child welfare agency.

2 "Birth aunt" means the adult full or half sister of a
3 deceased birth parent.

4 "Birth father" means the biological father of an adopted or
5 surrendered person who is named on the original certificate of
6 live birth or on a consent or surrender document, or a
7 biological father whose paternity has been established by a
8 judgment or order of the court, pursuant to the Illinois
9 Parentage Act of 1984 or the Illinois Parentage Act of 2015.

10 "Birth grandparent" means the biological parent of: (i) a
11 non-surrendered person who is a deceased birth mother; or (ii)
12 a non-surrendered person who is a deceased birth father.

13 "Birth mother" means the biological mother of an adopted or
14 surrendered person.

15 "Birth parent" means a birth mother or birth father of an
16 adopted or surrendered person.

17 "Birth Parent Preference Form" means the form prepared by
18 the Department of Public Health pursuant to Section 18.2
19 completed by a birth parent registrant and filed with the
20 Registry that indicates the birth parent's preferences
21 regarding contact and, if applicable, the release of his or her
22 identifying information on the non-certified copy of the
23 original birth certificate released to an adult adopted or
24 surrendered person or to the surviving adult child or surviving
25 spouse of a deceased adopted or surrendered person who has
26 filed a Request for a Non-Certified Copy of an Original Birth

1 Certificate.

2 "Birth relative" means a birth mother, birth father, birth
3 grandparent, birth sibling, birth aunt, or birth uncle.

4 "Birth sibling" means the adult full or half sibling of an
5 adopted or surrendered person.

6 "Birth uncle" means the adult full or half brother of a
7 deceased birth parent.

8 "Confidential intermediary" means an individual certified
9 by the Department of Children and Family Services pursuant to
10 Section 18.3a(e).

11 "Denial of Information Exchange" means an affidavit
12 completed by a registrant with the Illinois Adoption Registry
13 and Medical Information Exchange denying the release of
14 identifying information which has been filed with the Registry.

15 "Information Exchange Authorization" means an affidavit
16 completed by a registrant with the Illinois Adoption Registry
17 and Medical Information Exchange authorizing the release of
18 identifying information which has been filed with the Registry.

19 "Medical Information Exchange Questionnaire" means the
20 medical history questionnaire completed by a registrant of the
21 Illinois Adoption Registry and Medical Information Exchange.

22 "Non-certified Copy of the Original Birth Certificate"
23 means a non-certified copy of the original certificate of live
24 birth of an adult adopted or surrendered person who was born in
25 Illinois.

26 "Proof of death" means a death certificate.

1 "Registrant" or "Registered Party" means a birth parent,
2 birth grandparent, birth sibling, birth aunt, birth uncle,
3 adopted or surrendered person 21 years of age or over, adoptive
4 parent or legal guardian of an adopted or surrendered person
5 under the age of 21, or adoptive parent, surviving spouse, or
6 adult child of a deceased adopted or surrendered person who has
7 filed an Illinois Adoption Registry Application or
8 Registration Identification Form with the Registry.

9 "Registry" means the Illinois Adoption Registry and
10 Medical Information Exchange.

11 "Request for a Non-Certified Copy of an Original Birth
12 Certificate" means an affidavit completed by an adult adopted
13 or surrendered person or by the surviving adult child or
14 surviving spouse of a deceased adopted or surrendered person
15 and filed with the Registry requesting a non-certified copy of
16 an adult adopted or surrendered person's original certificate
17 of live birth in Illinois.

18 "Surrendered person" means a person whose parents' rights
19 have been surrendered or terminated but who has not been
20 adopted.

21 "Surviving spouse" means the wife or husband, 21 years of
22 age or older, of a deceased adopted or surrendered person who
23 would be 21 years of age or older if still alive and who has one
24 or more surviving biological children who are under the age of
25 21.

26 "18.3 statement" means a statement regarding the

1 disclosure of identifying information signed by a birth parent
2 under Section 18.3 of this Act as it existed immediately prior
3 to May 21, 2010 (the effective date of Public Act 96-895) ~~this~~
4 ~~amendatory Act of the 96th General Assembly.~~

5 (Source: P.A. 98-704, eff. 1-1-15; 99-85, eff. 1-1-16; 99-345,
6 eff. 1-1-16; revised 10-22-15.)

7 Section 595. The Illinois Domestic Violence Act of 1986 is
8 amended by changing Sections 214 and 227 as follows:

9 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

10 Sec. 214. Order of protection; remedies.

11 (a) Issuance of order. If the court finds that petitioner
12 has been abused by a family or household member or that
13 petitioner is a high-risk adult who has been abused, neglected,
14 or exploited, as defined in this Act, an order of protection
15 prohibiting the abuse, neglect, or exploitation shall issue;
16 provided that petitioner must also satisfy the requirements of
17 one of the following Sections, as appropriate: Section 217 on
18 emergency orders, Section 218 on interim orders, or Section 219
19 on plenary orders. Petitioner shall not be denied an order of
20 protection because petitioner or respondent is a minor. The
21 court, when determining whether or not to issue an order of
22 protection, shall not require physical manifestations of abuse
23 on the person of the victim. Modification and extension of
24 prior orders of protection shall be in accordance with this

1 Act.

2 (b) Remedies and standards. The remedies to be included in
3 an order of protection shall be determined in accordance with
4 this Section and one of the following Sections, as appropriate:
5 Section 217 on emergency orders, Section 218 on interim orders,
6 and Section 219 on plenary orders. The remedies listed in this
7 subsection shall be in addition to other civil or criminal
8 remedies available to petitioner.

9 (1) Prohibition of abuse, neglect, or exploitation.
10 Prohibit respondent's harassment, interference with
11 personal liberty, intimidation of a dependent, physical
12 abuse, or willful deprivation, neglect or exploitation, as
13 defined in this Act, or stalking of the petitioner, as
14 defined in Section 12-7.3 of the Criminal Code of 2012, if
15 such abuse, neglect, exploitation, or stalking has
16 occurred or otherwise appears likely to occur if not
17 prohibited.

18 (2) Grant of exclusive possession of residence.
19 Prohibit respondent from entering or remaining in any
20 residence, household, or premises of the petitioner,
21 including one owned or leased by respondent, if petitioner
22 has a right to occupancy thereof. The grant of exclusive
23 possession of the residence, household, or premises shall
24 not affect title to real property, nor shall the court be
25 limited by the standard set forth in Section 701 of the
26 Illinois Marriage and Dissolution of Marriage Act.

1 (A) Right to occupancy. A party has a right to
2 occupancy of a residence or household if it is solely
3 or jointly owned or leased by that party, that party's
4 spouse, a person with a legal duty to support that
5 party or a minor child in that party's care, or by any
6 person or entity other than the opposing party that
7 authorizes that party's occupancy (e.g., a domestic
8 violence shelter). Standards set forth in subparagraph
9 (B) shall not preclude equitable relief.

10 (B) Presumption of hardships. If petitioner and
11 respondent each has the right to occupancy of a
12 residence or household, the court shall balance (i) the
13 hardships to respondent and any minor child or
14 dependent adult in respondent's care resulting from
15 entry of this remedy with (ii) the hardships to
16 petitioner and any minor child or dependent adult in
17 petitioner's care resulting from continued exposure to
18 the risk of abuse (should petitioner remain at the
19 residence or household) or from loss of possession of
20 the residence or household (should petitioner leave to
21 avoid the risk of abuse). When determining the balance
22 of hardships, the court shall also take into account
23 the accessibility of the residence or household.
24 Hardships need not be balanced if respondent does not
25 have a right to occupancy.

26 The balance of hardships is presumed to favor

1 possession by petitioner unless the presumption is
2 rebutted by a preponderance of the evidence, showing
3 that the hardships to respondent substantially
4 outweigh the hardships to petitioner and any minor
5 child or dependent adult in petitioner's care. The
6 court, on the request of petitioner or on its own
7 motion, may order respondent to provide suitable,
8 accessible, alternate housing for petitioner instead
9 of excluding respondent from a mutual residence or
10 household.

11 (3) Stay away order and additional prohibitions. Order
12 respondent to stay away from petitioner or any other person
13 protected by the order of protection, or prohibit
14 respondent from entering or remaining present at
15 petitioner's school, place of employment, or other
16 specified places at times when petitioner is present, or
17 both, if reasonable, given the balance of hardships.
18 Hardships need not be balanced for the court to enter a
19 stay away order or prohibit entry if respondent has no
20 right to enter the premises.

21 (A) If an order of protection grants petitioner
22 exclusive possession of the residence, or prohibits
23 respondent from entering the residence, or orders
24 respondent to stay away from petitioner or other
25 protected persons, then the court may allow respondent
26 access to the residence to remove items of clothing and

1 personal adornment used exclusively by respondent,
2 medications, and other items as the court directs. The
3 right to access shall be exercised on only one occasion
4 as the court directs and in the presence of an
5 agreed-upon adult third party or law enforcement
6 officer.

7 (B) When the petitioner and the respondent attend
8 the same public, private, or non-public elementary,
9 middle, or high school, the court when issuing an order
10 of protection and providing relief shall consider the
11 severity of the act, any continuing physical danger or
12 emotional distress to the petitioner, the educational
13 rights guaranteed to the petitioner and respondent
14 under federal and State law, the availability of a
15 transfer of the respondent to another school, a change
16 of placement or a change of program of the respondent,
17 the expense, difficulty, and educational disruption
18 that would be caused by a transfer of the respondent to
19 another school, and any other relevant facts of the
20 case. The court may order that the respondent not
21 attend the public, private, or non-public elementary,
22 middle, or high school attended by the petitioner,
23 order that the respondent accept a change of placement
24 or change of program, as determined by the school
25 district or private or non-public school, or place
26 restrictions on the respondent's movements within the

1 school attended by the petitioner. The respondent
2 bears the burden of proving by a preponderance of the
3 evidence that a transfer, change of placement, or
4 change of program of the respondent is not available.
5 The respondent also bears the burden of production with
6 respect to the expense, difficulty, and educational
7 disruption that would be caused by a transfer of the
8 respondent to another school. A transfer, change of
9 placement, or change of program is not unavailable to
10 the respondent solely on the ground that the respondent
11 does not agree with the school district's or private or
12 non-public school's transfer, change of placement, or
13 change of program or solely on the ground that the
14 respondent fails or refuses to consent or otherwise
15 does not take an action required to effectuate a
16 transfer, change of placement, or change of program.
17 When a court orders a respondent to stay away from the
18 public, private, or non-public school attended by the
19 petitioner and the respondent requests a transfer to
20 another attendance center within the respondent's
21 school district or private or non-public school, the
22 school district or private or non-public school shall
23 have sole discretion to determine the attendance
24 center to which the respondent is transferred. In the
25 event the court order results in a transfer of the
26 minor respondent to another attendance center, a

1 change in the respondent's placement, or a change of
2 the respondent's program, the parents, guardian, or
3 legal custodian of the respondent is responsible for
4 transportation and other costs associated with the
5 transfer or change.

6 (C) The court may order the parents, guardian, or
7 legal custodian of a minor respondent to take certain
8 actions or to refrain from taking certain actions to
9 ensure that the respondent complies with the order. In
10 the event the court orders a transfer of the respondent
11 to another school, the parents, guardian, or legal
12 custodian of the respondent is responsible for
13 transportation and other costs associated with the
14 change of school by the respondent.

15 (4) Counseling. Require or recommend the respondent to
16 undergo counseling for a specified duration with a social
17 worker, psychologist, clinical psychologist, psychiatrist,
18 family service agency, alcohol or substance abuse program,
19 mental health center guidance counselor, agency providing
20 services to elders, program designed for domestic violence
21 abusers or any other guidance service the court deems
22 appropriate. The Court may order the respondent in any
23 intimate partner relationship to report to an Illinois
24 Department of Human Services protocol approved partner
25 abuse intervention program for an assessment and to follow
26 all recommended treatment.

1 (5) Physical care and possession of the minor child. In
2 order to protect the minor child from abuse, neglect, or
3 unwarranted separation from the person who has been the
4 minor child's primary caretaker, or to otherwise protect
5 the well-being of the minor child, the court may do either
6 or both of the following: (i) grant petitioner physical
7 care or possession of the minor child, or both, or (ii)
8 order respondent to return a minor child to, or not remove
9 a minor child from, the physical care of a parent or person
10 in loco parentis.

11 If a court finds, after a hearing, that respondent has
12 committed abuse (as defined in Section 103) of a minor
13 child, there shall be a rebuttable presumption that
14 awarding physical care to respondent would not be in the
15 minor child's best interest.

16 (6) Temporary allocation of parental responsibilities:
17 significant decision-making. Award temporary
18 decision-making responsibility to petitioner in accordance
19 with this Section, the Illinois Marriage and Dissolution of
20 Marriage Act, the Illinois Parentage Act of 2015, and this
21 State's Uniform Child-Custody Jurisdiction and Enforcement
22 Act.

23 If a court finds, after a hearing, that respondent has
24 committed abuse (as defined in Section 103) of a minor
25 child, there shall be a rebuttable presumption that
26 awarding temporary significant decision-making

1 responsibility to respondent would not be in the child's
2 best interest.

3 (7) Parenting time. Determine the parenting time, if
4 any, of respondent in any case in which the court awards
5 physical care or allocates temporary significant
6 decision-making responsibility of a minor child to
7 petitioner. The court shall restrict or deny respondent's
8 parenting time with a minor child if the court finds that
9 respondent has done or is likely to do any of the
10 following: (i) abuse or endanger the minor child during
11 parenting time; (ii) use the parenting time as an
12 opportunity to abuse or harass petitioner or petitioner's
13 family or household members; (iii) improperly conceal or
14 detain the minor child; or (iv) otherwise act in a manner
15 that is not in the best interests of the minor child. The
16 court shall not be limited by the standards set forth in
17 Section 603.10 of the Illinois Marriage and Dissolution of
18 Marriage Act. If the court grants parenting time, the order
19 shall specify dates and times for the parenting time to
20 take place or other specific parameters or conditions that
21 are appropriate. No order for parenting time shall refer
22 merely to the term "reasonable parenting time".

23 Petitioner may deny respondent access to the minor
24 child if, when respondent arrives for parenting time,
25 respondent is under the influence of drugs or alcohol and
26 constitutes a threat to the safety and well-being of

1 petitioner or petitioner's minor children or is behaving in
2 a violent or abusive manner.

3 If necessary to protect any member of petitioner's
4 family or household from future abuse, respondent shall be
5 prohibited from coming to petitioner's residence to meet
6 the minor child for parenting time, and the parties shall
7 submit to the court their recommendations for reasonable
8 alternative arrangements for parenting time. A person may
9 be approved to supervise parenting time only after filing
10 an affidavit accepting that responsibility and
11 acknowledging accountability to the court.

12 (8) Removal or concealment of minor child. Prohibit
13 respondent from removing a minor child from the State or
14 concealing the child within the State.

15 (9) Order to appear. Order the respondent to appear in
16 court, alone or with a minor child, to prevent abuse,
17 neglect, removal or concealment of the child, to return the
18 child to the custody or care of the petitioner or to permit
19 any court-ordered interview or examination of the child or
20 the respondent.

21 (10) Possession of personal property. Grant petitioner
22 exclusive possession of personal property and, if
23 respondent has possession or control, direct respondent to
24 promptly make it available to petitioner, if:

25 (i) petitioner, but not respondent, owns the
26 property; or

1 (ii) the parties own the property jointly; sharing
2 it would risk abuse of petitioner by respondent or is
3 impracticable; and the balance of hardships favors
4 temporary possession by petitioner.

5 If petitioner's sole claim to ownership of the property
6 is that it is marital property, the court may award
7 petitioner temporary possession thereof under the
8 standards of subparagraph (ii) of this paragraph only if a
9 proper proceeding has been filed under the Illinois
10 Marriage and Dissolution of Marriage Act, as now or
11 hereafter amended.

12 No order under this provision shall affect title to
13 property.

14 (11) Protection of property. Forbid the respondent
15 from taking, transferring, encumbering, concealing,
16 damaging or otherwise disposing of any real or personal
17 property, except as explicitly authorized by the court, if:

18 (i) petitioner, but not respondent, owns the
19 property; or

20 (ii) the parties own the property jointly, and the
21 balance of hardships favors granting this remedy.

22 If petitioner's sole claim to ownership of the property
23 is that it is marital property, the court may grant
24 petitioner relief under subparagraph (ii) of this
25 paragraph only if a proper proceeding has been filed under
26 the Illinois Marriage and Dissolution of Marriage Act, as

1 now or hereafter amended.

2 The court may further prohibit respondent from
3 improperly using the financial or other resources of an
4 aged member of the family or household for the profit or
5 advantage of respondent or of any other person.

6 (11.5) Protection of animals. Grant the petitioner the
7 exclusive care, custody, or control of any animal owned,
8 possessed, leased, kept, or held by either the petitioner
9 or the respondent or a minor child residing in the
10 residence or household of either the petitioner or the
11 respondent and order the respondent to stay away from the
12 animal and forbid the respondent from taking,
13 transferring, encumbering, concealing, harming, or
14 otherwise disposing of the animal.

15 (12) Order for payment of support. Order respondent to
16 pay temporary support for the petitioner or any child in
17 the petitioner's care or over whom the petitioner has been
18 allocated parental responsibility, when the respondent has
19 a legal obligation to support that person, in accordance
20 with the Illinois Marriage and Dissolution of Marriage Act,
21 which shall govern, among other matters, the amount of
22 support, payment through the clerk and withholding of
23 income to secure payment. An order for child support may be
24 granted to a petitioner with lawful physical care of a
25 child, or an order or agreement for physical care of a
26 child, prior to entry of an order allocating significant

1 decision-making responsibility. Such a support order shall
2 expire upon entry of a valid order allocating parental
3 responsibility differently and vacating the petitioner's
4 significant decision-making authority, unless otherwise
5 provided in the order.

6 (13) Order for payment of losses. Order respondent to
7 pay petitioner for losses suffered as a direct result of
8 the abuse, neglect, or exploitation. Such losses shall
9 include, but not be limited to, medical expenses, lost
10 earnings or other support, repair or replacement of
11 property damaged or taken, reasonable attorney's fees,
12 court costs and moving or other travel expenses, including
13 additional reasonable expenses for temporary shelter and
14 restaurant meals.

15 (i) Losses affecting family needs. If a party is
16 entitled to seek maintenance, child support or
17 property distribution from the other party under the
18 Illinois Marriage and Dissolution of Marriage Act, as
19 now or hereafter amended, the court may order
20 respondent to reimburse petitioner's actual losses, to
21 the extent that such reimbursement would be
22 "appropriate temporary relief", as authorized by
23 subsection (a) (3) of Section 501 of that Act.

24 (ii) Recovery of expenses. In the case of an
25 improper concealment or removal of a minor child, the
26 court may order respondent to pay the reasonable

1 expenses incurred or to be incurred in the search for
2 and recovery of the minor child, including but not
3 limited to legal fees, court costs, private
4 investigator fees, and travel costs.

5 (14) Prohibition of entry. Prohibit the respondent
6 from entering or remaining in the residence or household
7 while the respondent is under the influence of alcohol or
8 drugs and constitutes a threat to the safety and well-being
9 of the petitioner or the petitioner's children.

10 (14.5) Prohibition of firearm possession.

11 (a) Prohibit a respondent against whom an order of
12 protection was issued from possessing any firearms
13 during the duration of the order if the order:

14 (1) was issued after a hearing of which such
15 person received actual notice, and at which such
16 person had an opportunity to participate;

17 (2) restrains such person from harassing,
18 stalking, or threatening an intimate partner of
19 such person or child of such intimate partner or
20 person, or engaging in other conduct that would
21 place an intimate partner in reasonable fear of
22 bodily injury to the partner or child; and

23 (3) (i) includes a finding that such person
24 represents a credible threat to the physical
25 safety of such intimate partner or child; or (ii)
26 by its terms explicitly prohibits the use,

1 attempted use, or threatened use of physical force
2 against such intimate partner or child that would
3 reasonably be expected to cause bodily injury.

4 Any Firearm Owner's Identification Card in the
5 possession of the respondent, except as provided in
6 subsection (b), shall be ordered by the court to be
7 turned over to the local law enforcement agency. The
8 local law enforcement agency shall immediately mail
9 the card to the Department of State Police Firearm
10 Owner's Identification Card Office for safekeeping.
11 The court shall issue a warrant for seizure of any
12 firearm in the possession of the respondent, to be kept
13 by the local law enforcement agency for safekeeping,
14 except as provided in subsection (b). The period of
15 safekeeping shall be for the duration of the order of
16 protection. The firearm or firearms and Firearm
17 Owner's Identification Card, if unexpired, shall at
18 the respondent's request, be returned to the
19 respondent at the end of the order of protection. It is
20 the respondent's responsibility to notify the
21 Department of State Police Firearm Owner's
22 Identification Card Office.

23 (b) If the respondent is a peace officer as defined
24 in Section 2-13 of the Criminal Code of 2012, the court
25 shall order that any firearms used by the respondent in
26 the performance of his or her duties as a peace officer

1 be surrendered to the chief law enforcement executive
2 of the agency in which the respondent is employed, who
3 shall retain the firearms for safekeeping for the
4 duration of the order of protection.

5 (c) Upon expiration of the period of safekeeping,
6 if the firearms or Firearm Owner's Identification Card
7 cannot be returned to respondent because respondent
8 cannot be located, fails to respond to requests to
9 retrieve the firearms, or is not lawfully eligible to
10 possess a firearm, upon petition from the local law
11 enforcement agency, the court may order the local law
12 enforcement agency to destroy the firearms, use the
13 firearms for training purposes, or for any other
14 application as deemed appropriate by the local law
15 enforcement agency; or that the firearms be turned over
16 to a third party who is lawfully eligible to possess
17 firearms, and who does not reside with respondent.

18 (15) Prohibition of access to records. If an order of
19 protection prohibits respondent from having contact with
20 the minor child, or if petitioner's address is omitted
21 under subsection (b) of Section 203, or if necessary to
22 prevent abuse or wrongful removal or concealment of a minor
23 child, the order shall deny respondent access to, and
24 prohibit respondent from inspecting, obtaining, or
25 attempting to inspect or obtain, school or any other
26 records of the minor child who is in the care of

1 petitioner.

2 (16) Order for payment of shelter services. Order
3 respondent to reimburse a shelter providing temporary
4 housing and counseling services to the petitioner for the
5 cost of the services, as certified by the shelter and
6 deemed reasonable by the court.

7 (17) Order for injunctive relief. Enter injunctive
8 relief necessary or appropriate to prevent further abuse of
9 a family or household member or further abuse, neglect, or
10 exploitation of a high-risk adult with disabilities or to
11 effectuate one of the granted remedies, if supported by the
12 balance of hardships. If the harm to be prevented by the
13 injunction is abuse or any other harm that one of the
14 remedies listed in paragraphs (1) through (16) of this
15 subsection is designed to prevent, no further evidence is
16 necessary that the harm is an irreparable injury.

17 (c) Relevant factors; findings.

18 (1) In determining whether to grant a specific remedy,
19 other than payment of support, the court shall consider
20 relevant factors, including but not limited to the
21 following:

22 (i) the nature, frequency, severity, pattern and
23 consequences of the respondent's past abuse, neglect
24 or exploitation of the petitioner or any family or
25 household member, including the concealment of his or
26 her location in order to evade service of process or

1 notice, and the likelihood of danger of future abuse,
2 neglect, or exploitation to petitioner or any member of
3 petitioner's or respondent's family or household; and

4 (ii) the danger that any minor child will be abused
5 or neglected or improperly relocated from the
6 jurisdiction, improperly concealed within the State or
7 improperly separated from the child's primary
8 caretaker.

9 (2) In comparing relative hardships resulting to the
10 parties from loss of possession of the family home, the
11 court shall consider relevant factors, including but not
12 limited to the following:

13 (i) availability, accessibility, cost, safety,
14 adequacy, location and other characteristics of
15 alternate housing for each party and any minor child or
16 dependent adult in the party's care;

17 (ii) the effect on the party's employment; and

18 (iii) the effect on the relationship of the party,
19 and any minor child or dependent adult in the party's
20 care, to family, school, church and community.

21 (3) Subject to the exceptions set forth in paragraph
22 (4) of this subsection, the court shall make its findings
23 in an official record or in writing, and shall at a minimum
24 set forth the following:

25 (i) That the court has considered the applicable
26 relevant factors described in paragraphs (1) and (2) of

1 this subsection.

2 (ii) Whether the conduct or actions of respondent,
3 unless prohibited, will likely cause irreparable harm
4 or continued abuse.

5 (iii) Whether it is necessary to grant the
6 requested relief in order to protect petitioner or
7 other alleged abused persons.

8 (4) For purposes of issuing an ex parte emergency order
9 of protection, the court, as an alternative to or as a
10 supplement to making the findings described in paragraphs
11 (c) (3) (i) through (c) (3) (iii) of this subsection, may use
12 the following procedure:

13 When a verified petition for an emergency order of
14 protection in accordance with the requirements of Sections
15 203 and 217 is presented to the court, the court shall
16 examine petitioner on oath or affirmation. An emergency
17 order of protection shall be issued by the court if it
18 appears from the contents of the petition and the
19 examination of petitioner that the averments are
20 sufficient to indicate abuse by respondent and to support
21 the granting of relief under the issuance of the emergency
22 order of protection.

23 (5) Never married parties. No rights or
24 responsibilities for a minor child born outside of marriage
25 attach to a putative father until a father and child
26 relationship has been established under the Illinois

1 Parentage Act of 1984, the Illinois Parentage Act of 2015,
2 the Illinois Public Aid Code, Section 12 of the Vital
3 Records Act, the Juvenile Court Act of 1987, the Probate
4 Act of 1985, the Revised Uniform Reciprocal Enforcement of
5 Support Act, the Uniform Interstate Family Support Act, the
6 Expedited Child Support Act of 1990, any judicial,
7 administrative, or other act of another state or territory,
8 any other Illinois statute, or by any foreign nation
9 establishing the father and child relationship, any other
10 proceeding substantially in conformity with the Personal
11 Responsibility and Work Opportunity Reconciliation Act of
12 1996 (Pub. L. 104-193), or where both parties appeared in
13 open court or at an administrative hearing acknowledging
14 under oath or admitting by affirmation the existence of a
15 father and child relationship. Absent such an
16 adjudication, finding, or acknowledgement, no putative
17 father shall be granted temporary allocation of parental
18 responsibilities, including parenting time with the minor
19 child, or physical care and possession of the minor child,
20 nor shall an order of payment for support of the minor
21 child be entered.

22 (d) Balance of hardships; findings. If the court finds that
23 the balance of hardships does not support the granting of a
24 remedy governed by paragraph (2), (3), (10), (11), or (16) of
25 subsection (b) of this Section, which may require such
26 balancing, the court's findings shall so indicate and shall

1 include a finding as to whether granting the remedy will result
2 in hardship to respondent that would substantially outweigh the
3 hardship to petitioner from denial of the remedy. The findings
4 shall be an official record or in writing.

5 (e) Denial of remedies. Denial of any remedy shall not be
6 based, in whole or in part, on evidence that:

7 (1) Respondent has cause for any use of force, unless
8 that cause satisfies the standards for justifiable use of
9 force provided by Article 7 of the Criminal Code of 2012;

10 (2) Respondent was voluntarily intoxicated;

11 (3) Petitioner acted in self-defense or defense of
12 another, provided that, if petitioner utilized force, such
13 force was justifiable under Article 7 of the Criminal Code
14 of 2012;

15 (4) Petitioner did not act in self-defense or defense
16 of another;

17 (5) Petitioner left the residence or household to avoid
18 further abuse, neglect, or exploitation by respondent;

19 (6) Petitioner did not leave the residence or household
20 to avoid further abuse, neglect, or exploitation by
21 respondent;

22 (7) Conduct by any family or household member excused
23 the abuse, neglect, or exploitation by respondent, unless
24 that same conduct would have excused such abuse, neglect,
25 or exploitation if the parties had not been family or
26 household members.

1 (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; revised
2 10-19-15.)

3 (750 ILCS 60/227) (from Ch. 40, par. 2312-27)

4 Sec. 227. Privileged communications between domestic
5 violence counselors and victims.

6 (a) As used in this Section:

7 (1) "Domestic violence program" means any unit of local
8 government, organization, or association whose major
9 purpose is to provide one or more of the following:
10 information, crisis intervention, emergency shelter,
11 referral, counseling, advocacy, or emotional support to
12 victims of domestic violence.

13 (2) "Domestic violence advocate or counselor" means
14 any person (A) who has undergone a minimum of forty hours
15 of training in domestic violence advocacy, crisis
16 intervention, and related areas, and (B) who provides
17 services to victims through a domestic violence program
18 either on an employed or volunteer basis.

19 (3) "Confidential communication" means any
20 communication between an alleged victim of domestic
21 violence and a domestic violence advocate or counselor in
22 the course of providing information, counseling, or
23 advocacy. The term includes all records kept by the
24 advocate or counselor or by the domestic violence program
25 in the course of providing services to an alleged victim

1 concerning the alleged victim and the services provided.
2 The confidential nature of the communication is not waived
3 by the presence at the time of the communication of any
4 additional persons, including but not limited to an
5 interpreter, to further express the interests of the
6 domestic violence victim or by the advocate's or
7 counselor's disclosure to such an additional person with
8 the consent of the victim when reasonably necessary to
9 accomplish the purpose for which the advocate or counselor
10 is consulted.

11 (4) "Domestic violence victim" means any person who
12 consults a domestic violence counselor for the purpose of
13 securing advice, counseling or assistance related to one or
14 more alleged incidents of domestic violence.

15 (5) "Domestic violence" means abuse as defined in this
16 Act ~~the Illinois Domestic Violence Act~~.

17 (b) No domestic violence advocate or counselor shall
18 disclose any confidential communication or be examined as a
19 witness in any civil or criminal case or proceeding or in any
20 legislative or administrative proceeding without the written
21 consent of the domestic violence victim except (1) in
22 accordance with the provisions of the Abused and Neglected
23 Child Reporting Act or (2) in cases where failure to disclose
24 is likely to result in an imminent risk of serious bodily harm
25 or death of the victim or another person.

26 (c) A domestic violence advocate or counselor who knowingly

1 discloses any confidential communication in violation of this
2 Act commits a Class A misdemeanor.

3 (d) When a domestic violence victim is deceased or has been
4 adjudged incompetent by a court of competent jurisdiction, the
5 guardian of the domestic violence victim or the executor or
6 administrator of the estate of the domestic violence victim may
7 waive the privilege established by this Section, except where
8 the guardian, executor or administrator of the estate has been
9 charged with a violent crime against the domestic violence
10 victim or has had an Order of Protection entered against him or
11 her at the request of or on behalf of the domestic violence
12 victim or otherwise has an interest adverse to that of the
13 domestic violence victim with respect to the waiver of the
14 privilege. In that case, the court shall appoint an attorney
15 for the estate of the domestic violence victim.

16 (e) A minor may knowingly waive the privilege established
17 by this Section. Where a minor is, in the opinion of the court,
18 incapable of knowingly waiving the privilege, the parent or
19 guardian of the minor may waive the privilege on behalf of the
20 minor, except where such parent or guardian has been charged
21 with a violent crime against the minor or has had an Order of
22 Protection entered against him or her on request of or on
23 behalf of the minor or otherwise has any interest adverse to
24 that of the minor with respect to the waiver of the privilege.
25 In that case, the court shall appoint an attorney for the minor
26 child who shall be compensated in accordance with Section 506

1 of the Illinois Marriage and Dissolution of Marriage Act.

2 (f) Nothing in this Section shall be construed to limit in
3 any way any privilege that might otherwise exist under statute
4 or common law.

5 (g) The assertion of any privilege under this Section shall
6 not result in an inference unfavorable to the State's cause or
7 to the cause of the domestic violence victim.

8 (Source: P.A. 87-1186; revised 10-20-15.)

9 Section 600. The Probate Act of 1975 is amended by changing
10 Sections 11a-4, 11a-10, and 11a-18 as follows:

11 (755 ILCS 5/11a-4) (from Ch. 110 1/2, par. 11a-4)

12 Sec. 11a-4. Temporary guardian.

13 (a) Prior to the appointment of a guardian under this
14 Article, pending an appeal in relation to the appointment, or
15 pending the completion of a citation proceeding brought
16 pursuant to Section 23-3 of this Act, or upon a guardian's
17 death, incapacity, or resignation, the court may appoint a
18 temporary guardian upon a showing of the necessity therefor for
19 the immediate welfare and protection of the alleged person with
20 a disability or his or her estate on such notice and subject to
21 such conditions as the court may prescribe. In determining the
22 necessity for temporary guardianship, the immediate welfare
23 and protection of the alleged person with a disability and his
24 or her estate shall be of paramount concern, and the interests

1 of the petitioner, any care provider, or any other party shall
2 not outweigh the interests of the alleged person with a
3 disability. The temporary guardian shall have the limited
4 powers and duties of a guardian of the person or of the estate
5 which are specifically enumerated by court order. The court
6 order shall state the actual harm identified by the court that
7 necessitates temporary guardianship or any extension thereof.

8 (b) The temporary guardianship shall expire within 60 days
9 after the appointment or whenever a guardian is regularly
10 appointed, whichever occurs first. No extension shall be
11 granted except:

12 (1) In a case where there has been an adjudication of
13 disability, an extension shall be granted:

14 (i) pending the disposition on appeal of an
15 adjudication of disability;

16 (ii) pending the completion of a citation
17 proceeding brought pursuant to Section 23-3;

18 (iii) pending the appointment of a successor
19 guardian in a case where the former guardian has
20 resigned, has become incapacitated, or is deceased; or

21 (iv) where the guardian's powers have been
22 suspended pursuant to a court order.

23 (2) In a case where there has not been an adjudication
24 of disability, an extension shall be granted pending the
25 disposition of a petition brought pursuant to Section 11a-8
26 so long as the court finds it is in the best interest of

1 the alleged person with a disability to extend the
2 temporary guardianship so as to protect the alleged person
3 with a disability from any potential abuse, neglect,
4 self-neglect, exploitation, or other harm and such
5 extension lasts no more than 120 days from the date the
6 temporary guardian was originally appointed.

7 The ward shall have the right any time after the
8 appointment of a temporary guardian is made to petition the
9 court to revoke the appointment of the temporary guardian.

10 (Source: P.A. 99-70, eff. 1-1-16; 99-143, eff. 7-27-15; revised
11 10-21-15.)

12 (755 ILCS 5/11a-10) (from Ch. 110 1/2, par. 11a-10)

13 Sec. 11a-10. Procedures preliminary to hearing.

14 (a) Upon the filing of a petition pursuant to Section
15 11a-8, the court shall set a date and place for hearing to take
16 place within 30 days. The court shall appoint a guardian ad
17 litem to report to the court concerning the respondent's best
18 interests consistent with the provisions of this Section,
19 except that the appointment of a guardian ad litem shall not be
20 required when the court determines that such appointment is not
21 necessary for the protection of the respondent or a reasonably
22 informed decision on the petition. If the guardian ad litem is
23 not a licensed attorney, he or she shall be qualified, by
24 training or experience, to work with or advocate for persons
25 with developmental disabilities, the mentally ill, persons

1 with physical disabilities, the elderly, or persons with a
2 disability due to mental deterioration, depending on the type
3 of disability that is alleged in the petition. The court may
4 allow the guardian ad litem reasonable compensation. The
5 guardian ad litem may consult with a person who by training or
6 experience is qualified to work with persons with a
7 developmental disability, persons with mental illness, persons
8 with physical disabilities, or persons with a disability due to
9 mental deterioration, depending on the type of disability that
10 is alleged. The guardian ad litem shall personally observe the
11 respondent prior to the hearing and shall inform him orally and
12 in writing of the contents of the petition and of his rights
13 under Section 11a-11. The guardian ad litem shall also attempt
14 to elicit the respondent's position concerning the
15 adjudication of disability, the proposed guardian, a proposed
16 change in residential placement, changes in care that might
17 result from the guardianship, and other areas of inquiry deemed
18 appropriate by the court. Notwithstanding any provision in the
19 Mental Health and Developmental Disabilities Confidentiality
20 Act or any other law, a guardian ad litem shall have the right
21 to inspect and copy any medical or mental health record of the
22 respondent which the guardian ad litem deems necessary,
23 provided that the information so disclosed shall not be
24 utilized for any other purpose nor be redisclosed except in
25 connection with the proceedings. At or before the hearing, the
26 guardian ad litem shall file a written report detailing his or

1 her observations of the respondent, the responses of the
2 respondent to any of the inquiries ~~inquires~~ detailed in this
3 Section, the opinion of the guardian ad litem or other
4 professionals with whom the guardian ad litem consulted
5 concerning the appropriateness of guardianship, and any other
6 material issue discovered by the guardian ad litem. The
7 guardian ad litem shall appear at the hearing and testify as to
8 any issues presented in his or her report.

9 (b) The court (1) may appoint counsel for the respondent,
10 if the court finds that the interests of the respondent will be
11 best served by the appointment, and (2) shall appoint counsel
12 upon respondent's request or if the respondent takes a position
13 adverse to that of the guardian ad litem. The respondent shall
14 be permitted to obtain the appointment of counsel either at the
15 hearing or by any written or oral request communicated to the
16 court prior to the hearing. The summons shall inform the
17 respondent of this right to obtain appointed counsel. The court
18 may allow counsel for the respondent reasonable compensation.

19 (c) If the respondent is unable to pay the fee of the
20 guardian ad litem or appointed counsel, or both, the court may
21 enter an order for the petitioner to pay all such fees or such
22 amounts as the respondent or the respondent's estate may be
23 unable to pay. However, in cases where the Office of State
24 Guardian is the petitioner, consistent with Section 30 of the
25 Guardianship and Advocacy Act, where the public guardian is the
26 petitioner, consistent with Section 13-5 of this Act ~~the~~

1 ~~Probate Act of 1975~~, where an adult protective services agency
2 is the petitioner, pursuant to Section 9 of the Adult
3 Protective Services Act, or where the Department of Children
4 and Family Services is the petitioner under subparagraph (d) of
5 subsection (1) of Section 2-27 of the Juvenile Court Act of
6 1987, no guardian ad litem or legal fees shall be assessed
7 against the Office of State Guardian, the public guardian, the
8 adult protective services agency, or the Department of Children
9 and Family Services.

10 (d) The hearing may be held at such convenient place as the
11 court directs, including at a facility in which the respondent
12 resides.

13 (e) Unless he is the petitioner, the respondent shall be
14 personally served with a copy of the petition and a summons not
15 less than 14 days before the hearing. The summons shall be
16 printed in large, bold type and shall include the following
17 notice:

18 NOTICE OF RIGHTS OF RESPONDENT

19 You have been named as a respondent in a guardianship
20 petition asking that you be declared a person with a
21 disability. If the court grants the petition, a guardian will
22 be appointed for you. A copy of the guardianship petition is
23 attached for your convenience.

24 The date and time of the hearing are:

25 The place where the hearing will occur is:

26 The Judge's name and phone number is:

1 If a guardian is appointed for you, the guardian may be
2 given the right to make all important personal decisions for
3 you, such as where you may live, what medical treatment you may
4 receive, what places you may visit, and who may visit you. A
5 guardian may also be given the right to control and manage your
6 money and other property, including your home, if you own one.
7 You may lose the right to make these decisions for yourself.

8 You have the following legal rights:

9 (1) You have the right to be present at the court
10 hearing.

11 (2) You have the right to be represented by a lawyer,
12 either one that you retain, or one appointed by the Judge.

13 (3) You have the right to ask for a jury of six persons
14 to hear your case.

15 (4) You have the right to present evidence to the court
16 and to confront and cross-examine witnesses.

17 (5) You have the right to ask the Judge to appoint an
18 independent expert to examine you and give an opinion about
19 your need for a guardian.

20 (6) You have the right to ask that the court hearing be
21 closed to the public.

22 (7) You have the right to tell the court whom you
23 prefer to have for your guardian.

24 You do not have to attend the court hearing if you do not
25 want to be there. If you do not attend, the Judge may appoint a
26 guardian if the Judge finds that a guardian would be of benefit

1 to you. The hearing will not be postponed or canceled if you do
2 not attend.

3 IT IS VERY IMPORTANT THAT YOU ATTEND THE HEARING IF YOU DO
4 NOT WANT A GUARDIAN OR IF YOU WANT SOMEONE OTHER THAN THE
5 PERSON NAMED IN THE GUARDIANSHIP PETITION TO BE YOUR GUARDIAN.
6 IF YOU DO NOT WANT A GUARDIAN OF IF YOU HAVE ANY OTHER
7 PROBLEMS, YOU SHOULD CONTACT AN ATTORNEY OR COME TO COURT AND
8 TELL THE JUDGE.

9 Service of summons and the petition may be made by a
10 private person 18 years of age or over who is not a party to the
11 action.

12 (f) Notice of the time and place of the hearing shall be
13 given by the petitioner by mail or in person to those persons,
14 including the proposed guardian, whose names and addresses
15 appear in the petition and who do not waive notice, not less
16 than 14 days before the hearing.

17 (Source: P.A. 98-49, eff. 7-1-13; 98-89, eff. 7-15-13; 98-756,
18 eff. 7-16-14; 99-143, eff. 7-27-15; revised 10-19-15.)

19 (755 ILCS 5/11a-18) (from Ch. 110 1/2, par. 11a-18)

20 Sec. 11a-18. Duties of the estate guardian.

21 (a) To the extent specified in the order establishing the
22 guardianship, the guardian of the estate shall have the care,
23 management and investment of the estate, shall manage the
24 estate frugally and shall apply the income and principal of the
25 estate so far as necessary for the comfort and suitable support

1 and education of the ward, his minor and adult dependent
2 children, and persons related by blood or marriage who are
3 dependent upon or entitled to support from him, or for any
4 other purpose which the court deems to be for the best
5 interests of the ward, and the court may approve the making on
6 behalf of the ward of such agreements as the court determines
7 to be for the ward's best interests. The guardian may make
8 disbursement of his ward's funds and estate directly to the
9 ward or other distributee or in such other manner and in such
10 amounts as the court directs. If the estate of a ward is
11 derived in whole or in part from payments of compensation,
12 adjusted compensation, pension, insurance or other similar
13 benefits made directly to the estate by the Veterans
14 Administration, notice of the application for leave to invest
15 or expend the ward's funds or estate, together with a copy of
16 the petition and proposed order, shall be given to the
17 Veterans' Administration Regional Office in this State at least
18 7 days before the hearing on the application.

19 (a-5) The probate court, upon petition of a guardian, other
20 than the guardian of a minor, and after notice to all other
21 persons interested as the court directs, may authorize the
22 guardian to exercise any or all powers over the estate and
23 business affairs of the ward that the ward could exercise if
24 present and not under disability. The court may authorize the
25 taking of an action or the application of funds not required
26 for the ward's current and future maintenance and support in

1 any manner approved by the court as being in keeping with the
2 ward's wishes so far as they can be ascertained. The court must
3 consider the permanence of the ward's disabling condition and
4 the natural objects of the ward's bounty. In ascertaining and
5 carrying out the ward's wishes the court may consider, but
6 shall not be limited to, minimization of State or federal
7 income, estate, or inheritance taxes; and providing gifts to
8 charities, relatives, and friends that would be likely
9 recipients of donations from the ward. The ward's wishes as
10 best they can be ascertained shall be carried out, whether or
11 not tax savings are involved. Actions or applications of funds
12 may include, but shall not be limited to, the following:

13 (1) making gifts of income or principal, or both, of
14 the estate, either outright or in trust;

15 (2) conveying, releasing, or disclaiming his or her
16 contingent and expectant interests in property, including
17 marital property rights and any right of survivorship
18 incident to joint tenancy or tenancy by the entirety;

19 (3) releasing or disclaiming his or her powers as
20 trustee, personal representative, custodian for minors, or
21 guardian;

22 (4) exercising, releasing, or disclaiming his or her
23 powers as donee of a power of appointment;

24 (5) entering into contracts;

25 (6) creating for the benefit of the ward or others,
26 revocable or irrevocable trusts of his or her property that

1 may extend beyond his or her disability or life;

2 (7) exercising options of the ward to purchase or
3 exchange securities or other property;

4 (8) exercising the rights of the ward to elect benefit
5 or payment options, to terminate, to change beneficiaries
6 or ownership, to assign rights, to borrow, or to receive
7 cash value in return for a surrender of rights under any
8 one or more of the following:

9 (i) life insurance policies, plans, or benefits,

10 (ii) annuity policies, plans, or benefits,

11 (iii) mutual fund and other dividend investment
12 plans,

13 (iv) retirement, profit sharing, and employee
14 welfare plans and benefits;

15 (9) exercising his or her right to claim or disclaim an
16 elective share in the estate of his or her deceased spouse
17 and to renounce any interest by testate or intestate
18 succession or by inter vivos transfer;

19 (10) changing the ward's residence or domicile; or

20 (11) modifying by means of codicil or trust amendment
21 the terms of the ward's will or any revocable trust created
22 by the ward, as the court may consider advisable in light
23 of changes in applicable tax laws.

24 The guardian in his or her petition shall briefly outline
25 the action or application of funds for which he or she seeks
26 approval, the results expected to be accomplished thereby, and

1 the tax savings, if any, expected to accrue. The proposed
2 action or application of funds may include gifts of the ward's
3 personal property or real estate, but transfers of real estate
4 shall be subject to the requirements of Section 20 of this Act.
5 Gifts may be for the benefit of prospective legatees, devisees,
6 or heirs apparent of the ward or may be made to individuals or
7 charities in which the ward is believed to have an interest.
8 The guardian shall also indicate in the petition that any
9 planned disposition is consistent with the intentions of the
10 ward insofar as they can be ascertained, and if the ward's
11 intentions cannot be ascertained, the ward will be presumed to
12 favor reduction in the incidents of various forms of taxation
13 and the partial distribution of his or her estate as provided
14 in this subsection. The guardian shall not, however, be
15 required to include as a beneficiary or fiduciary any person
16 who he has reason to believe would be excluded by the ward. A
17 guardian shall be required to investigate and pursue a ward's
18 eligibility for governmental benefits.

19 (b) Upon the direction of the court which issued his
20 letters, a guardian may perform the contracts of his ward which
21 were legally subsisting at the time of the commencement of the
22 ward's disability. The court may authorize the guardian to
23 execute and deliver any bill of sale, deed or other instrument.

24 (c) The guardian of the estate of a ward shall appear for
25 and represent the ward in all legal proceedings unless another
26 person is appointed for that purpose as guardian or next

1 friend. This does not impair the power of any court to appoint
2 a guardian ad litem or next friend to defend the interests of
3 the ward in that court, or to appoint or allow any person as
4 the next friend of a ward to commence, prosecute or defend any
5 proceeding in his behalf. Without impairing the power of the
6 court in any respect, if the guardian of the estate of a ward
7 and another person as next friend shall appear for and
8 represent the ward in a legal proceeding in which the
9 compensation of the attorney or attorneys representing the
10 guardian and next friend is solely determined under a
11 contingent fee arrangement, the guardian of the estate of the
12 ward shall not participate in or have any duty to review the
13 prosecution of the action, to participate in or review the
14 appropriateness of any settlement of the action, or to
15 participate in or review any determination of the
16 appropriateness of any fees awarded to the attorney or
17 attorneys employed in the prosecution of the action.

18 (d) Adjudication of disability shall not revoke or
19 otherwise terminate a trust which is revocable by the ward. A
20 guardian of the estate shall have no authority to revoke a
21 trust that is revocable by the ward, except that the court may
22 authorize a guardian to revoke a Totten trust or similar
23 deposit or withdrawable capital account in trust to the extent
24 necessary to provide funds for the purposes specified in
25 paragraph (a) of this Section. If the trustee of any trust for
26 the benefit of the ward has discretionary power to apply income

1 or principal for the ward's benefit, the trustee shall not be
2 required to distribute any of the income or principal to the
3 guardian of the ward's estate, but the guardian may bring an
4 action on behalf of the ward to compel the trustee to exercise
5 the trustee's discretion or to seek relief from an abuse of
6 discretion. This paragraph shall not limit the right of a
7 guardian of the estate to receive accountings from the trustee
8 on behalf of the ward.

9 (d-5) Upon a verified petition by the plenary or limited
10 guardian of the estate or the request of the ward that is
11 accompanied by a current physician's report that states the
12 ward possesses testamentary capacity, the court may enter an
13 order authorizing the ward to execute a will or codicil. In so
14 ordering, the court shall authorize the guardian to retain
15 independent counsel for the ward with whom the ward may execute
16 or modify a will or codicil.

17 (e) Absent court order pursuant to the Illinois Power of
18 Attorney Act directing a guardian to exercise powers of the
19 principal under an agency that survives disability, the
20 guardian will have no power, duty or liability with respect to
21 any property subject to the agency. This subsection (e) applies
22 to all agencies, whenever and wherever executed.

23 (f) Upon petition by any interested person (including the
24 standby or short-term guardian), with such notice to interested
25 persons as the court directs and a finding by the court that it
26 is in the best interest of the person with a disability, the

1 court may terminate or limit the authority of a standby or
2 short-term guardian or may enter such other orders as the court
3 deems necessary to provide for the best interest of the person
4 with a disability. The petition for termination or limitation
5 of the authority of a standby or short-term guardian may, but
6 need not, be combined with a petition to have another guardian
7 appointed for the person with a disability.

8 (Source: P.A. 99-143, eff. 7-27-15; 99-302, eff. 1-1-16;
9 revised 10-21-15.)

10 Section 605. The Condominium Property Act is amended by
11 changing Section 18 as follows:

12 (765 ILCS 605/18) (from Ch. 30, par. 318)

13 (Text of Section before amendment by P.A. 99-472)

14 Sec. 18. Contents of bylaws. The bylaws shall provide for
15 at least the following:

16 (a)(1) The election from among the unit owners of a board
17 of managers, the number of persons constituting such board, and
18 that the terms of at least one-third of the members of the
19 board shall expire annually and that all members of the board
20 shall be elected at large; if ~~if~~ there are multiple owners of
21 a single unit, only one of the multiple owners shall be
22 eligible to serve as a member of the board at any one time; ~~;~~

23 (2) the powers and duties of the board;

24 (3) the compensation, if any, of the members of the board;

1 (4) the method of removal from office of members of the
2 board;

3 (5) that the board may engage the services of a manager or
4 managing agent;

5 (6) that each unit owner shall receive, at least 30 days
6 prior to the adoption thereof by the board of managers, a copy
7 of the proposed annual budget together with an indication of
8 which portions are intended for reserves, capital expenditures
9 or repairs or payment of real estate taxes;

10 (7) that the board of managers shall annually supply to all
11 unit owners an itemized accounting of the common expenses for
12 the preceding year actually incurred or paid, together with an
13 indication of which portions were for reserves, capital
14 expenditures or repairs or payment of real estate taxes and
15 with a tabulation of the amounts collected pursuant to the
16 budget or assessment, and showing the net excess or deficit of
17 income over expenditures plus reserves;

18 (8) (i) that each unit owner shall receive notice, in the
19 same manner as is provided in this Act for membership meetings,
20 of any meeting of the board of managers concerning the adoption
21 of the proposed annual budget and regular assessments pursuant
22 thereto or to adopt a separate (special) assessment, (ii) that
23 except as provided in subsection (iv) below, if an adopted
24 budget or any separate assessment adopted by the board would
25 result in the sum of all regular and separate assessments
26 payable in the current fiscal year exceeding 115% of the sum of

1 all regular and separate assessments payable during the
2 preceding fiscal year, the board of managers, upon written
3 petition by unit owners with 20 percent of the votes of the
4 association delivered to the board within 14 days of the board
5 action, shall call a meeting of the unit owners within 30 days
6 of the date of delivery of the petition to consider the budget
7 or separate assessment; unless a majority of the total votes of
8 the unit owners are cast at the meeting to reject the budget or
9 separate assessment, it is ratified, (iii) that any common
10 expense not set forth in the budget or any increase in
11 assessments over the amount adopted in the budget shall be
12 separately assessed against all unit owners, (iv) that separate
13 assessments for expenditures relating to emergencies or
14 mandated by law may be adopted by the board of managers without
15 being subject to unit owner approval or the provisions of item
16 (ii) above or item (v) below. As used herein, "emergency" means
17 an immediate danger to the structural integrity of the common
18 elements or to the life, health, safety or property of the unit
19 owners, (v) that assessments for additions and alterations to
20 the common elements or to association-owned property not
21 included in the adopted annual budget, shall be separately
22 assessed and are subject to approval of two-thirds of the total
23 votes of all unit owners, (vi) that the board of managers may
24 adopt separate assessments payable over more than one fiscal
25 year. With respect to multi-year assessments not governed by
26 items (iv) and (v), the entire amount of the multi-year

1 assessment shall be deemed considered and authorized in the
2 first fiscal year in which the assessment is approved;

3 (9) that meetings of the board of managers shall be open to
4 any unit owner, except for the portion of any meeting held (i)
5 to discuss litigation when an action against or on behalf of
6 the particular association has been filed and is pending in a
7 court or administrative tribunal, or when the board of managers
8 finds that such an action is probable or imminent, (ii) to
9 consider information regarding appointment, employment or
10 dismissal of an employee, or (iii) to discuss violations of
11 rules and regulations of the association or a unit owner's
12 unpaid share of common expenses; that any vote on these matters
13 shall be taken at a meeting or portion thereof open to any unit
14 owner; that any unit owner may record the proceedings at
15 meetings or portions thereof required to be open by this Act by
16 tape, film or other means; that the board may prescribe
17 reasonable rules and regulations to govern the right to make
18 such recordings, that notice of such meetings shall be mailed
19 or delivered at least 48 hours prior thereto, unless a written
20 waiver of such notice is signed by the person or persons
21 entitled to such notice pursuant to the declaration, bylaws,
22 other condominium instrument, or provision of law other than
23 this subsection before the meeting is convened, and that copies
24 of notices of meetings of the board of managers shall be posted
25 in entranceways, elevators, or other conspicuous places in the
26 condominium at least 48 hours prior to the meeting of the board

1 of managers except where there is no common entranceway for 7
2 or more units, the board of managers may designate one or more
3 locations in the proximity of these units where the notices of
4 meetings shall be posted;

5 (10) that the board shall meet at least 4 times annually;

6 (11) that no member of the board or officer shall be
7 elected for a term of more than 2 years, but that officers and
8 board members may succeed themselves;

9 (12) the designation of an officer to mail and receive all
10 notices and execute amendments to condominium instruments as
11 provided for in this Act and in the condominium instruments;

12 (13) the method of filling vacancies on the board which
13 shall include authority for the remaining members of the board
14 to fill the vacancy by two-thirds vote until the next annual
15 meeting of unit owners or for a period terminating no later
16 than 30 days following the filing of a petition signed by unit
17 owners holding 20% of the votes of the association requesting a
18 meeting of the unit owners to fill the vacancy for the balance
19 of the term, and that a meeting of the unit owners shall be
20 called for purposes of filling a vacancy on the board no later
21 than 30 days following the filing of a petition signed by unit
22 owners holding 20% of the votes of the association requesting
23 such a meeting, and the method of filling vacancies among the
24 officers that shall include the authority for the members of
25 the board to fill the vacancy for the unexpired portion of the
26 term;

1 (14) what percentage of the board of managers, if other
2 than a majority, shall constitute a quorum;

3 (15) provisions concerning notice of board meetings to
4 members of the board;

5 (16) the board of managers may not enter into a contract
6 with a current board member or with a corporation or
7 partnership in which a board member or a member of the board
8 member's immediate family has 25% or more interest, unless
9 notice of intent to enter the contract is given to unit owners
10 within 20 days after a decision is made to enter into the
11 contract and the unit owners are afforded an opportunity by
12 filing a petition, signed by 20% of the unit owners, for an
13 election to approve or disapprove the contract; such petition
14 shall be filed within 20 days after such notice and such
15 election shall be held within 30 days after filing the
16 petition; for purposes of this subsection, a board member's
17 immediate family means the board member's spouse, parents, and
18 children;

19 (17) that the board of managers may disseminate to unit
20 owners biographical and background information about
21 candidates for election to the board if (i) reasonable efforts
22 to identify all candidates are made and all candidates are
23 given an opportunity to include biographical and background
24 information in the information to be disseminated; and (ii) the
25 board does not express a preference in favor of any candidate;

26 (18) any proxy distributed for board elections by the board

1 of managers gives unit owners the opportunity to designate any
2 person as the proxy holder, and gives the unit owner the
3 opportunity to express a preference for any of the known
4 candidates for the board or to write in a name;

5 (19) that special meetings of the board of managers can be
6 called by the president or 25% of the members of the board; and

7 (20) that the board of managers may establish and maintain
8 a system of master metering of public utility services and
9 collect payments in connection therewith, subject to the
10 requirements of the Tenant Utility Payment Disclosure Act.

11 (b) (1) What percentage of the unit owners, if other than
12 20%, shall constitute a quorum provided that, for condominiums
13 with 20 or more units, the percentage of unit owners
14 constituting a quorum shall be 20% unless the unit owners
15 holding a majority of the percentage interest in the
16 association provide for a higher percentage, provided that in
17 voting on amendments to the association's bylaws, a unit owner
18 who is in arrears on the unit owner's regular or separate
19 assessments for 60 days or more, shall not be counted for
20 purposes of determining if a quorum is present, but that unit
21 owner retains the right to vote on amendments to the
22 association's bylaws;

23 (2) that the association shall have one class of
24 membership;

25 (3) that the members shall hold an annual meeting, one of
26 the purposes of which shall be to elect members of the board of

1 managers;

2 (4) the method of calling meetings of the unit owners;

3 (5) that special meetings of the members can be called by
4 the president, board of managers, or by 20% of unit owners;

5 (6) that written notice of any membership meeting shall be
6 mailed or delivered giving members no less than 10 and no more
7 than 30 days notice of the time, place and purpose of such
8 meeting except that notice may be sent, to the extent the
9 condominium instruments or rules adopted thereunder expressly
10 so provide, by electronic transmission consented to by the unit
11 owner to whom the notice is given, provided the director and
12 officer or his agent certifies in writing to the delivery by
13 electronic transmission;

14 (7) that voting shall be on a percentage basis, and that
15 the percentage vote to which each unit is entitled is the
16 percentage interest of the undivided ownership of the common
17 elements appurtenant thereto, provided that the bylaws may
18 provide for approval by unit owners in connection with matters
19 where the requisite approval on a percentage basis is not
20 specified in this Act, on the basis of one vote per unit;

21 (8) that, where there is more than one owner of a unit, if
22 only one of the multiple owners is present at a meeting of the
23 association, he is entitled to cast all the votes allocated to
24 that unit, if more than one of the multiple owners are present,
25 the votes allocated to that unit may be cast only in accordance
26 with the agreement of a majority in interest of the multiple

1 owners, unless the declaration expressly provides otherwise,
2 that there is majority agreement if any one of the multiple
3 owners cast the votes allocated to that unit without protest
4 being made promptly to the person presiding over the meeting by
5 any of the other owners of the unit;

6 (9) (A) except as provided in subparagraph (B) of this
7 paragraph (9) in connection with board elections, that a unit
8 owner may vote by proxy executed in writing by the unit owner
9 or by his duly authorized attorney in fact; that the proxy must
10 bear the date of execution and, unless the condominium
11 instruments or the written proxy itself provide otherwise, is
12 invalid after 11 months from the date of its execution; to the
13 extent the condominium instruments or rules adopted thereunder
14 expressly so provide, a vote or proxy may be submitted by
15 electronic transmission, provided that any such electronic
16 transmission shall either set forth or be submitted with
17 information from which it can be determined that the electronic
18 transmission was authorized by the unit owner or the unit
19 owner's proxy;

20 (B) that if a rule adopted at least 120 days before a board
21 election or the declaration or bylaws provide for balloting as
22 set forth in this subsection, unit owners may not vote by proxy
23 in board elections, but may vote only (i) by submitting an
24 association-issued ballot in person at the election meeting or
25 (ii) by submitting an association-issued ballot to the
26 association or its designated agent by mail or other means of

1 delivery specified in the declaration, bylaws, or rule; that
2 the ballots shall be mailed or otherwise distributed to unit
3 owners not less than 10 and not more than 30 days before the
4 election meeting, and the board shall give unit owners not less
5 than 21 days' prior written notice of the deadline for
6 inclusion of a candidate's name on the ballots; that the
7 deadline shall be no more than 7 days before the ballots are
8 mailed or otherwise distributed to unit owners; that every such
9 ballot must include the names of all candidates who have given
10 the board or its authorized agent timely written notice of
11 their candidacy and must give the person casting the ballot the
12 opportunity to cast votes for candidates whose names do not
13 appear on the ballot; that a ballot received by the association
14 or its designated agent after the close of voting shall not be
15 counted; that a unit owner who submits a ballot by mail or
16 other means of delivery specified in the declaration, bylaws,
17 or rule may request and cast a ballot in person at the election
18 meeting, and thereby void any ballot previously submitted by
19 that unit owner;

20 (B-5) that if a rule adopted at least 120 days before a
21 board election or the declaration or bylaws provide for
22 balloting as set forth in this subparagraph, unit owners may
23 not vote by proxy in board elections, but may vote only (i) by
24 submitting an association-issued ballot in person at the
25 election meeting; or (ii) by any acceptable technological means
26 as defined in Section 2 of this Act; instructions regarding the

1 use of electronic means for voting shall be distributed to all
2 unit owners not less than 10 and not more than 30 days before
3 the election meeting, and the board shall give unit owners not
4 less than 21 days' prior written notice of the deadline for
5 inclusion of a candidate's name on the ballots; the deadline
6 shall be no more than 7 days before the instructions for voting
7 using electronic or acceptable technological means is
8 distributed to unit owners; every instruction notice must
9 include the names of all candidates who have given the board or
10 its authorized agent timely written notice of their candidacy
11 and must give the person voting through electronic or
12 acceptable technological means the opportunity to cast votes
13 for candidates whose names do not appear on the ballot; a unit
14 owner who submits a vote using electronic or acceptable
15 technological means may request and cast a ballot in person at
16 the election meeting, thereby voiding any vote previously
17 submitted by that unit owner;

18 (C) that if a written petition by unit owners with at least
19 20% of the votes of the association is delivered to the board
20 within 14 days after the board's approval of a rule adopted
21 pursuant to subparagraph (B) or subparagraph (B-5) of this
22 paragraph (9), the board shall call a meeting of the unit
23 owners within 30 days after the date of delivery of the
24 petition; that unless a majority of the total votes of the unit
25 owners are cast at the meeting to reject the rule, the rule is
26 ratified;

1 (D) that votes cast by ballot under subparagraph (B) or
2 electronic or acceptable technological means under
3 subparagraph (B-5) of this paragraph (9) are valid for the
4 purpose of establishing a quorum;

5 (10) that the association may, upon adoption of the
6 appropriate rules by the board of managers, conduct elections
7 by secret ballot whereby the voting ballot is marked only with
8 the percentage interest for the unit and the vote itself,
9 provided that the board further adopt rules to verify the
10 status of the unit owner issuing a proxy or casting a ballot;
11 and further, that a candidate for election to the board of
12 managers or such candidate's representative shall have the
13 right to be present at the counting of ballots at such
14 election;

15 (11) that in the event of a resale of a condominium unit
16 the purchaser of a unit from a seller other than the developer
17 pursuant to an installment contract for purchase shall during
18 such times as he or she resides in the unit be counted toward a
19 quorum for purposes of election of members of the board of
20 managers at any meeting of the unit owners called for purposes
21 of electing members of the board, shall have the right to vote
22 for the election of members of the board of managers and to be
23 elected to and serve on the board of managers unless the seller
24 expressly retains in writing any or all of such rights. In no
25 event may the seller and purchaser both be counted toward a
26 quorum, be permitted to vote for a particular office or be

1 elected and serve on the board. Satisfactory evidence of the
2 installment contract ~~contact~~ shall be made available to the
3 association or its agents. For purposes of this subsection,
4 "installment contract" ~~contact~~ shall have the same meaning as
5 set forth in Section 1 (e) of the Dwelling Unit Installment
6 Contract Act ~~"An Act relating to installment contracts to sell~~
7 ~~dwelling structures", approved August 11, 1967, as amended;~~

8 (12) the method by which matters subject to the approval of
9 unit owners set forth in this Act, or in the condominium
10 instruments, will be submitted to the unit owners at special
11 membership meetings called for such purposes; and

12 (13) that matters subject to the affirmative vote of not
13 less than 2/3 of the votes of unit owners at a meeting duly
14 called for that purpose, shall include, but not be limited to:

15 (i) merger or consolidation of the association;

16 (ii) sale, lease, exchange, or other disposition
17 (excluding the mortgage or pledge) of all, or substantially
18 all of the property and assets of the association; and

19 (iii) the purchase or sale of land or of units on
20 behalf of all unit owners.

21 (c) Election of a president from among the board of
22 managers, who shall preside over the meetings of the board of
23 managers and of the unit owners.

24 (d) Election of a secretary from among the board of
25 managers, who shall keep the minutes of all meetings of the
26 board of managers and of the unit owners and who shall, in

1 general, perform all the duties incident to the office of
2 secretary.

3 (e) Election of a treasurer from among the board of
4 managers, who shall keep the financial records and books of
5 account.

6 (f) Maintenance, repair and replacement of the common
7 elements and payments therefor, including the method of
8 approving payment vouchers.

9 (g) An association with 30 or more units shall obtain and
10 maintain fidelity insurance covering persons who control or
11 disburse funds of the association for the maximum amount of
12 coverage available to protect funds in the custody or control
13 of the association plus the association reserve fund. All
14 management companies which are responsible for the funds held
15 or administered by the association shall maintain and furnish
16 to the association a fidelity bond for the maximum amount of
17 coverage available to protect funds in the custody of the
18 management company at any time. The association shall bear the
19 cost of the fidelity insurance and fidelity bond, unless
20 otherwise provided by contract between the association and a
21 management company. The association shall be the direct obligee
22 of any such fidelity bond. A management company holding reserve
23 funds of an association shall at all times maintain a separate
24 account for each association, provided, however, that for
25 investment purposes, the Board of Managers of an association
26 may authorize a management company to maintain the

1 association's reserve funds in a single interest bearing
2 account with similar funds of other associations. The
3 management company shall at all times maintain records
4 identifying all moneys of each association in such investment
5 account. The management company may hold all operating funds of
6 associations which it manages in a single operating account but
7 shall at all times maintain records identifying all moneys of
8 each association in such operating account. Such operating and
9 reserve funds held by the management company for the
10 association shall not be subject to attachment by any creditor
11 of the management company.

12 For the purpose of this subsection, a management company
13 shall be defined as a person, partnership, corporation, or
14 other legal entity entitled to transact business on behalf of
15 others, acting on behalf of or as an agent for a unit owner,
16 unit owners or association of unit owners for the purpose of
17 carrying out the duties, responsibilities, and other
18 obligations necessary for the day to day operation and
19 management of any property subject to this Act. For purposes of
20 this subsection, the term "fiduciary insurance coverage" shall
21 be defined as both a fidelity bond and directors and officers
22 liability coverage, the fidelity bond in the full amount of
23 association funds and association reserves that will be in the
24 custody of the association, and the directors and officers
25 liability coverage at a level as shall be determined to be
26 reasonable by the board of managers, if not otherwise

1 established by the declaration or by laws.

2 Until one year after September 21, 1985 (the effective date
3 of Public Act 84-722) ~~this amendatory Act of 1985~~, if a
4 condominium association has reserves plus assessments in
5 excess of \$250,000 and cannot reasonably obtain 100% fidelity
6 bond coverage for such amount, then it must obtain a fidelity
7 bond coverage of \$250,000.

8 (h) Method of estimating the amount of the annual budget,
9 and the manner of assessing and collecting from the unit owners
10 their respective shares of such estimated expenses, and of any
11 other expenses lawfully agreed upon.

12 (i) That upon 10 days notice to the manager or board of
13 managers and payment of a reasonable fee, any unit owner shall
14 be furnished a statement of his account setting forth the
15 amount of any unpaid assessments or other charges due and owing
16 from such owner.

17 (j) Designation and removal of personnel necessary for the
18 maintenance, repair and replacement of the common elements.

19 (k) Such restrictions on and requirements respecting the
20 use and maintenance of the units and the use of the common
21 elements, not set forth in the declaration, as are designed to
22 prevent unreasonable interference with the use of their
23 respective units and of the common elements by the several unit
24 owners.

25 (l) Method of adopting and of amending administrative rules
26 and regulations governing the operation and use of the common

1 elements.

2 (m) The percentage of votes required to modify or amend the
3 bylaws, but each one of the particulars set forth in this
4 section shall always be embodied in the bylaws.

5 (n) (i) The provisions of this Act, the declaration, bylaws,
6 other condominium instruments, and rules and regulations that
7 relate to the use of the individual unit or the common elements
8 shall be applicable to any person leasing a unit and shall be
9 deemed to be incorporated in any lease executed or renewed on
10 or after August 30, 1984 (the effective date of Public Act
11 83-1271) ~~this amendatory Act of 1984.~~

12 (ii) With regard to any lease entered into subsequent to
13 July 1, 1990 (the effective date of Public Act 86-991) ~~this~~
14 ~~amendatory Act of 1989~~, the unit owner leasing the unit shall
15 deliver a copy of the signed lease to the board or if the lease
16 is oral, a memorandum of the lease, not later than the date of
17 occupancy or 10 days after the lease is signed, whichever
18 occurs first. In addition to any other remedies, by filing an
19 action jointly against the tenant and the unit owner, an
20 association may seek to enjoin a tenant from occupying a unit
21 or seek to evict a tenant under the provisions of Article IX of
22 the Code of Civil Procedure for failure of the lessor-owner to
23 comply with the leasing requirements prescribed by this Section
24 or by the declaration, bylaws, and rules and regulations. The
25 board of managers may proceed directly against a tenant, at law
26 or in equity, or under the provisions of Article IX of the Code

1 of Civil Procedure, for any other breach by tenant of any
2 covenants, rules, regulations or bylaws.

3 (o) The association shall have no authority to forbear the
4 payment of assessments by any unit owner.

5 (p) That when 30% or fewer of the units, by number, possess
6 over 50% in the aggregate of the votes in the association, any
7 percentage vote of members specified herein or in the
8 condominium instruments shall require the specified percentage
9 by number of units rather than by percentage of interest in the
10 common elements allocated to units that would otherwise be
11 applicable and garage units or storage units, or both, shall
12 have, in total, no more votes than their aggregate percentage
13 of ownership in the common elements; this shall mean that if
14 garage units or storage units, or both, are to be given a vote,
15 or portion of a vote, that the association must add the total
16 number of votes cast of garage units, storage units, or both,
17 and divide the total by the number of garage units, storage
18 units, or both, and multiply by the aggregate percentage of
19 ownership of garage units and storage units to determine the
20 vote, or portion of a vote, that garage units or storage units,
21 or both, have. For purposes of this subsection (p), when making
22 a determination of whether 30% or fewer of the units, by
23 number, possess over 50% in the aggregate of the votes in the
24 association, a unit shall not include a garage unit or a
25 storage unit.

26 (q) That a unit owner may not assign, delegate, transfer,

1 surrender, or avoid the duties, responsibilities, and
2 liabilities of a unit owner under this Act, the condominium
3 instruments, or the rules and regulations of the Association;
4 and that such an attempted assignment, delegation, transfer,
5 surrender, or avoidance shall be deemed void.

6 The provisions of this Section are applicable to all
7 condominium instruments recorded under this Act. Any portion of
8 a condominium instrument which contains provisions contrary to
9 these provisions shall be void as against public policy and
10 ineffective. Any such instrument which fails to contain the
11 provisions required by this Section shall be deemed to
12 incorporate such provisions by operation of law.

13 (Source: P.A. 98-1042, eff. 1-1-15; revised 10-19-15.)

14 (Text of Section after amendment by P.A. 99-472)

15 Sec. 18. Contents of bylaws. The bylaws shall provide for
16 at least the following:

17 (a)(1) The election from among the unit owners of a board
18 of managers, the number of persons constituting such board, and
19 that the terms of at least one-third of the members of the
20 board shall expire annually and that all members of the board
21 shall be elected at large; if, ~~if~~ there are multiple owners of
22 a single unit, only one of the multiple owners shall be
23 eligible to serve as a member of the board at any one time; ~~;~~

24 (2) the powers and duties of the board;

25 (3) the compensation, if any, of the members of the board;

1 (4) the method of removal from office of members of the
2 board;

3 (5) that the board may engage the services of a manager or
4 managing agent;

5 (6) that each unit owner shall receive, at least 25 days
6 prior to the adoption thereof by the board of managers, a copy
7 of the proposed annual budget together with an indication of
8 which portions are intended for reserves, capital expenditures
9 or repairs or payment of real estate taxes;

10 (7) that the board of managers shall annually supply to all
11 unit owners an itemized accounting of the common expenses for
12 the preceding year actually incurred or paid, together with an
13 indication of which portions were for reserves, capital
14 expenditures or repairs or payment of real estate taxes and
15 with a tabulation of the amounts collected pursuant to the
16 budget or assessment, and showing the net excess or deficit of
17 income over expenditures plus reserves;

18 (8) (i) that each unit owner shall receive notice, in the
19 same manner as is provided in this Act for membership meetings,
20 of any meeting of the board of managers concerning the adoption
21 of the proposed annual budget and regular assessments pursuant
22 thereto or to adopt a separate (special) assessment, (ii) that
23 except as provided in subsection (iv) below, if an adopted
24 budget or any separate assessment adopted by the board would
25 result in the sum of all regular and separate assessments
26 payable in the current fiscal year exceeding 115% of the sum of

1 all regular and separate assessments payable during the
2 preceding fiscal year, the board of managers, upon written
3 petition by unit owners with 20 percent of the votes of the
4 association delivered to the board within 14 days of the board
5 action, shall call a meeting of the unit owners within 30 days
6 of the date of delivery of the petition to consider the budget
7 or separate assessment; unless a majority of the total votes of
8 the unit owners are cast at the meeting to reject the budget or
9 separate assessment, it is ratified, (iii) that any common
10 expense not set forth in the budget or any increase in
11 assessments over the amount adopted in the budget shall be
12 separately assessed against all unit owners, (iv) that separate
13 assessments for expenditures relating to emergencies or
14 mandated by law may be adopted by the board of managers without
15 being subject to unit owner approval or the provisions of item
16 (ii) above or item (v) below. As used herein, "emergency" means
17 an immediate danger to the structural integrity of the common
18 elements or to the life, health, safety or property of the unit
19 owners, (v) that assessments for additions and alterations to
20 the common elements or to association-owned property not
21 included in the adopted annual budget, shall be separately
22 assessed and are subject to approval of two-thirds of the total
23 votes of all unit owners, (vi) that the board of managers may
24 adopt separate assessments payable over more than one fiscal
25 year. With respect to multi-year assessments not governed by
26 items (iv) and (v), the entire amount of the multi-year

1 assessment shall be deemed considered and authorized in the
2 first fiscal year in which the assessment is approved;

3 (9) (A) that every meeting of the board of managers shall be
4 open to any unit owner, except for the portion of any meeting
5 held to discuss or consider information relating to: (i)
6 litigation when an action against or on behalf of the
7 particular association has been filed and is pending in a court
8 or administrative tribunal, or when the board of managers finds
9 that such an action is probable or imminent, (ii) appointment,
10 employment or dismissal of an employee, (iii) violations of
11 rules and regulations of the association, or (iv) a unit
12 owner's unpaid share of common expenses; that any vote on these
13 matters discussed or considered in closed session shall take
14 place at a meeting of the board of managers or portion thereof
15 open to any unit owner;

16 (B) that board members may participate in and act at any
17 meeting of the board of managers in person, by telephonic
18 means, or by use of any acceptable technological means whereby
19 all persons participating in the meeting can communicate with
20 each other; that participation constitutes attendance and
21 presence in person at the meeting;

22 (C) that any unit owner may record the proceedings at
23 meetings of the board of managers or portions thereof required
24 to be open by this Act by tape, film or other means, and that
25 the board may prescribe reasonable rules and regulations to
26 govern the right to make such recordings;

1 (D) that notice of every meeting of the board of managers
2 shall be given to every board member at least 48 hours prior
3 thereto, unless the board member waives notice of the meeting
4 pursuant to subsection (a) of Section 18.8; and

5 (E) that notice of every meeting of the board of managers
6 shall be posted in entranceways, elevators, or other
7 conspicuous places in the condominium at least 48 hours prior
8 to the meeting of the board of managers except where there is
9 no common entranceway for 7 or more units, the board of
10 managers may designate one or more locations in the proximity
11 of these units where the notices of meetings shall be posted;
12 that notice of every meeting of the board of managers shall
13 also be given at least 48 hours prior to the meeting, or such
14 longer notice as this Act may separately require, to: (i) each
15 unit owner who has provided the association with written
16 authorization to conduct business by acceptable technological
17 means, and (ii) to the extent that the condominium instruments
18 of an association require, to each other unit owner, as
19 required by subsection (f) of Section 18.8, by mail or
20 delivery, and that no other notice of a meeting of the board of
21 managers need be given to any unit owner;

22 (10) that the board shall meet at least 4 times annually;

23 (11) that no member of the board or officer shall be
24 elected for a term of more than 2 years, but that officers and
25 board members may succeed themselves;

26 (12) the designation of an officer to mail and receive all

1 notices and execute amendments to condominium instruments as
2 provided for in this Act and in the condominium instruments;

3 (13) the method of filling vacancies on the board which
4 shall include authority for the remaining members of the board
5 to fill the vacancy by two-thirds vote until the next annual
6 meeting of unit owners or for a period terminating no later
7 than 30 days following the filing of a petition signed by unit
8 owners holding 20% of the votes of the association requesting a
9 meeting of the unit owners to fill the vacancy for the balance
10 of the term, and that a meeting of the unit owners shall be
11 called for purposes of filling a vacancy on the board no later
12 than 30 days following the filing of a petition signed by unit
13 owners holding 20% of the votes of the association requesting
14 such a meeting, and the method of filling vacancies among the
15 officers that shall include the authority for the members of
16 the board to fill the vacancy for the unexpired portion of the
17 term;

18 (14) what percentage of the board of managers, if other
19 than a majority, shall constitute a quorum;

20 (15) provisions concerning notice of board meetings to
21 members of the board;

22 (16) the board of managers may not enter into a contract
23 with a current board member or with a corporation or
24 partnership in which a board member or a member of the board
25 member's immediate family has 25% or more interest, unless
26 notice of intent to enter the contract is given to unit owners

1 within 20 days after a decision is made to enter into the
2 contract and the unit owners are afforded an opportunity by
3 filing a petition, signed by 20% of the unit owners, for an
4 election to approve or disapprove the contract; such petition
5 shall be filed within 20 days after such notice and such
6 election shall be held within 30 days after filing the
7 petition; for purposes of this subsection, a board member's
8 immediate family means the board member's spouse, parents, and
9 children;

10 (17) that the board of managers may disseminate to unit
11 owners biographical and background information about
12 candidates for election to the board if (i) reasonable efforts
13 to identify all candidates are made and all candidates are
14 given an opportunity to include biographical and background
15 information in the information to be disseminated; and (ii) the
16 board does not express a preference in favor of any candidate;

17 (18) any proxy distributed for board elections by the board
18 of managers gives unit owners the opportunity to designate any
19 person as the proxy holder, and gives the unit owner the
20 opportunity to express a preference for any of the known
21 candidates for the board or to write in a name;

22 (19) that special meetings of the board of managers can be
23 called by the president or 25% of the members of the board;

24 (20) that the board of managers may establish and maintain
25 a system of master metering of public utility services and
26 collect payments in connection therewith, subject to the

1 requirements of the Tenant Utility Payment Disclosure Act; and

2 (21) that the board may ratify and confirm actions of the
3 members of the board taken in response to an emergency, as that
4 term is defined in subdivision (a) (8) (iv) of this Section; that
5 the board shall give notice to the unit owners of: (i) the
6 occurrence of the emergency event within 7 business days after
7 the emergency event, and (ii) the general description of the
8 actions taken to address the event within 7 days after the
9 emergency event.

10 The intent of the provisions of Public Act 99-472 ~~this~~
11 ~~amendatory Act of the 99th General Assembly~~ adding this
12 paragraph (21) is to empower and support boards to act in
13 emergencies.

14 (b) (1) What percentage of the unit owners, if other than
15 20%, shall constitute a quorum provided that, for condominiums
16 with 20 or more units, the percentage of unit owners
17 constituting a quorum shall be 20% unless the unit owners
18 holding a majority of the percentage interest in the
19 association provide for a higher percentage, provided that in
20 voting on amendments to the association's bylaws, a unit owner
21 who is in arrears on the unit owner's regular or separate
22 assessments for 60 days or more, shall not be counted for
23 purposes of determining if a quorum is present, but that unit
24 owner retains the right to vote on amendments to the
25 association's bylaws;

26 (2) that the association shall have one class of

1 membership;

2 (3) that the members shall hold an annual meeting, one of
3 the purposes of which shall be to elect members of the board of
4 managers;

5 (4) the method of calling meetings of the unit owners;

6 (5) that special meetings of the members can be called by
7 the president, board of managers, or by 20% of unit owners;

8 (6) that written notice of any membership meeting shall be
9 mailed or delivered giving members no less than 10 and no more
10 than 30 days notice of the time, place and purpose of such
11 meeting except that notice may be sent, to the extent the
12 condominium instruments or rules adopted thereunder expressly
13 so provide, by electronic transmission consented to by the unit
14 owner to whom the notice is given, provided the director and
15 officer or his agent certifies in writing to the delivery by
16 electronic transmission;

17 (7) that voting shall be on a percentage basis, and that
18 the percentage vote to which each unit is entitled is the
19 percentage interest of the undivided ownership of the common
20 elements appurtenant thereto, provided that the bylaws may
21 provide for approval by unit owners in connection with matters
22 where the requisite approval on a percentage basis is not
23 specified in this Act, on the basis of one vote per unit;

24 (8) that, where there is more than one owner of a unit, if
25 only one of the multiple owners is present at a meeting of the
26 association, he is entitled to cast all the votes allocated to

1 that unit, if more than one of the multiple owners are present,
2 the votes allocated to that unit may be cast only in accordance
3 with the agreement of a majority in interest of the multiple
4 owners, unless the declaration expressly provides otherwise,
5 that there is majority agreement if any one of the multiple
6 owners cast the votes allocated to that unit without protest
7 being made promptly to the person presiding over the meeting by
8 any of the other owners of the unit;

9 (9) (A) except as provided in subparagraph (B) of this
10 paragraph (9) in connection with board elections, that a unit
11 owner may vote by proxy executed in writing by the unit owner
12 or by his duly authorized attorney in fact; that the proxy must
13 bear the date of execution and, unless the condominium
14 instruments or the written proxy itself provide otherwise, is
15 invalid after 11 months from the date of its execution; to the
16 extent the condominium instruments or rules adopted thereunder
17 expressly so provide, a vote or proxy may be submitted by
18 electronic transmission, provided that any such electronic
19 transmission shall either set forth or be submitted with
20 information from which it can be determined that the electronic
21 transmission was authorized by the unit owner or the unit
22 owner's proxy;

23 (B) that if a rule adopted at least 120 days before a board
24 election or the declaration or bylaws provide for balloting as
25 set forth in this subsection, unit owners may not vote by proxy
26 in board elections, but may vote only (i) by submitting an

1 association-issued ballot in person at the election meeting or
2 (ii) by submitting an association-issued ballot to the
3 association or its designated agent by mail or other means of
4 delivery specified in the declaration, bylaws, or rule; that
5 the ballots shall be mailed or otherwise distributed to unit
6 owners not less than 10 and not more than 30 days before the
7 election meeting, and the board shall give unit owners not less
8 than 21 days' prior written notice of the deadline for
9 inclusion of a candidate's name on the ballots; that the
10 deadline shall be no more than 7 days before the ballots are
11 mailed or otherwise distributed to unit owners; that every such
12 ballot must include the names of all candidates who have given
13 the board or its authorized agent timely written notice of
14 their candidacy and must give the person casting the ballot the
15 opportunity to cast votes for candidates whose names do not
16 appear on the ballot; that a ballot received by the association
17 or its designated agent after the close of voting shall not be
18 counted; that a unit owner who submits a ballot by mail or
19 other means of delivery specified in the declaration, bylaws,
20 or rule may request and cast a ballot in person at the election
21 meeting, and thereby void any ballot previously submitted by
22 that unit owner;

23 (B-5) that if a rule adopted at least 120 days before a
24 board election or the declaration or bylaws provide for
25 balloting as set forth in this subparagraph, unit owners may
26 not vote by proxy in board elections, but may vote only (i) by

1 submitting an association-issued ballot in person at the
2 election meeting; or (ii) by any acceptable technological means
3 as defined in Section 2 of this Act; instructions regarding the
4 use of electronic means for voting shall be distributed to all
5 unit owners not less than 10 and not more than 30 days before
6 the election meeting, and the board shall give unit owners not
7 less than 21 days' prior written notice of the deadline for
8 inclusion of a candidate's name on the ballots; the deadline
9 shall be no more than 7 days before the instructions for voting
10 using electronic or acceptable technological means is
11 distributed to unit owners; every instruction notice must
12 include the names of all candidates who have given the board or
13 its authorized agent timely written notice of their candidacy
14 and must give the person voting through electronic or
15 acceptable technological means the opportunity to cast votes
16 for candidates whose names do not appear on the ballot; a unit
17 owner who submits a vote using electronic or acceptable
18 technological means may request and cast a ballot in person at
19 the election meeting, thereby voiding any vote previously
20 submitted by that unit owner;

21 (C) that if a written petition by unit owners with at least
22 20% of the votes of the association is delivered to the board
23 within 14 days after the board's approval of a rule adopted
24 pursuant to subparagraph (B) or subparagraph (B-5) of this
25 paragraph (9), the board shall call a meeting of the unit
26 owners within 30 days after the date of delivery of the

1 petition; that unless a majority of the total votes of the unit
2 owners are cast at the meeting to reject the rule, the rule is
3 ratified;

4 (D) that votes cast by ballot under subparagraph (B) or
5 electronic or acceptable technological means under
6 subparagraph (B-5) of this paragraph (9) are valid for the
7 purpose of establishing a quorum;

8 (10) that the association may, upon adoption of the
9 appropriate rules by the board of managers, conduct elections
10 by secret ballot whereby the voting ballot is marked only with
11 the percentage interest for the unit and the vote itself,
12 provided that the board further adopt rules to verify the
13 status of the unit owner issuing a proxy or casting a ballot;
14 and further, that a candidate for election to the board of
15 managers or such candidate's representative shall have the
16 right to be present at the counting of ballots at such
17 election;

18 (11) that in the event of a resale of a condominium unit
19 the purchaser of a unit from a seller other than the developer
20 pursuant to an installment contract for purchase shall during
21 such times as he or she resides in the unit be counted toward a
22 quorum for purposes of election of members of the board of
23 managers at any meeting of the unit owners called for purposes
24 of electing members of the board, shall have the right to vote
25 for the election of members of the board of managers and to be
26 elected to and serve on the board of managers unless the seller

1 expressly retains in writing any or all of such rights. In no
2 event may the seller and purchaser both be counted toward a
3 quorum, be permitted to vote for a particular office or be
4 elected and serve on the board. Satisfactory evidence of the
5 installment contract ~~contact~~ shall be made available to the
6 association or its agents. For purposes of this subsection,
7 "installment contract" ~~contact~~ shall have the same meaning as
8 set forth in Section 1 (e) of the Dwelling Unit Installment
9 Contract Act ~~"An Act relating to installment contracts to sell~~
10 ~~dwelling structures", approved August 11, 1967, as amended;~~

11 (12) the method by which matters subject to the approval of
12 unit owners set forth in this Act, or in the condominium
13 instruments, will be submitted to the unit owners at special
14 membership meetings called for such purposes; and

15 (13) that matters subject to the affirmative vote of not
16 less than 2/3 of the votes of unit owners at a meeting duly
17 called for that purpose, shall include, but not be limited to:

18 (i) merger or consolidation of the association;

19 (ii) sale, lease, exchange, or other disposition
20 (excluding the mortgage or pledge) of all, or substantially
21 all of the property and assets of the association; and

22 (iii) the purchase or sale of land or of units on
23 behalf of all unit owners.

24 (c) Election of a president from among the board of
25 managers, who shall preside over the meetings of the board of
26 managers and of the unit owners.

1 (d) Election of a secretary from among the board of
2 managers, who shall keep the minutes of all meetings of the
3 board of managers and of the unit owners and who shall, in
4 general, perform all the duties incident to the office of
5 secretary.

6 (e) Election of a treasurer from among the board of
7 managers, who shall keep the financial records and books of
8 account.

9 (f) Maintenance, repair and replacement of the common
10 elements and payments therefor, including the method of
11 approving payment vouchers.

12 (g) An association with 30 or more units shall obtain and
13 maintain fidelity insurance covering persons who control or
14 disburse funds of the association for the maximum amount of
15 coverage available to protect funds in the custody or control
16 of the association plus the association reserve fund. All
17 management companies which are responsible for the funds held
18 or administered by the association shall maintain and furnish
19 to the association a fidelity bond for the maximum amount of
20 coverage available to protect funds in the custody of the
21 management company at any time. The association shall bear the
22 cost of the fidelity insurance and fidelity bond, unless
23 otherwise provided by contract between the association and a
24 management company. The association shall be the direct obligee
25 of any such fidelity bond. A management company holding reserve
26 funds of an association shall at all times maintain a separate

1 account for each association, provided, however, that for
2 investment purposes, the Board of Managers of an association
3 may authorize a management company to maintain the
4 association's reserve funds in a single interest bearing
5 account with similar funds of other associations. The
6 management company shall at all times maintain records
7 identifying all moneys of each association in such investment
8 account. The management company may hold all operating funds of
9 associations which it manages in a single operating account but
10 shall at all times maintain records identifying all moneys of
11 each association in such operating account. Such operating and
12 reserve funds held by the management company for the
13 association shall not be subject to attachment by any creditor
14 of the management company.

15 For the purpose of this subsection, a management company
16 shall be defined as a person, partnership, corporation, or
17 other legal entity entitled to transact business on behalf of
18 others, acting on behalf of or as an agent for a unit owner,
19 unit owners or association of unit owners for the purpose of
20 carrying out the duties, responsibilities, and other
21 obligations necessary for the day to day operation and
22 management of any property subject to this Act. For purposes of
23 this subsection, the term "fiduciary insurance coverage" shall
24 be defined as both a fidelity bond and directors and officers
25 liability coverage, the fidelity bond in the full amount of
26 association funds and association reserves that will be in the

1 custody of the association, and the directors and officers
2 liability coverage at a level as shall be determined to be
3 reasonable by the board of managers, if not otherwise
4 established by the declaration or by laws.

5 Until one year after September 21, 1985 (the effective date
6 of Public Act 84-722) ~~this amendatory Act of 1985~~, if a
7 condominium association has reserves plus assessments in
8 excess of \$250,000 and cannot reasonably obtain 100% fidelity
9 bond coverage for such amount, then it must obtain a fidelity
10 bond coverage of \$250,000.

11 (h) Method of estimating the amount of the annual budget,
12 and the manner of assessing and collecting from the unit owners
13 their respective shares of such estimated expenses, and of any
14 other expenses lawfully agreed upon.

15 (i) That upon 10 days notice to the manager or board of
16 managers and payment of a reasonable fee, any unit owner shall
17 be furnished a statement of his account setting forth the
18 amount of any unpaid assessments or other charges due and owing
19 from such owner.

20 (j) Designation and removal of personnel necessary for the
21 maintenance, repair and replacement of the common elements.

22 (k) Such restrictions on and requirements respecting the
23 use and maintenance of the units and the use of the common
24 elements, not set forth in the declaration, as are designed to
25 prevent unreasonable interference with the use of their
26 respective units and of the common elements by the several unit

1 owners.

2 (l) Method of adopting and of amending administrative rules
3 and regulations governing the operation and use of the common
4 elements.

5 (m) The percentage of votes required to modify or amend the
6 bylaws, but each one of the particulars set forth in this
7 section shall always be embodied in the bylaws.

8 (n) (i) The provisions of this Act, the declaration, bylaws,
9 other condominium instruments, and rules and regulations that
10 relate to the use of the individual unit or the common elements
11 shall be applicable to any person leasing a unit and shall be
12 deemed to be incorporated in any lease executed or renewed on
13 or after August 30, 1984 (the effective date of Public Act
14 83-1271) ~~this amendatory Act of 1984.~~

15 (ii) With regard to any lease entered into subsequent to
16 July 1, 1990 (the effective date of Public Act 86-991) ~~this~~
17 ~~amendatory Act of 1989~~, the unit owner leasing the unit shall
18 deliver a copy of the signed lease to the board or if the lease
19 is oral, a memorandum of the lease, not later than the date of
20 occupancy or 10 days after the lease is signed, whichever
21 occurs first. In addition to any other remedies, by filing an
22 action jointly against the tenant and the unit owner, an
23 association may seek to enjoin a tenant from occupying a unit
24 or seek to evict a tenant under the provisions of Article IX of
25 the Code of Civil Procedure for failure of the lessor-owner to
26 comply with the leasing requirements prescribed by this Section

1 or by the declaration, bylaws, and rules and regulations. The
2 board of managers may proceed directly against a tenant, at law
3 or in equity, or under the provisions of Article IX of the Code
4 of Civil Procedure, for any other breach by tenant of any
5 covenants, rules, regulations or bylaws.

6 (o) The association shall have no authority to forbear the
7 payment of assessments by any unit owner.

8 (p) That when 30% or fewer of the units, by number, possess
9 over 50% in the aggregate of the votes in the association, any
10 percentage vote of members specified herein or in the
11 condominium instruments shall require the specified percentage
12 by number of units rather than by percentage of interest in the
13 common elements allocated to units that would otherwise be
14 applicable and garage units or storage units, or both, shall
15 have, in total, no more votes than their aggregate percentage
16 of ownership in the common elements; this shall mean that if
17 garage units or storage units, or both, are to be given a vote,
18 or portion of a vote, that the association must add the total
19 number of votes cast of garage units, storage units, or both,
20 and divide the total by the number of garage units, storage
21 units, or both, and multiply by the aggregate percentage of
22 ownership of garage units and storage units to determine the
23 vote, or portion of a vote, that garage units or storage units,
24 or both, have. For purposes of this subsection (p), when making
25 a determination of whether 30% or fewer of the units, by
26 number, possess over 50% in the aggregate of the votes in the

1 association, a unit shall not include a garage unit or a
2 storage unit.

3 (q) That a unit owner may not assign, delegate, transfer,
4 surrender, or avoid the duties, responsibilities, and
5 liabilities of a unit owner under this Act, the condominium
6 instruments, or the rules and regulations of the Association;
7 and that such an attempted assignment, delegation, transfer,
8 surrender, or avoidance shall be deemed void.

9 The provisions of this Section are applicable to all
10 condominium instruments recorded under this Act. Any portion of
11 a condominium instrument which contains provisions contrary to
12 these provisions shall be void as against public policy and
13 ineffective. Any such instrument which fails to contain the
14 provisions required by this Section shall be deemed to
15 incorporate such provisions by operation of law.

16 (Source: P.A. 98-1042, eff. 1-1-15; 99-472, eff. 6-1-16;
17 revised 10-19-15.)

18 Section 610. The Illinois Human Rights Act is amended by
19 changing Sections 2-104, 3-102, 3-105, 8-101, and 9-102 as
20 follows:

21 (775 ILCS 5/2-104) (from Ch. 68, par. 2-104)

22 Sec. 2-104. Exemptions.

23 (A) Nothing contained in this Act shall prohibit an
24 employer, employment agency, or labor organization from:

1 (1) Bona Fide Qualification. Hiring or selecting
2 between persons for bona fide occupational qualifications
3 or any reason except those civil-rights violations
4 specifically identified in this Article.

5 (2) Veterans. Giving preferential treatment to
6 veterans and their relatives as required by the laws or
7 regulations of the United States or this State or a unit of
8 local government, or pursuant to a private employer's
9 voluntary veterans' preference employment policy
10 authorized by the Veterans Preference in Private
11 Employment Act.

12 (3) Unfavorable Discharge From Military Service.

13 (a) Using unfavorable discharge from military
14 service as a valid employment criterion when
15 authorized by federal law or regulation or when a
16 position of employment involves the exercise of
17 fiduciary responsibilities as defined by rules and
18 regulations which the Department shall adopt; or

19 (b) Participating in a bona fide recruiting
20 incentive program, sponsored by a branch of the United
21 States Armed Forces, a reserve component of the United
22 States Armed Forces, or any National Guard or Naval
23 Militia, where participation in the program is limited
24 by the sponsoring branch based upon the service
25 member's discharge status.

26 (4) Ability Tests. Giving or acting upon the results of

1 any professionally developed ability test provided that
2 such test, its administration, or action upon the results,
3 is not used as a subterfuge for or does not have the effect
4 of unlawful discrimination.

5 (5) Merit and Retirement Systems.

6 (a) Applying different standards of compensation,
7 or different terms, conditions or privileges of
8 employment pursuant to a merit or retirement system
9 provided that such system or its administration is not
10 used as a subterfuge for or does not have the effect of
11 unlawful discrimination.

12 (b) Effecting compulsory retirement of any
13 employee who has attained 65 years of age and who, for
14 the 2-year period immediately preceding retirement, is
15 employed in a bona fide executive or a high
16 policymaking position, if such employee is entitled to
17 an immediate nonforfeitable annual retirement benefit
18 from a pension, profit-sharing, savings, or deferred
19 compensation plan, or any combination of such plans of
20 the employer of such employee, which equals, in the
21 aggregate, at least \$44,000. If any such retirement
22 benefit is in a form other than a straight life annuity
23 (with no ancillary benefits) or if the employees
24 contribute to any such plan or make rollover
25 contributions, the retirement benefit shall be
26 adjusted in accordance with regulations prescribed by

1 the Department, so that the benefit is the equivalent
2 of a straight life annuity (with no ancillary benefits)
3 under a plan to which employees do not contribute and
4 under which no rollover contributions are made.

5 (c) Until January 1, 1994, effecting compulsory
6 retirement of any employee who has attained 70 years of
7 age, and who is serving under a contract of unlimited
8 tenure (or similar arrangement providing for unlimited
9 tenure) at an institution of higher education as
10 defined by Section 1201(a) of the Higher Education Act
11 of 1965.

12 (6) Training and Apprenticeship programs. Establishing
13 an educational requirement as a prerequisite to selection
14 for a training or apprenticeship program, provided such
15 requirement does not operate to discriminate on the basis
16 of any prohibited classification except age.

17 (7) Police and Firefighter/Paramedic Retirement.
18 Imposing a mandatory retirement age for
19 firefighters/paramedics or law enforcement officers and
20 discharging or retiring such individuals pursuant to the
21 mandatory retirement age if such action is taken pursuant
22 to a bona fide retirement plan provided that the law
23 enforcement officer or firefighter/paramedic has attained:

24 (a) the age of retirement in effect under
25 applicable State or local law on March 3, 1983; or

26 (b) if the applicable State or local law was

1 enacted after the date of enactment of the federal Age
2 Discrimination in Employment Act Amendments of 1996
3 (P.L. 104-208), the age of retirement in effect on the
4 date of such discharge under such law.

5 This paragraph (7) shall not apply with respect to any
6 cause of action arising under the Illinois Human Rights Act
7 as in effect prior to the effective date of this amendatory
8 Act of 1997.

9 (8) Police and Firefighter/Paramedic Appointment.
10 Failing or refusing to hire any individual because of such
11 individual's age if such action is taken with respect to
12 the employment of an individual as a firefighter/paramedic
13 or as a law enforcement officer and the individual has
14 attained:

15 (a) the age of hiring or appointment in effect
16 under applicable State or local law on March 3, 1983;
17 or

18 (b) the age of hiring in effect on the date of such
19 failure or refusal to hire under applicable State or
20 local law enacted after the date of enactment of the
21 federal Age Discrimination in Employment Act
22 Amendments of 1996 (P.L. 104-208).

23 As used in paragraph (7) or (8):

24 "Firefighter/paramedic" means an employee, the duties
25 of whose position are primarily to perform work directly
26 connected with the control and extinguishment of fires or

1 the maintenance and use of firefighting apparatus and
2 equipment, or to provide emergency medical services,
3 including an employee engaged in this activity who is
4 transferred to a supervisory or administrative position.

5 "Law enforcement officer" means an employee, the
6 duties of whose position are primarily the investigation,
7 apprehension, or detention of individuals suspected or
8 convicted of criminal offenses, including an employee
9 engaged in this activity who is transferred to a
10 supervisory or administrative position.

11 (9) Citizenship Status. Making legitimate distinctions
12 based on citizenship status if specifically authorized or
13 required by State or federal law.

14 (B) With respect to any employee who is subject to a
15 collective bargaining agreement:

16 (a) which is in effect on June 30, 1986,

17 (b) which terminates after January 1, 1987,

18 (c) any provision of which was entered into by a labor
19 organization as defined by Section 6(d)(4) of the Fair
20 Labor Standards Act of 1938 (29 U.S.C. 206(d)(4)), and

21 (d) which contains any provision that would be
22 superseded by ~~this amendatory Act of 1987~~ (Public Act
23 85-748),

24 Public Act 85-748 ~~such amendatory Act of 1987~~ shall not apply
25 until the termination of such collective bargaining agreement
26 or January 1, 1990, whichever occurs first.

1 (C) (1) For purposes of this Act, the term "disability"
2 shall not include any employee or applicant who is currently
3 engaging in the illegal use of drugs, when an employer acts on
4 the basis of such use.

5 (2) Paragraph (1) shall not apply where an employee or
6 applicant for employment:

7 (a) has successfully completed a supervised drug
8 rehabilitation program and is no longer engaging in the
9 illegal use of drugs, or has otherwise been rehabilitated
10 successfully and is no longer engaging in such use;

11 (b) is participating in a supervised rehabilitation
12 program and is no longer engaging in such use; or

13 (c) is erroneously regarded as engaging in such use,
14 but is not engaging in such use.

15 It shall not be a violation of this Act for an employer to
16 adopt or administer reasonable policies or procedures,
17 including but not limited to drug testing, designed to ensure
18 that an individual described in subparagraph (a) or (b) is no
19 longer engaging in the illegal use of drugs.

20 (3) An employer:

21 (a) may prohibit the illegal use of drugs and the use
22 of alcohol at the workplace by all employees;

23 (b) may require that employees shall not be under the
24 influence of alcohol or be engaging in the illegal use of
25 drugs at the workplace;

26 (c) may require that employees behave in conformance

1 with the requirements established under the federal
2 Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.) and
3 the Drug Free Workplace Act;

4 (d) may hold an employee who engages in the illegal use
5 of drugs or who is an alcoholic to the same qualification
6 standards for employment or job performance and behavior
7 that such employer holds other employees, even if any
8 unsatisfactory performance or behavior is related to the
9 drug use or alcoholism of such employee; and

10 (e) may, with respect to federal regulations regarding
11 alcohol and the illegal use of drugs, require that:

12 (i) employees comply with the standards
13 established in such regulations of the United States
14 Department of Defense, if the employees of the employer
15 are employed in an industry subject to such
16 regulations, including complying with regulations (if
17 any) that apply to employment in sensitive positions in
18 such an industry, in the case of employees of the
19 employer who are employed in such positions (as defined
20 in the regulations of the Department of Defense);

21 (ii) employees comply with the standards
22 established in such regulations of the Nuclear
23 Regulatory Commission, if the employees of the
24 employer are employed in an industry subject to such
25 regulations, including complying with regulations (if
26 any) that apply to employment in sensitive positions in

1 such an industry, in the case of employees of the
2 employer who are employed in such positions (as defined
3 in the regulations of the Nuclear Regulatory
4 Commission); and

5 (iii) employees comply with the standards
6 established in such regulations of the United States
7 Department of Transportation, if the employees of the
8 employer are employed in a transportation industry
9 subject to such regulations, including complying with
10 such regulations (if any) that apply to employment in
11 sensitive positions in such an industry, in the case of
12 employees of the employer who are employed in such
13 positions (as defined in the regulations of the United
14 States Department of Transportation).

15 (4) For purposes of this Act, a test to determine the
16 illegal use of drugs shall not be considered a medical
17 examination. Nothing in this Act shall be construed to
18 encourage, prohibit, or authorize the conducting of drug
19 testing for the illegal use of drugs by job applicants or
20 employees or making employment decisions based on such test
21 results.

22 (5) Nothing in this Act shall be construed to encourage,
23 prohibit, restrict, or authorize the otherwise lawful exercise
24 by an employer subject to the jurisdiction of the United States
25 Department of Transportation of authority to:

26 (a) test employees of such employer in, and applicants

1 for, positions involving safety-sensitive duties for the
2 illegal use of drugs and for on-duty impairment by alcohol;
3 and

4 (b) remove such persons who test positive for illegal
5 use of drugs and on-duty impairment by alcohol pursuant to
6 subparagraph (a) from safety-sensitive duties in
7 implementing paragraph (3).

8 (Source: P.A. 99-152, eff. 1-1-16, 99-165, eff. 7-28-15;
9 revised 10-29-15.)

10 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

11 Sec. 3-102. Civil Rights Violations; Real Estate
12 Transactions. ~~It~~ It is a civil rights violation for an owner or
13 any other person engaging in a real estate transaction, or for
14 a real estate broker or salesman, because of unlawful
15 discrimination or familial status, to

16 (A) Transaction. Refuse to engage in a real estate
17 transaction with a person or to discriminate in making
18 available such a transaction;

19 (B) Terms. Alter the terms, conditions or privileges of
20 a real estate transaction or in the furnishing of
21 facilities or services in connection therewith;

22 (C) Offer. Refuse to receive or to fail to transmit a
23 bona fide offer to engage in a real estate transaction from
24 a person;

25 (D) Negotiation. Refuse to negotiate for a real estate

1 transaction with a person;

2 (E) Representations. Represent to a person that real
3 property is not available for inspection, sale, rental, or
4 lease when in fact it is so available, or to fail to bring
5 a property listing to his or her attention, or to refuse to
6 permit him or her to inspect real property;

7 (F) Publication of Intent. Make, print, circulate,
8 post, mail, publish or cause to be made, printed,
9 circulated, posted, mailed, or published any notice,
10 statement, advertisement or sign, or use a form of
11 application for a real estate transaction, or make a record
12 or inquiry in connection with a prospective real estate
13 transaction, that indicates any preference, limitation, or
14 discrimination based on unlawful discrimination or
15 unlawful discrimination based on familial status, or an
16 intention to make any such preference, limitation, or
17 discrimination;

18 (G) Listings. Offer, solicit, accept, use or retain a
19 listing of real property with knowledge that unlawful
20 discrimination or discrimination on the basis of familial
21 status in a real estate transaction is intended.

22 (Source: P.A. 99-196, eff. 7-30-15; revised 10-20-15.)

23 (775 ILCS 5/3-105) (from Ch. 68, par. 3-105)

24 Sec. 3-105. Restrictive Covenants.→

25 (A) Agreements. Every provision in an oral agreement or a

1 written instrument relating to real property which purports to
2 forbid or restrict the conveyance, encumbrance, occupancy, or
3 lease thereof on the basis of race, color, religion, or
4 national origin is void.

5 (B) Limitations. (1) Every condition, restriction or
6 prohibition, including a right of entry or possibility of
7 reverter, which directly or indirectly limits the use or
8 occupancy of real property on the basis of race, color,
9 religion, or national origin is void.

10 (2) This Section shall not apply to a limitation of use on
11 the basis of religion of real property held by a religious
12 institution or organization or by a religious or charitable
13 organization operated, supervised, or controlled by a
14 religious institution or organization, and used for religious
15 or charitable purposes.

16 (C) Civil Rights Violations. It is a civil rights violation
17 to insert in a written instrument relating to real property a
18 provision that is void under this Section or to honor or
19 attempt to honor such a provision in the chain of title.

20 (Source: P.A. 81-1216; revised 10-21-15.)

21 (775 ILCS 5/8-101) (from Ch. 68, par. 8-101)

22 Sec. 8-101. Illinois Human Rights Commission.→

23 (A) Creation; appointments. The Human Rights Commission is
24 created to consist of 13 members appointed by the Governor with
25 the advice and consent of the Senate. No more than 7 members

1 shall be of the same political party. The Governor shall
2 designate one member as chairperson. All appointments shall be
3 in writing and filed with the Secretary of State as a public
4 record.

5 (B) Terms. Of the members first appointed, 4 shall be
6 appointed for a term to expire on the third Monday of January,
7 1981, and 5 (including the Chairperson) shall be appointed for
8 a term to expire on the third Monday of January, 1983.

9 Notwithstanding any provision of this Section to the
10 contrary, the term of office of each member of the Illinois
11 Human Rights Commission is abolished on July 29, 1985, but the
12 incumbent members shall continue to exercise all of the powers
13 and be subject to all of the duties of members of the
14 Commission until their respective successors are appointed and
15 qualified. Subject to the provisions of subsection (A), of the
16 9 members appointed under Public Act 84-115, effective July 29,
17 1985, 5 members shall be appointed for terms to expire on the
18 third Monday of January, 1987, and 4 members shall be appointed
19 for terms to expire on the third Monday of January, 1989; and
20 of the 4 additional members appointed under Public Act 84-1084,
21 effective December 2, 1985, two shall be appointed for a term
22 to expire on the third Monday of January, 1987, and two members
23 shall be appointed for a term to expire on the third Monday of
24 January, 1989.

25 Thereafter, each member shall serve for a term of 4 years
26 and until his or her successor is appointed and qualified;

1 except that any member chosen to fill a vacancy occurring
2 otherwise than by expiration of a term shall be appointed only
3 for the unexpired term of the member whom he or she shall
4 succeed and until his or her successor is appointed and
5 qualified.

6 (C) Vacancies.

7 (1) In the case of vacancies on the Commission during a
8 recess of the Senate, the Governor shall make a temporary
9 appointment until the next meeting of the Senate when he or
10 she shall appoint a person to fill the vacancy. Any person
11 so nominated and confirmed by the Senate shall hold office
12 for the remainder of the term and until his or her
13 successor is appointed and qualified.

14 (2) If the Senate is not in session at the time this
15 Act takes effect, the Governor shall make temporary
16 appointments to the Commission as in the case of vacancies.

17 (3) Vacancies in the Commission shall not impair the
18 right of the remaining members to exercise all the powers
19 of the Commission. Except when authorized by this Act to
20 proceed through a 3 member panel, a majority of the members
21 of the Commission then in office shall constitute a quorum.

22 (D) Compensation. The Chairperson of the Commission shall
23 be compensated at the rate of \$22,500 per year, or as set by
24 the Compensation Review Board, whichever is greater, during his
25 or her service as Chairperson, and each other member shall be
26 compensated at the rate of \$20,000 per year, or as set by the

1 Compensation Review Board, whichever is greater. In addition,
2 all members of the Commission shall be reimbursed for expenses
3 actually and necessarily incurred by them in the performance of
4 their duties.

5 (Source: P.A. 84-1308; revised 10-20-15.)

6 (775 ILCS 5/9-102) (from Ch. 68, par. 9-102)

7 Sec. 9-102. Pending Matters. ~~→~~

8 (A) Charges; Complaints; Causes of Action. This Act shall
9 not affect or abate any cause of action, charge, complaint or
10 other matter pending before or accrued under the jurisdiction
11 of the Fair Employment Practices Commission or the Department
12 of Equal Employment Opportunity. Each charge, complaint, or
13 matter shall be assumed by the Department or Commission, as
14 provided in this Act, at the same stage, or a parallel stage,
15 of proceeding to which it had progressed prior to the effective
16 date of this Act.

17 (B) Special Cases. The Human Rights Act shall not in any
18 way affect or abate any right, claim or cause of action under
19 the "Equal Opportunities for the Handicapped Act", approved
20 August 23, 1971, as amended, which accrued or arose prior to
21 July 1, 1980.

22 (Source: P.A. 84-1084; revised 10-19-15.)

23 Section 615. The General Not For Profit Corporation Act of
24 1986 is amended by changing Section 113.50 as follows:

1 (805 ILCS 105/113.50) (from Ch. 32, par. 113.50)

2 Sec. 113.50. Grounds for revocation of authority.

3 (a) The authority of a foreign corporation to conduct
4 affairs in this State may be revoked by the Secretary of State:

5 (1) Upon the failure of an officer or director to whom
6 interrogatories have been propounded by the Secretary of
7 State, as provided in this Act, to answer the same fully
8 and to file such answer in the office of the Secretary of
9 State;

10 (2) If the authority of the corporation was procured
11 through fraud practiced upon the State;

12 (3) If the corporation has continued to exceed or abuse
13 the authority conferred upon it by this Act;

14 (4) Upon the failure of the corporation to keep on file
15 in the office of the Secretary of State duly authenticated
16 copies of each amendment to its articles of ~~or~~
17 incorporation;

18 (5) Upon the failure of the corporation to appoint and
19 maintain a registered agent in this State;

20 (6) Upon the failure of the corporation to file any
21 report after the period prescribed by this Act for the
22 filing of such report;

23 (7) Upon the failure of the corporation to pay any fees
24 or charges prescribed by this Act;

25 (8) For misrepresentation of any material matter in any

1 application, report, affidavit, or other document filed by
2 such corporation pursuant to this Act;

3 (9) Upon the failure of the corporation to renew its
4 assumed name or to apply to change its assumed name
5 pursuant to the provisions of this Act, when the
6 corporation can only conduct affairs within this State
7 under its assumed name in accordance with the provisions of
8 Section 104.05 of this Act;

9 (10) Upon notification from the local liquor
10 commissioner, pursuant to Section 4-4(3) of the "The Liquor
11 Control Act of 1934," ~~as now or hereafter amended,~~ that a
12 foreign corporation functioning as a club in this State has
13 violated that Act by selling or offering for sale at retail
14 alcoholic liquors without a retailer's license; or

15 (11) When, in an action by the Attorney General, under
16 the provisions of the "Consumer Fraud and Deceptive
17 Business Practices Act, the Solicitation for Charity Act,"
18 ~~or "An Act to regulate solicitation and collection of funds~~
19 ~~for charitable purposes, providing for violations thereof,~~
20 ~~and making an appropriation therefor", approved July 26,~~
21 ~~1963, as amended,~~ or the "Charitable Trust Act", a court
22 has found that the corporation substantially and willfully
23 violated any of such Acts.

24 (b) The enumeration of grounds for revocation in paragraphs
25 (1) through (11) of subsection (a) shall not preclude any
26 action by the Attorney General which is authorized by any other

1 statute of the State of Illinois or the common law.

2 (Source: P.A. 92-33, eff. 7-1-01; 93-59, eff. 7-1-03; revised
3 10-20-15.)

4 Section 620. The High Risk Home Loan Act is amended by
5 changing Section 10 as follows:

6 (815 ILCS 137/10)

7 Sec. 10. Definitions. As used in this Act:

8 "Approved credit counselor" means a credit counselor
9 approved by the Director of Financial Institutions.

10 "Bona fide discount points" means loan discount points that
11 are knowingly paid by the consumer for the purpose of reducing,
12 and that in fact result in a bona fide reduction of, the
13 interest rate or time price differential applicable to the
14 mortgage.

15 "Borrower" means a natural person who seeks or obtains a
16 high risk home loan.

17 "Commissioner" means the Commissioner of the Office of
18 Banks and Real Estate.

19 "Department" means the Department of Financial
20 Institutions.

21 "Director" means the Director of Financial Institutions.

22 "Good faith" means honesty in fact in the conduct or
23 transaction concerned.

24 "High risk home loan" means a consumer credit transaction,

1 other than a reverse mortgage, that is secured by the
2 consumer's principal dwelling if: (i) at the time of
3 origination, the annual percentage rate exceeds by more than 6
4 percentage points in the case of a first lien mortgage, or by
5 more than 8 percentage points in the case of a junior mortgage,
6 the average prime offer rate, as defined in Section
7 129C(b)(2)(B) of the federal Truth in Lending Act, for a
8 comparable transaction as of the date on which the interest
9 rate for the transaction is set, or if the dwelling is personal
10 property, then as provided under 15 U.S.C. 1602(bb), as
11 amended, and any corresponding regulation, as amended, (ii) the
12 loan documents permit the creditor to charge or collect
13 prepayment fees or penalties more than 36 months after the
14 transaction closing or such fees exceed, in the aggregate, more
15 than 2% of the amount prepaid, or (iii) the total points and
16 fees payable in connection with the transaction, other than
17 bona fide third-party charges not retained by the mortgage
18 originator, creditor, or an affiliate of the mortgage
19 originator or creditor, will exceed (1) 5% of the total loan
20 amount in the case of a transaction for \$20,000 (or such other
21 dollar amount as prescribed by federal regulation pursuant to
22 the federal Dodd-Frank Act) or more or (2) the lesser of 8% of
23 the total loan amount or \$1,000 (or such other dollar amount as
24 prescribed by federal regulation pursuant to the federal
25 Dodd-Frank Act) in the case of a transaction for less than
26 \$20,000 (or such other dollar amount as prescribed by federal

1 regulation pursuant to the federal Dodd-Frank Act), except
2 that, with respect to all transactions, bona fide loan discount
3 points may be excluded as provided for in Section 35 of this
4 Act. "High risk home loan" does not include a loan that is made
5 primarily for a business purpose unrelated to the residential
6 real property securing the loan or a consumer credit
7 transaction made by a natural person who provides seller
8 financing secured by a principal residence no more than 3 times
9 in a 12-month period, provided such consumer credit transaction
10 is not made by a person that has constructed or acted as a
11 contractor for the construction of the residence in the
12 ordinary course of business of such person.

13 "Lender" means a natural or artificial person who
14 transfers, deals in, offers, or makes a high risk home loan.
15 "Lender" includes, but is not limited to, creditors and brokers
16 who transfer, deal in, offer, or make high risk home loans.
17 "Lender" does not include purchasers, assignees, or subsequent
18 holders of high risk home loans.

19 "Office" means the Office of Banks and Real Estate.

20 "Points and fees" means all items considered to be points
21 and fees under 12 CFR 226.32 (2000, or as initially amended
22 pursuant to Section 1431 of the federal Dodd-Frank Act with no
23 subsequent amendments or editions included, whichever is
24 later); compensation paid directly or indirectly by a consumer
25 or creditor to a mortgage broker from any source, including a
26 broker that originates a loan in its own name in a table-funded

1 transaction, not otherwise included in 12 CFR 226.4; the
2 maximum prepayment fees and penalties that may be charged or
3 collected under the terms of the credit transaction; all
4 prepayment fees or penalties that are incurred by the consumer
5 if the loan refinances a previous loan made or currently held
6 by the same creditor or an affiliate of the creditor; and
7 premiums or other charges payable at or before closing or
8 financed directly or indirectly into the loan for any credit
9 life, credit disability, credit unemployment, credit property,
10 other accident, loss of income, life, or health insurance or
11 payments directly or indirectly for any debt cancellation or
12 suspension agreement or contract, except that insurance
13 premiums or debt cancellation or suspension fees calculated and
14 paid in full on a monthly basis shall not be considered
15 financed by the creditor. "Points and fees" does not include
16 any insurance premium provided by an agency of the federal
17 government or an agency of a state; any insurance premium paid
18 by the consumer after closing; and any amount of a premium,
19 charge, or fee that is not in excess of the amount payable
20 under policies in effect at the time of origination under
21 Section 203(c)(2)(A) of the National Housing Act (12 U.S.C.
22 1709(c)(2)(A)), provided that the premium, charge, or fee is
23 required to be refundable on a pro-rated basis and the refund
24 is automatically issued upon notification of the satisfaction
25 of the underlying mortgage loan.

26 "Prepayment penalty" and "prepayment fees or penalties"

1 mean: (i) for a closed-end credit transaction, a charge imposed
2 for paying all or part of the transaction's principal before
3 the date on which the principal is due, other than a waived,
4 bona fide third-party charge that the creditor imposes if the
5 consumer prepays all of the transactions's principal sooner
6 than 36 months after consummation and (ii) for an open-end
7 credit plan, a charge imposed by the creditor if the consumer
8 terminates the open-end credit plan prior to the end of its
9 term, other than a waived, bona fide third-party charge that
10 the creditor imposes if the consumer terminates the open-end
11 credit plan sooner than 36 months after account opening.

12 "Reasonable" means fair, proper, just, or prudent under the
13 circumstances.

14 "Servicer" means any entity chartered under the Illinois
15 Banking Act, the Savings Bank Act, the Illinois Credit Union
16 Act, or the Illinois Savings and Loan Act of 1985 and any
17 person or entity licensed under the Residential Mortgage
18 License Act of 1987, the Consumer Installment Loan Act, or the
19 Sales Finance Agency Act who is responsible for the collection
20 or remittance for, or has the right or obligation to collect or
21 remit for, any lender, note owner, or note holder or for a
22 licensee's own account, of payments, interest, principal, and
23 trust items (such as hazard insurance and taxes on a
24 residential mortgage loan) in accordance with the terms of the
25 residential mortgage loan, including loan payment follow-up,
26 delinquency loan follow-up, loan analysis, and any

1 notifications to the borrower that are necessary to enable the
2 borrower to keep the loan current and in good standing.

3 "Total loan amount" has the same meaning as that term is
4 given in 12 CFR 226.32 and shall be calculated in accordance
5 with the Federal Reserve Board's Official Staff Commentary to
6 that regulation.

7 (Source: P.A. 99-150, eff. 7-28-15; 99-288, eff. 8-5-15;
8 revised 10-19-15.)

9 Section 625. The Motor Fuel Sales Act is amended by
10 changing Section 2 as follows:

11 (815 ILCS 365/2) (from Ch. 121 1/2, par. 1502)

12 Sec. 2. Assistance at stations with self-service and
13 full-service islands.

14 (a) Any attendant on duty at a gasoline station or service
15 station offering to the public retail sales of motor fuel at
16 both self-service and full-service islands shall, upon
17 request, dispense motor fuel for the driver of a car which is
18 parked at a self-service island and displays: (1) registration
19 plates issued to a person with a physical disability pursuant
20 to Section 3-616 of the Illinois Vehicle Code; (2) registration
21 plates issued to a veteran with a disability pursuant to
22 Section 3-609 or 3-609.01 of such Code; or (3) a special decal
23 or device issued pursuant to Section 11-1301.2 of such Code;
24 and shall only charge such driver prices as offered to the

1 general public for motor fuel dispensed at the self-service
2 island. However, such attendant shall not be required to
3 perform other services which are offered at the full-service
4 island.

5 (b) Gasoline stations and service stations in this State
6 are subject to the federal Americans with Disabilities Act and
7 must:

8 (1) provide refueling assistance upon the request of an
9 individual with a disability (A gasoline station or service
10 station is not required to provide such service at any time
11 that it is operating on a remote control basis with a
12 single employee on duty at the motor fuel site, but is
13 encouraged to do so, if feasible.);

14 (2) by January 1, 2014, provide and display at least
15 one ADA compliant motor fuel dispenser with a direct
16 telephone number to the station that allows an operator of
17 a motor vehicle who has a disability to request refueling
18 assistance, with the telephone number posted in close
19 proximity to the International Symbol of Accessibility
20 required by the federal Americans with Disabilities Act,
21 however, if the station does not have at least one ADA
22 compliant motor fuel dispenser, the station must display on
23 at least one motor fuel dispenser a direct telephone number
24 to the station that allows an operator of a motor vehicle
25 who has a disability to request refueling assistance; and

26 (3) provide the refueling assistance without any

1 charge beyond the self-serve price.

2 (c) The signage required under paragraph (2) of subsection
3 (b) shall be designated by the station owner and shall be
4 posted in a prominently visible place. The sign shall be
5 clearly visible to customers.

6 (d) The Secretary of State shall provide to persons with
7 disabilities information regarding the availability of
8 refueling assistance under this Section by the following
9 methods:

10 (1) by posting information about that availability on
11 the Secretary of State's Internet website, along with a
12 link to the Department of Human Services website; and

13 (2) by publishing a brochure containing information
14 about that availability, which shall be made available at
15 all Secretary of State offices throughout the State.

16 (d-5) On its Internet website, the Department of
17 Agriculture shall maintain a list of gasoline and service
18 stations that are required to report to the Department of
19 Agriculture's Bureau of Weights and Measures. The list shall
20 include the addresses and telephone numbers of the gasoline and
21 service stations. The Department of Agriculture shall provide
22 the Department of Human Services with a link to this website
23 information.

24 (e) The Department of Human Services shall post on its
25 Internet website information regarding the availability of
26 refueling assistance for persons with disabilities and the link

1 to the list of gasoline and service stations provided by the
2 Department of Agriculture.

3 (f) A person commits a Class C misdemeanor if he or she
4 telephones a gasoline station or service station to request
5 refueling assistance and he or she:

6 (1) is not actually physically present at the gasoline
7 or service station; or

8 (2) is physically present at the gasoline or service
9 station but does not actually require refueling
10 assistance.

11 (g) The Department of Transportation shall work in
12 cooperation with appropriate representatives of gasoline and
13 service station trade associations and the petroleum industry
14 to increase the signage at gasoline and service stations on
15 interstate highways in this State with regard to the
16 availability of refueling assistance for persons with
17 disabilities.

18 (h) If an owner of a gas station or service station is
19 found by the Illinois Department of Agriculture, Bureau of
20 Weights and Measures, to be in violation of this Act, the owner
21 shall pay an administrative fine of \$250. Any moneys collected
22 by the Department shall be deposited into the Motor Fuel and
23 Petroleum Standards Fund. The Department of Agriculture shall
24 have the same authority and powers as provided for in the Motor
25 Fuel and Petroleum Standards Act in enforcing this Act.

26 (Source: P.A. 99-44, eff. 1-1-16; 99-143, eff. 7-27-15; revised

1 10-21-15.)

2 Section 630. The Used Lubricant Act is amended by changing
3 Section 2 as follows:

4 (815 ILCS 435/2) (from Ch. 96 1/2, par. 5802)

5 Sec. 2. Any person dealing in previously used or previously
6 used and reclaimed, re-refined, recleaned, or reconditioned
7 lubricating oils, lubricants or mixtures of lubricants without
8 having each and every container or item of equipment in or
9 through which any of such products are sold, kept for sale,
10 displayed or dispensed plainly labeled as required in this Act,
11 or advertising any of such products for sale without inserting
12 in such advertising a statement as required in this Act may
13 upon proper hearing be enjoined from selling any of such
14 products or offering, displaying or advertising any of the same
15 for sale. Action for such injunction may be brought in the
16 circuit court in the county in which the defendant resides, and
17 may be brought either by the Attorney General of this State
18 ~~state~~ or by the State's ~~States~~ Attorney in and for such county.
19 The authority granted by this Section shall be in addition to
20 and not in lieu of authority to prosecute criminally any person
21 for a violation of this Act. The granting or enforcing of any
22 injunction under this Act is a preventive measure for the
23 protection of the people of this State ~~state~~, not a punitive
24 measure, and the fact that a person has been charged or

1 convicted of a violation of this Act shall not prevent the
2 ordering of an injunction to prevent further unlawful dealing
3 in previously used or previously used and reclaimed,
4 re-refined, recleaned or reconditioned lubricating oils,
5 lubricants or mixtures of lubricants, nor shall the fact that
6 an injunction has been granted under this Act preclude the
7 institution of criminal prosecution or punishment. Upon
8 promulgation of labeling standards applicable to recycled oil
9 by the Federal Trade Commission as prescribed pursuant to Title
10 V, Section 383 of the federal "Energy Policy and Conservation
11 Act (P.L. " (P.A. 94-163) the provisions of this Section shall
12 no longer be in effect.

13 (Source: P.A. 83-346; revised 10-21-15.)

14 Section 635. The Consumer Fraud and Deceptive Business
15 Practices Act is amended by changing Sections 2Z and 2MM as
16 follows:

17 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

18 Sec. 2Z. Violations of other Acts. Any person who knowingly
19 violates the Automotive Repair Act, the Automotive Collision
20 Repair Act, the Home Repair and Remodeling Act, the Dance
21 Studio Act, the Physical Fitness Services Act, the Hearing
22 Instrument Consumer Protection Act, the Illinois Union Label
23 Act, the Job Referral and Job Listing Services Consumer
24 Protection Act, the Travel Promotion Consumer Protection Act,

1 the Credit Services Organizations Act, the Automatic Telephone
2 Dialers Act, the Pay-Per-Call Services Consumer Protection
3 Act, the Telephone Solicitations Act, the Illinois Funeral or
4 Burial Funds Act, the Cemetery Oversight Act, the Cemetery Care
5 Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales
6 Act, the High Risk Home Loan Act, the Payday Loan Reform Act,
7 the Mortgage Rescue Fraud Act, subsection (a) or (b) of Section
8 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section
9 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the
10 Internet Caller Identification Act, paragraph (6) of
11 subsection (k) of Section 6-305 of the Illinois Vehicle Code,
12 Section 11-1431, 18d-115, 18d-120, 18d-125, 18d-135, 18d-150,
13 or 18d-153 of the Illinois Vehicle Code, Article 3 of the
14 Residential Real Property Disclosure Act, the Automatic
15 Contract Renewal Act, the Reverse Mortgage Act, Section 25 of
16 the Youth Mental Health Protection Act, or the Personal
17 Information Protection Act commits an unlawful practice within
18 the meaning of this Act.

19 (Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; revised
20 10-21-15.)

21 (815 ILCS 505/2MM)

22 Sec. 2MM. Verification of accuracy of consumer reporting
23 information used to extend consumers credit and security freeze
24 on credit reports.

25 (a) A credit card issuer who mails an offer or solicitation

1 to apply for a credit card and who receives a completed
2 application in response to the offer or solicitation which
3 lists an address that is not substantially the same as the
4 address on the offer or solicitation may not issue a credit
5 card based on that application until reasonable steps have been
6 taken to verify the applicant's change of address.

7 (b) Any person who uses a consumer credit report in
8 connection with the approval of credit based on the application
9 for an extension of credit, and who has received notification
10 of a police report filed with a consumer reporting agency that
11 the applicant has been a victim of financial identity theft, as
12 defined in Section 16-30 or 16G-15 of the Criminal Code of 1961
13 or the Criminal Code of 2012, may not lend money or extend
14 credit without taking reasonable steps to verify the consumer's
15 identity and confirm that the application for an extension of
16 credit is not the result of financial identity theft.

17 (c) A consumer may request that a security freeze be placed
18 on his or her credit report by sending a request in writing by
19 certified mail to a consumer reporting agency at an address
20 designated by the consumer reporting agency to receive such
21 requests.

22 The following persons may request that a security freeze be
23 placed on the credit report of a person with a disability:

- 24 (1) a guardian of the person with a disability who ~~that~~
25 is the subject of the request, appointed under Article XIa
26 of the Probate Act of 1975; and

1 (2) an agent of the person with a disability who ~~that~~
2 is the subject of the request, under a written durable
3 power of attorney that complies with the Illinois Power of
4 Attorney Act.

5 The following persons may request that a security freeze
6 be placed on the credit report of a minor:

7 (1) a guardian of the minor who ~~that~~ is the subject of
8 the request, appointed under Article XI of the Probate Act
9 of 1975;

10 (2) a parent of the minor who ~~that~~ is the subject of
11 the request; and

12 (3) a guardian appointed under the Juvenile Court Act
13 of 1987 for a minor under the age of 18 who is the subject
14 of the request or, with a court order authorizing the
15 guardian consent power, for a youth who is the subject of
16 the request who has attained the age of 18, but who is
17 under the age of 21.

18 This subsection (c) does not prevent a consumer reporting
19 agency from advising a third party that a security freeze is in
20 effect with respect to the consumer's credit report.

21 (d) A consumer reporting agency shall place a security
22 freeze on a consumer's credit report no later than 5 business
23 days after receiving a written request from the consumer:

24 (1) a written request described in subsection (c);

25 (2) proper identification; and

26 (3) payment of a fee, if applicable.

1 (e) Upon placing the security freeze on the consumer's
2 credit report, the consumer reporting agency shall send to the
3 consumer within 10 business days a written confirmation of the
4 placement of the security freeze and a unique personal
5 identification number or password or similar device, other than
6 the consumer's Social Security number, to be used by the
7 consumer when providing authorization for the release of his or
8 her credit report for a specific party or period of time.

9 (f) If the consumer wishes to allow his or her credit
10 report to be accessed for a specific party or period of time
11 while a freeze is in place, he or she shall contact the
12 consumer reporting agency using a point of contact designated
13 by the consumer reporting agency, request that the freeze be
14 temporarily lifted, and provide the following:

15 (1) Proper identification;

16 (2) The unique personal identification number or
17 password or similar device provided by the consumer
18 reporting agency;

19 (3) The proper information regarding the third party or
20 time period for which the report shall be available to
21 users of the credit report; and

22 (4) A fee, if applicable.

23 A security freeze for a minor may not be temporarily
24 lifted. This Section does not require a consumer reporting
25 agency to provide to a minor or a parent or guardian of a minor
26 on behalf of the minor a unique personal identification number,

1 password, or similar device provided by the consumer reporting
2 agency for the minor, or parent or guardian of the minor, to
3 use to authorize the consumer reporting agency to release
4 information from a minor.

5 (g) A consumer reporting agency shall develop a contact
6 method to receive and process a request from a consumer to
7 temporarily lift a freeze on a credit report pursuant to
8 subsection (f) in an expedited manner.

9 A contact method under this subsection shall include: (i) a
10 postal address; and (ii) an electronic contact method chosen by
11 the consumer reporting agency, which may include the use of
12 telephone, fax, Internet, or other electronic means.

13 (h) A consumer reporting agency that receives a request
14 from a consumer to temporarily lift a freeze on a credit report
15 pursuant to subsection (f), shall comply with the request no
16 later than 3 business days after receiving the request.

17 (i) A consumer reporting agency shall remove or temporarily
18 lift a freeze placed on a consumer's credit report only in the
19 following cases:

20 (1) upon consumer request, pursuant to subsection (f)
21 or subsection (l) of this Section; or

22 (2) if the consumer's credit report was frozen due to a
23 material misrepresentation of fact by the consumer.

24 If a consumer reporting agency intends to remove a freeze
25 upon a consumer's credit report pursuant to this subsection,
26 the consumer reporting agency shall notify the consumer in

1 writing prior to removing the freeze on the consumer's credit
2 report.

3 (j) If a third party requests access to a credit report on
4 which a security freeze is in effect, and this request is in
5 connection with an application for credit or any other use, and
6 the consumer does not allow his or her credit report to be
7 accessed for that specific party or period of time, the third
8 party may treat the application as incomplete.

9 (k) If a consumer requests a security freeze, the credit
10 reporting agency shall disclose to the consumer the process of
11 placing and temporarily lifting a security freeze, and the
12 process for allowing access to information from the consumer's
13 credit report for a specific party or period of time while the
14 freeze is in place.

15 (l) A security freeze shall remain in place until the
16 consumer or person authorized under subsection (c) to act on
17 behalf of the minor or person with a disability who ~~that~~ is the
18 subject of the security freeze requests, using a point of
19 contact designated by the consumer reporting agency, that the
20 security freeze be removed. A credit reporting agency shall
21 remove a security freeze within 3 business days of receiving a
22 request for removal from the consumer, who provides:

23 (1) Proper identification;

24 (2) The unique personal identification number or
25 password or similar device provided by the consumer
26 reporting agency; and

1 (3) A fee, if applicable.

2 (m) A consumer reporting agency shall require proper
3 identification of the person making a request to place or
4 remove a security freeze and may require proper identification
5 and proper authority from the person making the request to
6 place or remove a freeze on behalf of the person with a
7 disability or minor.

8 (n) The provisions of subsections (c) through (m) of this
9 Section do not apply to the use of a consumer credit report by
10 any of the following:

11 (1) A person or entity, or a subsidiary, affiliate, or
12 agent of that person or entity, or an assignee of a
13 financial obligation owing by the consumer to that person
14 or entity, or a prospective assignee of a financial
15 obligation owing by the consumer to that person or entity
16 in conjunction with the proposed purchase of the financial
17 obligation, with which the consumer has or had prior to
18 assignment an account or contract, including a demand
19 deposit account, or to whom the consumer issued a
20 negotiable instrument, for the purposes of reviewing the
21 account or collecting the financial obligation owing for
22 the account, contract, or negotiable instrument. For
23 purposes of this subsection, "reviewing the account"
24 includes activities related to account maintenance,
25 monitoring, credit line increases, and account upgrades
26 and enhancements.

1 (2) A subsidiary, affiliate, agent, assignee, or
2 prospective assignee of a person to whom access has been
3 granted under subsection (f) of this Section for purposes
4 of facilitating the extension of credit or other
5 permissible use.

6 (3) Any state or local agency, law enforcement agency,
7 trial court, or private collection agency acting pursuant
8 to a court order, warrant, or subpoena.

9 (4) A child support agency acting pursuant to Title
10 IV-D of the Social Security Act.

11 (5) The State or its agents or assigns acting to
12 investigate fraud.

13 (6) The Department of Revenue or its agents or assigns
14 acting to investigate or collect delinquent taxes or unpaid
15 court orders or to fulfill any of its other statutory
16 responsibilities.

17 (7) The use of credit information for the purposes of
18 prescreening as provided for by the federal Fair Credit
19 Reporting Act.

20 (8) Any person or entity administering a credit file
21 monitoring subscription or similar service to which the
22 consumer has subscribed.

23 (9) Any person or entity for the purpose of providing a
24 consumer with a copy of his or her credit report or score
25 upon the consumer's request.

26 (10) Any person using the information in connection

1 with the underwriting of insurance.

2 (n-5) This Section does not prevent a consumer reporting
3 agency from charging a fee of no more than \$10 to a consumer
4 for each freeze, removal, or temporary lift of the freeze,
5 regarding access to a consumer credit report, except that a
6 consumer reporting agency may not charge a fee to: (i) a
7 consumer 65 years of age or over for placement and removal of a
8 freeze; (ii) a victim of identity theft who has submitted to
9 the consumer reporting agency a valid copy of a police report,
10 investigative report, or complaint that the consumer has filed
11 with a law enforcement agency about unlawful use of his or her
12 personal information by another person; or (iii) an active duty
13 military service member who has submitted to the consumer
14 reporting agency a copy of his or her orders calling the
15 service member to military service and any orders further
16 extending the service member's period of service if currently
17 active.

18 (o) If a security freeze is in place, a consumer reporting
19 agency shall not change any of the following official
20 information in a credit report without sending a written
21 confirmation of the change to the consumer within 30 days of
22 the change being posted to the consumer's file: (i) name, (ii)
23 date of birth, (iii) Social Security number, and (iv) address.
24 Written confirmation is not required for technical
25 modifications of a consumer's official information, including
26 name and street abbreviations, complete spellings, or

1 transposition of numbers or letters. In the case of an address
2 change, the written confirmation shall be sent to both the new
3 address and to the former address.

4 (p) The following entities are not required to place a
5 security freeze in a consumer report, however, pursuant to
6 paragraph (3) of this subsection, a consumer reporting agency
7 acting as a reseller shall honor any security freeze placed on
8 a consumer credit report by another consumer reporting agency:

9 (1) A check services or fraud prevention services
10 company, which issues reports on incidents of fraud or
11 authorizations for the purpose of approving or processing
12 negotiable instruments, electronic funds transfers, or
13 similar methods of payment.

14 (2) A deposit account information service company,
15 which issues reports regarding account closures due to
16 fraud, substantial overdrafts, ATM abuse, or similar
17 negative information regarding a consumer to inquiring
18 banks or other financial institutions for use only in
19 reviewing a consumer request for a deposit account at the
20 inquiring bank or financial institution.

21 (3) A consumer reporting agency that:

22 (A) acts only to resell credit information by
23 assembling and merging information contained in a
24 database of one or more consumer reporting agencies;
25 and

26 (B) does not maintain a permanent database of

1 credit information from which new credit reports are
2 produced.

3 (q) For purposes of this Section:

4 "Credit report" has the same meaning as "consumer report",
5 as ascribed to it in 15 U.S.C. Sec. 1681a(d).

6 "Consumer reporting agency" has the meaning ascribed to it
7 in 15 U.S.C. Sec. 1681a(f).

8 "Security freeze" means a notice placed in a consumer's
9 credit report, at the request of the consumer and subject to
10 certain exceptions, that prohibits the consumer reporting
11 agency from releasing the consumer's credit report or score
12 relating to an extension of credit, without the express
13 authorization of the consumer.

14 "Extension of credit" does not include an increase in an
15 existing open-end credit plan, as defined in Regulation Z of
16 the Federal Reserve System (12 C.F.R. 226.2), or any change to
17 or review of an existing credit account.

18 "Proper authority" means documentation that shows that a
19 parent, guardian, or agent has authority to act on behalf of a
20 minor or person with a disability. "Proper authority" includes
21 (1) an order issued by a court of law that shows that a
22 guardian has authority to act on behalf of a minor or person
23 with a disability, (2) a written, notarized statement signed by
24 a parent that expressly describes the authority of the parent
25 to act on behalf of the minor, or (3) a durable power of
26 attorney that complies with the Illinois Power of Attorney Act.

1 "Proper identification" means information generally deemed
2 sufficient to identify a person. Only if the consumer is unable
3 to reasonably identify himself or herself with the information
4 described above, may a consumer reporting agency require
5 additional information concerning the consumer's employment
6 and personal or family history in order to verify his or her
7 identity.

8 "Military service member" means a resident of Illinois who
9 is a member of any component of the U.S. Armed Forces or the
10 National Guard of any state, the District of Columbia, a
11 commonwealth, or a territory of the United States who has
12 entered any full-time training or duty for which the service
13 member was ordered to report by the President, the governor of
14 a state, commonwealth, or territory of the United States, or
15 another appropriate military authority.

16 (r) Any person who violates this Section commits an
17 unlawful practice within the meaning of this Act.

18 (Source: P.A. 98-486, eff. 1-1-14; 98-756, eff. 7-16-14;
19 99-143, eff. 7-27-15; 99-373, eff. 1-1-16; revised 10-21-15.)

20 Section 640. The Job Referral and Job Listing Services
21 Consumer Protection Act is amended by changing Sections 5 and
22 12 as follows:

23 (815 ILCS 630/5) (from Ch. 121 1/2, par. 2005)

24 Sec. 5. Every Service shall be required to:

1 (1) Keep and make available to the Attorney General
2 during regular business hours, and to the State's ~~States~~
3 Attorney of any county in which the Service conducts
4 business the following records:

5 (a) All job listing authorizations received by the
6 Service during the immediate past year. Each such
7 authorization shall include:

8 (i) the date when such authorization was
9 received.

10 (ii) the name of the person recording the
11 authorization.

12 (iii) the name and address of the employer or
13 agent of the employer, making the authorization.

14 (iv) the job title and the qualifications
15 therefor.

16 (v) the salary offered or to be paid for such
17 job, if known.

18 (vi) the ~~The~~ duration of the job.

19 (b) Copies of all contracts, agreements or other
20 documents signed by job seekers, pursuant to Section 6
21 of this Act, for the immediate past year.

22 (c) Copies of all receipts for fee payments given
23 to each job seeker, pursuant to this Act, for the
24 immediate past year.

25 (d) A current schedule of fees charged.

26 (e) All other written information relative to the

1 services provided to the job seeker.

2 (2) Furnish to each job seeker a copy of every written
3 instrument the job seeker has signed.

4 (3) Obtain a bona fide job order for employment prior
5 to collecting any fee from a job seeker or sending out a
6 job seeker to any place of employment.

7 (4) Furnish to each job seeker from whom a fee is
8 received, at the time payment is received, a receipt in
9 which shall be stated the name of the job seeker, the name
10 and address of the Service and its agent, the date and
11 amount of the fee and the purpose for which it was paid.

12 (5) Furnish to each job seeker, who is sent to a
13 prospective employer, with a card or similar paper stating
14 the nature of the prospective employment, the names of the
15 job seeker and prospective employer, and the address of the
16 employer.

17 (6) Verify each job listing authorization received
18 from the authorizing employer within 7 days following the
19 receipt or such authorization.

20 (7) Meet in person with a potential job seeker and
21 enter into a written contract before a job seeker provides
22 payment for a job list. A job list shall include, at a
23 minimum, the following information:

24 (a) name ~~Name~~ and address of the employer or agent
25 of the employer, making the authorization;

26 (b) job ~~Job~~ title and the qualifications therefor;

1 (c) salary ~~Salary~~ offered or to be paid for such
2 job, if known;

3 (d) the ~~The~~ duration of the job;

4 (e) location ~~Location~~ of the job; and

5 (f) certification ~~Certification~~ that the position
6 has not been filled as of the date that such a list is
7 made available to the job seeker.

8 Said job list shall be considered deliverable under the
9 contract.

10 (Source: P.A. 87-293; revised 10-19-15.)

11 (815 ILCS 630/12) (from Ch. 121 1/2, par. 2012)

12 Sec. 12. Violation of any of the provisions of this Act is
13 an unlawful practice pursuant to Section 2 of the Deceptive
14 Business Practices Act, as now or hereafter amended. All
15 remedies, penalties and authority granted to the Attorney
16 General or a State's ~~States~~ Attorney by that Act shall be
17 available to them for the enforcement of this Act. In any
18 action brought by the Attorney General or a State's ~~States~~
19 Attorney to enforce this Act, the court may order that persons
20 who incurred actual damages be awarded the amount of actual
21 damages assessed.

22 (Source: P.A. 85-1367; revised 10-21-15.)

23 Section 645. The Victims' Economic Security and Safety Act
24 is amended by changing Section 905 as follows:

1 (820 ILCS 180/905)

2 Sec. 905. Severability. If any provision of this Act or the
3 application of such provision to any person or circumstance is
4 held to be in violation of the United ~~Unites~~ States
5 Constitution or Illinois Constitution, the remainder of the
6 provisions of this Act and the application of those provisions
7 to any person or circumstance shall not be affected.

8 (Source: P.A. 93-591, eff. 8-25-03; revised 10-21-15.)

9 Section 650. The Workers' Compensation Act is amended by
10 changing Section 14 as follows:

11 (820 ILCS 305/14) (from Ch. 48, par. 138.14)

12 Sec. 14. The Commission shall appoint a secretary, an
13 assistant secretary, and arbitrators and shall employ such
14 assistants and clerical help as may be necessary. Arbitrators
15 shall be appointed pursuant to this Section, notwithstanding
16 any provision of the Personnel Code.

17 Each arbitrator appointed after June 28, 2011 shall be
18 required to demonstrate in writing his or her knowledge of and
19 expertise in the law of and judicial processes of the Workers'
20 Compensation Act and the Workers' Occupational Diseases Act.

21 A formal training program for newly-hired arbitrators
22 shall be implemented. The training program shall include the
23 following:

1 (a) substantive and procedural aspects of the
2 arbitrator position;

3 (b) current issues in workers' compensation law and
4 practice;

5 (c) medical lectures by specialists in areas such as
6 orthopedics, ophthalmology, psychiatry, rehabilitation
7 counseling;

8 (d) orientation to each operational unit of the
9 Illinois Workers' Compensation Commission;

10 (e) observation of experienced arbitrators conducting
11 hearings of cases, combined with the opportunity to discuss
12 evidence presented and rulings made;

13 (f) the use of hypothetical cases requiring the trainee
14 to issue judgments as a means to evaluating knowledge and
15 writing ability;

16 (g) writing skills;

17 (h) professional and ethical standards pursuant to
18 Section 1.1 of this Act;

19 (i) detection of workers' compensation fraud and
20 reporting obligations of Commission employees and
21 appointees;

22 (j) standards of evidence-based medical treatment and
23 best practices for measuring and improving quality and
24 health care outcomes in the workers' compensation system,
25 including but not limited to the use of the American
26 Medical Association's "Guides to the Evaluation of

1 Permanent Impairment" and the practice of utilization
2 review; and

3 (k) substantive and procedural aspects of coal
4 workers' pneumoconiosis (black lung) cases.

5 A formal and ongoing professional development program
6 including, but not limited to, the above-noted areas shall be
7 implemented to keep arbitrators informed of recent
8 developments and issues and to assist them in maintaining and
9 enhancing their professional competence. Each arbitrator shall
10 complete 20 hours of training in the above-noted areas during
11 every 2 years such arbitrator shall remain in office.

12 Each arbitrator shall devote full time to his or her duties
13 and shall serve when assigned as an acting Commissioner when a
14 Commissioner is unavailable in accordance with the provisions
15 of Section 13 of this Act. Any arbitrator who is an
16 attorney-at-law shall not engage in the practice of law, nor
17 shall any arbitrator hold any other office or position of
18 profit under the United States or this State or any municipal
19 corporation or political subdivision of this State.
20 Notwithstanding any other provision of this Act to the
21 contrary, an arbitrator who serves as an acting Commissioner in
22 accordance with the provisions of Section 13 of this Act shall
23 continue to serve in the capacity of Commissioner until a
24 decision is reached in every case heard by that arbitrator
25 while serving as an acting Commissioner.

26 Notwithstanding any other provision of this Section, the

1 term of all arbitrators serving on June 28, 2011 (the effective
2 date of Public Act 97-18) ~~this amendatory Act of the 97th~~
3 ~~General Assembly~~, including any arbitrators on administrative
4 leave, shall terminate at the close of business on July 1,
5 2011, but the incumbents shall continue to exercise all of
6 their duties until they are reappointed or their successors are
7 appointed.

8 On and after June 28, 2011 (the effective date of Public
9 Act 97-18) ~~this amendatory Act of the 97th General Assembly~~,
10 arbitrators shall be appointed to 3-year terms as follows:

11 (1) All appointments shall be made by the Governor with
12 the advice and consent of the Senate.

13 (2) For their initial appointments, 12 arbitrators
14 shall be appointed to terms expiring July 1, 2012; 12
15 arbitrators shall be appointed to terms expiring July 1,
16 2013; and all additional arbitrators shall be appointed to
17 terms expiring July 1, 2014. Thereafter, all arbitrators
18 shall be appointed to 3-year terms.

19 Upon the expiration of a term, the Chairman shall evaluate
20 the performance of the arbitrator and may recommend to the
21 Governor that he or she be reappointed to a second or
22 subsequent term by the Governor with the advice and consent of
23 the Senate.

24 Each arbitrator appointed on or after June 28, 2011 (the
25 effective date of Public Act 97-18) ~~this amendatory Act of the~~
26 ~~97th General Assembly~~ and who has not previously served as an

1 arbitrator for the Commission shall be required to be
2 authorized to practice law in this State by the Supreme Court,
3 and to maintain this authorization throughout his or her term
4 of employment.

5 The performance of all arbitrators shall be reviewed by the
6 Chairman on an annual basis. The Chairman shall allow input
7 from the Commissioners in all such reviews.

8 The Commission shall assign no fewer than 3 arbitrators to
9 each hearing site. The Commission shall establish a procedure
10 to ensure that the arbitrators assigned to each hearing site
11 are assigned cases on a random basis. No arbitrator shall hear
12 cases in any county, other than Cook County, for more than 2
13 years in each 3-year term.

14 The Secretary and each arbitrator shall receive a per annum
15 salary of \$4,000 less than the per annum salary of members of
16 The Illinois Workers' Compensation Commission as provided in
17 Section 13 of this Act, payable in equal monthly installments.

18 The members of the Commission, Arbitrators and other
19 employees whose duties require them to travel, shall have
20 reimbursed to them their actual traveling expenses and
21 disbursements made or incurred by them in the discharge of
22 their official duties while away from their place of residence
23 in the performance of their duties.

24 The Commission shall provide itself with a seal for the
25 authentication of its orders, awards and proceedings upon which
26 shall be inscribed the name of the Commission and the words

1 "Illinois--Seal".

2 The Secretary or Assistant Secretary, under the direction
3 of the Commission, shall have charge and custody of the seal of
4 the Commission and also have charge and custody of all records,
5 files, orders, proceedings, decisions, awards and other
6 documents on file with the Commission. He shall furnish
7 certified copies, under the seal of the Commission, of any such
8 records, files, orders, proceedings, decisions, awards and
9 other documents on file with the Commission as may be required.
10 Certified copies so furnished by the Secretary or Assistant
11 Secretary shall be received in evidence before the Commission
12 or any Arbitrator thereof, and in all courts, provided that the
13 original of such certified copy is otherwise competent and
14 admissible in evidence. The Secretary or Assistant Secretary
15 shall perform such other duties as may be prescribed from time
16 to time by the Commission.

17 (Source: P.A. 97-18, eff. 6-28-11; 97-719, eff. 6-29-12; 98-40,
18 eff. 6-28-13; revised 10-21-15.)

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
25 Public Act.

1 Section 996. No revival or extension. This Act does not
2 revive or extend any Section or Act otherwise repealed.

3 Section 999. Effective date. This Act takes effect upon
4 becoming law.

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