

State of Illinois
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Final Senate Journal

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JOURNAL OF THE

[Apr. 29, 1999]

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

37TH LEGISLATIVE DAY

THURSDAY, APRIL 29, 1999

11:00 O'CLOCK A.M.

The Senate met pursuant to adjournment.
Senator Stanley B. Weaver, Urbana, Illinois, presiding.
Prayer by Reverend Larry Goetz, Our Savior's Lutheran Church,
Springfield, Illinois.
Senator Sieben led the Senate in the Pledge of Allegiance.

The Journal of Monday, April 26, 1999, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Tuesday, April 27, 1999, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator Myers moved that reading and approval of the Journal of Wednesday, April 28, 1999 be postponed pending arrival of the printed Journal.

The motion prevailed.

REPORT RECEIVED

The Secretary placed before the Senate the following report:

A status report of pending projects for the construction, renovation or rehabilitation of school buildings submitted by the Public Building Commission of Chicago pursuant to Senate Bill 265, which amended Section 19.1 of the Public Building Commission Act (50 ILCS 20/1 et. seq.).

The foregoing report was ordered received and placed on file in the Secretary's Office.

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LEGISLATIVE MEASURES FILED

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to House Bill 835
Senate Amendment No. 1 to House Bill 2180

REPORTS FROM STANDING COMMITTEES

Senator Klemm, Chairperson of the Committee on Executive to which was referred **House Bills numbered 157, 583, 941, 953, 2632 and 2776** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Klemm, Chairperson of the Committee on Executive to which was referred **House Bills numbered 279, 1909 and 2593** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Klemm, Chairperson of the Committee on Executive, to which was referred **Senate Joint Resolution Constitutional Amendment No. 27** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution Constitutional Amendment No. 27** was placed on the Secretary's Desk on the order of first reading.

Senator O'Malley, Chairperson of the Committee on Financial Institutions to which was referred **House Bills numbered 1281, 1742, 1837, 2019, 2204 and 2494** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred **House Bills numbered 264, 502, 799, 801, 1441 and 1860** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred **House Bill No. 800** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Peterson, Chairperson of the Committee on Revenue to which was referred **House Bills numbered 1327, 1693, 1978 and 2180** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator T. Walsh, Chairperson of the Committee on State Government Operations to which was referred **House Bills numbered 236, 492, 517, 1146, 1224, 1247, 1746, 1864, 2047, 2081 and 2735** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

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Senator T. Walsh, Chairperson of the Committee on State Government Operations to which was referred **House Bills numbered 340, 1510 and 2088** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 541

A bill for AN ACT to amend the Hospital Licensing Act by changing Section 6.17.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 541

Passed the House, as amended, April 28, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 541

AMENDMENT NO. 1. Amend Senate Bill 541, on page 3, by replacing lines 12 and 13 with the following:

"(h) ~~(e)~~ Any person who, in good faith, acts in accordance with the terms of this Section shall not be subject to any type of civil or criminal liability or discipline for unprofessional conduct for those actions."

Under the rules, the foregoing **Senate Bill No. 541**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 737

A bill for AN ACT to amend the Illinois Vehicle Code by changing Sections 2-120 and 11-605.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 737

Passed the House, as amended, April 28, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 737

AMENDMENT NO. 1. Amend Senate Bill 737 on page 4, by replacing lines 2 and 3 with the following:

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"(f) When a fine for a violation of subsection (a) is \$150 or greater, the person who violates subsection (a) shall be charged an additional"; and

on page 4, line 14, after "with", by inserting "school zone safety education and".

Under the rules, the foregoing **Senate Bill No. 737**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1068

A bill for AN ACT to amend the Wildlife Code by changing Sections 2.33 and 2.37.

Together with the following amendment which is attached, in the

adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1068

Passed the House, as amended, April 28, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1068

AMENDMENT NO. 1. Amend Senate Bill 1068 as follows:
on page 8, by replacing line 6 with the following:
"of wildlife, ~~other than a game bird or migratory bird~~, is".

Under the rules, the foregoing **Senate Bill No. 1068**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1072

A bill for AN ACT in relation to certain land.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1072

Passed the House, as amended, April 28, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1072

AMENDMENT NO. 1. Amend Senate Bill 1072 on page 32, after line 9, by inserting the following:

"Section 110. The easement for highway purposes acquired by the People of the State of Illinois, through a donation in 1932 by the city of Springfield, is released over and through the following described land in Sangamon County, Illinois, except those rights

reserved in the Section

Parcel No. 675X213:

The land is described in general as being in the West half of Section 3, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois. Said land is referenced to the centerline of median and plans for Federal Aid Interstate Route 55, Section 84-4, between Springfield and Litchfield, Illinois. Said plans are on file in the Office of the Department of Transportation of the State of Illinois, in Springfield, Illinois.

The land is more particularly described as follows:

Beginning at an iron pin at the Southeast corner of the Northeast Quarter of the Southwest Quarter of the aforementioned Section 3; thence South 86 degrees 08 minutes 07 seconds West, 1305.68 feet along the East - West sixteenth Section line of said Section 3; thence North 50 degrees 52 minutes 25 seconds West, 230.56 feet to the True Point of Beginning; thence South 39 degrees 07 minutes 35 seconds West, 790.81 feet to a 1797.00 foot radius tangent curve whose center bears South 50 degrees 52 minutes 25 seconds East; thence Southwesterly along said curve through a central angle of 11 degrees 34 minutes 56 seconds, a distance of 363.26 feet; thence South 80 degrees 27 minutes 44 seconds West, 323.82 feet to a 1482.40 foot radius non-tangent curve whose center bears South 66 degrees 20 minutes 41 seconds East; thence Northeasterly along said curve through a central angle of 15 degrees 28 minutes 16 seconds, a distance of 400.28 feet; thence North 28 degrees 40 minutes 56 seconds East, 110.33 feet; thence North 39 degrees 07 minutes 35 seconds East, 100.0 feet; thence North 50 degrees 26 minutes 11 seconds East, 101.98 feet; thence North 39 degrees 07 minutes 35 seconds East, 350.00 feet; thence North 33 degrees 24 minutes 57 seconds East, 100.50 feet; thence North 39 degrees 07 minutes 35 seconds East, 100.00 feet; thence North 41 degrees 25 minutes 01 second East, 250.20 feet; thence North 39 degrees 07 minutes 35 seconds East, 300.00 feet; thence North 36 degrees 15 minutes 50 seconds East, 100.12 feet; thence North 37 degrees, 02 minutes 15 seconds East, 210.57 feet to the West access control line of the aforesaid FAI 55; thence South 21 degrees 23 minutes 56 seconds West, 755.62 feet, more or less, to the True Point of Beginning, containing 8.716 acres, more or less.

Reserving the right to prohibit on the land above described any junkyard or any outdoor advertising other than signs that advertise activities conducted on the premises.

The State further reserves access to, from, or over the premises described above to and from the public highway adjacent to such premises and known as FAI Route 55 previously declared a Freeway. No access shall be permitted in the future to, from, or over such premises to and from the public highway."

Under the rules, the foregoing **Senate Bill No. 1072**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO 125

A bill for AN ACT in relation to landscape architecture.

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SENATE BILL NO 291

A bill for AN ACT relating to education, amending named Acts.

SENATE BILL NO 377

A bill for AN ACT to amend the Motor Vehicle Franchise Act by changing Section 10.1.

SENATE BILL NO 545

A bill for AN ACT in relation to the disclosure of federal estate tax information to the Attorney General.

SENATE BILL NO 549

A bill for AN ACT to amend the School Code by changing Section 34-74.

SENATE BILL NO 570

A bill for AN ACT to amend the Counties Code by changing Sections 4-2001, 4-2003, and 4-3001.

SENATE BILL NO 775

A bill for AN ACT to amend the State Parks Designation Act.

SENATE BILL NO 794

A bill for AN ACT to amend the Illinois Vehicle Code by changing Sections 6-208.1 and 6-208.2.

SENATE BILL NO 987

A bill for AN ACT to amend the Illinois Vehicle Code by changing Section 12-815 and adding Section 12-815.1.

SENATE BILL NO 1133

A bill for AN ACT to amend the School Code by adding Sections 2-3.126, 10-20.31, and 34-18.18.

Passed the House, April 28, 1999.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO 126

A bill for AN ACT concerning structural engineers.

SENATE BILL NO 177

A bill for AN ACT to amend the Criminal Code of 1961 by adding Section 24-9.

Passed the House, April 28, 1999.

ANTHONY D. ROSSI, Clerk of the House

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 103

Offered by Senator Lauzen and all Senators:

Mourns the death of Diane Irene Lauzen of Aurora.

The foregoing resolution was referred to the Resolutions Consent Calendar.

Senator Shaw offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 35

WHEREAS, The Federal Emergency Management Agency is charged with

creating and maintaining maps utilized by the National Flood Insurance Program to determine the necessity of insurance and the

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rates charged; and

WHEREAS, The accuracy of the maps determines the cost for citizens who wish to participate in this vital program to protect homeowners from financial disaster; and

WHEREAS, The National Flood Insurance Act of 1994 specifically requires lenders to consult FEMA maps to determine if structures are required to obtain flood insurance; and

WHEREAS, The cost of this product to the consumer is directly determined by these maps, which in some cases are over 20 years old and badly in need of updating; and

WHEREAS, Advances in flood control such as the deep tunnel project of the Metropolitan Water Reclamation District have significantly reduced the amount of flooding in certain areas of the State, which alters the possible need of enhanced insurance costs; and

WHEREAS, FEMA is now planning to revise these maps nationwide and has asked the Congress for an appropriation to complete the task; and

WHEREAS, Illinois was one of the states that experienced the devastation of the great flood of 1993 and should be a priority state for such revision; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we urge the Congress of the United States to appropriate such funds as are necessary to complete this vital program to insure that maps are accurate so that homeowners are not charged exorbitant rates based on outdated information; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Illinois congressional delegation.

At the hour of 11:11 o'clock a.m., Senator Dudycz presiding.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Hawkinson, **House Bill No. 41** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **House Bill No. 153** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 321** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Myers, **House Bill No. 376** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 376, on page 1, by deleting line 30; and by deleting all of pages 2, 3, and 4.

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

On motion of Senator Peterson, **House Bill No. 377** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on

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Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 377, on page 2, line 19, after the period, by inserting the following:

"The court may not order payment by the Illinois Department of Public Aid in cases in which the Department is providing child and spouse support services under Article X of the Illinois Public Aid Code.";
and

on page 4, line 19, after the period, by inserting the following:

"The court may not order payment by the Illinois Department of Public Aid in cases in which the Department is providing child and spouse support services under Article X of the Illinois Public Aid Code.".

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

On motion of Senator Peterson, **House Bill No. 420** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hawkinson, **House Bill No. 421** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **House Bill No. 448** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 448 by replacing the title with the following:

"AN ACT to amend the Unified Code of Corrections by changing Section 5-5-3."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by changing Section 5-5-3 as follows:

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

Sec. 5-5-3. Disposition.

(a) Every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions,

alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

- (1) A period of probation.
- (2) A term of periodic imprisonment.
- (3) A term of conditional discharge.
- (4) A term of imprisonment.
- (5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961.
- (6) A fine.
- (7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.
- (8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in

conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may accept an alcohol or other drug evaluation or remedial education program in the state of such individual's residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of local ordinance, whose operation of a motor vehicle while in violation of Section 11-501 or such ordinance proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed \$500 per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire department; and an ambulance as defined under Section 4.05 of the Emergency Medical Services (EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

- (c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.
- (2) A period of probation, a term of periodic imprisonment

or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.

(B) Attempted first degree murder.

(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing cocaine or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which he committed the offense for which he is being sentenced.

(G) Residential burglary.

(H) Criminal sexual assault, except as otherwise provided in subsection (e) of this Section.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages

members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds \$300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

(O) A violation of Section 12-6.1 of the Criminal Code of 1961.

(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 of the Criminal Code of 1961.

(R) ~~(Q)~~ A violation of Section 24-3A of the Criminal Code of 1961.

(3) A minimum term of imprisonment of not less than 48 consecutive hours or 100 hours of community service as may be determined by the court shall be imposed for a second or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(4) A minimum term of imprisonment of not less than 7 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been

convicted of any Class 2 or greater Class felonies in Illinois, and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) Beginning July 1, 1994, unless sentencing under Section 33B-1 is applicable, a term of imprisonment of not less than 15 years nor more than 50 years shall be imposed on a

defendant who violates Section 33A-2 of the Criminal Code of 1961 with a firearm, when that person has been convicted in any state or federal court of 3 or more of the following offenses: treason, first degree murder, second degree murder, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, arson, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement, or a violation of Section 401(a) of the Illinois Controlled Substances Act, when the third offense was committed after conviction on the second, the second offense was committed after conviction on the first, and the violation of Section 33A-2 of the Criminal Code of 1961 was committed after conviction on the third.

(11) Beginning July 1, 1994, a term of imprisonment of not less than 10 years and not more than 30 years shall be imposed on a defendant who violates Section 33A-2 with a Category I weapon where the offense was committed in any school, or any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, on the real property comprising any school or public park, and where the offense was related to the activities of an organized gang. For the purposes of this paragraph (11), "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(12) The court shall impose a minimum fine of \$1,000 for a first offense and \$2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official at any level of competition and the act causing harm to the sports official occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official was an active participant of the athletic contest held at the athletic facility.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections.

(e) In cases where prosecution for criminal sexual assault or aggravated criminal sexual abuse under Section 12-13 or 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

- (1) the court finds (A) or (B) or both are appropriate:
 - (A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or
 - (B) the defendant is willing to participate in a court

approved plan including but not limited to the defendant's:

- (i) removal from the household;
- (ii) restricted contact with the victim;
- (iii) continued financial support of the family;
- (iv) restitution for harm done to the victim; and
- (v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section

12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled

Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the

Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (1), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be

deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued

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against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (1) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds \$300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(Source: P.A. 89-8, eff. 3-21-95; 89-314, eff. 1-1-96; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 89-477, eff. 6-18-96; 89-507, eff. 7-1-97; 89-545, eff. 7-25-96; 89-587, eff. 7-31-96; 89-627, eff. 1-1-97; 89-688, eff. 6-1-97; 90-14, eff. 7-1-97; 90-68, eff. 7-8-97; 90-680, eff. 1-1-99; 90-685, eff. 1-1-99; 90-787, eff. 8-14-98; revised 9-16-98.)".

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

On motion of Senator O'Daniel, **House Bill No. 669** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **House Bill No. 729** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Karpziel, **House Bill No. 731** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 731 by replacing lines 23 through 29 on page 1 and lines 1 through 21 on page 2 with the following:

"Section 10. The Sex Offender and Child Murderer Community Notification Law is amended by changing Section 115 as follows:

(730 ILCS 152/115)

Sec. 115. Sex offender database.

(a) The Department of State Police shall establish and maintain a Statewide Sex Offender Database for the purpose of identifying sex offenders and making that information available to the persons specified in Sections 120 and 125 of this Law. The Database shall be created from the Law Enforcement Agencies Data System (LEADS) established under Section 6 of the Intergovernmental Missing Child Recovery Act of 1984. The Department of State Police shall examine its LEADS database for persons registered as sex offenders under the Sex Offender Registration Act and shall identify those who are sex offenders and shall add all the information, including photographs if

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available, on those sex offenders to the Statewide Sex Offender Database.

(b) The Department of State Police must make the information contained in the Statewide Sex Offender Database accessible on the Internet by means of a hyperlink labeled "Sex Offender Information" on the Department's World Wide Web home page. The Department of State Police must update that information as it deems necessary.

The Department of State Police may require that a person who seeks access to the sex offender information submit biographical information about himself or herself before permitting access to the sex offender information. The Department of State Police may limit access to the sex offender information to information about sex offenders who reside within a specified geographic area in proximity to the address of the person seeking that information. The Department of State Police must promulgate rules in accordance with the Illinois Administrative Procedure Act to implement this subsection (b) and those rules must include procedures to ensure that the information in the database is accurate.

(Source: P.A. 89-428, eff. 6-1-96; 89-462, eff. 6-1-96; 90-193, eff. 7-24-97.); and

on page 4, line 24, after "offenders", by inserting "where any victim was 13 years of age or younger and"; and

on page 4, after line 33, by inserting the following:

"Section 99. Effective date. This Act takes effect on July 1, 2000."

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

On motion of Senator L. Walsh, **House Bill No. 753** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, **House Bill No. 901** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Watson, **House Bill No. 1163** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Myers, **House Bill No. 1164** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1164 on page 1, line 5, by replacing "Sections 10 and 15" with "Section 10"; and on page 1, by deleting lines 15 through 30; and by deleting all of pages 2, 3, 4, 5, 6, 7, and 8; and on page 9, by deleting lines 1 through 20.

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

On motion of Senator Radogno, **House Bill No. 1180** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, **House Bill No. 1252** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **House Bill No. 1353** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Peterson, **House Bill No. 1413** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1413 by replacing the title with the following:

"AN ACT to amend the Criminal Code of 1961 by adding Article 16G."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by adding Article 16G as follows:

(720 ILCS 5/Art. 16G heading new)

ARTICLE 16G

FINANCIAL IDENTITY THEFT AND ASSET FORFEITURE LAW

(720 ILCS 5/16G-1 new)

Sec. 16G-1. Short title. This Article may be cited as the Financial Identity Theft and Asset Forfeiture Law.

(720 ILCS 5/16G-5 new)

Sec. 16G-5. Legislative declaration.

(a) It is the public policy of this State that the substantial burden placed upon the economy of this State as a result of the rising incidence of financial identity theft and the negative effect of this crime on the People of this State and its victims is a matter of grave concern to the People of this State who have the right to be protected in their health, safety, and welfare from the effects of this crime, and therefore financial identity theft shall be identified and dealt with swiftly and appropriately considering the onerous nature of the crime.

(b) The widespread availability and unauthorized access to personal identification information have led and will lead to a substantial increase in identity theft related crimes.

(720 ILCS 5/16G-10 new)

Sec. 16G-10. Definitions. In this Article unless the context otherwise requires:

(a) "Personal identification document" means a birth certificate, a drivers license, a State identification card, a public, government, or private employment identification card, a social security card, a firearm owner's identification card, a credit card, a debit card, or a passport issued to or on behalf of a person other than the offender, or any such document made or altered in a manner that it purports to have been made on behalf of or issued to another person or by the authority of one who did not give that authority.

(b) "Personal identifying information" means any of the following information:

(1) A person's name;

(2) A person's address;

(3) A person's telephone number;

(4) A person's drivers license number or State of Illinois identification card as assigned by the Secretary of State of the State of Illinois or a similar agency of another state;

(5) A person's Social Security number;

(6) A person's public, private, or government employer, place of employment, or employment identification number;

(7) The maiden name of a person's mother;

(8) The number assigned to a person's depository account, savings account, or brokerage account;

(9) The number assigned to a person's credit or debit card, commonly known as a "Visa Card", "Master Card", "American Express

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Card", "Discover Card", or other similar cards whether issued by a financial institution, corporation, or business entity;

(10) Personal identification numbers;

(11) Electronic identification numbers;

(12) Digital signals;

(13) Any other numbers or information which can be used to access a person's financial resources.

(720 ILCS 5/16G-15 new)

Sec. 16G-15. Financial identity theft.

(a) A person commits the offense of financial identity theft when he or she knowingly uses any personal identifying information or personal identification document of another person to obtain credit, money, goods, services, or other property in the name of the other person, without the written authorization of the other person and knowingly representing that he or she is the other person or is acting with the authorization of the other person.

(b) Knowledge shall be determined by an evaluation of all circumstances surrounding the use of the other person's identifying information or document.

(c) When a charge of financial identity theft of credit, money, goods, services, or other property exceeding a specified value is brought the value of the credit, money, goods, services, or other property is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(d) Sentence.

(1) Financial identity theft of credit, money, goods, services, or other property not exceeding \$300 in value is a Class A misdemeanor. A person who has been previously convicted of financial identity theft of less than \$300 who is convicted of a second or subsequent offense of financial identity theft of less than \$300 is guilty of a Class 4 felony. A person who has been convicted of financial identity theft of less than \$300 who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, home repair fraud, aggravated home repair fraud, or financial exploitation of an elderly or disabled person is guilty of a Class 4 felony. When a person has any such prior conviction, the information or indictment charging that person shall state the prior conviction so as to give notice of the State's intention to treat the charge as a felony. The fact of the prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during the trial.

(2) Financial identity theft of credit, money, goods, services, or other property exceeding \$300 and not exceeding \$2,000 in value is a Class 4 felony.

(3) Financial identity theft of credit, money, goods, services, or other property exceeding \$2,000 and not exceeding \$10,000 in value is a Class 3 felony.

(4) Financial identity theft of credit, money, goods, services, or other property exceeding \$10,000 and not exceeding \$100,000 in value is a Class 2 felony.

(5) Financial identity theft of credit, money, goods, services, or other property exceeding \$100,000 in value is a Class 1 felony.

(720 ILCS 5/16G-20 new)

Sec. 16G-20. Aggravated financial identity theft.

(a) A person commits the offense of aggravated financial identity theft when he or she commits the offense of financial identity theft as set forth in subsection (a) of Section 16G-15 against a person 60 years of age or older or a disabled person as

defined in Section 16-1.3 of this Code.

(b) Knowledge shall be determined by an evaluation of all circumstances surrounding the use of the other person's identifying information or document.

(c) When a charge of aggravated financial identity theft of credit, money, goods, services, or other property exceeding a specified value is brought the value of the credit, money, goods, services, or other property is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(d) A defense to aggravated financial identity theft does not exist merely because the accused reasonably believed the victim to be a person less than 60 years of age.

(e) Sentence.

(1) Aggravated financial identity theft of credit, money, goods, services, or other property not exceeding \$300 in value is a Class 4 felony.

(2) Aggravated financial identity theft of credit, money, goods, services, or other property exceeding \$300 and not exceeding \$10,000 in value is a Class 3 felony.

(3) Aggravated financial identity theft of credit, money, goods, services, or other property exceeding \$10,000 in value and not exceeding \$100,000 in value is a Class 2 felony.

(4) Aggravated financial identity theft of credit, money, goods, services, or other property exceeding \$100,000 in value is a Class 1 felony.

(5) A person who has been previously convicted of aggravated financial identity theft regardless of the value of the property involved who is convicted of a second or subsequent offense of aggravated financial identity theft regardless of the value of the property involved is guilty of a Class X felony.

(720 ILCS 5/16G-25 new)

Sec. 16G-25. Offenders interest in the property. It is no defense to a charge of aggravated financial identity theft or financial identity theft that the offender has an interest in the credit, money, goods, services, or other property obtained in the name of the other person.

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

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

On motion of Senator Dillard, **House Bill No. 1432** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator O'Malley, **House Bill No. 1522** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hawkinson, **House Bill No. 1570** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Fawell, **House Bill No. 1676** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1676 on page 1, line 8, by changing "Intermodel" to "Intermodal"; and on page 1, by replacing lines 15 through 20 with the following:

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"Equipment provider" is the owner of an intermodal trailer, chassis, or container. This includes any forwarding company, water carrier, steamship line, railroad, vehicle equipment leasing company, and their subsidiary or affiliated companies owning the equipment."; and

on page 2, line 19, by changing "interchanging" to "interchange"; and on page 3, by replacing lines 3 through 6 with the following:

"are discovered, a rebuttable presumption existed at the time of the interchange. If a"; and

on page 3, by replacing lines 9 through 12 with the following:

"(2) A rebuttable presumption exists that the following defects were present at the time of the interchange:"; and

on page 5, line 10, by changing "vehicle" to "equipment"; and

on page 5, line 19, by changing "vehicle" to "equipment"; and

on page 5, line 20, after "action.", by inserting "If the equipment provider fails to reimburse the operator within 30 days, the operator has a civil cause of action against the equipment provider.".

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

On motion of Senator Peterson, **House Bill No. 1739** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 1759** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed.

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1759 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Sections 12-3.2 and 12-30 as follows:

(720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)

Sec. 12-3.2. Domestic Battery.

(a) A person commits domestic battery if he intentionally or knowingly without legal justification by any means:

(1) Causes bodily harm to any family or household member as defined in subsection (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, as amended;

(2) Makes physical contact of an insulting or provoking nature with any family or household member as defined in subsection (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, as amended.

(b) Sentence. Domestic battery is a Class A Misdemeanor. Domestic battery is a Class 4 felony if the defendant has any prior

conviction under this Code for domestic battery (Section 12-3.2) or violation of an order of protection (Section 12-30). Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for aggravated battery (Section 12-4), stalking (Section 12-7.3), aggravated stalking (Section 12-7.4), unlawful restraint (Section 10-3), or aggravated unlawful restraint (Section 10-3.1), when any of these offenses have been committed against a family or household member as defined in Section 112A-3 of the Code of Criminal Procedure of 1963. In addition to any other sentencing alternatives, for any second conviction of violating this Section within 5 years of a previous conviction for violating this Section, the offender shall be mandatorily sentenced to a minimum of 48 consecutive hours of imprisonment. The imprisonment shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the

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sentence.

(Source: P.A. 90-734, eff. 1-1-99.)

(720 ILCS 5/12-30) (from Ch. 38, par. 12-30)

Sec. 12-30. Violation of an order of protection.

(a) A person commits violation of an order of protection if:

(1) He or she commits an act which was prohibited by a court or fails to commit an act which was ordered by a court in violation of:

(i) a remedy in a valid order of protection authorized under paragraphs (1), (2), (3), (14), or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986,

(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3), (14) or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986, in a valid order of protection, which is authorized under the laws of another state, tribe or United States territory,

(iii) any other remedy when the act constitutes a crime against the protected parties as the term protected parties is defined in Section 112A-4 of the Code of Criminal Procedure of 1963; and

(2) Such violation occurs after the offender has been served notice of the contents of the order, pursuant to the Illinois Domestic Violence Act of 1986 or any substantially similar statute of another state, tribe or United States territory, or otherwise has acquired actual knowledge of the contents of the order.

An order of protection issued by a state, tribal or territorial court related to domestic or family violence shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe or territory. There shall be a presumption of validity where an order is certified and appears authentic on its face.

(a-5) Failure to provide reasonable notice and opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of a foreign order of protection.

(b) For purposes of this Section, an "order of protection" may

have been issued in a criminal or civil proceeding.

(c) Nothing in this Section shall be construed to diminish the inherent authority of the courts to enforce their lawful orders through civil or criminal contempt proceedings.

(d) Violation of an order of protection under subsection (a) of this Section is a Class A misdemeanor. Violation of an order of protection under subsection (a) of this Section is a Class 4 felony if the defendant has any prior conviction under this Code for domestic battery (Section 12-3.2) or violation of an order of protection (Section 12-30). Violation of an order of protection is a Class 4 felony if the defendant has any prior conviction under this Code for aggravated battery (Section 12-4), stalking (Section 12-7.3), aggravated stalking (Section 12-7.4), unlawful restraint (Section 10-3), or aggravated unlawful restraint (Section 10-3.1), when any of these offenses have been committed against a family or household member as defined in Section 112A-3 of the Code of Criminal Procedure of 1963. The court shall impose a minimum penalty of 24 hours imprisonment for defendant's second or subsequent violation of any order of protection; unless the court explicitly finds that an increased penalty or such period of imprisonment would be manifestly unjust. In addition to any other penalties, the court may order the defendant to pay a fine as authorized under Section 5-9-1 of the Unified Code of Corrections or to make restitution to the victim

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under Section 5-5-6 of the Unified Code of Corrections. In addition to any other penalties, including those imposed by Section 5-9-1.5 of the Unified Code of Corrections, the court shall impose an additional fine of \$20 as authorized by Section 5-9-1.11 of the Unified Code of Corrections upon any person convicted of or placed on supervision for a violation of this Section. The additional fine shall be imposed for each violation of this Section.

(e) The limitations placed on law enforcement liability by Section 305 of the Illinois Domestic Violence Act of 1986 apply to actions taken under this Section.

(Source: P.A. 90-241, eff. 1-1-98; 90-732, eff. 8-11-98; 90-734, eff. 1-1-99; revised 9-21-98.)

Section 99. Effective date. This Act takes effect October 1, 1999."

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

On motion of Senator Fawell, **House Bill No. 1764** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hawkinson, **House Bill No. 1771** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 1790** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hawkinson, **House Bill No. 1811** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, **House Bill No. 1858** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, **House Bill No. 1874** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **House Bill No. 1935** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Berman, **House Bill No. 1964** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **House Bill No. 1972** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1972 on page 3 by replacing lines 27 through 30 with the following:

"off-highway vehicle public access stickers. Issuing fees may be set by administrative rule.

(f) The Department is authorized to modify any".

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

On motion of Senator Noland, **House Bill No. 2112** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **House Bill No. 2257** was taken up,

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read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **House Bill No. 2306** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 2310** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2310, on page 1, line 11, by deleting "or harasses"; and

on page 2, by deleting lines 21 through 25; and

on page 2, line 26, by changing "(h)" to "(g)"; and

on page 2, line 30, by changing "(i)" to "(h)".

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

On motion of Senator Sieben, **House Bill No. 2347** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **House Bill No. 2349** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator W. Jones, **House Bill No. 2360** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Myers, **House Bill No. 2605** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2605 as follows:
on page 1, by replacing lines 22 through 28 with the following:

"(1) Soil loss on cropland is at or below the tolerable soil loss level as certified by a local Soil and Water Conservation District.

(2) An approved farm conservation plan is on file at the local Soil and Water Conservation District office.

(3) If the farm is required to have a vegetative filter strip, adjacent to a body of water, the strip was constructed in accordance with the USDA Natural Resources Conservation Service Technical Guide.

(4) Evidence of participation in programs such as the USDA's Conservation Reserve Program, Conservation Reserve Enhancement Program, and Environmental Quality Incentives Program, or the Department's Conservation 2000 Conservation Practices Program, and Agricultural Areas in accordance with Illinois' Agricultural Areas Conservation and Protection Act, can be considered but is not required to be designated as a "Rivers-Friendly Farmer."; and
on page 2, by deleting lines 1 through 22; and

on page 2, below line 24, by inserting the following:

"Section 30. Processing Fee. Any local Soil and Water Conservation District that chooses to review a written application for the "Rivers-Friendly Farmer" designation may collect a reasonable fee for services rendered.

The Department of Agriculture may collect an administrative filing fee of \$15 for each application for a "Rivers-Friendly Farmer" designation. In addition, the Department shall collect an amount

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equal to the cost of providing a sign that designates a farmer as a "Rivers-Friendly Farmer".

All moneys collected by the Department shall be deposited into a promotional trust account as provided in Section 40.7 of the Civil Administrative Code of Illinois. Funds collected shall be used for the purposes of the program authorized by this Act."

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

On motion of Senator Weaver, **House Bill No. 2733** having been

printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2733 on page 5, line 30, by replacing "1.00%" with "1.05%"; and on page 11, line 24, by replacing "1.00%" with "1.05%".

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

On motion of Senator Hawkinson, **House Bill No. 2748** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2748 by replacing the title with the following:

"AN ACT concerning crime victims and witnesses."; and by replacing everything after the enacting clause with the following:
"Section 5. The Rights of Crime Victims and Witnesses Act is amended by changing Sections 4.5 and 9 and by adding Section 8.5 as follows:

(725 ILCS 120/4.5)

Sec. 4.5. Procedures to implement the rights of crime victims. To afford crime victims their rights, law enforcement, prosecutors, judges and corrections will provide information, as appropriate of the following procedures:

(a) At the request of the crime victim, law enforcement authorities investigating the case shall provide notice of the status of the investigation, except where the State's Attorney determines that disclosure of such information would unreasonably interfere with the investigation, until such time as the alleged assailant is apprehended or the investigation is closed.

(b) The office of the State's Attorney:

(1) shall provide notice of the filing of information, the return of an indictment by which a prosecution for any violent crime is commenced, or the filing of a petition to adjudicate a minor as a delinquent for a violent crime;

(2) shall provide notice of the date, time, and place of trial;

(3) or victim advocate personnel shall provide information of social services and financial assistance available for victims of crime, including information of how to apply for these services and assistance;

(4) shall assist in having any stolen or other personal property held by law enforcement authorities for evidentiary or other purposes returned as expeditiously as possible, pursuant to

(5) or victim advocate personnel shall provide appropriate employer intercession services to ensure that employers of victims will cooperate with the criminal justice system in order to minimize an employee's loss of pay and other benefits resulting from court appearances;

(6) shall provide information whenever possible, of a secure waiting area during court proceedings that does not require victims to be in close proximity to defendant or juveniles accused of a violent crime, and their families and friends;

(7) shall provide notice to the crime victim of the right to have a translator present at all court proceedings;

(8) in the case of the death of a person, which death occurred in the same transaction or occurrence in which acts occurred for which a defendant is charged with an offense, shall notify the spouse, parent, child or sibling of the decedent of the date of the trial of the person or persons allegedly responsible for the death;

(9) shall inform the victim of the right to have present at all court proceedings, subject to the rules of evidence, an advocate or other support person of the victim's choice, and the right to retain an attorney, at the victim's own expense, who, upon written notice filed with the clerk of the court and State's Attorney, is to receive copies of all notices, motions and court orders filed thereafter in the case, in the same manner as if the victim were a named party in the case; and

(10) at the sentencing hearing shall make a good faith attempt to explain the minimum amount of time during which the defendant may actually be physically imprisoned. The Office of the State's Attorney shall further notify the crime victim of the right to request from the Prisoner Review Board information concerning the release of the defendant under subparagraph (d)(1) of this Section; and

(11) shall request restitution at sentencing and shall consider restitution in any plea negotiation, as provided by law.

(c) At the written request of the crime victim, the office of the State's Attorney shall:

(1) provide notice a reasonable time in advance of the following court proceedings: preliminary hearing, any hearing the effect of which may be the release of defendant from custody, or to alter the conditions of bond and the sentencing hearing. The crime victim shall also be notified of the cancellation of the court proceeding in sufficient time, wherever possible, to prevent an unnecessary appearance in court;

(2) provide notice within a reasonable time after receipt of notice from the custodian, of the release of the defendant on bail or personal recognizance or the release from detention of a minor who has been detained for a violent crime;

(3) explain in nontechnical language the details of any plea or verdict of a defendant, or any adjudication of a juvenile as a delinquent for a violent crime;

(4) where practical, consult with the crime victim before the Office of the State's Attorney makes an offer of a plea bargain to the defendant or enters into negotiations with the defendant concerning a possible plea agreement, and shall consider the written victim impact statement, if prepared prior to entering into a plea agreement;

(5) provide notice of the ultimate disposition of the cases arising from an indictment or an information, or a petition to

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have a juvenile adjudicated as a delinquent for a violent crime;

(6) provide notice of any appeal taken by the defendant and information on how to contact the appropriate agency handling the appeal;

(7) provide notice of any request for post-conviction review filed by the defendant under Article 122 of the Code of Criminal Procedure of 1963, and of the date, time and place of any hearing concerning the petition. Whenever possible, notice of the hearing shall be given in advance;

(8) forward a copy of any statement presented under Section 6 to the Prisoner Review Board to be considered by the Board in making its determination under subsection (b) of Section 3-3-8 of the Unified Code of Corrections.

(d) (1) The Prisoner Review Board shall inform a victim or any other concerned citizen, upon written request, of the prisoner's release on parole, mandatory supervised release, electronic detention, work release or by the custodian of the discharge of any individual who was adjudicated a delinquent for a violent crime from State custody and by the sheriff of the appropriate county of any such person's final discharge from county custody. The Prisoner Review Board, upon written request, shall provide to a victim or any other concerned citizen a recent photograph of any person convicted of a felony, upon his or her release from custody. The Prisoner Review Board, upon written request, shall inform a victim or any other concerned citizen when feasible at least 7 days prior to the prisoner's release on furlough of the times and dates of such furlough. Upon written request by the victim or any other concerned citizen, the State's Attorney shall notify the person once of the times and dates of release of a prisoner sentenced to periodic imprisonment. Notification shall be based on the most recent information as to victim's or other concerned citizen's residence or other location available to the notifying authority. For purposes of this paragraph (1) of subsection (d), "concerned citizen" includes relatives of the victim, friends of the victim, witnesses to the crime, or any other person associated with the victim or prisoner.

(2) When the defendant has been committed to the Department of Human Services pursuant to Section 5-2-4 or any other provision of the Unified Code of Corrections, the victim may request to be notified by the releasing authority of the defendant's discharge from State custody.

(3) In the event of an escape from State custody, the Department of Corrections immediately shall notify the Prisoner Review Board of the escape and the Prisoner Review Board shall notify the victim. The notification shall be based upon the most recent information as to the victim's residence or other location available to the Board. When no such information is available, the Board shall make all reasonable efforts to obtain the information and make the notification. When the escapee is apprehended, the Department of Corrections immediately shall

notify the Prisoner Review Board and the Board shall notify the victim.

(4) The victim of the crime for which the prisoner has been sentenced shall receive reasonable written notice not less than 15 days prior to the parole hearing and may submit, in writing, on film, videotape or other electronic means or in the form of a recording or in person at the parole hearing, information for consideration by the Prisoner Review Board. The victim shall be notified within 7 days after the prisoner has been granted parole and shall be informed of the right to inspect the registry of parole decisions, established under subsection (g) of Section

3-3-5 of the Unified Code of Corrections. The provisions of this paragraph (4) are subject to the Open Parole Hearings Act.

(5) If a statement is presented under Section 6, the Prisoner Review Board shall inform the victim of any order of discharge entered by the Board pursuant to Section 3-3-8 of the Unified Code of Corrections.

(6) At the written request of the victim of the crime for which the prisoner was sentenced, the Prisoner Review Board shall notify the victim of the death of the prisoner if the prisoner died while on parole or mandatory supervised release.

(7) When a defendant who has been committed to the Department of Corrections or the Department of Human Services is released or discharged and subsequently committed to the Department of Human Services as a sexually violent person and the victim had requested to be notified by the releasing authority of the defendant's discharge from State custody, the releasing authority shall provide to the Department of Human Services such information that would allow the Department of Human Services to contact the victim.

(e) The officials named in this Section may satisfy some or all of their obligations to provide notices and other information through participation in a statewide victim and witness notification system established by the Attorney General under Section 8.5 of this Act.

(Source: P.A. 89-8, eff. 3-21-95; 89-235, eff. 8-4-95; 89-481, eff. 1-1-97; 89-507, eff. 7-1-97; 90-14, eff. 7-1-97; 90-793, eff. 8-14-98.)

(725 ILCS 120/8.5 new)

Sec. 8.5. Statewide victim and witness notification system.

(a) The Attorney General may establish a crime victim and witness notification system to assist public officials in carrying out their duties to notify and inform crime victims and witnesses under Section 4.5 of this Act as the Attorney General specifies by rule. The system shall download necessary information from participating officials into its computers, where it shall be maintained, updated, and automatically transmitted to victims and witnesses by telephone, computer, or written notice.

(b) The Illinois Department of Corrections, the Department of Human Services, and the Prisoner Review Board shall cooperate with the Attorney General in the implementation of this Section and shall provide information as necessary to the effective operation of the system.

(c) State's Attorneys and local law enforcement and correctional authorities may enter into agreements with the Attorney General for participation in the system. The Attorney General may provide those who elect to participate with the equipment, software, or training necessary to bring their offices into the system.

(d) The provision of information to crime victims and witnesses through the Attorney General's notification system satisfies a given State or local official's corresponding obligation under Section 4.5 to provide the information.

(e) The Attorney General may provide for telephonic, electronic, or other public access to the database established under this Section.

(f) The Attorney General shall adopt rules as necessary to implement this Section. The rules shall include, but not be limited to, provisions for the scope and operation of any system the Attorney General may establish and procedures, requirements, and standards for entering into agreements to participate in the system and to receive equipment, software, or training.

(g) There is established in the Office of the Attorney General a Crime Victim and Witness Notification Advisory Committee consisting

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of those victims advocates, sheriffs, State's Attorneys, Illinois Department of Corrections and Prisoner Review Board employees that the Attorney General chooses to appoint. The Attorney General shall designate one member to chair the Committee.

(1) The Committee shall consult with and advise the Attorney General as to the exercise of the Attorney General's authority under this Section, including, but not limited to:

(i) the design, scope, and operation of the notification system;

(ii) the content of any rules adopted to implement this Section;

(iii) the procurement of hardware, software, and support for the system, including choice of supplier or operator; and

(iv) the acceptance of agreements with and the award of equipment, software, or training to officials that seek to participate in the system.

(2) The Committee shall review the status and operation of the system and report any findings and recommendations for changes to the Attorney General and the General Assembly by November 1 of each year.

(3) The members of the Committee shall receive no compensation for their services as members of the Committee, but may be reimbursed for their actual expenses incurred in serving on the Committee.

(725 ILCS 120/9) (from Ch. 38, par. 1408)

Sec. 9. This Act does not limit any rights or responsibilities otherwise enjoyed by or imposed upon victims or witnesses of violent crime, nor does it grant any person a cause of action for damages or attorneys fees. Any act of omission or commission by any law enforcement officer or State's Attorney, by the Attorney General, Prisoner Review Board, Department of Corrections, Department of Human

Services, or other State agency, or private entity under contract pursuant to Section 8, or by any employee of any State agency or private entity under contract pursuant to Section 8 acting in good faith in rendering crime victim's assistance or otherwise enforcing this Act shall not impose civil liability upon the individual or entity or his or her supervisor or employer. Nothing in this Act shall create a basis for vacating a conviction or a ground for appellate relief in any criminal case. Failure of the crime victim to receive notice as required, however, shall not deprive the court of the power to act regarding the proceeding before it; nor shall any such failure grant the defendant the right to seek a continuance. (Source: P.A. 89-507, eff. 7-1-97; 90-744, eff. 1-1-99.)".

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

On motion of Senator O'Daniel, **House Bill No. 2784** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **House Bill No. 2826** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bowles, **House Bill No. 2096** was taken up, read by title a second time and ordered to a third reading.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 104

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Offered by Senator Demuzio and all Senators:
Mourns the death of Mrs. Gertrude Renken.

The foregoing resolution was referred to the Resolutions Consent Calendar.

MESSAGE FROM THE GOVERNOR

A Message for the Governor by Charles Woodward
Director, Legislative Affairs

April 29, 1999

Mr. President,

The Governor directs me to lay before the Senate the
Following Message:

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT

To The Honorable

Members of the Senate
Ninety-First General Assembly:

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable Body:

DEPARTMENT OF EMPLOYMENT SECURITY BOARD OF REVIEW

To be members of the Department of Employment Security
Board of Review for terms ending January 15, 2001:

Michael Breslan of Chicago
Salaried

Stanley L. Drassler, Jr. of Kankakee
Salaried

Rolland Lewis of Mt. Vernon
Salaried

William J. Nolan of Chicago
Salaried

Jon Walker of Moro
Salaried

ILLINOIS RACING BOARD

To be a member of the Illinois Racing Board for
a term ending July 1, 2004.

Joseph F. Kindlon of Wheaton
Salaried

INDUSTRIAL COMMISSION

To be members of the Industrial Commission for

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terms ending January 20, 2003:

Richard Gilgis of Downers Grove
Salaried

John W. Hallock, Jr. of Rockford
Salaried

Jacqueline Kinnaman of Chicago
Salaried

Diane Dickett Smart of Western Springs
Salaried

To be a member of the Industrial Commission for
a term ending January 15, 2001:

Barbara A. Sherman of Chicago
Salaried

PRISONER REVIEW BOARD

To be members of the Prisoner Review Board for
terms ending January 16, 2005:

Anthony Agee of Evanston
Salaried

Bob Dunne of Chicago
Salaried

Milton Maxwell of Carbondale
Salaried

STATE BOARD OF ELECTIONS

To be members of the State Board of Elections
for terms ending June 30, 2003:

Kenneth R. Boyle of Chatham
Salaried

Kay D. Holloway of Paris
Salaried

William M. McGuffage of Chicago
Salaried

Phillip R. O'Conner of Chicago
Salaried

BI-STATE DEVELOPMENT BOARD

To be a member of the Bi-State Development Board
for a term ending January 21, 2002:

David Tanzyus of Collinsville
Non-Salaried

To be a member of the Bi-State Development Board
for a term ending January 19, 2004:

Ronald Jedda of Collinsville
Non-Salaried

BOARD OF HIGHER EDUCATION

To be members of the Board of Higher Education
for terms ending January 31, 2005:

Samuel K. Gove of Urbana
Non-Salaried

Cordelia Meyer of Chicago
Non-Salaried

To be a member of the Board of Higher Education for
for a term ending July 1, 2000:

Philip J. Rock of Oak Park
Non-Salaried

BOARD OF NATURAL RESOURCES AND CONSERVATION

To be members of the Board of Natural Resources
and Conservation for terms ending January 15, 2001:

John E. Ebinger of Charleston
Non-Salaried

James Steven Kahn of Galena
Non-Salaried

CENTRAL MIDWEST INTERSTATE LOW-LEVEL RADIOACTIVE
WASTE COMMISSION

To be a member of the Central Midwest Interstate
Low-Level Radioactive Waste Commission for a term
ending January 15, 2001:

Michael W. Rapps of Springfield
Non-Salaried

GUARDIANSHIP AND ADVOCACY COMMISSION

To be a member of the Guardianship and
Advocacy Commission for a term ending
June 30, 2001:

Christopher A. DeAngelis of Palos Park
Non-Salaried

ILLINOIS COMMUNITY COLLEGE BOARD

To be a member of the Illinois Community College
Board for a term ending June 30, 2001:

A. James Berkel of Peoria
Non-Salaried

ILLINOIS GAMING BOARD

To be a member of the Illinois Gaming Board

for a term ending July 1, 1999:

Stuart Levine of Highland Park
Non-Salaried

To be a member of the Illinois Gaming Board
for a term ending July 1, 2002:

Stuart Levine of Highland Park
Non-Salaried

ILLINOIS SPORTS FACILITIES AUTHORITY

To be a member of the Illinois Sports Facilities
Authority for a term ending June 30, 2001:

John T. McCarthy of Chicago
Non-Salaried

STATE BOARD OF EDUCATION

To be members of the State Board of Education
for terms ending January 12, 2005:

Ronald J. Gidwitz of Chicago
Non-Salaried

David Gomez of Burr Ridge
Non-Salaried

Dr. Janet Steiner of Carlinville
Non-Salaried

GEORGE H. RYAN

Under the rules, the foregoing Message was referred to the
Committee on Executive Appointments.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 93

Offered by Senator Sullivan and all Senators:
Mourns the death of Ralph H. Martin of Des Plaines.

SENATE RESOLUTION NO. 94

Offered by Senator Sullivan and all Senators:
Mourns the death of Richard M. Barrett of Chicago.

SENATE RESOLUTION NO. 95

Offered by Senator Demuzio and all Senators:
Mourns the death of David H. Everson of Springfield.

SENATE RESOLUTION NO. 96

Offered by Senator Demuzio and all Senators:
Mourns the death of George Calvin Reid of Carlinville.

SENATE RESOLUTION NO. 97

Offered by Senator Sullivan and all Senators:
Mourns the death of Bridget L. Hogan of Chicago.

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SENATE RESOLUTION NO. 98

Offered by Senator Sullivan and all Senators:
Mourns the death of Catherine N. Cottrell of Chicago.

SENATE RESOLUTION NO. 99

Offered by Senator Link and all Senators:
Mourns the death of Adrienne Kilbane.

SENATE RESOLUTION NO. 100

Offered by Senator Viverito and all Senators:
Mourns the death of Richard A. Peldzus.

SENATE RESOLUTION NO. 102

Offered by Senator E. Jones and all Senators:
Mourns the death of Kenneth Tyler of Chicago.

SENATE RESOLUTION NO. 103

Offered by Senator Lauzen and all Senators:
Mourns the death of Diane Irene Lauzen of Aurora.

SENATE RESOLUTION NO. 104

Offered by Senator Demuzio and all Senators:
Mourns the death of Mrs. Gertrude Renken.

Senator Dudycz moved the adoption of the foregoing resolutions.
The motion prevailed.
And the resolutions were adopted.

PRESENTATION OF RESOLUTION

Senator Weaver offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE JOINT RESOLUTION NO. 36

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, April 29, 1999, the Senate stands adjourned until Tuesday, May 4, 1999, at 12:00 o'clock noon; and the House of Representatives stands adjourned until Tuesday, May 4, 1999, at 1:00 o'clock p.m.

The motion prevailed.
And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

At the hour of 11:35 o'clock a.m., on motion of Senator Weaver, and pursuant to **Senate Joint Resolution No. 36**, the Senate stood adjourned until Tuesday, May 4, 1999 at 12:00 o'clock noon.