

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

55TH LEGISLATIVE DAY

WEDNESDAY, NOVEMBER 14, 2001

12:00 O'CLOCK NOON

No. 55  
[Nov. 14, 2001]

The Senate met pursuant to adjournment.  
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.  
 Prayer by Reverend Kevin Franklin, First Congregational Church of  
 Christ, Springfield, Illinois.  
 Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, November 7, 2001, was being read when on motion of Senator W. Jones 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, November 13, 2001, was being read when on motion of Senator W. Jones 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.

#### REPORT RECEIVED

The Secretary placed before the Senate the following report:

The Construction Progress Report for period ending August 31, 2001, submitted by the Metropolitan Pier and Exposition Authority pursuant to the Metropolitan Pier and Exposition Authority Act as amended (70 ILCS 210/1).

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

#### CONFERENCE COMMITTEES APPOINTED

Pursuant to action taken by the Senate on May 31, 2001, the President appointed the following Senators to be members of the First Conference Committee on House Bill No. 2207: Senators Cullerton and Obama.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to action taken by the Senate on May 31, 2001, the President appointed the following Senators to be members of the First Conference Committee on House Bill No. 3247: Senators Demuzio and Molaro.

Ordered that the Secretary inform the House of Representatives thereof.

#### CHANGE IN SPONSORSHIP

Senator T. Walsh asked and obtained unanimous consent to replace former Senator R. Madigan as chief sponsor of Senate Bill No. 1251.

#### REPORTS FROM STANDING COMMITTEES

Senator Klemm, Chairperson of the Committee on Executive to which was referred House Bill No. 934 reported the same back with the recommendation that the bill do pass.

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

Senator Klemm, Chairperson of the Committee on Executive to which was referred House Bills numbered 1829, 2619 and 2729 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 the following Senate floor amendment, reported that the Committee recommends that it be adopted:

Amendment No. 1 to Senate Bill 1269

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred House Bill No. 2299 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.

At the hour of 12:17 o'clock p.m., Senator Geo-Karis presiding.

#### INTRODUCTION OF BILLS

**SENATE BILL NO. 1530.** Introduced by Senator Shadid, a bill for AN ACT in relation to vehicles.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

**SENATE BILL NO. 1531.** Introduced by Senator Shadid, a bill for AN ACT to honor and commemorate the victims of the terrorist attacks on September 11, 2001.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

#### READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 2626, sponsored by Senator Madigan was taken up, read by title a first time and referred to the Committee on Rules.

#### JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in H.A.'s 1 & 5 to Senate Bill 113

#### PRESENTATION OF RESOLUTIONS

##### SENATE RESOLUTION NO. 237

Offered by Senator Lauzen and all Senators:

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Mourns the death of Mary Elizabeth Koehler of St. Charles.

**SENATE RESOLUTION NO. 238**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Louis Fancsali of Montgomery.

**SENATE RESOLUTION NO. 239**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Joan Marie Popp of Aurora.

**SENATE RESOLUTION NO. 240**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Jane M. Reinke of Aurora.

**SENATE RESOLUTION NO. 241**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Joan A. Sibenaller of Aurora.

**SENATE RESOLUTION NO. 242**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Lauren N. Klespitz of Aurora.

**SENATE RESOLUTION NO. 243**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Florence L. Traversino of Aurora.

**SENATE RESOLUTION NO. 244**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Marian Dorothea Tomell of Aurora.

**SENATE RESOLUTION NO. 245**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Virginia B. Reuland of Aurora.

**SENATE RESOLUTION NO. 246**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Richard H. Pierceall of Apache Junction,  
Arizona.

**SENATE RESOLUTION NO. 247**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Florence E. Dodds of Marion, Ohio.

**SENATE RESOLUTION NO. 248**

Offered by Senator Lauzen and all Senators:  
Mourns the death of William B. Hamilton of Batavia.

The foregoing resolutions were referred to the Resolutions  
Consent Calendar.

Senator del Valle offered the following Senate Resolution, which  
was referred to the Committee on Rules:

**SENATE RESOLUTION NO. 249**

WHEREAS, Beginning sixty years ago, because of the labor shortage  
due to the United States World War II effort, the federal government  
issued contracts to Mexicans willing to cross the border for  
temporary employment; and

WHEREAS, As a result, hundreds of thousands of Mexicans worked in  
the United States agricultural fields and railroads as a part of the

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Bracero program from 1942 to 1965; and

WHEREAS, A provision of the program allowed for 10 percent of the wages that the workers earned from 1942 to 1949 to be deducted and put into savings accounts; and

WHEREAS, This portion of their wages was to be transferred through the United States government to Mexico's central bank and Mexican banks were to pay out the funds to the former Bracero workers upon their return to Mexico; and

WHEREAS, Many Bracero workers were never told about the savings fund nor how to collect the money deducted from their salary; and

WHEREAS, When the former Bracero workers who knew of the fund attempted to collect their wages from the Mexican banks, many were unable to do so; and

WHEREAS, The disposition of these funds is currently unknown; and

WHEREAS, At the time the former Bracero workers attempted to claim their earnings the account would have been worth from thirty million dollars (\$30,000,000) to sixty million dollars (\$60,000,000); and

WHEREAS, After more than 50 years, a number of lawsuits have been filed this year for the purpose of recouping these funds for the former Bracero workers; and

WHEREAS, The former Bracero workers deserve to be heard in court and to have this issue resolved; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the United States Attorney General to make the resolution of this issue a priority; and be it further

RESOLVED, That we urge the United States Congress to enact appropriate legislation requiring the United States Attorney General to resolve this case on its merits and not defend the action based upon legal technicalities including, but not limited to, statute of limitations, laches, lack of jurisdiction and the like; and be it further

RESOLVED, That we urge the United States government to fully cooperate in the effort to determine why money owed to Bracero workers was not paid, including making available all records relating to the savings fund program; and be it further

RESOLVED, That we urge the United States government through appropriate diplomatic channels to seek the full cooperation of the Mexican government in the effort to determine why money owed to Bracero workers was not paid, including making available all records from the Mexican government and public banking institutions relating to the savings fund program; and be it further

RESOLVED, That suitable copies of this preamble and resolution be presented to the United States Attorney General and the United States Secretary of State, the Speaker of the United States House of Representatives, the majority and minority leaders of the House of Representatives and the majority and minority leaders of the United States Senate.

**SENATE RESOLUTION NO. 250**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Paul Brangenberg of Kampsville.

**SENATE RESOLUTION NO. 251**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Wayne O. Fuchs of Farmersville.

**SENATE RESOLUTION NO. 252**

Offered by Senator Demuzio and all Senators:

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Mourns the death of Donald E. Lakin of Murrayville.

**SENATE RESOLUTION NO. 253**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Maynard C. Becker of Mount Olive.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

**INTRODUCTION OF A BILL**

**SENATE BILL NO. 1532.** Introduced by Senator Woolard, a bill for AN ACT in relation to public employee benefits.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

**REPORT FROM STANDING COMMITTEE**

Senator Petka, Co-Chairperson of the Committee on Executive Appointments, moved that the Senate resolve itself into Executive Session to consider the report of that Committee relative to the Governor's and Comptroller's appointments.

The motion prevailed.

**EXECUTIVE SESSION**

Senators Petka and DeLeo, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of November 7, 2001, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

ENVIRONMENTAL PROTECTION AGENCY

To be Director of the Environmental Protection Agency for a term ending January 20, 2003:

Renee Cipriano of Chicago  
Salaried

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

To be members of the Illinois State Toll Highway Authority for terms ending May 1, 2003:

Julie Martines McKeivitt of Barrington Hills  
Salaried

Arthur "George" Pradel of Naperville  
Salaried

To be members of the Illinois State Toll Highway Authority for terms ending May 1, 2005:

James J. Banks of Oak Park  
Salaried

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Carl J. Kramp of Downers Grove  
Salaried

Kathy Selcke of Hinsdale  
Salaried

INDUSTRIAL COMMISSION

To be a member of the Industrial Commission for  
a term ending January 17, 2005:

Robert A. Madigan of Lincoln  
Salaried

POLLUTION CONTROL BOARD

To be a member and chairman of the Pollution  
Control Board for a term ending July 1, 2004:

Claire A. Manning of Williamsville  
Salaried

To be members of the Pollution Control Board  
for terms ending July 1, 2004:

Thomas E. Johnson of Urbana  
Salaried

Michael Tristano of Glenview  
Salaried

PRISONER REVIEW BOARD

To be a member of the Prisoner Review Board  
for a term ending January 15, 2007:

James R. Donahue of Pekin  
Salaried

Senator Petka moved that the Senate advise and consent to the  
foregoing appointments.

And on that motion, a call of the roll was had resulting as  
follows:

Yeas 57; Nays 1.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis

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Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Maitland  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Stone  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

The following voted in the negative:

Lauzen

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Petka and DeLeo, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of November 7, 2001, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Senators Welch, Woolard, Bowles, Jacobs and Link submitted the

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following Motion in Writing:

Pursuant to Senate Rule 10-1(c), we request that the confirmation of Ronald J. Gidwitz to be the Chairman of the State Board of Education be taken on a separate roll call from those non-salaried appointments of the Governor remaining from the Governor's Message of November 7, 2001.

s/Patrick Welch  
s/Evelyn M. Bowles  
s/Terry Link

s/Larry Woolard  
s/Denny Jacobs

STATE BOARD OF EDUCATION

To be the chairman of the State Board of Education  
for a term ending April 13, 2003:

Ronald J. Gidwitz of Chicago  
Non-Salaried

Senator Petka moved that the Senate advise and consent to the foregoing appointment.

And on that motion, a call of the roll was had resulting as follows:

Yeas 35; Nays 13; Present 8.

The following voted in the affirmative:

Bomke  
Cronin  
Cullerton  
DeLeo  
del Valle  
Dillard  
Dudycz  
Geo-Karis  
Hawkinson  
Hendon  
Jones, E.  
Karpel  
Klemm  
Lauzen  
Lightford  
Mahar  
Maitland  
Molaro  
Myers  
Obama  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Roskam  
Shaw  
Stone  
Sullivan  
Syverson  
Walsh, T.

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Watson  
Weaver  
Mr. President

The following voted in the negative:

Bowles  
Clayborne  
Donahue  
Jacobs  
Luechtefeld  
Munoz  
Noland  
Ronen  
Sieben  
Silverstein  
Trotter  
Welch  
Woolard

The following voted present:

Demuzio  
Halvorson  
Link  
Madigan  
O'Daniel  
Shadid  
Viverito  
Walsh, L.

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Petka and DeLeo, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of November 7, 2001, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

BI-STATE DEVELOPMENT AGENCY

To be a member of the Bi-State Development Agency for a term ending January 17, 2005:

Paul A. Whelan of Belleville  
Non-Salaried

To be a member of the Bi-State Development Agency for a term ending January 16, 2006:

Michael William Fausz of Maeystown  
Non-Salaried

BOARD OF TRUSTEES CHICAGO STATE UNIVERSITY

To be members of the Chicago State University Board of Trustees for terms ending January 15, 2007:

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Peggy A. Montes of Chicago  
Non-Salaried

James Reynolds of Chicago  
Non-Salaried

BOARD OF TRUSTEES HISTORIC PRESERVATION AGENCY

To be a member of the Historic Preservation Agency  
Board of Trustees for a term ending January 20, 2003:

Zale Glauberman of Springfield  
Non-Salaried

BOARD OF TRUSTEES NORTHERN ILLINOIS UNIVERSITY

To be a member of the Northern Illinois University  
Board of Trustees for a term ending January 17, 2005:

Catherine M. Adduci of River Forest  
Non-Salaried

BOARD OF TRUSTEES WESTERN ILLINOIS UNIVERSITY

To be a member of the Western Illinois University  
Board of Trustees for a term ending January 17, 2005:

Theodore J. Brunsvold of Milan  
Non-Salaried

CAPITAL DEVELOPMENT BOARD

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

Shirley J. Anderson of Springfield  
Non-Salaried

CARNIVAL-AMUSEMENT SAFETY BOARD

To be a member of the Carnival-Amusement Safety  
Board for a term ending January 17, 2004:

Lee A. Sullivan of Jacksonville  
Non-Salaried

To be members of the Carnival-Amusement Safety Board  
for terms ending January 17, 2005:

Nicholas A. Dispensa of Bolingbrook  
Non-Salaried

Deborah K. Pusey of Peoria  
Non-Salaried

Darrell E. Sitarz of Wheaton  
Non-Salaried

CENTRAL MIDWEST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE  
COMMISSION

[Nov. 14, 2001]

To be members of the Central Midwest Interstate  
Low-Level Radioactive Waste Commission for terms  
ending January 20, 2003:

Thomas W. Ortciger of Leland Grove  
Non-Salaried

Michael W. Rapps of Springfield  
Non-Salaried

CHILDREN AND FAMILY SERVICES ADVISORY COUNCIL

To be a member of the Children and Family Services  
Advisory Council for a term ending January 20, 2003:

Abdul Basit of Matteson  
Non-Salaried

DEPARTMENT OF LABOR ADVISORY BOARD

To be members of the Department of Labor Advisory  
Board for terms ending January 20, 2003:

James W. Compton of Chicago  
Non-Salaried

Terry L. Fairclough of Springfield  
Non-Salaried

Colleen M. McShane of Oak Park  
Non-Salaried

Levi Moore of Chicago  
Non-Salaried

William J. Nolan of Chicago  
Non-Salaried

Thomas J. Walter of Naperville  
Non-Salaried

EAST ST. LOUIS FINANCIAL ADVISORY AUTHORITY

To be a member and chairman of the East St. Louis  
Financial Advisory Authority for a term ending  
August 30, 2004:

James W. "Tod" Miles of Chicago  
Non-Salaried

To be a member of the East St. Louis Financial  
Advisory Authority for a term ending August 30, 2004:

Katie Harper Wright of East St. Louis  
Non-Salaried

EMPLOYMENT SECURITY ADVISORY BOARD

To be members of the Employment Security Advisory  
Board for terms ending January 20, 2003:

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Thomas E. Caliper of Marion  
Non-Salaried

Max C. Downham of Inverness  
Non-Salaried

J. Paul Oddo of Mt. Prospect  
Non-Salaried

HEALTH FACILITIES PLANNING BOARD

To be a member of the Health Facilities Planning  
Board for a term ending June 30, 2002:

Orlando Jones of Chicago  
Non-Salaried

ILLINOIS ECONOMIC DEVELOPMENT BOARD

To be members of the Illinois Economic Development  
Board for terms ending November 1, 2002:

Glen Barton of Peoria  
Non-Salaried

Hans W. Becherer of Moline  
Non-Salaried

Sue L. Gin of Chicago  
Non-Salaried<sup>o</sup>

Ross B. Glickman of Chicago  
Non-Salaried

Merlin Karlock of Bourbonnais  
Non-Salaried

John A. Miller of Winnetka  
Non-Salaried

Diane Cullinan Oberhelman of Edwards  
Non-Salaried

Margarita Perez of Park Ridge  
Non-Salaried

James Reynolds, Jr. of Chicago  
Non-Salaried

Christine M. Roche of Wheaton  
Non-Salaried

William J. Schneider, Jr. of Lake Zurich  
Non-Salaried

Courtney Shea of Chicago  
Non-Salaried

Bohdan Watral of Park Ridge  
Non-Salaried

[Nov. 14, 2001]

Jill York of Springerton  
Non-Salaried

ILLINOIS GAMING BOARD

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

Tobias G. Barry of Ladd  
Non-Salaried

To be members of the Illinois Gaming Board  
for terms ending July 1, 2004:

Elzie L. Higginbottom of Chicago  
Non-Salaried

Robert A. Mariano of Lake Forest  
Non-Salaried

ILLINOIS HEALTH FACILITIES AUTHORITY

To be a member of the Illinois Health Facilities  
Authority for a term ending June 30, 2007:

Jeffrey M. Holden of Glen Ellyn  
Non-Salaried

ILLINOIS HUMAN RESOURCE INVESTMENT COUNCIL/WORKFORCE  
INVESTMENT BOARD

To be members of the Illinois Human Resource  
Investment Council/Workforce/Investment Board  
for terms ending July 1, 2003:

Sridhar Balakrishnan of Flossmoor  
Non-Salaried

Terrance E. Hoyland of Washington  
Non-Salaried

Frank Rausa of Sterling  
Non-Salaried

Edward A. Schwarze of Chillicothe  
Non-Salaried

J. Richard Spohr of Carlinville  
Non-Salaried

ILLINOIS SPORTS FACILITIES AUTHORITY

To be a member of the Illinois Sports Facilities  
Authority for a term ending June 30, 2002:

Joan M. Etten of Park Ridge  
Non-Salaried

To be a member of the Illinois Sports Facilities  
Authority for a term ending June 30, 2004:

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John T. McCarthy of Evergreen Park  
Non-Salaried

ILLINOIS STATE MUSEUM BOARD

To be a member of the Illinois State Museum Board  
for a term ending January 15, 2003:

Caren C. Trudeau of Springfield  
Non-Salaried

JOLIET REGIONAL PORT DISTRICT BOARD

To be a member of the Joliet Regional Port District  
Board for a term ending June 1, 2007:

George J. Michas of Joliet  
Non-Salaried

KASKASKIA REGIONAL PORT DISTRICT BOARD

To be members of the Kaskaskia Regional Port District  
Board for terms ending June 30, 2002:

Charles R. Bauer of Smithton  
Non-Salaried

Robert D. Keller of Waterloo  
Non-Salaried

Robert J. Myerscough of Evansville  
Non-Salaried

Nancy J. Schilling of Evansville  
Non-Salaried

James M. Wesbecher of Evansville  
Non-Salaried

To be members of the Kaskaskia Regional Port District  
Board for terms ending June 30, 2003:

Shawn Patrick Behnken of Modoc  
Non-Salaried

Edwin L. Cockrell of New Athens  
Non-Salaried

Virgil L. Gregson of Hecker  
Non-Salaried

George W. Obernagel III of Waterloo  
Non-Salaried

Norman E. Rieso of Freeburg  
Non-Salaried

Verlyn G. Smith of Waterloo  
Non-Salaried

To be members of the Kaskaskia Regional Port  
District Board for terms ending June 30, 2004:

Terry D. Liefer of Red Bud  
Non-Salaried

Leo M. Pautler of Evansville  
Non-Salaried

Roger L. Rubemeyer of Freeburg  
Non-Salaried

MEDICAL LICENSING BOARD

To be a member of the Medical Licensing Board  
for a term ending January 1, 2004:

Bennett Leventhal, M.D. of Chicago  
Non-Salaried

METROPOLITAN PIER AND EXPOSITION AUTHORITY

To be a member of the Metropolitan Pier and  
Exposition Authority for a term ending June 1, 2006:

John T. Ruel of Chicago  
Non-Salaried

PUBLIC ADMINISTRATOR AND PUBLIC GUARDIAN

To be the Public Administrator and Public Guardian  
of Bureau County for a term ending December 3, 2001:

Beth M. Welbers of Spring Valley  
Non-Salaried

To be the Public Administrator and Public Guardian  
of Champaign County for a term ending December 3, 2001:

Joseph T. Brown of Rantoul  
Non-Salaried

To be the Public Administrator and Public Guardian  
of Clay County for a term ending December 3, 2001:

Albert Lynn VanDyke of Louisville  
Non-Salaried

To be the Public Guardian of DuPage County for  
a term ending December 3, 2001:

Robert I. Mork of Wheaton  
Non-Salaried

To be the Public Administrator and Public Guardian  
of Fayette County for a term ending December 3, 2001:

Harlan C. Newbold of Vandalia  
Non-Salaried

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To be the Public Administrator and Public Guardian  
of Kankakee County for a term ending December 3, 2001:

Deborah A. Woodruff of Bourbonnais  
Non-Salaried

To be the Public Administrator and Public Guardian  
of Randolph County for a term ending December 3, 2001:

Patricia Ann Horrell of Red Bud  
Non-Salaried

To be the Public Administrator and Public Guardian  
of Saline County for a term ending December 3, 2001:

Wilbur Fowler of Eldorado  
Non-Salaried

To be the Public Administrator and Public Guardian  
of White County for a term ending December 3, 2001:

Cecil E. Hucker of Carmi  
Non-Salaried

To be the Public Administrator and Public Guardian  
of Bureau County for a term ending December 5, 2005:

Beth M. Welbers of Spring Valley  
Non-Salaried

To be the Public Administrator and Public Guardian  
of Clay County for a term ending December 5, 2005:

Albert Lynn VanDyke of Louisville  
Non-Salaried

To be the Public Administrator and Public Guardian  
of White County for a term ending December 5, 2005:

Cecil E. Hucker of Carmi  
Non-Salaried

QUALITY CARE BOARD

To be members of the Quality Care Board for  
terms ending September 18, 2004:

Daniel W. Hecht of Frankfort  
Non-Salaried

Arlan L. McClain of Dixon  
Non-Salaried

SOUTHWESTERN ILLINOIS DEVELOPMENT AUTHORITY

To be a member of the Southwestern Illinois Development  
Authority for a term ending January 21, 2002:

Robert L. Plummer of Edwardsville  
Non-Salaried

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To be a member of the Southwestern Illinois  
Development Authority for a term ending January 19,  
2004:

Gary L. Graham of O'Fallon  
Non-Salaried

To be a member of the Southwestern Illinois  
Development Authority for a term ending January 17,  
2005:

Robert L. Plummer of Edwardsville  
Non-Salaried

STATE BOARD OF EDUCATION

To be a member of the State Board of Education for  
a term ending January 10, 2007:

Richard A. Sandsmark of Belvidere  
Non-Salaried

STATE REHABILITATION ADVISORY COUNCIL

To be members of the State Rehabilitation  
Advisory Council for terms ending July 1, 2002:

Edward J. Bannister of Bolingbrook  
Non-Salaried

Pam Heavens of Joliet  
Non-Salaried

Ronald William Malik of Tremont  
Non-Salaried

Mary K. Rogers of Makanda  
Non-Salaried

Ronald J. Ruskey of Springfield  
Non-Salaried

John S. Trach of Champaign  
Non-Salaried

To be a member of the State Rehabilitation  
Advisory Council for a term ending July 1, 2003:

Deborah Grant of Springfield  
Non-Salaried

To be members of the State Rehabilitation  
Advisory Council for terms ending July 1, 2004:

Henrietta Battle of Chicago  
Non-Salaried

Myra C. Christian of Chicago  
Non-Salaried

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David B. Dailey of Springfield  
Non-Salaried

Bang Long, Jr. of Joliet  
Non-Salaried

Senators Petka moved that the Senate advise and consent to the foregoing appointments.

And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays 1; Present 1.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lightford  
Luechtefeld  
Madigan  
Mahar  
Maitland  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Stone  
Sullivan  
Syverson

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Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

The following voted in the negative:

Lauzen

The following voted present:

Link

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Petka and DeLeo, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Comptroller's Message to the Senate of November 2, 2001, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

OFFICE OF COMPTROLLER, MERIT COMMISSION

Michael W. Goetz  
Non-Salaried

Senators Petka moved that the Senate advise and consent to the foregoing appointment.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.

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Karpiel  
 Klemm  
 Lightford  
 Link  
 Luechtefeld  
 Madigan  
 Mahar  
 Maitland  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Stone  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

The motion prevailed.  
 Whereupon the President of the Senate announced confirmation of the foregoing appointment.

On motion of Senator Petka, the Executive Session arose and the Senate resumed consideration of business.  
 Senator Geo-Karis, presiding.

#### REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its November 14, 2001 meeting, reported the following House Bills have been assigned to the indicated Standing Committees of the Senate:

Executive: House Bills numbered 2077 and 3162.  
 Financial Institutions: House Bill No. 1903.  
 Licensed Activities: House Bill No. 2535.

Senator Weaver, Chairperson of the Committee on Rules, during its

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November 14, 2001 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Revenue: Senate Amendment No. 2 to Senate Bill 88.

Senator Weaver, Chairperson of the Committee on Rules, during its November 14, 2001 meeting, reported the following Joint Action Motion has been assigned to the indicated Standing Committee of the Senate:

Transportation: Motion to concur with House Amendments 1 and 5 to Senate Bill 113.

Senator Weaver Chairperson of the Committee on Rules, to which was referred House Bill No. 3188, on July 1, 2001, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be placed on the calendar on the order of Secretary's Desk - Non-concurrence.

The report of the Committee was concurred in.

And House Bill No. 3188, was placed on the Senate Calendar on the order of Secretary's Desk - Non-concurrence.

Senator Weaver Chairperson of the Committee on Rules, to which was referred Senate Bill No. 1261, on July 1, 2001, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And Senate Bill No. 1261, was returned to the order of third reading.

#### COMMITTEE MEETING ANNOUNCEMENT

Senator Peterson, Chairperson of the Committee on Revenue announced that the Revenue Committee will meet today in Room 212, Capitol Building, at 2:00 o'clock p.m.

#### CONSIDERATION OF GOVERNOR'S VETO MESSAGES

Pursuant to Motion in Writing filed on November 7, 2001 and journalized November 13, 2001, Senator Cullerton moved to accept the Governor's specific recommendations for change to Senate Bill No. 28.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard

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Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Maitland  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Stone  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

The motion prevailed.

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

Pursuant to Motion in Writing filed on November 7, 2001 and journalized November 13, 2001, Senator Madigan moved to accept the Governor's specific recommendations for change to Senate Bill No. 175.

And on that motion, a call of the roll was had resulting as

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follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Maitland  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Stone  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver

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Welch  
Woolard  
Mr. President

The motion prevailed.

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

Pursuant to Motion in Writing filed and journalized on November 7, 2001, Senator Cullerton moved to accept the Governor's specific recommendations for change to Senate Bill No. 647.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Maitland  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Ronen  
Roskam  
Shadid

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Shaw  
Sieben  
Silverstein  
Smith  
Stone  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

The motion prevailed.

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

Pursuant to Motion in Writing filed on November 7, 2001 and journalized November 13, 2001, Senator Cullerton moved to accept the Governor's specific recommendations for change to Senate Bill No. 1046.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Maitland

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Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Stone  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

The motion prevailed.

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

Pursuant to Motion in Writing filed on November 7, 2001 and journalized November 13, 2001, Senator Watson moved that Senate Bill No. 74 do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

Yeas 53; Nays 3.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson

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Jacobs  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Maitland  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Sieben  
Silverstein  
Smith  
Stone  
Sullivan  
Syverson  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

The following voted in the negative:

Cullerton  
Jones, E.  
Shaw

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

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

Pursuant to Motion in Writing filed on November 7, 2001 and journalized November 13, 2001, Senator Link moved that Senate Bill No. 326 do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

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Yeas 50; Nays 8.

The following voted in the affirmative:

Bomke  
Bowles  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Dudyycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Maitland  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Ronen  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Stone  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Welch  
Woolard

The following voted in the negative:

Burzynski  
Donahue  
Karpel

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Klemm  
Rauschenberger  
Roskam  
Weaver  
Mr. President

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

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

Pursuant to Motion in Writing filed and journalized on November 7, 2001, Senator Dudycz moved that Senate Bill No. 720 do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

Yeas 48; Nays 10.

The following voted in the affirmative:

Bomke  
Bowles  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dudycz  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Lightford  
Link  
Madigan  
Mahar  
Maitland  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith

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Stone  
 Sullivan  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Weaver  
 Welch  
 Woolard  
 Mr. President

The following voted in the negative:

Burzynski  
 Donahue  
 Geo-Karis  
 Klemm  
 Lauzen  
 Luechtefeld  
 Parker  
 Roskam  
 Syverson  
 Watson

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

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

#### SENATE BILL RECALLED

On motion of Senator Luechtefeld, Senate Bill No. 1269 was recalled from the order of third reading to the order of second reading.

Senator Klemm offered the following amendment:

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1269 by replacing everything after the enacting clause with the following:

"Section 5. The Deposit of State Moneys Act is amended by changing Section 7 as follows:

(15 ILCS 520/7) (from Ch. 130, par. 26)

Sec. 7. (a) Proposals made may either be approved or rejected by the State Treasurer. A bank or savings and loan association whose proposal is approved shall be eligible to become a State depository for the class or classes of funds covered by its proposal. A bank or savings and loan association whose proposal is rejected shall not be so eligible. The State Treasurer shall seek to have at all times a total of not less than 20 banks or savings and loan associations which are approved as State depositories for time deposits.

(b) The State Treasurer may, in his discretion, accept a proposal from an eligible institution which provides for a reduced rate of interest provided that such institution documents the use of deposited funds for community development projects.

(c) The State Treasurer may, in his or her discretion, accept a proposal from an eligible institution that provides for interest earnings on deposits of State moneys to be held by the institution in a separate account that the State Treasurer may use to secure up to

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10% of any (i) home loans to Illinois citizens purchasing a home in Illinois in situations where the participating financial institution would not offer the borrower a home loan under the institution's prevailing credit standards without the incentive of a reduced rate of interest on deposits of State moneys, and (ii) existing home loans of Illinois citizens who have failed to make payments on a the home loan as a result of a financial hardship due to circumstances beyond the control of the borrower where there is a reasonable prospect that the borrower will be able to resume full mortgage payments, and (iii) loans in amounts that do not exceed the amount of arrearage on a mortgage and that are extended to enable a borrower to become current on his or her mortgage obligation.

The following factors shall be considered by the participating financial institution to determine whether the financial hardship is due to circumstances beyond the control of the borrower: (i) loss, reduction, or delay in the receipt of income because of the death or disability of a person who contributed to the household income, (ii) expenses actually incurred related to the uninsured damage or costly repairs to the mortgaged premises affecting its habitability, (iii) expenses related to the death or illness in the borrower's household or of family members living outside the household that reduce the amount of household income, (iv) loss of income or a substantial increase in total housing expenses because of divorce, abandonment, separation from a spouse, or failure to support a spouse or child, (v) unemployment or underemployment, (vi) loss, reduction, or delay in the receipt of federal, State, or other government benefits, and (vii) participation by the homeowner in a recognized labor action such as a strike. In determining whether there is a reasonable prospect that the borrower will be able to resume full mortgage payments, the participating financial institution shall consider factors including, but not necessarily limited to the following: (i) a favorable work and credit history, (ii) the borrower's ability to and history of paying the mortgage when employed, (iii) the lack of an impediment or disability that prevents reemployment, (iv) new education and training opportunities, (v) non-cash benefits that may reduce household expenses, and (vi) other debts. temporary-layoff--or disability,-but-who-have-resumed-making-payments-on-the-home-loan-and have---made---at---least--2--consecutive-payments,-when-under-the institution's-prevailing-policies-it-would-commence-or-pursue foreclosure-proceedings-if-it-were-not-for-the-incentive-of-a-reduced-rate-of-interest-on-deposits-of-State-moneys-

For the purposes of this Section, "home loan" means a loan, other than an open-end credit plan or a reverse mortgage transaction, for which (i) the principal amount of the loan does not exceed 50% of the conforming loan size limit for a single-family dwelling as established from time to time by the Federal National Mortgage Association, (ii) the borrower is a natural person, (iii) the debt is incurred by the borrower primarily for personal, family, or household purposes, and (iv) the loan is secured by a mortgage or deed of trust on real estate upon which there is located or there is to be located a structure designed principally for the occupancy of no more than 4 families one-family and that is or will be occupied by the borrower as the borrower's principal dwelling.

(d) If there is an agreement between the State Treasurer and an eligible institution that details the use of deposited funds, the agreement may not require the gift of money, goods, or services to a third party; this provision does not restrict the eligible institution from contracting with third parties in order to carry out the intent of the agreement or restrict the State Treasurer from placing requirements upon third-party contracts entered into by the

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eligible institution.

(Source: P.A. 92-482, eff. 8-23-01.)

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

Senator Luechtefeld moved the adoption of the foregoing amendment.

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Shadid, House Bill No. 934 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, House Bill No. 1829 having been printed, was taken up and read by title a second time.

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

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1829 as follows:  
by replacing everything after the enacting clause with the following:

"Section 5. The Clerks of Courts Act is amended by changing Sections 27.2, 27.2a, 27.5, and 27.6 as follows:

(705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

Sec. 27.2. The fees of the clerks of the circuit court in all counties having a population in excess of 650,000 inhabitants but less than 3,000,000 inhabitants in the instances described in this Section shall be as provided in this Section. In addition, the fees provided in this Section shall apply to all units of local government and school districts in counties with more than 3,000,000 inhabitants. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be ~~\$190~~ \$150.

(A) When the amount of money or damages or the value of personal property claimed does not exceed \$250, ~~\$15~~ \$10.

(B) When that amount exceeds \$250 but does not exceed ~~\$1,000~~ \$500, ~~\$40~~ \$20.

(C) When that amount exceeds ~~\$1,000~~ \$500 but does not exceed \$2500, ~~\$50~~ \$30.

(D) When that amount exceeds \$2500 but does not exceed ~~\$5,000~~ \$15,000, ~~\$100~~ \$75.

~~(D-5) When the amount exceeds \$5,000 but does not exceed \$15,000, \$150.~~

(E) For the exercise of eminent domain, \$150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, \$150.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in

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the amount of \$15,000 or less, ~~\$75~~ \$40. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding \$15,000, ~~\$225~~ \$150.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed \$1500, ~~\$60~~ \$50. When the amount exceeds \$1500, but does not exceed ~~\$5,000~~ \$15,000, ~~\$75~~ \$115. When the amount exceeds \$5,000, but does not exceed \$15,000, \$175. When the amount exceeds \$15,000, ~~\$250~~ \$200.

(e) Appearance.

The fee for filing an appearance in each civil case shall be ~~\$75~~ \$50, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only; ~~\$40~~ \$20.

(B) When the amount in the case does not exceed \$1500, ~~\$40~~ \$20.

(C) When ~~the~~ that amount in the case exceeds \$1500 but does not exceed \$15,000, ~~\$60~~ \$40.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed \$1,000, ~~\$15~~ \$10; when the amount exceeds \$1,000 but does not exceed \$5,000, ~~\$30~~ \$20; and when the amount exceeds \$5,000, ~~\$50~~ \$30.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, ~~\$50~~ \$40.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, ~~\$75~~ \$60.

(3) Petition to vacate order of bond forfeiture, ~~\$40~~ \$20.

(h) Mailing.

When the clerk is required to mail, the fee will be ~~\$10~~ \$6, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, ~~\$15~~ \$10.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, ~~\$125~~ \$80.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, ~~\$6~~ \$4.

(2) Court appeals when original documents are forwarded,

under 100 pages, plus delivery and costs, \$75 \$50.

(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, \$150 \$120.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of 25 20 cents per page.

(5) For reproduction of any document contained in the clerk's files:

(A) First page, \$2.

(B) Next 19 pages, 50 cents per page.

(C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of \$6 \$4 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of \$6 \$4.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) Commitment Petitions.

For filing commitment petitions under the Mental Health and Developmental Disabilities Code, \$50 \$25.

(q) Alias Summons.

For each alias summons or citation issued by the clerk, \$5 \$4.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

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The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of \$212.50 ~~\$192.50~~, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, \$20 ~~\$10~~; for recording the same, \$0.50 ~~25¢~~ for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of \$60 ~~\$30~~ for each expungement petition filed and an additional fee of \$4 ~~\$2~~ for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, \$150 ~~\$100~~, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be \$40 ~~\$25~~.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be \$40 ~~\$25~~.

(2) For administration of the estate of a ward, \$75 ~~\$50~~, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be \$40 ~~\$25~~.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be \$20 ~~\$10~~.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, \$25 ~~\$15~~.

(B) For filing a claim in an estate when the amount claimed is \$150 or more but less than \$500, \$20 ~~\$10~~; when the amount claimed is \$500 or more but less than \$10,000, \$40 ~~\$25~~; when the amount claimed is \$10,000 or more, \$60

~~§40~~; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, ~~§60~~ ~~§40~~.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, ~~§30~~ ~~§10~~.

(F) For each jury demand, ~~§137.50~~ ~~§102.50~~.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, ~~§50~~ ~~§30~~, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed \$5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be ~~§20~~ ~~§10~~.

(H) For each certified copy of letters of office, of court order or other certification, ~~§2~~ ~~§1~~, plus ~~§1~~ ~~50¢~~ per page in excess of 3 pages for the document certified.

(I) For each exemplification, ~~§2~~ ~~§1~~, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, ~~§125~~ ~~§80~~.

(B) Misdemeanor complaints, ~~§75~~ ~~§50~~.

(C) Business offense complaints, ~~§75~~ ~~§50~~.

(D) Petty offense complaints, ~~§75~~ ~~§50~~.

(E) Minor traffic or ordinance violations, \$20.

(F) When court appearance required, \$30.

(G) Motions to vacate or amend final orders, ~~§40~~ ~~§20~~.

(H) Motions to vacate bond forfeiture orders, ~~§30~~ ~~§20~~.

(I) Motions to vacate ex parte judgments, whenever filed, ~~§30~~ ~~§20~~.

(J) Motions to vacate judgment on forfeitures, whenever filed, ~~§25~~ ~~§20~~.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, ~~§40~~ ~~§20~~.

(2) In counties having a population of more than 650,000 but fewer than 3,000,000 inhabitants, when the violation

complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

- (A) Minor traffic or ordinance violations, \$10.
- (B) When court appearance required, \$15.
- (3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of ~~\$112.50~~ \$50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.
- (x) Transcripts of Judgment.  
For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of new suit.
- (y) Change of Venue.
  - (1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.
  - (2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, ~~\$40~~ \$25.
- (z) Tax objection complaints.  
For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved ~~pertaining to the same taxpayer or--the--number--of--taxpayers joining-in-the-complaint,~~ ~~\$50~~ \$25.
- (aa) Tax Deeds.
  - (1) Petition for tax deed, if only one parcel is involved, ~~\$250~~ \$150.
  - (2) For each additional parcel, add a fee of ~~\$100~~ \$50.
- (bb) Collections.
  - (1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to ~~3.0%~~ 2-5% of the amount collected and turned over.
  - (2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.
  - (3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, \$25.
  - (4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to \$36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

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The clerk shall also be entitled to a fee of \$5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, ~~\$25~~ \$15.

(dd) Exceptions.

The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(ee) Adoptions.

(1) For an adoption.....\$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding. (Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98; 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; revised 10-15-99.)

(705 ILCS 105/27.2a) (from Ch. 25, par. 27.2a)

Sec. 27.2a. The fees of the clerks of the circuit court in all counties having a population of 3,000,000 or more inhabitants in the instances described in this Section shall be as provided in this Section. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be ~~\$225~~ \$190.

(A) When the amount of money or damages or the value of personal property claimed does not exceed \$250, ~~\$20~~ \$15.

(B) When that amount exceeds \$250 but does not exceed \$1000, ~~\$50~~ \$40.

(C) When that amount exceeds \$1000 but does not exceed \$2500, ~~\$60~~ \$50.

(D) When that amount exceeds \$2500 but does not exceed \$5000, ~~\$125~~ \$100.

(E) When that amount exceeds \$5000 but does not exceed \$15,000, \$150.

(F) For the exercise of eminent domain, \$150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, \$150.

(G) For the final determination of parking, standing, and compliance violations and final administrative decisions

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issued after hearings regarding vehicle immobilization and impoundment made pursuant to Sections 3-704.1, 6-306.5, and 11-208.3 of the Illinois Vehicle Code, \$25.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of \$15,000 or less, \$100 \$75. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding \$15,000, \$275 \$225.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed \$1500, \$75 \$60. When the amount exceeds \$1500, but does not exceed \$5000, \$100 \$75. When the amount exceeds \$5000, but does not exceed \$15,000, \$225 \$175. When the amount exceeds \$15,000, \$275 \$250.

(e) Appearance.

The fee for filing an appearance in each civil case shall be \$100 \$75, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only, \$50 \$40.

(B) When the amount in the case does not exceed \$1500, \$50 \$40.

(C) When that amount exceeds \$1500 but does not exceed \$15,000, \$75 \$60.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed \$1,000, \$20 \$15; when the amount exceeds \$1,000 but does not exceed \$5,000, \$40 \$30; and when the amount exceeds \$5,000, \$60 \$50.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, \$60 \$50.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, \$90 \$75.

(3) Petition to vacate order of bond forfeiture, \$50 \$40.

(h) Mailing.

When the clerk is required to mail, the fee will be \$10, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, \$20 \$15.

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- (j) Habeas Corpus.  
For filing a petition for relief by habeas corpus, \$150 \$125.
- (k) Certification, Authentication, and Reproduction.  
(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, \$8 \$6.  
(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, \$100 \$75.  
(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, \$185 \$150.  
(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of 25 cents per page.  
(5) For reproduction of any document contained in the clerk's files:  
(A) First page, \$2.  
(B) Next 19 pages, 50 cents per page.  
(C) All remaining pages, 25 cents per page.
- (l) Remands.  
In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.
- (m) Record Search.  
For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of \$8 \$6 for each year searched.
- (n) Hard Copy.  
For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of \$8 \$6.
- (o) Index Inquiry and Other Records.  
No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.
- (p) Commitment Petitions.  
For filing commitment petitions under the Mental Health and Developmental Disabilities Code, \$60 \$50.
- (q) Alias Summons.  
For each alias summons or citation issued by the clerk, \$6 \$5.
- (r) Other Fees.  
Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.  
The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be

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requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of ~~\$230~~ ~~\$212-50~~, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, ~~\$25~~ ~~\$20~~; for recording the same, 50¢ for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of ~~\$75~~ ~~\$60~~ for each expungement petition filed and an additional fee of ~~\$5~~ ~~\$4~~ for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, ~~\$185~~ ~~\$150~~, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be ~~\$50~~ ~~\$40~~.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be ~~\$50~~ ~~\$40~~.

(2) For administration of the estate of a ward, ~~\$100~~ ~~\$75~~, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be ~~\$50~~ ~~\$40~~.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be ~~\$25~~ ~~\$20~~.

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(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, \$30 \$25.

(B) For filing a claim in an estate when the amount claimed is \$150 or more but less than \$500, \$25 \$20; when the amount claimed is \$500 or more but less than \$10,000, \$50 \$40; when the amount claimed is \$10,000 or more, \$75 \$60; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, \$75 \$60.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, \$40 \$30.

(F) For each jury demand, \$170 \$137-50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, \$60 \$50, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed \$5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be \$25 \$20.

(H) For each certified copy of letters of office, of court order or other certification, \$2, plus \$1 per page in excess of 3 pages for the document certified.

(I) For each exemplification, \$2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, \$150 \$125.

(B) Misdemeanor complaints, \$100 \$75.

(C) Business offense complaints, \$100 \$75.

(D) Petty offense complaints, \$100 \$75.

(E) Minor traffic or ordinance violations, \$30.

(F) When court appearance required, \$50.

(G) Motions to vacate or amend final orders, \$50 \$40.

(H) Motions to vacate bond forfeiture orders, \$40 \$30.

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(I) Motions to vacate ex parte judgments, whenever filed, ~~\$40~~ \$30.

(J) Motions to vacate judgment on forfeitures, whenever filed, ~~\$30~~ \$25.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, ~~\$50~~ \$40.

(2) In counties having a population of 3,000,000 or more, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, ~~\$40~~ \$30.

(B) When court appearance required, ~~\$60~~ \$50.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of ~~\$140~~ \$112.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, ~~\$50~~ \$40.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, ~~\$60~~ \$50.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, ~~\$300~~ \$250.

(2) For each additional parcel, add a fee of ~~\$125~~ \$100.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to 3.0% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, \$25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to \$36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the

custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of \$5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, \$30 \$25.

(dd) Exceptions.

(1) The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.

(2) No fee provided herein shall be charged to any unit of local government or school district. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(ee) Adoption.

(1) For an adoption.....\$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding. (Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98; 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; 91-821, eff. 6-13-00.)

(705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

Sec. 27.5. All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk that equals an amount less than \$55, except restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 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, fees collected for electronic monitoring, drug or

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alcohol testing and screening, probation fees authorized under Section 5-6-3 of the Unified Code of Corrections, and supervision fees authorized under Section 5-6-3.1 of the Unified Code of Corrections, shall be disbursed within 60 days after receipt by the circuit clerk as follows: 47% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 12% shall be disbursed to the State Treasurer; and 41% shall be disbursed to the county's general corporate fund. Of the 12% disbursed to the State Treasurer, 1/6 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 1/2 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall be deposited into the Drivers Education Fund. For fiscal years 1992 and 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 89-234, eff. 1-1-96.)

(705 ILCS 105/27.6)

Sec. 27.6. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk equalling an amount of \$55 or more, except the additional fee required by subsections (b) and (c), restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 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, fees collected for electronic monitoring, drug or alcohol testing and screening, probation fees authorized under Section 5-6-3 of the Unified Code of Corrections, and supervision fees authorized under Section 5-6-3.1 of the Unified Code of Corrections, shall be disbursed within 60 days after receipt by the circuit clerk as follows: 44.5% shall be disbursed to the entity

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authorized by law to receive the fine imposed in the case; 16.825% shall be disbursed to the State Treasurer; and 38.675% shall be disbursed to the county's general corporate fund. Of the 16.825% disbursed to the State Treasurer, 2/17 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 5.052/17 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall be deposited into the Drivers Education Fund, and 6.948/17 shall be deposited into the Trauma Center Fund. Of the 6.948/17 deposited into the Trauma Center Fund from the 16.825% disbursed to the State Treasurer, 50% shall be disbursed to the Department of Public Health and 50% shall be disbursed to the Department of Public Aid. For fiscal year 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of \$25 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of \$25 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c) In addition to any other fines and court costs assessed by the courts, any person convicted for a violation of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a person sentenced for a violation of the Cannabis Control Act or the Controlled Substance Act shall pay an additional fee of \$100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of \$100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later

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than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(Source: P.A. 89-105, eff. 1-1-96; 89-234, eff. 1-1-96; 89-516, eff. 7-18-96; 89-626, eff. 8-9-96.)

Section 99. Effective date. This Act takes effect January 1, 2002."

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1829 by replacing everything after the enacting clause with the following:

"Section 5. The Clerks of Courts Act is amended by changing Sections 27.1a, 27.2, and 27.2a as follows:

(705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

Sec. 27.1a. The fees of the clerks of the circuit court in all counties having a population in excess of 180,000 but not more than ~~500,000~~ 650,000 inhabitants in the instances described in this Section shall be as provided in this Section. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be \$150.

(A) When the amount of money or damages or the value of personal property claimed does not exceed \$250, \$10.

(B) When that amount exceeds \$250 but does not exceed \$500, \$20.

(C) When that amount exceeds \$500 but does not exceed \$2500, \$30.

(D) When that amount exceeds \$2500 but does not exceed \$15,000, \$75.

(E) For the exercise of eminent domain, \$150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, \$150.

(a-1) Family.

For filing a petition under the Juvenile Court Act of 1987, \$25.

For filing a petition for a marriage license, \$10.

For performing a marriage in court, \$10.

For filing a petition under the Illinois Parentage Act of 1984, \$40.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of \$15,000 or less, \$40. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding \$15,000, \$150.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if

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- that has been paid.
- (d) Confession of Judgment.  
In a confession of judgment when the amount does not exceed \$1500, \$50. When the amount exceeds \$1500, but does not exceed \$15,000, \$115. When the amount exceeds \$15,000, \$200.
- (e) Appearance.  
The fee for filing an appearance in each civil case shall be \$50, except as follows:  
(A) When the plaintiff in a forcible entry and detainer case seeks possession only, \$20.  
(B) When the amount in the case does not exceed \$1500, \$20.  
(C) When that amount exceeds \$1500 but does not exceed \$15,000, \$40.
- (f) Garnishment, Wage Deduction, and Citation.  
In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed \$1,000, \$10; when the amount exceeds \$1,000 but does not exceed \$5,000, \$20; and when the amount exceeds \$5,000, \$30.
- (g) Petition to Vacate or Modify.  
(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, \$40.  
(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, \$60.  
(3) Petition to vacate order of bond forfeiture, \$20.
- (h) Mailing.  
When the clerk is required to mail, the fee will be \$6, plus the cost of postage.
- (i) Certified Copies.  
Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, \$10.
- (j) Habeas Corpus.  
For filing a petition for relief by habeas corpus, \$80.
- (k) Certification, Authentication, and Reproduction.  
(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, \$4.  
(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, \$50.  
(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, \$120.  
(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of 20 cents per page.  
(5) For reproduction of any document contained in the clerk's files:  
(A) First page, \$2.  
(B) Next 19 pages, 50 cents per page.  
(C) All remaining pages, 25 cents per page.
- (l) Remands.  
In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its

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original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of \$4 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of \$4.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) Commitment Petitions.

For filing commitment petitions under the Mental Health and Developmental Disabilities Code and for filing a transcript of commitment proceedings held in another county, \$25.

(q) Alias Summons.

For each alias summons or citation issued by the clerk, \$4.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of \$192.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, \$10; for recording the same, 25¢ for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a

voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of \$30 for each expungement petition filed and an additional fee of \$2 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, \$100, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be \$25.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be \$25.

(2) For administration of the estate of a ward, \$50, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be \$25.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be \$10.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, \$15.

(B) For filing a claim in an estate when the amount claimed is \$150 or more but less than \$500, \$10; when the amount claimed is \$500 or more but less than \$10,000, \$25; when the amount claimed is \$10,000 or more, \$40; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, \$40.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, \$10.

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(F) For each jury demand, \$102.50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, \$30, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed \$5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be \$10.

(H) For each certified copy of letters of office, of court order or other certification, \$1, plus 50¢ per page in excess of 3 pages for the document certified.

(I) For each exemplification, \$1, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, \$80.

(B) Misdemeanor complaints, \$50.

(C) Business offense complaints, \$50.

(D) Petty offense complaints, \$50.

(E) Minor traffic or ordinance violations, \$20.

(F) When court appearance required, \$30.

(G) Motions to vacate or amend final orders, \$20.

(H) Motions to vacate bond forfeiture orders, \$20.

(I) Motions to vacate ex parte judgments, whenever filed, \$20.

(J) Motions to vacate judgment on forfeitures, whenever filed, \$20.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, \$20.

(2) In counties having a population in excess of 180,000 but not more than 500,000 650,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, \$10.

(B) When court appearance required, \$15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of \$62.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

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For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, \$25.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining on the complaint, \$25.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, \$150.

(2) For each additional parcel, add a fee of \$50.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to 2.5% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, \$25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to \$36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of \$5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, \$15.

(dd) Exceptions.

(1) The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal

laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.

(2) No fee provided herein shall be charged to any unit of local government or school district.

(3) The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(ee) Adoptions.

(1) For an adoption.....\$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding.

(Source: P.A. 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; 92-16, eff. 6-28-01.)

(705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

Sec. 27.2. The fees of the clerks of the circuit court in all counties having a population in excess of 500,000 ~~650,000~~ inhabitants but less than 3,000,000 inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, counties with more than 500,000 inhabitants but less than 3,000,000 inhabitants must charge the minimum fee listed in this Section and may charge up to the maximum fee if the county board has by resolution increased the fee. In addition, the minimum fees authorized ~~provided~~ in this Section shall apply to all units of local government and school districts in counties with more than 3,000,000 inhabitants. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be a minimum of \$150 and a maximum of \$190.

(A) When the amount of money or damages or the value of personal property claimed does not exceed \$250, a minimum of \$10 and a maximum of \$15.

(B) When that amount exceeds \$250 but does not exceed \$1,000 ~~\$500~~, a minimum of \$20 and a maximum of \$40.

(C) When that amount exceeds \$1,000 ~~\$500~~ but does not exceed \$2500, a minimum of \$30 and a maximum of \$50.

(D) When that amount exceeds \$2500 but does not exceed \$5,000 ~~\$15,000~~, a minimum of \$75 and a maximum of \$100.

(D-5) When the amount exceeds \$5,000 but does not exceed \$15,000, a minimum of \$75 and a maximum of \$150.

(E) For the exercise of eminent domain, \$150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, \$150.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of \$15,000 or less, a minimum of \$40 and a maximum of \$75. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding \$15,000, a

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- minimum of \$150 and a maximum of \$225.
- (c) Counterclaim or Joining Third Party Defendant.  
When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.
- (d) Confession of Judgment.  
In a confession of judgment when the amount does not exceed \$1500, a minimum of \$50 and a maximum of \$60. When the amount exceeds \$1500, but does not exceed \$5,000 ~~\$15,000~~, \$75 ~~\$115~~. When the amount exceeds \$5,000, but does not exceed \$15,000, \$175. When the amount exceeds \$15,000, a minimum of \$200 and a maximum of \$250.
- (e) Appearance.  
The fee for filing an appearance in each civil case shall be a minimum of \$50 and a maximum of \$75, except as follows:  
(A) When the plaintiff in a forcible entry and detainer case seeks possession only, a minimum of \$20 and a maximum of \$40.  
(B) When the amount in the case does not exceed \$1500, a minimum of \$20 and a maximum of \$40.  
(C) When ~~the that~~ that amount in the case exceeds \$1500 but does not exceed \$15,000, a minimum of \$40 and a maximum of \$60.
- (f) Garnishment, Wage Deduction, and Citation.  
In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed \$1,000, a minimum of \$10 and a maximum of \$15; when the amount exceeds \$1,000 but does not exceed \$5,000, a minimum of \$20 and a maximum of \$30; and when the amount exceeds \$5,000, a minimum of \$30 and a maximum of \$50.
- (g) Petition to Vacate or Modify.  
(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of \$40 and a maximum of \$50.  
(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of \$60 and a maximum of \$75.  
(3) Petition to vacate order of bond forfeiture, a minimum of \$20 and a maximum of \$40.
- (h) Mailing.  
When the clerk is required to mail, the fee will be a minimum of \$6 and a maximum of \$10, plus the cost of postage.
- (i) Certified Copies.  
Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, a minimum of \$10 and a maximum of \$15.
- (j) Habeas Corpus.  
For filing a petition for relief by habeas corpus, a minimum

- of \$80 and a maximum of \$125.
- (k) Certification, Authentication, and Reproduction.
- (1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of \$4 and a maximum of \$6.
- (2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of \$50 and a maximum of \$75.
- (3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of \$120 and a maximum of \$150.
- (4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of 20 and a maximum of 25 cents per page.
- (5) For reproduction of any document contained in the clerk's files:
- (A) First page, \$2.
- (B) Next 19 pages, 50 cents per page.
- (C) All remaining pages, 25 cents per page.
- (l) Remands.
- In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.
- (m) Record Search.
- For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of a minimum of \$4 and a maximum of \$6 for each year searched.
- (n) Hard Copy.
- For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of a minimum of \$4 and a maximum of \$6.
- (o) Index Inquiry and Other Records.
- No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.
- (p) Commitment Petitions.
- For filing commitment petitions under the Mental Health and Developmental Disabilities Code, a minimum of \$25 and a maximum of \$50.
- (q) Alias Summons.
- For each alias summons or citation issued by the clerk, a minimum of \$4 and a maximum of \$5.
- (r) Other Fees.
- Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.
- The clerk of the circuit court may provide additional

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services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of a minimum of \$192.50 and a maximum of \$212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, a minimum of \$10 and a maximum of \$20; for recording the same, a minimum of 25¢ and a maximum of 50¢ for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of \$30 and a maximum of \$60 for each expungement petition filed and an additional fee of a minimum of \$2 and a maximum of \$4 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of \$100 and a maximum of \$150, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be a minimum of \$25 and a maximum of \$40.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be a minimum of \$25 and a maximum of \$40.

(2) For administration of the estate of a ward, a minimum of \$50 and a maximum of \$75, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property

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does not exceed \$15,000, the fee shall be a minimum of \$25 a maximum of \$40.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of \$10 a maximum of \$20.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of \$15 a maximum of \$25.

(B) For filing a claim in an estate when the amount claimed is \$150 or more but less than \$500, a minimum of \$10 and a maximum of \$20; when the amount claimed is \$500 or more but less than \$10,000, a minimum of \$25 and a maximum of \$40; when the amount claimed is \$10,000 or more, a minimum of \$40 and a maximum of \$60; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, a minimum of \$40 and a maximum of \$60.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, a minimum of \$10 a maximum of \$30.

(F) For each jury demand, a minimum of \$102.50 and a maximum of \$137.50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, a minimum of \$30 and a maximum of \$50, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed \$5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be a minimum of \$10 and a maximum of \$20.

(H) For each certified copy of letters of office, of court order or other certification, a minimum of \$1 and a maximum of \$2, plus a minimum of 50¢ and a maximum of \$1 per page in excess of 3 pages for the document certified.

(I) For each exemplification, a minimum of \$1 and a maximum of \$2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, a minimum of \$80 and a maximum of \$125.

(B) Misdemeanor complaints, a minimum of \$50 and a maximum of \$75.

(C) Business offense complaints, a minimum of \$50 and a maximum of \$75.

(D) Petty offense complaints, a minimum of \$50 and a maximum of \$75.

(E) Minor traffic or ordinance violations, \$20.

(F) When court appearance required, \$30.

(G) Motions to vacate or amend final orders, a minimum of \$20 and a maximum of \$40.

(H) Motions to vacate bond forfeiture orders, a minimum of \$20 and a maximum of \$30.

(I) Motions to vacate ex parte judgments, whenever filed, a minimum of \$20 and a maximum of \$30.

(J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of \$20 a maximum of \$25.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, a minimum of \$20 and a maximum of \$40.

(2) In counties having a population of more than 500,000 ~~650,000~~ but fewer than 3,000,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, \$10.

(B) When court appearance required, \$15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of \$50 and a maximum of \$112.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of \$25 and a maximum of \$40.

(z) Tax objection complaints.

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For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, a minimum of \$25 and a maximum of \$50.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, a minimum of \$150 and a maximum of \$250.

(2) For each additional parcel, add a fee of a minimum of \$50 and a maximum of \$100.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to a minimum of 2.5% and a maximum of 3.0% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, \$25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to \$36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of \$5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a minimum of \$15 and a maximum of \$25.

(dd) Exceptions.

The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions

authorized under that subsection.

(ee) Adoptions.

(1) For an adoption.....\$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding. (Source: P.A. 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; 92-16, eff. 6-28-01.)

(705 ILCS 105/27.2a) (from Ch. 25, par. 27.2a)

Sec. 27.2a. The fees of the clerks of the circuit court in all counties having a population of 3,000,000 or more inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, the clerk of the circuit court must charge the minimum fee listed and may charge up to the maximum fee if the county board has by resolution increased the fee. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be a minimum of \$190 and a maximum of \$240.

(A) When the amount of money or damages or the value of personal property claimed does not exceed \$250, a minimum of \$15 and a maximum of \$22.

(B) When that amount exceeds \$250 but does not exceed \$1000, a minimum of \$40 and a maximum of \$75.

(C) When that amount exceeds \$1000 but does not exceed \$2500, a minimum of \$50 and a maximum of \$80.

(D) When that amount exceeds \$2500 but does not exceed \$5000, a minimum of \$100 and a maximum of \$130.

(E) When that amount exceeds \$5000 but does not exceed \$15,000, \$150.

(F) For the exercise of eminent domain, \$150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, \$150.

(G) For the final determination of parking, standing, and compliance violations and final administrative decisions issued after hearings regarding vehicle immobilization and impoundment made pursuant to Sections 3-704.1, 6-306.5, and 11-208.3 of the Illinois Vehicle Code, \$25.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of \$15,000 or less, a minimum of \$75 and a maximum of \$140. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding \$15,000, a minimum of \$225 and a maximum of \$335.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the

third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed \$1500, a minimum of \$60 and a maximum of \$70. When the amount exceeds \$1500, but does not exceed \$5000, a minimum of \$75 and a maximum of \$150. When the amount exceeds \$5000, but does not exceed \$15,000, a minimum of \$175 and a maximum of \$260. When the amount exceeds \$15,000, a minimum of \$250 and a maximum of \$310.

(e) Appearance.

The fee for filing an appearance in each civil case shall be a minimum of \$75 and a maximum of \$110, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only, a minimum of \$40 and a maximum of \$80.

(B) When the amount in the case does not exceed \$1500, a minimum of \$40 and a maximum of \$80.

(C) When that amount exceeds \$1500 but does not exceed \$15,000, a minimum of \$60 and a maximum of \$90.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed \$1,000, a minimum of \$15 and a maximum of \$25; when the amount exceeds \$1,000 but does not exceed \$5,000, a minimum of \$30 and a maximum of \$45; and when the amount exceeds \$5,000, a minimum of \$50 and a maximum of \$80.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of \$50 and a maximum of \$60.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of \$75 and a maximum of \$90.

(3) Petition to vacate order of bond forfeiture, a minimum of \$40 and a maximum of \$80.

(h) Mailing.

When the clerk is required to mail, the fee will be a minimum of \$10 and a maximum of \$15, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, a minimum of \$15 and a maximum of \$20.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, a minimum of \$125 and a maximum of \$190.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of \$6 and a maximum of \$9.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of \$75 and a maximum of \$110.

(3) Court appeals when original documents are forwarded,

over 100 pages, plus delivery and costs, a minimum of \$150 and a maximum of \$185.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of 25 and a maximum of 30 cents per page.

(5) For reproduction of any document contained in the clerk's files:

(A) First page, \$2.

(B) Next 19 pages, 50 cents per page.

(C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of a minimum of \$6 and a maximum of \$9 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of a minimum of \$6 and a maximum of \$9.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) Commitment Petitions.

For filing commitment petitions under the Mental Health and Developmental Disabilities Code, a minimum of \$50 and a maximum of \$100.

(q) Alias Summons.

For each alias summons or citation issued by the clerk, a minimum of \$5 and a maximum of \$6.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

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## (s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of a minimum of \$212.50 and maximum of \$230, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

## (t) Voluntary Assignment.

For filing each deed of voluntary assignment, a minimum of \$20 and a maximum of \$40; for recording the same, a minimum of 50¢ and a maximum of \$0.80 for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

## (u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of \$60 and a maximum of \$120 for each expungement petition filed and an additional fee of a minimum of \$4 and a maximum of \$8 for each certified copy of an order to expunge arrest records.

## (v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of \$150 and a maximum of \$225, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be a minimum of \$40 and a maximum of \$65.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be a minimum of \$40 and a maximum of \$65.

(2) For administration of the estate of a ward, a minimum of \$75 and a maximum of \$110, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be a minimum of \$40 and a maximum of \$65.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of \$20 and a maximum of \$40.

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(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of \$25 and a maximum of \$40.

(B) For filing a claim in an estate when the amount claimed is \$150 or more but less than \$500, a minimum of \$20 and a maximum of \$40; when the amount claimed is \$500 or more but less than \$10,000, a minimum of \$40 and a maximum of \$65; when the amount claimed is \$10,000 or more, a minimum of \$60 and a maximum of \$90; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, a minimum of \$60 and a maximum of \$90.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, a minimum of \$30 and a maximum of \$90.

(F) For each jury demand, a minimum of \$137.50 and a maximum of \$180.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, a minimum of \$50 and a maximum of \$80, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed \$5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be a minimum of \$20 and a maximum of \$40.

(H) For each certified copy of letters of office, of court order or other certification, a minimum of \$2 and a maximum of \$4, plus \$1 per page in excess of 3 pages for the document certified.

(I) For each exemplification, \$2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

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(A) Felony complaints, a minimum of \$125 and a maximum of \$190.

(B) Misdemeanor complaints, a minimum of \$75 and a maximum of \$110.

(C) Business offense complaints, a minimum of \$75 and a maximum of \$110.

(D) Petty offense complaints, a minimum of \$75 and a maximum of \$110.

(E) Minor traffic or ordinance violations, \$30.

(F) When court appearance required, \$50.

(G) Motions to vacate or amend final orders, a minimum of \$40 and a maximum of \$80.

(H) Motions to vacate bond forfeiture orders, a minimum of \$30 and a maximum of \$45.

(I) Motions to vacate ex parte judgments, whenever filed, a minimum of \$30 and a maximum of \$45.

(J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of \$25 and a maximum of \$30.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, a minimum of \$40 and a maximum of \$50.

(2) In counties having a population of 3,000,000 or more, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, \$30.

(B) When court appearance required, \$50.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of \$112.50 and a maximum of \$250 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of \$40 and a maximum of \$65.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, a minimum of \$50 and a maximum of \$100.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, a minimum of \$250 and a maximum of \$400.

(2) For each additional parcel, add a fee of a minimum of \$100 and a maximum of \$200.

(bb) Collections.

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(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to 3.0% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, \$25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to \$36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of \$5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a minimum of \$25 and a maximum of \$40.

(dd) Exceptions.

(1) The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.

(2) No fee provided herein shall be charged to any unit of local government or school district. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(ee) Adoption.

(1) For an adoption.....\$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be

charged to any person in connection with an adoption proceeding. (Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98; 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; 91-821, eff. 6-13-00.)".

Senator Dillard moved that Amendment No. 1 to House Bill No. 1829 be ordered to lie on the table.

The motion to table prevailed.

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

On motion of Senator Hawkinson, House Bill No. 2299 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 2299 by replacing the title with the following:

"AN ACT in relation to terrorism."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Solicitation for Charity Act is amended by adding Section 16.5 as follows:

(225 ILCS 460/16.5 new)

Sec. 16.5. Terrorist acts.

(a) Any person or organization subject to registration under this Act, who acts to further, directly or indirectly, or uses charitable assets to conduct or further, directly or indirectly, an act or actions as set forth in Article 29D of the Criminal Code of 1961, is thereby engaged in an act or actions contrary to public policy and antithetical to charity, and all of the funds, assets, and records of the person or organization shall be subject to temporary and permanent injunction from use or expenditure and the appointment of a temporary and permanent receiver to take possession of all of the assets and related records.

(b) Upon a finding that a person or organization has acted or is in violation of this Section, the person or organization shall be permanently enjoined from soliciting funds from the public, holding charitable funds, or acting as a trustee or fiduciary within Illinois. Upon a finding of violation all assets and funds held by the person or organization shall be forfeited to the People of the State of Illinois or otherwise ordered by the court to be accounted for and marshaled and then delivered to charitable causes and uses within the State of Illinois by court order.

(c) An ex parte action may be commenced by the Attorney General, and, upon a showing of reasonable suspicion of a violation of this Section or Article 29D of the Criminal Code of 1961, an immediate seizure of books and records and assets by the Attorney General by and through his or her assistants or investigators or the Department of State Police shall be made by order of a court to protect the public, protect the assets, and allow a full review of the records.

(d) A determination under this Section may be made by any court separate and apart from any criminal proceedings and the standard of proof shall be that for civil proceedings.

(e) Any use of charitable assets to conduct or further, directly or indirectly, an act or actions set forth in Article 29D of the Criminal Code of 1961 shall be a misuse of charitable assets and breach of fiduciary duty relative to all other Sections of this Act.

Section 10. The Firearm Owners Identification Card Act is amended by changing Section 8 as follows:

(430 ILCS 65/8) (from Ch. 38, par. 83-8)

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Sec. 8. The Department of State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance:

(a) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(b) A person under 21 years of age who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not qualify to have a Firearm Owner's Identification Card;

(c) A person convicted of a felony under the laws of this or any other jurisdiction;

(d) A person addicted to narcotics;

(e) A person who has been a patient of a mental institution within the past 5 years;

(f) A person whose mental condition is of such a nature that it poses a clear and present danger to the applicant, any other person or persons or the community;

For the purposes of this Section, "mental condition" means a state of mind manifested by violent, suicidal, threatening or assaultive behavior.

(g) A person who is mentally retarded;

(h) A person who intentionally makes a false statement in the Firearm Owner's Identification Card application;

(i) An alien who is unlawfully present in the United States under the laws of the United States;

(i-5) An alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), except that this subsection (i-5) does not apply to any alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:

(1) admitted to the United States for lawful hunting or sporting purposes;

(2) an official representative of a foreign government who is:

(A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

(B) en route to or from another country to which that alien is accredited;

(3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;

(4) a foreign law enforcement officer of a friendly foreign government entering the United States on official business; or

(5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);

(j) A person who is subject to an existing order of protection prohibiting him or her from possessing a firearm;

(k) A person who has been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(l) A person who has been convicted of domestic battery or a substantially similar offense in another jurisdiction committed on or after January 1, 1998;

(m) A person who has been convicted within the past 5 years of

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domestic battery or a substantially similar offense in another jurisdiction committed before January 1, 1998; or

(n) A person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois State statute or by federal law.

(Source: P.A. 90-130, eff. 1-1-98; 90-493, eff. 1-1-98; 90-655, eff. 7-30-98; 91-694, eff. 4-13-00.)

Section 15. The Criminal Code of 1961 is amended by changing Sections 9-1, 14-3, and 29B-1 and adding Article 29D as follows:

(720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

Sec. 9-1. First degree Murder - Death penalties - Exceptions - Separate Hearings - Proof - Findings - Appellate procedures - Reversals.

(a) A person who kills an individual without lawful justification commits first degree murder if, in performing the acts which cause the death:

(1) he either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or

(2) he knows that such acts create a strong probability of death or great bodily harm to that individual or another; or

(3) he is attempting or committing a forcible felony other than second degree murder.

(b) Aggravating Factors. A defendant who at the time of the commission of the offense has attained the age of 18 or more and who has been found guilty of first degree murder may be sentenced to death if:

(1) the murdered individual was a peace officer or fireman killed in the course of performing his official duties, to prevent the performance of his official duties, or in retaliation for performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer or fireman; or

(2) the murdered individual was an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, killed in the course of performing his official duties, to prevent the performance of his official duties, or in retaliation for performing his official duties, or the murdered individual was an inmate at such institution or facility and was killed on the grounds thereof, or the murdered individual was otherwise present in such institution or facility with the knowledge and approval of the chief administrative officer thereof; or

(3) the defendant has been convicted of murdering two or more individuals under subsection (a) of this Section or under any law of the United States or of any state which is substantially similar to subsection (a) of this Section regardless of whether the deaths occurred as the result of the same act or of several related or unrelated acts so long as the deaths were the result of either an intent to kill more than one person or of separate acts which the defendant knew would cause death or create a strong probability of death or great bodily harm to the murdered individual or another; or

(4) the murdered individual was killed as a result of the hijacking of an airplane, train, ship, bus or other public conveyance; or

(5) the defendant committed the murder pursuant to a contract, agreement or understanding by which he was to receive money or anything of value in return for committing the murder or procured another to commit the murder for money or anything of

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value; or

(6) the murdered individual was killed in the course of another felony if:

(a) the murdered individual:

(i) was actually killed by the defendant, or

(ii) received physical injuries personally inflicted by the defendant substantially contemporaneously with physical injuries caused by one or more persons for whose conduct the defendant is legally accountable under Section 5-2 of this Code, and the physical injuries inflicted by either the defendant or the other person or persons for whose conduct he is legally accountable caused the death of the murdered individual; and

(b) in performing the acts which caused the death of the murdered individual or which resulted in physical injuries personally inflicted by the defendant on the murdered individual under the circumstances of subdivision (ii) of subparagraph (a) of paragraph (6) of subsection (b) of this Section, the defendant acted with the intent to kill the murdered individual or with the knowledge that his acts created a strong probability of death or great bodily harm to the murdered individual or another; and

(c) the other felony was one of the following: armed robbery, armed violence, robbery, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnapping, aggravated vehicular hijacking, forcible detention, arson, aggravated arson, aggravated stalking, burglary, residential burglary, home invasion, calculated criminal drug conspiracy as defined in Section 405 of the Illinois Controlled Substances Act, streetgang criminal drug conspiracy as defined in Section 405.2 of the Illinois Controlled Substances Act, or the attempt to commit any of the felonies listed in this subsection (c); or

(7) the murdered individual was under 12 years of age and the death resulted from exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(8) the defendant committed the murder with intent to prevent the murdered individual from testifying in any criminal prosecution or giving material assistance to the State in any investigation or prosecution, either against the defendant or another; or the defendant committed the murder because the murdered individual was a witness in any prosecution or gave material assistance to the State in any investigation or prosecution, either against the defendant or another; or

(9) the defendant, while committing an offense punishable under Sections 401, 401.1, 401.2, 405, 405.2, 407 or 407.1 or subsection (b) of Section 404 of the Illinois Controlled Substances Act, or while engaged in a conspiracy or solicitation to commit such offense, intentionally killed an individual or counseled, commanded, induced, procured or caused the intentional killing of the murdered individual; or

(10) the defendant was incarcerated in an institution or facility of the Department of Corrections at the time of the murder, and while committing an offense punishable as a felony under Illinois law, or while engaged in a conspiracy or solicitation to commit such offense, intentionally killed an individual or counseled, commanded, induced, procured or caused the intentional killing of the murdered individual; or

(11) the murder was committed in a cold, calculated and

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premeditated manner pursuant to a preconceived plan, scheme or design to take a human life by unlawful means, and the conduct of the defendant created a reasonable expectation that the death of a human being would result therefrom; or

(12) the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel, employed by a municipality or other governmental unit, killed in the course of performing his official duties, to prevent the performance of his official duties, or in retaliation for performing his official duties, and the defendant knew or should have known that the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel; or

(13) the defendant was a principal administrator, organizer, or leader of a calculated criminal drug conspiracy consisting of a hierarchical position of authority superior to that of all other members of the conspiracy, and the defendant counseled, commanded, induced, procured, or caused the intentional killing of the murdered person; or

(14) the murder was intentional and involved the infliction of torture. For the purpose of this Section torture means the infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering or agony of the victim; or

(15) the murder was committed as a result of the intentional discharge of a firearm by the defendant from a motor vehicle and the victim was not present within the motor vehicle; or

(16) the murdered individual was 60 years of age or older and the death resulted from exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(17) the murdered individual was a disabled person and the defendant knew or should have known that the murdered individual was disabled. For purposes of this paragraph (17), "disabled person" means a person who suffers from a permanent physical or mental impairment resulting from disease, an injury, a functional disorder, or a congenital condition that renders the person incapable of adequately providing for his or her own health or personal care; or

(18) the murder was committed by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer; or

(19) the murdered individual was subject to an order of protection and the murder was committed by a person against whom the same order of protection was issued under the Illinois Domestic Violence Act of 1986; or

(20) the murdered individual was known by the defendant to be a teacher or other person employed in any school and the teacher or other employee is upon the grounds of a school or grounds adjacent to a school, or is in any part of a building used for school purposes; or-

(21) the murder was committed by the defendant in connection with or as a result of the offense of terrorism as defined in Section 29D-30 of this Code.

(c) Consideration of factors in Aggravation and Mitigation. The court shall consider, or shall instruct the jury to consider

any aggravating and any mitigating factors which are relevant to the imposition of the death penalty. Aggravating factors may include but need not be limited to those factors set forth in subsection (b). Mitigating factors may include but need not be limited to the following:

- (1) the defendant has no significant history of prior criminal activity;
- (2) the murder was committed while the defendant was under the influence of extreme mental or emotional disturbance, although not such as to constitute a defense to prosecution;
- (3) the murdered individual was a participant in the defendant's homicidal conduct or consented to the homicidal act;
- (4) the defendant acted under the compulsion of threat or menace of the imminent infliction of death or great bodily harm;
- (5) the defendant was not personally present during commission of the act or acts causing death.

(d) Separate sentencing hearing.

Where requested by the State, the court shall conduct a separate sentencing proceeding to determine the existence of factors set forth in subsection (b) and to consider any aggravating or mitigating factors as indicated in subsection (c). The proceeding shall be conducted:

- (1) before the jury that determined the defendant's guilt;
- or
- (2) before a jury impanelled for the purpose of the proceeding if:
    - A. the defendant was convicted upon a plea of guilty;
 or
    - B. the defendant was convicted after a trial before the court sitting without a jury; or
    - C. the court for good cause shown discharges the jury that determined the defendant's guilt; or
  - (3) before the court alone if the defendant waives a jury for the separate proceeding.

(e) Evidence and Argument.

During the proceeding any information relevant to any of the factors set forth in subsection (b) may be presented by either the State or the defendant under the rules governing the admission of evidence at criminal trials. Any information relevant to any additional aggravating factors or any mitigating factors indicated in subsection (c) may be presented by the State or defendant regardless of its admissibility under the rules governing the admission of evidence at criminal trials. The State and the defendant shall be given fair opportunity to rebut any information received at the hearing.

(f) Proof.

The burden of proof of establishing the existence of any of the factors set forth in subsection (b) is on the State and shall not be satisfied unless established beyond a reasonable doubt.

(g) Procedure - Jury.

If at the separate sentencing proceeding the jury finds that none of the factors set forth in subsection (b) exists, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections. If there is a unanimous finding by the jury that one or more of the factors set forth in subsection (b) exist, the jury shall consider aggravating and mitigating factors as instructed by the court and shall determine whether the sentence of death shall be imposed. If the jury determines unanimously that there are no mitigating factors sufficient to preclude the imposition of the death sentence, the court shall sentence the defendant to

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death.

Unless the jury unanimously finds that there are no mitigating factors sufficient to preclude the imposition of the death sentence the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

(h) Procedure - No Jury.

In a proceeding before the court alone, if the court finds that none of the factors found in subsection (b) exists, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

If the Court determines that one or more of the factors set forth in subsection (b) exists, the Court shall consider any aggravating and mitigating factors as indicated in subsection (c). If the Court determines that there are no mitigating factors sufficient to preclude the imposition of the death sentence, the Court shall sentence the defendant to death.

Unless the court finds that there are no mitigating factors sufficient to preclude the imposition of the sentence of death, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

(i) Appellate Procedure.

The conviction and sentence of death shall be subject to automatic review by the Supreme Court. Such review shall be in accordance with rules promulgated by the Supreme Court.

(j) Disposition of reversed death sentence.

In the event that the death penalty in this Act is held to be unconstitutional by the Supreme Court of the United States or of the State of Illinois, any person convicted of first degree murder shall be sentenced by the court to a term of imprisonment under Chapter V of the Unified Code of Corrections.

In the event that any death sentence pursuant to the sentencing provisions of this Section is declared unconstitutional by the Supreme Court of the United States or of the State of Illinois, the court having jurisdiction over a person previously sentenced to death shall cause the defendant to be brought before the court, and the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

(Source: P.A. 90-213, eff. 1-1-98; 90-651, eff. 1-1-99; 90-668, eff. 1-1-99; 91-357, eff. 7-29-99; 91-434, eff. 1-1-00.)

(720 ILCS 5/14-3) (from Ch. 38, par. 14-3)

Sec. 14-3. Exemptions. The following activities shall be exempt from the provisions of this Article:

(a) Listening to radio, wireless and television communications of any sort where the same are publicly made;

(b) Hearing conversation when heard by employees of any common carrier by wire incidental to the normal course of their employment in the operation, maintenance or repair of the equipment of such common carrier by wire so long as no information obtained thereby is used or divulged by the hearer;

(c) Any broadcast by radio, television or otherwise whether it be a broadcast or recorded for the purpose of later broadcasts of any function where the public is in attendance and the conversations are overheard incidental to the main purpose for which such broadcasts are then being made;

(d) Recording or listening with the aid of any device to any emergency communication made in the normal course of operations by any federal, state or local law enforcement agency or institutions dealing in emergency services, including, but not limited to, hospitals, clinics, ambulance services, fire fighting agencies, any public utility, emergency repair facility, civilian defense

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establishment or military installation;

(e) Recording the proceedings of any meeting required to be open by the Open Meetings Act, as amended;

(f) Recording or listening with the aid of any device to incoming telephone calls of phone lines publicly listed or advertised as consumer "hotlines" by manufacturers or retailers of food and drug products. Such recordings must be destroyed, erased or turned over to local law enforcement authorities within 24 hours from the time of such recording and shall not be otherwise disseminated. Failure on the part of the individual or business operating any such recording or listening device to comply with the requirements of this subsection shall eliminate any civil or criminal immunity conferred upon that individual or business by the operation of this Section;

(g) With prior notification to the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded under circumstances where the use of the device is necessary for the protection of the law enforcement officer or any person acting at the direction of law enforcement, in the course of an investigation of a forcible felony, a felony violation of the Illinois Controlled Substances Act, a felony violation of the Cannabis Control Act, or any "streetgang related" or "gang-related" felony as those terms are defined in the Illinois Streetgang Terrorism Omnibus Prevention Act. Any recording or evidence derived as the result of this exemption shall be inadmissible in any proceeding, criminal, civil or administrative, except (i) where a party to the conversation suffers great bodily injury or is killed during such conversation, or (ii) when used as direct impeachment of a witness concerning matters contained in the interception or recording. The Director of the Department of State Police shall issue regulations as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use;

(g-5) With prior notification of the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party of the conversation and has consented to it being intercepted or recorded in the course of an investigation of any offense defined in Article 29D of this Code. The Director of State Police shall issue rules as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use.

Any recording or evidence obtained or derived in the course of an investigation of any offense defined in Article 29D of this Code shall, upon motion of the State's Attorney or Attorney General prosecuting any violation of Article 29D, be reviewed in camera by the court presiding over the criminal case, and, if ruled by the court to be relevant and otherwise admissible under Illinois evidence law, it shall be admissible at the trial of the criminal case.

(h) Recordings made simultaneously with a video recording of an oral conversation between a peace officer, who has identified his or her office, and a person stopped for an investigation of an offense under the Illinois Vehicle Code;

(i) Recording of a conversation made by or at the request of a person, not a law enforcement officer or agent of a law enforcement officer, who is a party to the conversation, under reasonable suspicion that another party to the conversation is committing, is about to commit, or has committed a criminal offense against the person or a member of his or her immediate household, and there is

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reason to believe that evidence of the criminal offense may be obtained by the recording; and

(j) The use of a telephone monitoring device by either (1) a corporation or other business entity engaged in marketing or opinion research or (2) a corporation or other business entity engaged in telephone solicitation, as defined in this subsection, to record or listen to oral telephone solicitation conversations or marketing or opinion research conversations by an employee of the corporation or other business entity when:

(i) the monitoring is used for the purpose of service quality control of marketing or opinion research or telephone solicitation, the education or training of employees or contractors engaged in marketing or opinion research or telephone solicitation, or internal research related to marketing or opinion research or telephone solicitation; and

(ii) the monitoring is used with the consent of at least one person who is an active party to the marketing or opinion research conversation or telephone solicitation conversation being monitored.

No communication or conversation or any part, portion, or aspect of the communication or conversation made, acquired, or obtained, directly or indirectly, under this exemption (j), may be, directly or indirectly, furnished to any law enforcement officer, agency, or official for any purpose or used in any inquiry or investigation, or used, directly or indirectly, in any administrative, judicial, or other proceeding, or divulged to any third party.

When recording or listening authorized by this subsection (j) on telephone lines used for marketing or opinion research or telephone solicitation purposes results in recording or listening to a conversation that does not relate to marketing or opinion research or telephone solicitation; the person recording or listening shall, immediately upon determining that the conversation does not relate to marketing or opinion research or telephone solicitation, terminate the recording or listening and destroy any such recording as soon as is practicable.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide current and prospective employees with notice that the monitoring or recordings may occur during the course of their employment. The notice shall include prominent signage notification within the workplace.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide their employees or agents with access to personal-only telephone lines which may be pay telephones, that are not subject to telephone monitoring or telephone recording.

For the purposes of this subsection (j), "telephone solicitation" means a communication through the use of a telephone by live operators:

- (i) soliciting the sale of goods or services;
- (ii) receiving orders for the sale of goods or services;
- (iii) assisting in the use of goods or services; or
- (iv) engaging in the solicitation, administration, or collection of bank or retail credit accounts.

For the purposes of this subsection (j), "marketing or opinion research" means a marketing or opinion research interview conducted by a live telephone interviewer engaged by a corporation or other business entity whose principal business is the design, conduct, and analysis of polls and surveys measuring the opinions, attitudes, and responses of respondents toward products and services, or social or

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political issues, or both.

(Source: P.A. 91-357, eff. 7-29-99.)

(720 ILCS 5/29B-1) (from Ch. 38, par. 29B-1)

Sec. 29B-1. (a) A person commits the offense of money laundering:

(1) when he knowingly engages or attempts to engage in a financial transaction in criminally derived property with either the intent to promote the carrying on of the unlawful activity from which the criminally derived property was obtained or where he knows or reasonably should know that the financial transaction is designed in whole or in part to conceal or disguise the nature, the location, the source, the ownership or the control of the criminally derived property; or-

(2) when, with the intent to:

(A) promote the carrying on of a specified criminal activity as defined in this Article; or

(B) conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of a specified criminal activity,

he or she conducts or attempts to conduct a financial transaction involving property represented to be the proceeds of specified criminal activity or property used to conduct or facilitate specified criminal activity.

(b) As used in this Section:

(1) "Financial transaction" means a purchase, sale, loan, pledge, gift, transfer, delivery or other disposition utilizing criminally derived property, and with respect to financial institutions, includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit or other monetary instrument or any other payment, transfer or delivery by, through, or to a financial institution. For purposes of clause (a)(2) of this Section, the term "financial transaction" also means a transaction which without regard to whether the funds, monetary instruments, or real or personal property involved in the transaction are criminally derived, any transaction which in any way or degree: (1) involves the movement of funds by wire or any other means; (2) involves one or more monetary instruments; or (3) the transfer of title to any real or personal property. The receipt by an attorney of bona fide fees for the purpose of legal representation is not a financial transaction for purposes of this Section.

(2) "Financial institution" means any bank; saving and loan association; trust company; agency or branch of a foreign bank in the United States; currency exchange; credit union, mortgage banking institution; pawnbroker; loan or finance company; operator of a credit card system; issuer, redeemer or cashier of travelers checks, checks or money orders; dealer in precious metals, stones or jewels; broker or dealer in securities or commodities; investment banker; or investment company.

(3) "Monetary instrument" means United States coins and currency; coins and currency of a foreign country; travelers checks; personal checks, bank checks, and money orders; investment securities; bearer negotiable instruments; bearer investment securities; or bearer securities and certificates of stock in such form that title thereto passes upon delivery.

(4) "Criminally derived property" means any property constituting or derived from proceeds obtained, directly or indirectly, pursuant to a violation of the Criminal Code of 1961, the Illinois Controlled Substances Act or the Cannabis Control

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Act.

(5) "Represented" means any representation made by a law enforcement officer or by any other person.

(6) "Conduct" or "conducts" includes, in addition to its ordinary meaning, initiating, concluding, or participating in initiating or concluding a transaction.

(7) "Specified criminal activity" means any violation of Section 20.5-5 and any violation of Article 29D of this Code.

(c) Sentence.

(1) Laundering of criminally derived property of a value not exceeding \$10,000 is a Class 3 felony;

(2) Laundering of criminally derived property of a value exceeding \$10,000 but not exceeding \$100,000 is a Class 2 felony;

(3) Laundering of criminally derived property of a value exceeding \$100,000 is a Class 1 felony;

(4) Money laundering in violation of subsection (a)(2) of this Section is a Class X felony.

(Source: P.A. 88-258.)

(720 ILCS 5/Article 29D heading new)

ARTICLE 29D. TERRORISM

(720 ILCS 5/29D-5 new)

Sec. 29D-5. Legislative findings. The devastating consequences of the barbaric attacks on the World Trade Center and the Pentagon on September 11, 2001 underscore the compelling need for legislation that is specifically designed to combat the evils of terrorism. Terrorism is inconsistent with civilized society and cannot be tolerated.

A comprehensive State law is urgently needed to complement federal laws in the fight against terrorism and to better protect all citizens against terrorist acts. Accordingly, the legislature finds that our laws must be strengthened to ensure that terrorists, as well as those who solicit or provide financial and other support to terrorists, are prosecuted and punished in State courts with appropriate severity. The legislature further finds that due to the grave nature and global reach of terrorism that a comprehensive law encompassing State criminal statutes and strong civil remedies is needed.

(720 ILCS 5/29D-10 new)

Sec. 29D-10. Definitions. As used in this Article, where not otherwise distinctly expressed or manifestly incompatible with the intent of this Article:

"Computer network" means a set of related, remotely connected devices and any communications facilities including more than one computer with the capability to transmit data among them through communication facilities.

"Computer" means a device that accepts, processes, stores, retrieves, or outputs data, and includes, but is not limited to, auxiliary storage and telecommunications devices.

"Computer program" means a series of coded instruction or statements in a form acceptable to a computer which causes the computer to process data and supply the results of data processing.

"Data" means representations of information, knowledge, facts, concepts or instructions, including program documentation, that are prepared in a formalized manner and are stored or processed in or transmitted by a computer. Data may be in any form, including but not limited to magnetic or optical storage media, punch cards, or data stored internally in the memory of a computer.

"Biological products used in agriculture" includes, but is not limited to, seeds, plants, and DNA of plants or animals altered for use in crop or livestock breeding or production or which are sold,

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intended, designed, or produced for use in crop production or livestock breeding or production.

"Agricultural products" means crops and livestock.

"Agricultural production" means the breeding and growing of livestock and crops.

"Livestock" means animals bred or raised for human consumption.

"Crops" means plants raised for: (1) human consumption, (2) fruits that are intended for human consumption, (3) consumption by livestock, and (4) fruits that are intended for consumption by livestock.

"Communications systems" means any works, property, or material of any radio, telegraph, telephone, microwave, or cable line, station, or system.

"Terrorist act" or "act of terrorism" means: (1) any act that causes or creates a risk of death or great bodily harm to one or more persons; (2) any act that disables or destroys the usefulness or operation of any communications system; (3) any act or any series of 2 or more acts committed in furtherance of a single intention, scheme, or design that disables or destroys the usefulness or operation of a computer network, computers, computer programs, or data used by any industry, by any class of business, or by 5 or more businesses or by the federal government, State government, any unit of local government, a public utility, a manufacturer of pharmaceuticals, a national defense contractor, or a manufacturer of chemical or biological products used in or in connection with agricultural production; (4) any act that disables or causes substantial damage to or destruction of any structure or facility used in or used in connection with ground, air, or water transportation; the production or distribution of electricity, gas, oil, or other fuel; the treatment of sewage or the treatment or distribution of water; or controlling the flow of any body of water; (5) any act that causes substantial damage to or destruction of livestock or to crops or a series of 2 or more acts committed in furtherance of a single intention, scheme, or design which, in the aggregate, causes substantial damage to or destruction of livestock or crops; (6) any act that causes substantial damage to or destruction of any hospital or any building or facility used by the federal government, State government, any unit of local government or by a national defense contractor or by a public utility, a manufacturer of pharmaceuticals, a manufacturer of chemical or biological products used in or in connection with agricultural production or the storage or processing of agricultural products or the preparation of agricultural products for food or food products intended for resale or for feed for livestock; or (7) any act that causes substantial damage to any building containing 5 or more businesses of any type or to any building in which 10 or more people reside.

"Terrorist" and "terrorist organization" means any person who engages or is about to engage in a terrorist act with the intent to intimidate or coerce a significant portion of a civilian population.

"Material support or resources" means currency or other financial securities, financial services, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, any other kind of physical assets or intangible property, and expert services or expert assistance.

"Person" has the meaning given in Section 2-15 of this Code and, in addition to that meaning, includes, without limitation, any charitable organization, whether incorporated or unincorporated, any professional fund raiser, professional solicitor, limited liability

company, association, joint stock company, association, trust, trustee, or any group of people formally or informally affiliated or associated for a common purpose, and any officer, director, partner, member, or agent of any person.

"Render criminal assistance" means to do any of the following with the intent to prevent, hinder, or delay the discovery or apprehension of, or the lodging of a criminal charge against, a person who he or she knows or believes has committed an offense under this Article or is being sought by law enforcement officials for the commission of an offense under this Article, or with the intent to assist a person in profiting or benefiting from the commission of an offense under this Article:

(1) harbor or conceal the person;

(2) warn the person of impending discovery or apprehension;

(3) provide the person with money, transportation, a weapon, a disguise, false identification documents, or any other means of avoiding discovery or apprehension;

(4) prevent or obstruct, by means of force, intimidation, or deception, anyone from performing an act that might aid in the discovery or apprehension of the person or in the lodging of a criminal charge against the person;

(5) suppress, by any act of concealment, alteration, or destruction, any physical evidence that might aid in the discovery or apprehension of the person or in the lodging of a criminal charge against the person;

(6) aid the person to protect or expeditiously profit from an advantage derived from the crime; or

(7) provide expert services or expert assistance to the person. Providing expert services or expert assistance shall not be construed to apply to: (1) a licensed attorney who discusses with a client the legal consequences of a proposed course of conduct or advises a client of legal or constitutional rights and (2) a licensed medical doctor who provides emergency medical treatment to a person whom he or she believes has committed an offense under this Article if, as soon as reasonably practicable either before or after providing such treatment, he or she notifies a law enforcement agency.

(720 ILCS 5/29D-15 new)

Sec. 29D-15. Soliciting material support for terrorism; providing material support for a terrorist act.

(a) A person is guilty of soliciting material support for terrorism if he or she knowingly raises, solicits, or collects material support or resources knowing that the material support or resources will be used, in whole or in part, to plan, prepare, carry out, or avoid apprehension for committing terrorism as defined in Section 29D-30 or causing a catastrophe as defined in Section 20.5-5 of this Code, or who knows that the material support or resources so raised, solicited, or collected will be used by an organization designated under 8 U.S.C. 1189, as amended. It is not an element of the offense that the defendant actually knows that an organization has been designated under 8 U.S.C. 1189, as amended.

(b) A person is guilty of providing material support for terrorism if he or she knowingly provides material support or resources to a person knowing that the person will use that support or those resources in whole or in part to plan, prepare, carry out, facilitate, or to avoid apprehension for committing terrorism as defined in Section 29D-30 or to cause a catastrophe as defined in Section 20.5-5 of this Code.

(c) Sentence. Soliciting material support for terrorism is a Class X felony for which the sentence shall be a term of imprisonment

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of no less than 9 years and no more than 40 years. Providing material support for a terrorist act is a Class X felony for which the sentence shall be a term of imprisonment of no less than 9 years and no more than 40 years.

(720 ILCS 5/29D-20 new)

Sec. 29D-20. Making a terrorist threat.

(a) A person is guilty of making a terrorist threat when, with the intent to intimidate or coerce a significant portion of a civilian population, he or she in any manner knowingly threatens to commit or threatens to cause the commission of a terrorist act and thereby causes a reasonable expectation or fear of the imminent commission of a terrorist act or of another terrorist act.

(b) It is not a defense to a prosecution under this Section that at the time the defendant made the terrorist threat, unknown to the defendant, it was impossible to carry out the threat, nor is it a defense that the threat was not made to a person who was a subject or intended victim of the threatened act.

(c) Sentence. Making a terrorist threat is a Class X felony.

(720 ILCS 5/29D-25 new)

Sec. 29D-25. Falsely making a terrorist threat.

(a) A person is guilty of falsely making a terrorist threat when in any manner he or she knowingly makes a threat to commit or cause to be committed a terrorist act or otherwise creates the impression or belief that a terrorist act is about to be or has been committed, or in any manner knowingly makes a threat to commit or cause to be committed a catastrophe as defined in Section 20.5-5 of this Code which he or she knows is false.

(b) Sentence. Falsely making a terrorist threat is a Class 1 felony.

(720 ILCS 5/29D-30 new)

Sec. 29D-30. Terrorism.

(a) A person is guilty of terrorism when, with the intent to intimidate or coerce a significant portion of a civilian population:

(1) he or she knowingly commits an act of terrorism within this State; or

(2) he or she, while outside this State, knowingly commits an act of terrorism that takes effect within this State or produces substantial detrimental effects within this State.

(b) Sentence. Terrorism is a Class X felony. If no deaths are caused by the terrorist act, the sentence shall be a term of 20 years to natural life imprisonment; however, if the terrorist act caused the death of one or more persons, a mandatory term of natural life imprisonment shall be the sentence.

(720 ILCS 5/29D-35 new)

Sec. 29D-35. Hindering prosecution of terrorism.

(a) A person is guilty of hindering prosecution of terrorism when he or she renders criminal assistance to a person who has committed terrorism as defined in Section 29D-30 or caused a catastrophe, as defined in Section 20.5-5 of this Code when he or she knows that the person to whom he or she rendered criminal assistance engaged in an act of terrorism or caused a catastrophe.

(b) Hindering prosecution of terrorism is a Class X felony, the sentence for which shall be a term of 20 years to natural life imprisonment if no death was caused by the act of terrorism committed by the person to whom the defendant rendered criminal assistance and a mandatory term of natural life imprisonment if death was caused by the act of terrorism committed by the person to whom the defendant rendered criminal assistance.

(720 ILCS 5/29D-40 new)

Sec. 29D-40. Restitution. In addition to any other penalty that

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may be imposed, a court shall sentence any person convicted of any violation of this Article to pay all expenses incurred by the federal government, State government, or any unit of local government in responding to any violation and cleaning up following any violation.

(720 ILCS 5/29D-45 new)

Sec. 29D-45. Limitations. A prosecution for any offense in this Article may be commenced at any time.

(720 ILCS 5/29D-55 new)

Sec. 29D-55. Asset freeze orders. Whenever it appears that there is probable cause to believe that any person is using, is about to use, or is intending to use property in any way that constitutes or would constitute a violation of this Article, the Attorney General or any State's Attorney may make an ex parte application to the circuit court to freeze all the assets of that person and, upon a showing of probable cause in the ex parte hearing, the circuit court shall issue an order freezing all assets of that person for a period of 10 days. A copy of the freeze order shall be served upon the person whose assets have been frozen and that person may, at any time within 30 days of service, file a motion to release his or her assets. In any proceeding to release assets, the burden of proof shall be by a preponderance of evidence and shall be on the person who is seeking release of his or her assets to show that he or she was not using, about to use, or intending to use any property in any way that constitutes or would constitute a violation of this Article. If the court finds that any property was being used, about to be used, or intended to be used in violation of or in any way that would constitute a violation of this Article, the court shall order the property forfeited. If the person fails to file a motion to release assets within 30 days of issuance of a freeze order, the property shall be presumed to have been used or about to be used in violation of this Article and shall, upon application of the Attorney General or a State's Attorney to the court issuing the freeze order, be ordered forfeited. All property forfeited under this Section shall be divided equally between the county in which the action is brought and the State of Illinois.

(720 ILCS 5/29D-60 new)

Sec. 29D-60. Injunctive relief. Whenever it appears to the Attorney General or any State's Attorney that any person is engaged in, or is about to engage in, any act that constitutes or would constitute a violation of this Article, the Attorney General or any State's Attorney may initiate a civil action in the circuit court to enjoin the violation.

(720 ILCS 5/29D-65 new)

Sec. 29D-65. Seizure and forfeiture.

(a) Seizure and forfeiture of property used in connection with a violation of this Article.

(1) Any money or property used, about to be used, or intended to be used in violation of or in connection with any violation of this Article, together with any other property integrally related to any acts in violation of this Article, is subject to seizure and confiscation by any peace officer of this State. Seizure and forfeiture under this Section may be pursued in addition to or in lieu of proceeding under subsection (b) of this Section. Any property so seized shall be subject to forfeiture under the following procedure.

(2) If, within 60 days after any seizure under subparagraph (1) of this Section, a person having any property interest in the seized property is charged with an offense, the court which renders judgment upon the charge shall, within 30 days after the judgment, conduct a forfeiture hearing to determine whether the

property was used, about to be used, or intended to be used in violation of this Article or in connection with any violation of this Article, or was integrally related to any violation or intended violation of this Article. The hearing shall be commenced by a written petition by the State, including material allegations of fact, the name and address of every person determined by the State to have any property interest in the seized property, a representation that written notice of the date, time, and place of the hearing has been mailed to every such person by certified mail at least 10 days before the date, and a request for forfeiture. Every such person may appear as a party and present evidence at the hearing. The quantum of proof required shall be preponderance of the evidence, and the burden of proof shall be on the State. If the court determines that the seized property was used, about to be used, or intended to be used in violation of this Article or in connection with any violation of this Article, or was integrally related to any violation or intended violation of this Article, an order of forfeiture and disposition of the seized money and property shall be entered. All property forfeited may be liquidated and the resultant money together with any money forfeited shall be allocated among the participating law enforcement agencies in such proportions as may be determined to be equitable by the court entering the forfeiture order, any such property so forfeited shall be received by the State's Attorney or Attorney General and upon liquidation shall be allocated among the participating law enforcement agencies in such proportions as may be determined equitable by the court entering the forfeiture order.

(3) If a seizure under subparagraph (1) of this subsection (a) is not followed by a charge under this Article, or if the prosecution of the charge is permanently terminated or indefinitely discontinued without any judgment of conviction or a judgment of acquittal is entered, the State's Attorney or Attorney General shall commence an in rem proceeding for the forfeiture of any seized money or other things of value, or both, in the circuit court and any person having any property interest in the money or property may commence separate civil proceedings in the manner provided by law. Any property so forfeited shall be allocated among the participating law enforcement agencies in such proportions as may be determined to be equitable by the court entering the forfeiture order.

(b) Forfeiture of property acquired in connection with a violation of this Article.

(1) Any person who commits any offense under this Article shall forfeit, according to the provisions of this Section, any moneys, profits, or proceeds, and any interest or property in which the sentencing court determines he or she has acquired or maintained, directly or indirectly, in whole or in part, as a result of, or used, was about to be used, or was intended to be used in connection with the offense. The person shall also forfeit any interest in, security, claim against, or contractual right of any kind which affords the person a source of influence over any enterprise which he or she has established, operated, controlled, conducted, or participated in conducting, where his or her relationship to or connection with any such thing or activity directly or indirectly, in whole or in part, is traceable to any item or benefit which he or she has obtained or acquired through an offense under this Article or which he or she used, about to use, or intended to use in connection with any

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offense under this Article. Forfeiture under this Section may be pursued in addition to or in lieu of proceeding under subsection (a) of this Section.

(2) Proceedings instituted under this subsection shall be subject to and conducted in accordance with the following procedures:

(A) The sentencing court shall, upon petition by the prosecuting agency, whether it is the Attorney General or the State's Attorney, at any time following sentencing, conduct a hearing to determine whether any property or property interest is subject to forfeiture under this subsection. At the forfeiture hearing the People of the State of Illinois shall have the burden of establishing, by a preponderance of the evidence, that the property or property interests are subject to forfeiture.

(B) In any action brought by the People of the State of Illinois under this Section, the court shall have jurisdiction to enter such restraining orders, injunctions, or prohibitions, or to take such other action in connection with any real, personal, or mixed property, or other interest, subject to forfeiture, as it shall consider proper.

(C) In any action brought by the People of the State of Illinois under this subsection in which any restraining order, injunction, or prohibition or any other action in connection with any property or interest subject to forfeiture under this subsection is sought, the circuit court presiding over the trial of the person or persons charged with a violation under this Article shall first determine whether there is probable cause to believe that the person or persons so charged have committed an offense under this Article and whether the property or interest is subject to forfeiture under this subsection. In order to make this determination, prior to entering any such order, the court shall conduct a hearing without a jury in which the People shall establish: (i) probable cause that the person or persons so charged have committed an offense under this Article; and (ii) probable cause that any property or interest may be subject to forfeiture under this subsection. The hearing may be conducted simultaneously with a preliminary hearing if the prosecution is commenced by information, or by motion of the People at any stage in the proceedings. The court may enter a finding of probable cause at a preliminary hearing following the filing of an information charging a violation of this Article or the return of an indictment by a grand jury charging an offense under this Article as sufficient probable cause for purposes of this subsection. Upon such a finding, the circuit court shall enter such restraining order, injunction, or prohibition or shall take such other action in connection with any such property or other interest subject to forfeiture under this subsection as is necessary to ensure that the property is not removed from the jurisdiction of the court, concealed, destroyed, or otherwise disposed of by the owner or holder of that property or interest prior to a forfeiture hearing under this subsection. The Attorney General or State's Attorney shall file a certified copy of the restraining order, injunction, or other prohibition with the recorder of deeds or registrar of titles of each county where any such property of the defendant may be located. No

such injunction, restraining order, or other prohibition shall affect the rights of any bona fide purchaser, mortgagee, judgment creditor, or other lien holder arising prior to the date of such filing. The court may, at any time, upon verified petition by the defendant, conduct a hearing to release all or portions of any such property or interest which the court previously determined to be subject to forfeiture or subject to any restraining order, injunction, prohibition, or other action. The court may release the property to the defendant for good cause shown and within the sound discretion of the court.

(D) Upon a conviction of a person under this Article, the court shall authorize the Attorney General or State's Attorney to seize and sell all property or other interest declared forfeited under this Article, unless the property is required by law to be destroyed or is harmful to the public. The court may order the Attorney General or State's Attorney to segregate funds from the proceeds of the sale sufficient: (1) to satisfy any order of restitution, as the court may deem appropriate; (2) to satisfy any legal right, title, or interest which the court deems superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to forfeiture under this subsection; or (3) to satisfy any bona-fide purchaser for value of the right, title, or interest in the property who was without reasonable notice that the property was subject to forfeiture. Following the entry of an order of forfeiture, the Attorney General or State's Attorney shall publish notice of the order and his or her intent to dispose of the property. Within 30 days following the publication, any person may petition the court to adjudicate the validity of his or her alleged interest in the property. After the deduction of all requisite expenses of administration and sale, the Attorney General or State's Attorney shall distribute the proceeds of the sale, along with any moneys forfeited or seized, among participating law enforcement agencies in such equitable portions as the court shall determine.

(E) No judge shall release any property or money seized under subdivision (A) or (B) for the payment of attorney's fees of any person claiming an interest in such money or property.

(720 ILCS 5/29D-70 new)

Sec. 29D-70. Severability. If any clause, sentence, Section, provision, or part of this Article or the application thereof to any person or circumstance shall be adjudged to be unconstitutional, the remainder of this Article or its application to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Section 20. The Code of Criminal Procedure of 1963 is amended by changing Sections 108-4, 108A-6, 108B-1, 108B-2, 108B-3, 108B-4, 108B-5, 108B-7, 108B-8, 108B-9, 108B-10, 108B-11, 108B-12, and 108B-14 and adding Section 108B-7.5 as follows:

(725 ILCS 5/108-4) (from Ch. 38, par. 108-4)

Sec. 108-4. Issuance of search warrant.

(a) All warrants upon written complaint shall state the time and date of issuance and be the warrants of the judge issuing the same and not the warrants of the court in which he is then sitting and such warrants need not bear the seal of the court or clerk thereof. The complaint on which the warrant is issued need not be filed with

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the clerk of the court nor with the court if there is no clerk until the warrant has been executed or has been returned "not executed".

The search warrant upon written complaint may be issued electronically or electromagnetically by use of a facsimile transmission machine and any such warrant shall have the same validity as a written search warrant.

(b) Warrant upon oral testimony.

(1) General rule. When the offense in connection with which a search warrant is sought constitutes terrorism or any related offense as defined in Article 29D of the Criminal Code of 1961, and if the circumstances make it reasonable to dispense, in whole or in part, with a written affidavit, a judge may issue a warrant based upon sworn testimony communicated by telephone or other appropriate means, including facsimile transmission.

(2) Application. The person who is requesting the warrant shall prepare a document to be known as a duplicate original warrant and shall read such duplicate original warrant, verbatim, to the judge. The judge shall enter, verbatim, what is so read to the judge on a document to be known as the original warrant. The judge may direct that the warrant be modified.

(3) Issuance. If the judge is satisfied that the offense in connection with which the search warrant is sought constitutes terrorism or any related offense as defined in Article 29D of the Criminal Code of 1961, that the circumstances are such as to make it reasonable to dispense with a written affidavit, and that grounds for the application exist or that there is probable cause to believe that they exist, the judge shall order the issuance of a warrant by directing the person requesting the warrant to sign the judge's name on the duplicate original warrant. The judge shall immediately sign the original warrant and enter on the face of the original warrant the exact time when the warrant was ordered to be issued. The finding of probable cause for a warrant upon oral testimony may be based on the same kind of evidence as is sufficient for a warrant upon affidavit.

(4) Recording and certification of testimony. When a caller informs the judge that the purpose of the call is to request a warrant, the judge shall immediately place under oath each person whose testimony forms a basis of the application and each person applying for that warrant. If a voice recording device is available, the judge shall record by means of the device all of the call after the caller informs the judge that the purpose of the call is to request a warrant, otherwise a stenographic or longhand verbatim record shall be made. If a voice recording device is used or a stenographic record made, the judge shall have the record transcribed, shall certify the accuracy of the transcription, and shall file a copy of the original record and the transcription with the court. If a longhand verbatim record is made, the judge shall file a signed copy with the court.

(5) Contents. The contents of a warrant upon oral testimony shall be the same as the contents of a warrant upon affidavit.

(6) Additional rule for execution. The person who executes the warrant shall enter the exact time of execution on the face of the duplicate original warrant.

(7) Motion to suppress precluded. Absent a finding of bad faith, evidence obtained pursuant to a warrant issued under this subsection (b) is not subject to a motion to suppress on the ground that the circumstances were not such as to make it reasonable to dispense with a written affidavit.

(Source: P.A. 87-523.)

(725 ILCS 5/108A-6) (from Ch. 38, par. 108A-6)

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Sec. 108A-6. Emergency Exception to Procedures. (a) Notwithstanding any other provisions of this Article, any investigative or law enforcement officer, upon approval of a State's Attorney, or without it if a reasonable effort has been made to contact the appropriate State's Attorney, may use an eavesdropping device in an emergency situation as defined in this Section. Such use must be in accordance with the provisions of this Section and may be allowed only where the officer reasonably believes that an order permitting the use of the device would issue were there a prior hearing.

An emergency situation exists when, without previous notice to the law enforcement officer sufficient to obtain prior judicial approval, the conversation to be overheard or recorded will occur within a short period of time, the use of the device is necessary for the protection of the law enforcement officer or it will occur in a situation involving a clear and present danger of imminent death or great bodily harm to persons resulting from: (1) a kidnapping or the holding of a hostage by force or the threat of the imminent use of force; or (2) the occupation by force or the threat of the imminent use of force of any premises, place, vehicle, vessel or aircraft; or (3) any violation of Article 29D.

(b) In all such cases, an application for an order approving the previous or continuing use of an eavesdropping device must be made within 48 hours of the commencement of such use. In the absence of such an order, or upon its denial, any continuing use shall immediately terminate.

In order to approve such emergency use, the judge must make a determination (1) that he would have granted an order had the information been before the court prior to the use of the device and (2) that there was an emergency situation as defined in this Section.

(c) In the event that an application for approval under this Section is denied the contents of the conversations overheard or recorded shall be treated as having been obtained in violation of this Article.

(Source: P.A. 86-763.)

(725 ILCS 5/108B-1) (from Ch. 38, par. 108B-1)

Sec. 108B-1. Definitions. For the purpose of this Article:

(a) "Aggrieved person" means a person who was a party to any intercepted private wire-or-oral communication or any person against whom the intercept was directed.

(b) "Chief Judge" means, when referring to a judge authorized to receive application for, and to enter orders authorizing, interceptions of private oral communications, the Chief Judge of the Circuit Court wherein the application for order of interception is filed, or a Circuit Judge designated by the Chief Judge to enter these orders. In circuits other than the Cook County Circuit, "Chief Judge" also means, when referring to a judge authorized to receive application for, and to enter orders authorizing, interceptions of private oral communications, an Associate Judge authorized by Supreme Court Rule to try felony cases who is assigned by the Chief Judge to enter these orders. After assignment by the Chief Judge, an Associate Judge shall have plenary authority to issue orders without additional authorization for each specific application made to him by the State's Attorney until the time the Associate Judge's power is rescinded by the Chief Judge.

(c) "Communications common carrier" means any person engaged as a common carrier for hire in the transmission of communications by wire or radio, not including radio broadcasting.

(d) "Contents" includes information obtained from a private oral communication concerning the existence, substance, purport or meaning

of the communication, or the identity of a party of the communication.

(e) "Court of competent jurisdiction" means any circuit court.

(f) "Department" means Illinois Department of State Police.

(g) "Director" means Director of the Illinois Department of State Police.

(g-1) "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or part by a wire, radio, pager, computer, or electromagnetic, photo electronic, or photo optical system where the sending and receiving parties intend the electronic communication to be private and the interception, recording, or transcription of the electronic communication is accomplished by a device in a surreptitious manner contrary to the provisions of this Article. "Electronic communication" does not include:

(1) any wire or oral communication; or

(2) any communication from a tracking device.

(h) "Electronic criminal surveillance device" or "eavesdropping device" means any device or apparatus, or computer program including an induction coil, that can be used to intercept private communication human-speech other than:

(1) Any telephone, telegraph or telecommunication instrument, equipment or facility, or any component of it, furnished to the subscriber or user by a communication common carrier in the ordinary course of its business, or purchased by any person and being used by the subscriber, user or person in the ordinary course of his business, or being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties; or

(2) A hearing aid or similar device being used to correct subnormal hearing to not better than normal.

(i) "Electronic criminal surveillance officer" means any law enforcement officer of the United States or of the State or political subdivision of it, or of another State, or of a political subdivision of it, who is certified by the Illinois Department of State Police to intercept private ~~oral~~ communications.

(j) "In-progress trace" means to determine the origin of a wire communication to a telephone or telegraph instrument, equipment or facility during the course of the communication.

(k) "Intercept" means the aural or other acquisition of the contents of any private oral communication through the use of any electronic criminal surveillance device.

(l) "Journalist" means a person engaged in, connected with, or employed by news media, including newspapers, magazines, press associations, news agencies, wire services, radio, television or other similar media, for the purpose of gathering, processing, transmitting, compiling, editing or disseminating news for the general public.

(m) "Law enforcement agency" means any law enforcement agency of the United States, or the State or a political subdivision of it.

(n) "Oral communication" means human speech used to communicate by one party to another, in person, by wire communication or by any other means.

(o) "Private ~~oral~~ communication" means a wire, or oral, or electronic communication uttered or transmitted by a person exhibiting an expectation that the communication is not subject to interception, under circumstances reasonably justifying the expectation. Circumstances that reasonably justify the expectation that a communication is not subject to interception include the use

of a cordless telephone or cellular communication device.

(p) "Wire communication" means any human speech used to communicate by one party to another in whole or in part through the use of facilities for the transmission of communications by wire, cable or other like connection between the point of origin and the point of reception furnished or operated by a communications common carrier.

(q) "Privileged communications" means a private oral communication between:

(1) a licensed and practicing physician and a patient within the scope of the profession of the physician;

(2) a licensed and practicing psychologist to a patient within the scope of the profession of the psychologist;

(3) a licensed and practicing attorney-at-law and a client within the scope of the profession of the lawyer;

(4) a practicing clergyman and a confidant within the scope of the profession of the clergyman;

(5) a practicing journalist within the scope of his profession;

(6) spouses within the scope of their marital relationship; or

(7) a licensed and practicing social worker to a client within the scope of the profession of the social worker.

(Source: P.A. 86-391; 86-763; 86-1028; 86-1206; 87-530.)

(725 ILCS 5/108B-2) (from Ch. 38, par. 108B-2)

Sec. 108B-2. Request for application for interception. (a) A State's Attorney may apply for an order authorizing interception of private oral communications in accordance with the provisions of this Article.

(b) The head of a law enforcement agency, including, for purposes of this subsection, the acting head of such law enforcement agency if the head of such agency is absent or unable to serve, may request that a State's Attorney apply for an order authorizing interception of private oral communications in accordance with the provisions of this Article.

Upon request of a law enforcement agency, the Department may provide technical assistance to such an agency which is authorized to conduct an interception.

(Source: P.A. 85-1203.)

(725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

Sec. 108B-3. Authorization for the interception of private oral communication.

(a) The State's Attorney, or a person designated in writing or by law to act for him and to perform his duties during his absence or disability, may authorize, in writing, an ex parte application to the chief judge of a court of competent jurisdiction for an order authorizing the interception of a private oral communication when no party has consented to the interception and (i) the interception may provide evidence of, or may assist in the apprehension of a person who has committed, is committing or is about to commit, a violation of Section 8-1.1 (solicitation of murder), 8-1.2 (solicitation of murder for hire), 9-1 (first degree murder), or 29B-1 (money laundering) of the Criminal Code of 1961, Section 401, 401.1 (controlled substance trafficking), 405, 405.1 (criminal drug conspiracy) or 407 of the Illinois Controlled Substances Act, a violation of Section 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961 or conspiracy to commit money laundering or conspiracy to commit first degree murder; (ii) in response to a clear and present danger of

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imminent death or great bodily harm to persons resulting from: (1) a kidnapping or the holding of a hostage by force or the threat of the imminent use of force; or (2) the occupation by force or the threat of the imminent use of force of any premises, place, vehicle, vessel or aircraft; (iii) to aid an investigation or prosecution of a civil action brought under the Illinois Streetgang Terrorism Omnibus Prevention Act when there is probable cause to believe the interception of the private oral communication will provide evidence that a streetgang is committing, has committed, or will commit a second or subsequent gang-related offense or that the interception of the private oral communication will aid in the collection of a judgment entered under that Act; or (iv) upon information and belief that a streetgang has committed, is committing, or is about to commit a felony.

(b) The State's Attorney or a person designated in writing or by law to act for the State's Attorney and to perform his or her duties during his or her absence or disability, may authorize, in writing, an ex parte application to the chief judge of a circuit court for an order authorizing the interception of a private communication when no party has consented to the interception and the interception may provide evidence of, or may assist in the apprehension of a person who has committed, is committing or is about to commit, a violation of an offense under Article 29D of the Criminal Code of 1961.

(b-1) Subsection (b) shall cease to have effect on December 31, 2005.

(b-2) No conversations recorded or monitored pursuant to subsection (b) shall be made inadmissible in a court of law by virtue of subsection (b-1).

(c) As used in this Section, "streetgang" and "gang-related" have the meanings ascribed to them in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(Source: P.A. 88-249; 88-677, eff. 12-15-94.)

(725 ILCS 5/108B-4) (from Ch. 38, par. 108B-4)

Sec. 108B-4. Application for order of interception. (a) Each application for an order of authorization to intercept a private oral communication shall be made in writing upon oath or affirmation and shall include:

- (1) The authority of the applicant to make the application;
- (2) The identity of the electronic criminal surveillance officer for whom the authority to intercept a private oral communication is sought;
- (3) The facts relied upon by the applicant including:
  - (i) The identity of the particular person, if known, who is committing, is about to commit, or has committed the offense and whose private communication is to be intercepted;
  - (ii) The details as to the particular offense that has been, is being, or is about to be committed;
  - (iii) The particular type of private communication to be intercepted;
  - (iv) Except as provided in Section 108B-7.5, a showing that there is probable cause to believe that the private communication will be communicated on the particular wire or electronic communication facility involved or at the particular place where the oral communication is to be intercepted;
  - (v) Except as provided in Section 108B-7.5, the character and location of the particular wire or electronic communication facilities involved or the particular place where the oral communication is to be intercepted;
  - (vi) The objective of the investigation;
  - (vii) A statement of the period of time for which the

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interception is required to be maintained, and, if the objective of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular statement of facts establishing probable cause to believe that additional communications of the same type will continue to occur;

(viii) A particular statement of facts showing that other normal investigative procedures with respect to the offense have been tried and have failed, or reasonably appear to be unlikely to succeed if tried, or are too dangerous to employ;

(4) Where the application is for the extension of an order, a statement of facts showing the results obtained from the interception, or a reasonable explanation of the failure to obtain results;

(5) A statement of the facts concerning all previous applications known to the applicant made to any court for authorization to intercept a private an-oral, -electronic, -or -wire communication involving any of the same facilities or places specified in the application or involving any person whose communication is to be intercepted, and the action taken by the court on each application;

(6) A proposed order of authorization for consideration by the judge; and

(7) Such additional statements of facts in support of the application on which the applicant may rely or as the chief judge may require.

(b) As part of the consideration of that part of an application for which there is no corroborative evidence offered, the chief judge may inquire in camera as to the identity of any informant or request any other additional information concerning the basis upon which the State's Attorney, or the head of the law enforcement agency has relied in making an application or a request for application for the order of authorization which the chief judge finds relevant to the determination of probable cause under this Article.

(Source: P.A. 85-1203.)

(725 ILCS 5/108B-5) (from Ch. 38, par. 108B-5)

Sec. 108B-5. Requirements for order of interception. Upon consideration of an application, the chief judge may enter an ex parte order, as requested or as modified, authorizing the interception of a private oral communication, if the chief judge determines on the basis of the application submitted by the applicant, that:

(1) There is probable cause for belief that (a) the person whose private communication is to be intercepted is committing, has committed, or is about to commit an offense enumerated in Section 108B-3, or (b) the facilities from which, or the place where, the private oral communication is to be intercepted, is, has been, or is about to be used in connection with the commission of the offense, or is leased to, listed in the name of, or commonly used by, the person; and

(2) There is probable cause for belief that a particular private communication concerning such offense may be obtained through the interception; and

(3) Normal investigative procedures with respect to the offense have been tried and have failed or reasonably appear to be unlikely to succeed if tried or too dangerous to employ; and

(4) The electronic criminal surveillance officers to be authorized to supervise the interception of the private oral communication have been certified by the Department.

(b) In the case of an application, other than for an extension,

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for an order to intercept a communication of a person or on a wire communication facility that was the subject of a previous order authorizing interception, the application shall be based upon new evidence or information different from and in addition to the evidence or information offered to support the prior order, regardless of whether the evidence was derived from prior interceptions or from other sources.

(c) The chief judge may authorize interception of a private oral communication anywhere in the judicial circuit. If the court authorizes the use of an eavesdropping device with respect to a vehicle, watercraft, or aircraft that is within the judicial circuit at the time the order is issued, the order may provide that the interception may continue anywhere within the State if the vehicle, watercraft, or aircraft leaves the judicial circuit.

(Source: P.A. 85-1203.)

(725 ILCS 5/108B-7) (from Ch. 38, par. 108B-7)

Sec. 108B-7. Contents of order for use of eavesdropping device.

(a) Each order authorizing the interception of a private oral communication shall state:

- (1) The chief judge is authorized to issue the order;
- (2) The identity of, or a particular description of, the person, if known, whose private communications are to be intercepted;
- (3) The character and location of the particular wire communication facilities as to which, or the particular place of the communications as to which, authority to intercept is granted;
- (4) A particular description of the type of private communication to be intercepted and a statement of the particular offense to which it relates;
- (5) The identity and certification of the electronic criminal surveillance officers to whom the authority to intercept a private oral communication is given and the identity of the person who authorized the application; and
- (6) The period of time during which the interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

(b) No order entered under this Section shall authorize the interception of private oral communications for a period of time in excess of that necessary to achieve the objective of the authorization. Every order entered under this Section shall require that the interception begin and terminate as soon as practicable and be conducted in such a manner as to minimize the interception of communications not otherwise subject to interception. No order, other than for an extension, entered under this Section may authorize the interception of private oral communications for any period exceeding 30 days. Extensions of an order may be granted for periods of not more than 30 days. No extension shall be granted unless an application for it is made in accordance with Section 108B-4 and the judge makes the findings required by Section 108B-5 and, where necessary, Section 108B-6.

(c) Whenever an order authorizing an interception is entered, the order shall require reports to be made to the chief judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. The reports shall be made at such intervals as the judge may require.

(d) An order authorizing the interception of a private oral communication shall, upon request of the applicant, direct that a communications common carrier, landlord, owner, building operator, custodian, or other person furnish the applicant forthwith all

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information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that the carrier, owner, building operator, landlord, custodian, or person is affording the person whose communication is to be intercepted. The obligation of a communications common carrier under the order may include conducting an in-progress trace during an interception. Any communications common carrier, landlord, owner, building operator, custodian, or person furnishing the facilities or technical assistance shall be compensated by the applicant at the prevailing rates.

(e) A communications common carrier, landlord, owner, building operator, custodian, or other person who has been provided with an order issued under this Article shall not disclose the existence of the order of interception, or of a device used to accomplish the interception unless:

(1) He is required to do so by legal process; and

(2) He has given prior notification to the State's Attorney, who has authorized the application for the order.

(f) An order authorizing the interception of a private oral communication shall, upon the request of the applicant, authorize the entry into the place or facilities by electronic criminal surveillance officers as often as necessary for the purpose of installing, maintaining or removing an intercepting device where the entry is necessary to conduct or complete the interception. The chief judge who issues the order shall be notified of the fact of each entry prior to entry, if practicable, and, in any case, within 48 hours of entry.

(g) (1) Notwithstanding any provision of this Article, any chief judge of a court of competent jurisdiction to which any application is made under this Article may take any evidence, make any finding, or issue any order to conform the proceedings or the issuance of any order to the Constitution of the United States, or of any law of the United States or to the Constitution of the State of Illinois or to the laws of Illinois.

(2) When the language of this Article is the same or similar to the language of Title III of P.L. 90-351 (82 Stat. 211 et seq., codified at, 18 U.S.C. 2510 et seq.), the courts of this State in construing this Article shall follow the construction given to Federal law by the United States Supreme Court or United States Court of Appeals for the Seventh Circuit.

(Source: P.A. 85-1203.)

(725 ILCS 5/108B-7.5 new)

Sec. 108B-7.5. Applicability.

(a) The requirements of subdivisions (a)(3)(iv) and (a)(3)(v) of Section 108B-4, subdivision (1)(b) of Section 108B-5, and subdivision (a)(3) of Section 108B-7 of this Article relating to the specification of the facilities from which, or the place where, the communication is to be intercepted do not apply if:

(1) in the case of an application with respect to the interception of an oral communication:

(A) the application is by the State's Attorney, or a person designated in writing or by law to act for the State's Attorney and to perform his or her duties during his or her absence or disability;

(B) the application contains a full and complete statement as to why such specification is not practical and identifies the person committing the offense and whose communications are to be intercepted;

(C) the judge finds that such specification is not practical; and

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(D) the order sought is in connection with an investigation of a violation of Article 29D of the Criminal Code of 1961.

(2) in the case of an application with respect to a wire or electronic communication:

(A) the application is by the State's Attorney, or a person designated in writing or by law to act for the State's Attorney and to perform his or her duties during his or her absence or disability;

(B) the application identifies the person believed to be committing the offense and whose communications are to be intercepted and the applicant makes a showing that there is probable cause to believe that the person's actions could have the effect of thwarting interception from a specified facility;

(C) the judge finds that such showing has been adequately made;

(D) the order authorizing or approving the interception is limited to interception only for such time as it is reasonable to presume that the person identified in the application is or was reasonably proximate to the instrument through which such communication will be or was transmitted; and

(E) the order sought is in connection with an investigation of a violation of Article 29D of the Criminal Code of 1961.

(b) An interception of a communication under an order with respect to which the requirements of subdivisions (a)(3)(iv) and (a)(3)(v) of Section 108B-4, subdivision (1)(b) of Section 108B-5, and subdivision (a)(3) of Section 108B-7 of this Article do not apply by reason of this Section shall not begin until the place where the communication is to be intercepted is ascertained by the person implementing the interception order. A provider of wire or electronic communications service that has received an order as provided for in subdivision (a)(2) may move the court to modify or quash the order on the ground that its assistance with respect to the interception cannot be performed in a timely or reasonable fashion. The court, upon notice to the government, shall decide such a motion expeditiously.

(725 ILCS 5/108B-8) (from Ch. 38, par. 108B-8)

Sec. 108B-8. Emergency use of eavesdropping device. (a) Whenever, upon informal application by the State's Attorney, a chief judge of competent jurisdiction determines that:

(1) There may be grounds upon which an order could be issued under this Article;

(2) There is probable cause to believe that an emergency situation exists with respect to the investigation of an offense enumerated in Section 108B-3; and

(3) There is probable cause to believe that a substantial danger to life or limb exists justifying the authorization for immediate interception of a private oral communication before formal application for an order could with due diligence be submitted to him and acted upon; the chief judge may grant oral approval for an interception, without an order, conditioned upon the filing with him, within 48 hours, of an application for an order under Section 108B-4 which shall also recite the oral approval under this Section and be retroactive to the time of the oral approval.

(b) Interception under oral approval under this Section shall immediately terminate when the communication sought is obtained or when the application for an order is denied, whichever is earlier.

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(c) In the event no formal application for an order is subsequently made under this Section, the content of any private oral communication intercepted under oral approval under this Section shall be treated as having been obtained in violation of this Article.

(d) In the event no application for an order is made under this Section or an application made under this Section is subsequently denied, the judge shall cause an inventory to be served under Section 108B-11 of this Article and shall require the tape or other recording of the intercepted communication to be delivered to, and sealed by, the judge. The evidence shall be retained by the court, and it shall not be used or disclosed in any legal proceeding, except a civil action brought by an aggrieved person under Section 14-6 of the Criminal Code of 1961, or as otherwise authorized by the order of a court of competent jurisdiction. In addition to other remedies or penalties provided by law, failure to deliver any tape or other recording to the chief judge shall be punishable as contempt by the judge directing the delivery.

(Source: P.A. 85-1203.)

(725 ILCS 5/108B-9) (from Ch. 38, par. 108B-9)

Sec. 108B-9. Recordings, records and custody.

(a) Any private oral communication intercepted in accordance with this Article shall, if practicable, be recorded by tape or other comparable method. The recording shall, if practicable, be done in such a way as will protect it from editing or other alteration. During an interception, the interception shall be carried out by an electronic criminal surveillance officer or court approved designee, and, if practicable, such officer shall keep a signed, written record, including:

- (1) The date and hours of surveillance;
- (2) The time and duration of each intercepted communication;
- (3) The parties, if known, to each intercepted conversation; and
- (4) A summary of the contents of each intercepted communication.

(b) Immediately upon the expiration of the order or its extensions, the tapes and other recordings shall be transferred to the chief judge issuing the order and sealed under his direction. Custody of the tapes, or other recordings, shall be maintained wherever the chief judge directs. They shall not be destroyed except upon an order of a court of competent jurisdiction and in any event shall be kept for 10 years. Duplicate tapes or other recordings may be made for disclosure or use under paragraph (a) of Section 108B-2a of this Article. The presence of the seal provided by this Section, or a satisfactory explanation for its absence, shall be a prerequisite for the disclosure of the contents of any private oral communication, or evidence derived from it, under paragraph (b) of Section 108B-2a of this Article.

(Source: P.A. 86-763.)

(725 ILCS 5/108B-10) (from Ch. 38, par. 108B-10)

Sec. 108B-10. Applications, orders, and custody.

(a) Applications made and orders granted under this Article for the interception of private oral communications shall be sealed by the chief judge issuing or denying them and held in custody as the judge shall direct. The applications and orders shall be kept for a period of 10 years. Destruction of the applications and orders prior to the expiration of that period of time may be made only upon the order of a court of competent jurisdiction. Disclosure of the applications and orders may be ordered by a court of competent jurisdiction on a showing of good cause.

(b) The electronic criminal surveillance officer shall retain a copy of applications and orders for the interception of private oral

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communications. The applications and orders shall be kept for a period of 10 years. Destruction of the applications and orders prior to the expiration of that period of time may be made only upon an order of a court of competent jurisdiction. Disclosure and use of the applications and orders may be made by an electronic criminal surveillance officer only in the proper performance of his official duties.

(c) In addition to any other remedies or penalties provided by law, any violation of this Section shall be punishable as contempt of court.

(Source: P.A. 85-1203.)

(725 ILCS 5/108B-11) (from Ch. 38, par. 108B-11)

Sec. 108B-11. Inventory.

(a) Within a reasonable period of time but not later than 90 days after the termination of the period of the order, or its extensions, or the date of the denial of an application made under Section 108B-8, the chief judge issuing or denying the order or extension shall cause an inventory to be served on any person:

(1) Named in the order;

(2) Arrested as a result of the interception of his private oral communication;

(3) Indicted or otherwise charged as a result of the interception of his private oral communication;

(4) Any person whose private oral communication was intercepted and who the judge issuing or denying the order or application may in his discretion determine should be informed in the interest of justice.

(b) The inventory under this Section shall include:

(1) Notice of the entry of the order or the application for an order denied under Section 108B-8;

(2) The date of the entry of the order or the denial of an order applied for under Section 108B-8;

(3) The period of authorized or disapproved interception; and

(4) The fact that during the period a private oral communication was or was not intercepted.

(c) A court of competent jurisdiction, upon filing of a motion, may in its discretion make available to those persons or their attorneys for inspection those portions of the intercepted communications, applications and orders as the court determines to be in the interest of justice.

(d) On an ex parte showing of good cause to a court of competent jurisdiction, the serving of the inventories required by this Section may be postponed for a period not to exceed 12 months.

(Source: P.A. 85-1203.)

(725 ILCS 5/108B-12) (from Ch. 38, par. 108B-12)

Sec. 108B-12. Approval, notice, suppression.

(a) If an electronic criminal surveillance officer, while intercepting a private oral communication in accordance with the provision of this Article, intercepts a private oral communication that relates to an offense other than an offense enumerated in Section 108B-3 of the Act, or relates to an offense enumerated in Section 108B-3 but not specified in the order of authorization, the State's Attorney, or a person designated in writing or by law to act for him, may, in order to permit the disclosure or use of the information under Section 108B-2a of this Act, make a motion for an order approving the interception. The chief judge of a court of competent jurisdiction shall enter an order approving the interception if he finds that at the time of the application, there existed probable cause to believe that a person whose private oral communication was intercepted was committing or had committed an

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offense and the content of the communication relates to that offense, and that the communication was otherwise intercepted in accordance with the provisions of this Article.

(b) An intercepted private oral communication, or evidence derived from it, may not be received in evidence or otherwise disclosed in an official proceeding unless each aggrieved person who is a party in the official proceeding, including any proceeding before a legislative, judicial, administrative or other governmental agency or official authorized to hear evidence under oath or other person taking testimony or depositions in any such proceeding, other than a grand jury, has, not less than 10 days before the official proceeding, been furnished with a copy of the court order, and the accompanying application, under which the interception was authorized or approved. The 10 day period may be waived by the presiding official if he finds that it was not practicable to furnish the person with the information 10 days before the proceeding, and that the person will not be or has not been prejudiced by delay in receiving the information.

(c) An aggrieved person in an official proceeding may make a motion under this Section to suppress the contents of an intercepted private oral communication, or evidence derived from it, on the grounds that:

- (1) The communication was unlawfully intercepted;
- (2) The order of authorization or approval under which it was intercepted is insufficient on its face; or
- (3) The interception was not made in conformity with the order of authorization or approval or at the time of the application there was not probable cause to believe that the aggrieved person was committing or had committed the offense to which the content of the private communication relates.

(d) If a motion under this Section duly alleges that the evidence sought to be suppressed in an official proceeding, including a grand jury, has been derived from an unlawfully intercepted private oral communication, and if the aggrieved person who is a party has not been served with notice of the interception under this Section, the opponent of the allegation shall, after conducting a thorough search of its files, affirm or deny the occurrence of the alleged unlawful interception, but no motion shall be considered if the alleged unlawful interception took place more than 5 years before the event to which the evidence relates.

(e) Where a motion is duly made under this Section prior to the appearance of a witness before a grand jury, the opponent of the motion may make such applications and orders as it has available to the chief judge of a court of competent jurisdiction in camera, and if the judge determines that there is no defect in them sufficient on its face to render them invalid, the judge shall inform the witness that he has not been the subject of an unlawful interception. If the judge determines that there is a defect in them sufficient on its face to render them invalid, he shall enter an order prohibiting any question being put to the witness based on the unlawful interception.

(f) Motions under this Section shall be made prior to the official proceeding unless there was no opportunity to make the motion or unless the aggrieved person who is a party was not aware of the grounds for the motion. Motions by co-indictees shall, on motion of the People, be heard in a single consolidated hearing.

(g) A chief judge of a court of competent jurisdiction, upon the filing of a motion by an aggrieved person who is a party under this Section, except before a grand jury, may make available for inspection by the aggrieved person or his attorney such portions of the intercepted private communications, applications and orders or

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the evidence derived from them as the judge determines to be in the interest of justice.

(h) If a motion under this Section is granted, the intercepted private oral communication, and evidence derived from it, may not be received in evidence in an official proceeding, including a grand jury.

(i) In addition to any other right of appeal, the People shall have the right to appeal from an order granting a motion to suppress if the official to whom the order authorizing the interception was granted certifies to the court that the appeal is not taken for purposes of delay. The appeal shall otherwise be taken in accordance with the law.

(Source: P.A. 85-1203.)

(725 ILCS 5/108B-14) (from Ch. 38, par. 108B-14)  
Sec. 108B-14. Training.

(a) The Director of the Illinois Department of State Police shall:

(1) Establish a course of training in the legal, practical, and technical aspects of the interception of private oral communications and related investigation and prosecution techniques;

(2) Issue regulations as he finds necessary for the training program;

(3) In cooperation with the Illinois Law Enforcement Training Standards Board, set minimum standards for certification and periodic recertification of electronic criminal surveillance officers as eligible to apply for orders authorizing the interception of private oral communications, to conduct the interceptions, and to use the private communications or evidence derived from them in official proceedings; and

(4) In cooperation with the Illinois Law Enforcement Training Standards Board, revoke or suspend the certification of any electronic criminal surveillance officer who has violated any law relating to electronic criminal surveillance, or any of the guidelines established by the Department for conducting electronic criminal surveillance.

(b) The Executive Director of the Illinois Law Enforcement Training Standards Board shall:

(1) Pursuant to the Illinois Police Training Act, review the course of training prescribed by the Department for the purpose of certification relating to reimbursement of expenses incurred by local law enforcement agencies participating in the electronic criminal surveillance officer training process, and

(2) Assist the Department in establishing minimum standards for certification and periodic recertification of electronic criminal surveillance officers as being eligible to apply for orders authorizing the interception of private oral communications, to conduct the interpretations, and to use the communications or evidence derived from them in official proceedings.

(Source: P.A. 88-586, eff. 8-12-94.)

Section 21. The Statewide Grand Jury Act is amended by changing Sections 2, 3, 4, and 10 as follows:

(725 ILCS 215/2) (from Ch. 38, par. 1702)

Sec. 2. (a) County grand juries and State's Attorneys have always had and shall continue to have primary responsibility for investigating, indicting, and prosecuting persons who violate the criminal laws of the State of Illinois. However, in recent years organized terrorist activity directed against innocent civilians and certain criminal enterprises have developed that require

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investigation, indictment, and prosecution on a statewide or multicounty level. The criminal These enterprises exist as a result of the allure of profitability present in narcotic activity, the unlawful sale and transfer of firearms, and streetgang related felonies and organized terrorist activity is supported by the contribution of money and expert assistance from geographically diverse sources. In order to shut off the life blood of terrorism and weaken or eliminate the criminal these enterprises, assets, and property used to further these offenses must be frozen, and any the profit must be removed. State statutes exist that can accomplish that goal. Among them are the offense of money laundering, the Cannabis and Controlled Substances Tax Act, violations of Article 29D of the Criminal Code of 1961, the Narcotics Profit Forfeiture Act, and gunrunning. Local prosecutors need investigative personnel and specialized training to attack and eliminate these profits. In light of the transitory and complex nature of conduct that constitutes these criminal activities, the many diverse property interests that may be used, acquired directly or indirectly as a result of these criminal activities, and the many places that illegally obtained property may be located, it is the purpose of this Act to create a limited, multicounty Statewide Grand Jury with authority to investigate, indict, and prosecute: narcotic activity, including cannabis and controlled substance trafficking, narcotics racketeering, money laundering, and violations of the Cannabis and Controlled Substances Tax Act; the unlawful sale and transfer of firearms; gunrunning; and streetgang related felonies.

(b) A Statewide Grand Jury may also investigate, indict, and prosecute violations facilitated by the use of a computer of any of the following offenses: indecent solicitation of a child, sexual exploitation of a child, soliciting for a juvenile prostitute, keeping a place of juvenile prostitution, juvenile pimping, or child pornography.

(Source: P.A. 91-225, eff. 1-1-00.)

(725 ILCS 215/3) (from Ch. 38, par. 1703)

Sec. 3. Written application for the appointment of a Circuit Judge to convene and preside over a Statewide Grand Jury, with jurisdiction extending throughout the State, shall be made to the Chief Justice of the Supreme Court. Upon such written application, the Chief Justice of the Supreme Court shall appoint a Circuit Judge from the circuit where the Statewide Grand Jury is being sought to be convened, who shall make a determination that the convening of a Statewide Grand Jury is necessary.

In such application the Attorney General shall state that the convening of a Statewide Grand Jury is necessary because of an alleged offense or offenses set forth in this Section involving more than one county of the State and identifying any such offense alleged; and

(a) that he or she believes that the grand jury function for the investigation and indictment of the offense or offenses cannot effectively be performed by a county grand jury together with the reasons for such belief, and

(b)(1) that each State's Attorney with jurisdiction over an offense or offenses to be investigated has consented to the impaneling of the Statewide Grand Jury, or

(2) if one or more of the State's Attorneys having jurisdiction over an offense or offenses to be investigated fails to consent to the impaneling of the Statewide Grand Jury, the Attorney General shall set forth good cause for impaneling the Statewide Grand Jury.

If the Circuit Judge determines that the convening of a Statewide

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Grand Jury is necessary, he or she shall convene and impanel the Statewide Grand Jury with jurisdiction extending throughout the State to investigate and return indictments:

(a) For violations of any of the following or for any other criminal offense committed in the course of violating any of the following: Article 29D of the Criminal Code of 1961, the Illinois Controlled Substances Act, the Cannabis Control Act, the Narcotics Profit Forfeiture Act, or the Cannabis and Controlled Substances Tax Act; a streetgang related felony offense; Section 24-2.1, 24-2.2, 24-3, 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961; or a money laundering offense; provided that the violation or offense involves acts occurring in more than one county of this State; and

(a-5) For violations facilitated by the use of a computer, including the use of the Internet, the World Wide Web, electronic mail, message board, newsgroup, or any other commercial or noncommercial on-line service, of any of the following offenses: indecent solicitation of a child, sexual exploitation of a child, soliciting for a juvenile prostitute, keeping a place of juvenile prostitution, juvenile pimping, or child pornography; and

(b) For the offenses of perjury, subornation of perjury, communicating with jurors and witnesses, and harassment of jurors and witnesses, as they relate to matters before the Statewide Grand Jury.

"Streetgang related" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

Upon written application by the Attorney General for the convening of an additional Statewide Grand Jury, the Chief Justice of the Supreme Court shall appoint a Circuit Judge from the circuit for which the additional Statewide Grand Jury is sought. The Circuit Judge shall determine the necessity for an additional Statewide Grand Jury in accordance with the provisions of this Section. No more than 2 Statewide Grand Juries may be empaneled at any time.

(Source: P.A. 91-225, eff. 1-1-00; 91-947, eff. 2-9-01.)

(725 ILCS 215/4) (from Ch. 38, par. 1704)

Sec. 4. (a) The presiding judge of the Statewide Grand Jury will receive recommendations from the Attorney General as to the county in which the Grand Jury will sit. Prior to making the recommendations, the Attorney General shall obtain the permission of the local State's Attorney to use his or her county for the site of the Statewide Grand Jury. Upon receiving the Attorney General's recommendations, the presiding judge will choose one of those recommended locations as the site where the Grand Jury shall sit.

Any indictment by a Statewide Grand Jury shall be returned to the Circuit Judge presiding over the Statewide Grand Jury and shall include a finding as to the county or counties in which the alleged offense was committed. Thereupon, the judge shall, by order, designate the county of venue for the purpose of trial. The judge may also, by order, direct the consolidation of an indictment returned by a county grand jury with an indictment returned by the Statewide Grand Jury and set venue for trial.

(b) Venue for purposes of trial for the offense of narcotics racketeering shall be proper in any county where:

(1) Cannabis or a controlled substance which is the basis for the charge of narcotics racketeering was used; acquired; transferred or distributed to, from or through; or any county where any act was performed to further the use; acquisition, transfer or distribution of said cannabis or controlled

substance; or

(2) Any money, property, property interest, or any other asset generated by narcotics activities was acquired, used, sold, transferred or distributed to, from or through; or,

(3) Any enterprise interest obtained as a result of narcotics racketeering was acquired, used, transferred or distributed to, from or through, or where any activity was conducted by the enterprise or any conduct to further the interests of such an enterprise.

(c) Venue for purposes of trial for the offense of money laundering shall be proper in any county where any part of a financial transaction in criminally derived property took place, or in any county where any money or monetary interest which is the basis for the offense, was acquired, used, sold, transferred or distributed to, from, or through.

(d) A person who commits the offense of cannabis trafficking or controlled substance trafficking may be tried in any county.

(e) Venue for purposes of trial for any violation of Article 29D of the Criminal Code of 1961 may be in the county in which an act of terrorism occurs, the county in which material support or resources are provided or solicited, the county in which criminal assistance is rendered, or any county in which any act in furtherance of any violation of Article 29D of the Criminal Code of 1961 occurs.

(Source: P.A. 87-466.)

(725 ILCS 215/10) (from Ch. 38, par. 1710)

Sec. 10. The Attorney General shall, at the earliest opportunity, upon initiation of Grand Jury action, consult with and advise the State's Attorney of any county involved in a Statewide Grand Jury terrorist or narcotics investigation. Further, the State's Attorney may attend the Grand Jury proceedings or the trial of any party being investigated or indicted by the Statewide Grand Jury, and may assist in the prosecution, which in his or her judgment, is in the interest of the people of his or her county. Prior to granting transactional immunity to any witness before the Statewide Grand Jury, any State's Attorney with jurisdiction over the offense or offenses being investigated by the Statewide Grand Jury must consent to the granting of immunity to the witness. Prior to granting use immunity to any witness before the Statewide Grand Jury, the Attorney General shall consult with any State's Attorney with jurisdiction over the offense or offenses being investigated by the Statewide Grand Jury.

(Source: P.A. 87-466.)

Section 25. The Unified Code of Corrections is amended by changing Sections 3-6-3 and 5-4-3 as follows:

(730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

Sec. 3-6-3. Rules and Regulations for Early Release.

(a) (1) The Department of Corrections shall prescribe rules and regulations for the early release on account of good conduct of persons committed to the Department which shall be subject to review by the Prisoner Review Board.

(2) The rules and regulations on early release shall provide, with respect to offenses committed on or after June 19, 1998, the following:

(i) that a prisoner who is serving a term of imprisonment for first degree murder or for the offense of terrorism shall receive no good conduct credit and shall serve the entire sentence imposed by the court;

(ii) that a prisoner serving a sentence for attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an

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unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, aggravated battery of a senior citizen, or aggravated battery of a child shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment; and

(iii) that a prisoner serving a sentence for home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has made and entered a finding, pursuant to subsection (c-1) of Section 5-4-1 of this Code, that the conduct leading to conviction for the enumerated offense resulted in great bodily harm to a victim, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.1) For all offenses, other than those enumerated in subdivision (a)(2) committed on or after June 19, 1998, and other than the offense of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, the rules and regulations shall provide that a prisoner who is serving a term of imprisonment shall receive one day of good conduct credit for each day of his or her sentence of imprisonment or recommitment under Section 3-3-9. Each day of good conduct credit shall reduce by one day the prisoner's period of imprisonment or recommitment under Section 3-3-9.

(2.2) A prisoner serving a term of natural life imprisonment or a prisoner who has been sentenced to death shall receive no good conduct credit.

(2.3) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999 shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.4) The rules and regulations on early release shall provide with respect to the offenses of aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm or aggravated discharge of a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm, committed on or after the effective date of this amendatory Act of 1999, that a prisoner serving a sentence for any of these offenses shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.5) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for aggravated arson committed on or after the effective date of this amendatory Act of the 92nd General Assembly shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(3) The rules and regulations shall also provide that the Director may award up to 180 days additional good conduct credit for meritorious service in specific instances as the Director deems proper; except that no more than 90 days of good conduct credit for meritorious service shall be awarded to any prisoner who is serving a sentence for conviction of first degree murder,

reckless homicide while under the influence of alcohol or any other drug, aggravated kidnapping, kidnapping, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, deviate sexual assault, aggravated criminal sexual abuse, aggravated indecent liberties with a child, indecent liberties with a child, child pornography, heinous battery, aggravated battery of a spouse, aggravated battery of a spouse with a firearm, stalking, aggravated stalking, aggravated battery of a child, endangering the life or health of a child, cruelty to a child, or narcotic racketeering. Notwithstanding the foregoing, good conduct credit for meritorious service shall not be awarded on a sentence of imprisonment imposed for conviction of: (i) one of the offenses enumerated in subdivision (a)(2) when the offense is committed on or after June 19, 1998, (ii) reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 when the offense is committed on or after January 1, 1999, (iii) one of the offenses enumerated in subdivision (a)(2.4) when the offense is committed on or after the effective date of this amendatory Act of 1999, or (iv) aggravated arson when the offense is committed on or after the effective date of this amendatory Act of the 92nd General Assembly.

(4) The rules and regulations shall also provide that the good conduct credit accumulated and retained under paragraph (2.1) of subsection (a) of this Section by any inmate during specific periods of time in which such inmate is engaged full-time in substance abuse programs, correctional industry assignments, or educational programs provided by the Department under this paragraph (4) and satisfactorily completes the assigned program as determined by the standards of the Department, shall be multiplied by a factor of 1.25 for program participation before August 11, 1993 and 1.50 for program participation on or after that date. However, no inmate shall be eligible for the additional good conduct credit under this paragraph (4) while assigned to a boot camp, mental health unit, or electronic detention, or if convicted of an offense enumerated in paragraph (a)(2) of this Section that is committed on or after June 19, 1998, or if convicted of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense is committed on or after January 1, 1999, or if convicted of an offense enumerated in paragraph (a)(2.4) of this Section that is committed on or after the effective date of this amendatory Act of 1999, or first degree murder, a Class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm, or any predecessor or successor offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses. No inmate shall be eligible for the additional good conduct credit under this paragraph (4) who (i) has previously received increased good conduct credit under this paragraph (4) and has subsequently been convicted of a felony, or (ii) has previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility.

Educational, vocational, substance abuse and correctional industry programs under which good conduct credit may be increased under this paragraph (4) shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program

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participants.

Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate.

(5) Whenever the Department is to release any inmate earlier than it otherwise would because of a grant of good conduct credit for meritorious service given at any time during the term, the Department shall give reasonable advance notice of the impending release to the State's Attorney of the county where the prosecution of the inmate took place.

(b) Whenever a person is or has been committed under several convictions, with separate sentences, the sentences shall be construed under Section 5-8-4 in granting and forfeiting of good time.

(c) The Department shall prescribe rules and regulations for revoking good conduct credit, or suspending or reducing the rate of accumulation of good conduct credit for specific rule violations, during imprisonment. These rules and regulations shall provide that no inmate may be penalized more than one year of good conduct credit for any one infraction.

When the Department seeks to revoke, suspend or reduce the rate of accumulation of any good conduct credits for an alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(4) of Section 3-3-2 of this Code, if the amount of credit at issue exceeds 30 days or when during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In those cases, the Department of Corrections may revoke up to 30 days of good conduct credit. The Board may subsequently approve the revocation of additional good conduct credit, if the Department seeks to revoke good conduct credit in excess of 30 days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of good conduct credit within any calendar year for any prisoner or to increase any penalty beyond the length requested by the Department.

The Director of the Department of Corrections, in appropriate cases, may restore up to 30 days good conduct credits which have been revoked, suspended or reduced. Any restoration of good conduct credits in excess of 30 days shall be subject to review by the Prisoner Review Board. However, the Board may not restore good conduct credit in excess of the amount requested by the Director.

Nothing contained in this Section shall prohibit the Prisoner Review Board from ordering, pursuant to Section 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the sentence imposed by the court that was not served due to the accumulation of good conduct credit.

(d) If a lawsuit is filed by a prisoner in an Illinois or federal court against the State, the Department of Corrections, or the Prisoner Review Board, or against any of their officers or employees, and the court makes a specific finding that a pleading,

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motion, or other paper filed by the prisoner is frivolous, the Department of Corrections shall conduct a hearing to revoke up to 180 days of good conduct credit by bringing charges against the prisoner sought to be deprived of the good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(8) of Section 3-3-2 of this Code. If the prisoner has not accumulated 180 days of good conduct credit at the time of the finding, then the Prisoner Review Board may revoke all good conduct credit accumulated by the prisoner.

For purposes of this subsection (d):

(1) "Frivolous" means that a pleading, motion, or other filing which purports to be a legal document filed by a prisoner in his or her lawsuit meets any or all of the following criteria:

(A) it lacks an arguable basis either in law or in fact;

(B) it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(C) the claims, defenses, and other legal contentions therein are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(D) the allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; or

(E) the denials of factual contentions are not warranted on the evidence, or if specifically so identified, are not reasonably based on a lack of information or belief.

(2) "Lawsuit" means a petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963, a motion pursuant to Section 116-3 of the Code of Criminal Procedure of 1963, a habeas corpus action under Article X of the Code of Civil Procedure or under federal law (28 U.S.C. 2254), a petition for claim under the Court of Claims Act or an action under the federal Civil Rights Act (42 U.S.C. 1983).

(e) Nothing in this amendatory Act of 1998 affects the validity of Public Act 89-404.

(Source: P.A. 91-121, eff. 7-15-99; 91-357, eff. 7-29-99; 92-176, eff. 7-27-01.)

(730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

Sec. 5-4-3. Persons convicted of, or found delinquent for, qualifying offenses or institutionalized as sexually dangerous; blood specimens; genetic marker groups.

(a) Any person convicted of, found guilty under the Juvenile Court Act of 1987 for, or who received a disposition of court supervision for, a qualifying offense or attempt of a qualifying offense, or institutionalized as a sexually dangerous person under the Sexually Dangerous Persons Act, or committed as a sexually violent person under the Sexually Violent Persons Commitment Act shall, regardless of the sentence or disposition imposed, be required to submit specimens of blood to the Illinois Department of State Police in accordance with the provisions of this Section, provided such person is:

(1) convicted of a qualifying offense or attempt of a qualifying offense on or after the effective date of this amendatory Act of 1989, and sentenced to a term of imprisonment, periodic imprisonment, fine, probation, conditional discharge or any other form of sentence, or given a disposition of court supervision for the offense, or

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(1.5) found guilty or given supervision under the Juvenile Court Act of 1987 for a qualifying offense or attempt of a qualifying offense on or after the effective date of this amendatory Act of 1996, or

(2) ordered institutionalized as a sexually dangerous person on or after the effective date of this amendatory Act of 1989, or

(3) convicted of a qualifying offense or attempt of a qualifying offense before the effective date of this amendatory Act of 1989 and is presently confined as a result of such conviction in any State correctional facility or county jail or is presently serving a sentence of probation, conditional discharge or periodic imprisonment as a result of such conviction, or

(4) presently institutionalized as a sexually dangerous person or presently institutionalized as a person found guilty but mentally ill of a sexual offense or attempt to commit a sexual offense; or

(4.5) ordered committed as a sexually violent person on or after the effective date of the Sexually Violent Persons Commitment Act; or

(5) seeking transfer to or residency in Illinois under Sections 3-3-11 through 3-3-11.5 of the Unified Code of Corrections (Interstate Compact for the Supervision of Parolees and Probationers) or the Interstate Agreements on Sexually Dangerous Persons Act.

(a-5) Any person who was otherwise convicted of or received a disposition of court supervision for any other offense under the Criminal Code of 1961 or any offense classified as a felony under Illinois law or who was found guilty or given supervision for such a violation under the Juvenile Court Act of 1987, may, regardless of the sentence imposed, be required by an order of the court to submit specimens of blood to the Illinois Department of State Police in accordance with the provisions of this Section.

(b) Any person required by paragraphs (a)(1), (a)(1.5), (a)(2), and (a-5) to provide specimens of blood shall provide specimens of blood within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police.

(c) Any person required by paragraphs (a)(3), (a)(4), and (a)(4.5) to provide specimens of blood shall be required to provide such samples prior to final discharge, parole, or release at a collection site designated by the Illinois Department of State Police.

(c-5) Any person required by paragraph (a)(5) to provide specimens of blood shall, where feasible, be required to provide the specimens before being accepted for conditioned residency in Illinois under the interstate compact or agreement, but no later than 45 days after arrival in this State.

(d) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of blood samples. The collection of samples shall be performed in a medically approved manner. Only a physician authorized to practice medicine, a registered nurse or other qualified person trained in venipuncture may withdraw blood for the purposes of this Act. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(e) The genetic marker groupings shall be maintained by the Illinois Department of State Police, Division of Forensic Services.

(f) The genetic marker grouping analysis information obtained

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pursuant to this Act shall be confidential and shall be released only to peace officers of the United States, of other states or territories, of the insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois and to all prosecutorial agencies. Notwithstanding any other statutory provision to the contrary, all information obtained under this Section shall be maintained in a single State data base, which may be uploaded into a national database, and may not be subject to expungement.

(g) For the purposes of this Section, "qualifying offense" means any of the following:

(1) Any violation or inchoate violation of Section 11-6, 11-9.1, 11-11, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, or 12-33 of the Criminal Code of 1961, or

(1.1) Any violation or inchoate violation of Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which persons are convicted on or after July 1, 2001, or

(2) Any former statute of this State which defined a felony sexual offense, or

(3) Any violation of paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 when the sentencing court, upon a motion by the State's Attorney or Attorney General, makes a finding that the child luring involved an intent to commit sexual penetration or sexual conduct as defined in Section 12-12 of the Criminal Code of 1961, or

(4) Any violation or inchoate violation of Section 9-3.1, 11-9.3, 12-3.3, 12-4.2, 12-4.3, 12-7.3, 12-7.4, 18-5, 19-3, 20-1.1, or 20.5-5 of the Criminal Code of 1961, or

(5) Any violation or inchoate violation of Article 29D of the Criminal Code of 1961.

(g-5) The Department of State Police is not required to provide equipment to collect or to accept or process blood specimens from individuals convicted of any offense listed in paragraph (1.1) or (4) of subsection (g), until acquisition of the resources necessary to process such blood specimens, or in the case of paragraph (1.1) of subsection (g) until July 1, 2003, whichever is earlier.

Upon acquisition of necessary resources, including an appropriation for the purpose of implementing this amendatory Act of the 91st General Assembly, but in the case of paragraph (1.1) of subsection (g) no later than July 1, 2003, the Department of State Police shall notify the Department of Corrections, the Administrative Office of the Illinois Courts, and any other entity deemed appropriate by the Department of State Police, to begin blood specimen collection from individuals convicted of offenses enumerated in paragraphs (1.1) and (4) of subsection (g) that the Department is prepared to provide collection equipment and receive and process blood specimens from individuals convicted of offenses enumerated in paragraph (1.1) of subsection (g).

Until the Department of State Police provides notification, designated collection agencies are not required to collect blood specimen from individuals convicted of offenses enumerated in paragraphs (1.1) and (4) of subsection (g).

(h) The Illinois Department of State Police shall be the State central repository for all genetic marker grouping analysis information obtained pursuant to this Act. The Illinois Department of State Police may promulgate rules for the form and manner of the collection of blood samples and other procedures for the operation of this Act. The provisions of the Administrative Review Law shall

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apply to all actions taken under the rules so promulgated.

(i) A person required to provide a blood specimen shall cooperate with the collection of the specimen and any deliberate act by that person intended to impede, delay or stop the collection of the blood specimen is a Class A misdemeanor.

(j) Any person required by subsection (a) to submit specimens of blood to the Illinois Department of State Police for analysis and categorization into genetic marker grouping, in addition to any other disposition, penalty, or fine imposed, shall pay an analysis fee of \$500. Upon verified petition of the person, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay the fee.

(k) All analysis and categorization fees provided for by subsection (j) shall be regulated as follows:

(1) The State Offender DNA Identification System Fund is hereby created as a special fund in the State Treasury.

(2) All fees shall be collected by the clerk of the court and forwarded to the State Offender DNA Identification System Fund for deposit. The clerk of the circuit court may retain the amount of \$10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.

(3) Fees deposited into the State Offender DNA Identification System Fund shall be used by Illinois State Police crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made pursuant to existing laws and shall be designated for the exclusive use of State crime laboratories. These uses may include, but are not limited to, the following:

(A) Costs incurred in providing analysis and genetic marker categorization as required by subsection (d).

(B) Costs incurred in maintaining genetic marker groupings as required by subsection (e).

(C) Costs incurred in the purchase and maintenance of equipment for use in performing analyses.

(D) Costs incurred in continuing research and development of new techniques for analysis and genetic marker categorization.

(E) Costs incurred in continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(1) The failure of a person to provide a specimen, or of any person or agency to collect a specimen, within the 45 day period shall in no way alter the obligation of the person to submit such specimen, or the authority of the Illinois Department of State Police or persons designated by the Department to collect the specimen, or the authority of the Illinois Department of State Police to accept, analyze and maintain the specimen or to maintain or upload results of genetic marker grouping analysis information into a State or national database.

(Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01; 92-40, eff. 6-29-01.)

Section 30. The Charitable Trust Act is amended by adding Section 16.5 as follows:

(760 ILCS 55/16.5 new)

Sec. 16.5. Terrorist acts.

(a) Any person or organization subject to registration under this Act, who acts to further, directly or indirectly, or uses charitable assets to conduct or further, directly or indirectly, an act or actions as set forth in Article 29D of the Criminal Code of

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1961, is thereby engaged in an act or actions contrary to public policy and antithetical to charity, and all of the funds, assets, and records of the person or organization shall be subject to temporary and permanent injunction from use or expenditure and the appointment of a temporary and permanent receiver to take possession of all of the assets and related records.

(b) Upon a finding that a person or organization has acted or is in violation of this Section, the person or organization shall be permanently enjoined from soliciting funds from the public, holding charitable funds, or acting as a trustee or fiduciary within Illinois. Upon a finding of violation all assets and funds held by the person or organization shall be forfeited to the People of the State of Illinois or otherwise ordered by the court to be accounted for and marshaled and then delivered to charitable causes and uses within the State of Illinois by court decree.

(c) An ex parte action may be commenced by the Attorney General, and, upon a showing of reasonable suspicion of a violation of this Section or Article 29D of the Criminal Code of 1961, an immediate seizure of books and records and assets by the Attorney General by and through his or her assistants or investigators or the Department of State Police shall be made by order of a court to protect the public, protect the assets, and allow a full review of the records.

(d) A determination under this Section may be made by any court separate and apart from any criminal proceedings and the standard of proof shall be that for civil proceedings.

(e) Any use of charitable assets to conduct or further, directly or indirectly, an act or actions set forth in Article 29D of the Criminal Code of 1961 shall be a misuse of charitable assets and breach of fiduciary duty relative to all other Sections of this Act.

(720 ILCS 5/Article 29C rep.)

Section 95. The Criminal Code of 1961 is amended by repealing Article 29C.

Section 96. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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. 2619 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2619 by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-15 as follows:

(235 ILCS 5/6-15) (from Ch. 43, par. 130)

Sec. 6-15. No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the State or any political subdivision thereof except as provided in this Act. The corporate authorities of any city, village, incorporated town or township may provide by ordinance, however, that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality or township, or in any building located on land under the control of the municipality; provided that such township complies with all

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applicable local ordinances in any incorporated area of the township. Alcoholic liquors may be delivered to and sold at any airport belonging to or under the control of a municipality of more than 25,000 inhabitants, or in any building or on any golf course owned by a park district organized under the Park District Code, subject to the approval of the governing board of the district, or in any building or on any golf course owned by a forest preserve district organized under the Downstate Forest Preserve District Act, subject to the approval of the governing board of the district, or on the grounds within 500 feet of any building owned by a forest preserve district organized under the Downstate Forest Preserve District Act during times when food is dispensed for consumption within 500 feet of the building from which the food is dispensed, subject to the approval of the governing board of the district, or in a building owned by a Local Mass Transit District organized under the Local Mass Transit District Act, subject to the approval of the governing Board of the District, or in Bicentennial Park, or on the premises of the City of Mendota Lake Park located adjacent to Route 51 in Mendota, Illinois, or on the premises of Camden Park in Milan, Illinois, or in the community center owned by the City of Loves Park that is located at 1000 River Park Drive in Loves Park, Illinois, or, in connection with the operation of an established food serving facility during times when food is dispensed for consumption on the premises, and at the following aquarium and museums located in public parks: Art Institute of Chicago, Chicago Academy of Sciences, Chicago Historical Society, Field Museum of Natural History, Museum of Science and Industry, DuSable Museum of African American History, John G. Shedd Aquarium and Adler Planetarium, or at Lakeview Museum of Arts and Sciences in Peoria, or in connection with the operation of the facilities of the Chicago Zoological Society or the Chicago Horticultural Society on land owned by the Forest Preserve District of Cook County, or in any building located on land owned by the Chicago Park District if approved by the Park District Commissioners, or on any land used for a golf course or for recreational purposes and owned by the Illinois International Port District if approved by the District's governing board, or at any airport, golf course, faculty center, or facility in which conference and convention type activities take place belonging to or under control of any State university or public community college district, provided that with respect to a facility for conference and convention type activities alcoholic liquors shall be limited to the use of the convention or conference participants or participants in cultural, political or educational activities held in such facilities, and provided further that the faculty or staff of the State university or a public community college district, or members of an organization of students, alumni, faculty or staff of the State university or a public community college district are active participants in the conference or convention, or by a catering establishment which has rented facilities from a board of trustees of a public community college district, or, if approved by the District board, on land owned by the Metropolitan Sanitary District of Greater Chicago and leased to others for a term of at least 20 years. Nothing in this Section precludes the sale or delivery of alcoholic liquor in the form of original packaged goods in premises located at 500 S. Racine in Chicago belonging to the University of Illinois and used primarily as a grocery store by a commercial tenant during the term of a lease that predates the University's acquisition of the premises; but the University shall have no power or authority to renew, transfer, or extend the lease with terms allowing the sale of alcoholic liquor; and the sale of alcoholic liquor shall be subject to all local laws

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and regulations. After the acquisition by Winnebago County of the property located at 404 Elm Street in Rockford, a commercial tenant who sold alcoholic liquor at retail on a portion of the property under a valid license at the time of the acquisition may continue to do so for so long as the tenant and the County may agree under existing or future leases, subject to all local laws and regulations regarding the sale of alcoholic liquor. Each facility shall provide dram shop liability in maximum insurance coverage limits so as to save harmless the State, municipality, State university, airport, golf course, faculty center, facility in which conference and convention type activities take place, park district, Forest Preserve District, public community college district, aquarium, museum, or sanitary district from all financial loss, damage or harm. Alcoholic liquors may be sold at retail in buildings of golf courses owned by municipalities in connection with the operation of an established food serving facility during times when food is dispensed for consumption upon the premises. Alcoholic liquors may be delivered to and sold at retail in any building owned by a fire protection district organized under the Fire Protection District Act, provided that such delivery and sale is approved by the board of trustees of the district, and provided further that such delivery and sale is limited to fundraising events and to a maximum of 6 events per year.

Alcoholic liquor may be delivered to and sold at retail in the Dorchester Senior Business Center owned by the Village of Dolton if the alcoholic liquor is sold or dispensed only in connection with organized functions for which the planned attendance is 20 or more persons, and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Village of Dolton and the State from all financial loss, damage and harm.

Alcoholic liquors may be delivered to and sold at retail in any building used as an Illinois State Armory provided:

(i) the Adjutant General's written consent to the issuance of a license to sell alcoholic liquor in such building is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons; and

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to save harmless the facility and the State from all financial loss, damage or harm.

Alcoholic liquors may be delivered to and sold at retail in the Chicago Civic Center, provided that:

(i) the written consent of the Public Building Commission which administers the Chicago Civic Center is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons;

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to hold harmless the Civic Center, the City of Chicago and the State from all financial loss, damage or harm; and

(v) all applicable local ordinances are complied with.

Alcoholic liquors may be delivered or sold in any building belonging to or under the control of any city, village or

incorporated town where more than 75% of the physical properties of the building is used for commercial or recreational purposes, and the building is located upon a pier extending into or over the waters of a navigable lake or stream or on the shore of a navigable lake or stream. Alcoholic liquor may be sold in buildings under the control of the Department of Natural Resources when written consent to the issuance of a license to sell alcoholic liquor in such buildings is filed with the Commission by the Department of Natural Resources. Notwithstanding any other provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources concessionaire who was operating on June 1, 1991 for on-premises consumption only is not subject to the provisions of Articles IV and IX. Beer and wine may be sold on the premises of the Joliet Park District Stadium owned by the Joliet Park District when written consent to the issuance of a license to sell beer and wine in such premises is filed with the local liquor commissioner by the Joliet Park District. Beer and wine may be sold in buildings on the grounds of State veterans' homes when written consent to the issuance of a license to sell beer and wine in such buildings is filed with the Commission by the Department of Veterans' Affairs, and the facility shall provide dram shop liability in maximum insurance coverage limits so as to save the facility harmless from all financial loss, damage or harm. Such liquors may be delivered to and sold at any property owned or held under lease by a Metropolitan Pier and Exposition Authority or Metropolitan Exposition and Auditorium Authority.

Beer and wine may be sold and dispensed at professional sporting events and at professional concerts and other entertainment events conducted on premises owned by the Forest Preserve District of Kane County, subject to the control of the District Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage and harm.

Nothing in this Section shall preclude the sale or delivery of beer and wine at a State or county fair or the sale or delivery of beer or wine at a city fair in any otherwise lawful manner.

Alcoholic liquors may be sold at retail in buildings in State parks under the control of the Department of Natural Resources, provided:

a. the State park has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Department of Natural Resources, and

c. the alcoholic liquors are sold by the State park lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight. Notwithstanding any other provision of this Act, alcoholic liquor sold by the State park or restaurant concessionaire is not subject to the provisions of Articles IV and IX.

Alcoholic liquors may be sold at retail in buildings on properties under the control of the Historic Preservation Agency provided:

a. the property has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic

liquors in the buildings has been filed with the commission by the Historic Preservation Agency, and

c. the alcoholic liquors are sold by the lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight.

The sale of alcoholic liquors pursuant to this Section does not authorize the establishment and operation of facilities commonly called taverns, saloons, bars, cocktail lounges, and the like except as a part of lodge and restaurant facilities in State parks or golf courses owned by Forest Preserve Districts with a population of less than 3,000,000 or municipalities or park districts.

Alcoholic liquors may be sold at retail in the Springfield Administration Building of the Department of Transportation and the Illinois State Armory in Springfield; provided, that the controlling government authority may consent to such sales only if

- a. the request is from a not-for-profit organization;
- b. such sales would not impede normal operations of the departments involved;
- c. the not-for-profit organization provides dram shop liability in maximum insurance coverage limits and agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm;
- d. no such sale shall be made during normal working hours of the State of Illinois; and
- e. the consent is in writing.

Alcoholic liquors may be sold at retail in buildings in recreational areas of river conservancy districts under the control of, or leased from, the river conservancy districts. Such sales are subject to reasonable local regulations as provided in Article IV; however, no such regulations may prohibit or substantially impair the sale of alcoholic liquors on Sundays or Holidays.

Alcoholic liquors may be provided in long term care facilities owned or operated by a county under Division 5-21 or 5-22 of the Counties Code, when approved by the facility operator and not in conflict with the regulations of the Illinois Department of Public Health, to residents of the facility who have had their consumption of the alcoholic liquors provided approved in writing by a physician licensed to practice medicine in all its branches.

Alcoholic liquors may be delivered to and dispensed in State housing assigned to employees of the Department of Corrections. No person shall furnish or allow to be furnished any alcoholic liquors to any prisoner confined in any jail, reformatory, prison or house of correction except upon a physician's prescription for medicinal purposes.

Alcoholic liquors may be sold at retail or dispensed at the Willard Ice Building in Springfield, at the State Library in Springfield, and at Illinois State Museum facilities by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the controlling government authority, or by (2) a not-for-profit organization, provided that such organization:

- a. Obtains written consent from the controlling government authority;
- b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;
- c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;
- d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the

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carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at authorized functions.

The controlling government authority for the Willard Ice Building in Springfield shall be the Director of the Department of Revenue. The controlling government authority for Illinois State Museum facilities shall be the Director of the Illinois State Museum. The controlling government authority for the State Library in Springfield shall be the Secretary of State.

Alcoholic liquors may be delivered to and sold at retail or dispensed at any facility, property or building under the jurisdiction of the Historic Preservation Agency where the delivery, sale or dispensing is by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from a controlling government authority, or by (2) a not-for-profit organization provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal workings of State offices or operations located at the facility, property or building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity of the not-for-profit organization in the facility, property or building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

The controlling government authority for the Historic Preservation Agency shall be the Director of the Historic Preservation Agency.

Alcoholic liquors may be sold at retail or dispensed at the James R. Thompson Center in Chicago and 222 South College Street in Springfield, Illinois by (1) a commercial tenant or subtenant conducting business on the premises under a lease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who sells or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify and save harmless the State of Illinois from all financial loss, damage or harm arising out of the sale or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop

liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold or delivered at any facility owned by the Illinois Sports Facilities Authority provided that dram shop liability insurance has been made available in a form, with such coverage and in such amounts as the Authority reasonably determines is necessary.

Alcoholic liquors may be sold at retail or dispensed at the Rockford State Office Building by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Department of Central Management Services, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Department of Central Management Services.

Alcoholic liquors may be sold or delivered in a building that is owned by McLean County, situated on land owned by the county in the City of Bloomington, and used by the McLean County Historical Society if the sale or delivery is approved by an ordinance adopted by the county board, and the municipality in which the building is located may not prohibit that sale or delivery, notwithstanding any other provision of this Section. The regulation of the sale and delivery of alcoholic liquor in a building that is owned by McLean County, situated on land owned by the county, and used by the McLean County Historical Society as provided in this paragraph is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to regulate that sale and delivery.

Alcoholic liquors may be sold or delivered in any building situated on land held in trust for any school district organized under Article 34 of the School Code, if the building is not used for school purposes and if the sale or delivery is approved by the board of education.

Alcoholic liquors may be sold or delivered in buildings owned by the Community Building Complex Committee of Boone County, Illinois if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance with coverage and in amounts that the Committee reasonably determines are necessary.

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Alcoholic liquors may be sold or delivered in the building located at 1200 Centerville Avenue in Belleville, Illinois and occupied by either the Belleville Area Special Education District or the Belleville Area Special Services Cooperative. (Source: P.A. 90-14, eff. 7-1-97; 91-239, eff. 1-1-00; 91-922, eff. 7-7-00.)".

Section 99. Effective date. The Act shall take 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. 2729 having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2729 by replacing by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Section 25-11 as follows:

(10 ILCS 5/25-11) (from Ch. 46, par. 25-11)

Sec. 25-11. When a vacancy occurs in any elective county office, or in a county of less than 3,000,000 population in the office of clerk of the circuit court, in a county which is not a home rule unit, the county board or board of county commissioners shall declare that such vacancy exists and notification thereof shall be given to the county central committee or the appropriate county board or board of county commissioners district committee of each established political party within 3 days of the occurrence of the vacancy. The vacancy shall be filled within 60 days by appointment of the chairman of the county board or board of county commissioners with the advice and consent of the county board or board of county commissioners. In counties in which forest preserve district commissioners are elected by districts and are not also members of the county board, however, vacancies in the office of forest preserve district commissioner shall be filled within 60 days by appointment of the president of the forest preserve district board of commissioners with the advice and consent of the forest preserve district board of commissioners. In counties in which the forest preserve district president is not also a member the county board, vacancies in the office of forest preserve district president shall be filled within 60 days by the forest preserve district board of commissioners by appointing one of the commissioners to serve as president. The appointee shall be a member of the same political party as the person he succeeds was at the time of his election and shall be otherwise eligible to serve. The appointee shall serve the remainder of the unexpired term. However, if more than 28 months remain in the term, the appointment shall be until the next general election at which time the vacated office shall be filled by election for the remainder of the term. In the case of a vacancy in a seat on a county board or board of county commissioners which has been divided into districts under Section 2-3003 or 2-4006.5 of the Counties Code, the appointee must also be a resident of the county board or county commission district. If a county commissioner ceases to reside in the district that he or she represents, a vacancy in that office exists.

Except as otherwise provided by county ordinance or by law, in any county which is a home rule unit, vacancies in elective county offices, other than the office of chief executive officer, and

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vacancies in the office of clerk of the circuit court in a county of less than 3,000,000 population, shall be filled by the county board or board of county commissioners.

(Source: P.A. 92-189, eff. 8-1-01.)

Section 10. The Downstate Forest Preserve District Act is amended by changing Section 3c as follows:

(70 ILCS 805/3c)

Sec. 3c. Elected board of commissioners in certain counties. If the boundaries of a district are co-extensive with the boundaries of a county having a population of more than 800,000 but less than 3,000,000, all commissioners of the forest preserve district shall be elected from the same districts as members of the county board beginning with the general election held in 2002 and each succeeding general election. One commissioner shall be elected from each district. At their first meeting after their election in 2002 and following each subsequent decennial reapportionment of the county under Division 2-3 of the Counties Code, the elected commissioners shall publicly by lot divide themselves into 2 groups, as equal in size as possible. Commissioners from the first group shall serve for terms of 2, 4, and 4 years; and commissioners from the second group shall serve terms of 4, 4, and 2 years. ~~Commissioners elected under this Section shall take office at the first meeting of commissioners following an election of commissioners.~~ Beginning with the general election in 2002, the president of the board of commissioners of the forest preserve district shall be elected by the voters of the county, rather than by the commissioners. The president shall be a resident of the county and shall be elected throughout the county for a 4-year term without having been first elected as commissioner of the forest preserve district. The term of office for the president and commissioners elected under this Section shall commence on the first Monday of the month following the month of election. Neither a commissioner nor the president of the board of commissioners of that forest preserve district shall serve simultaneously as member or chairman of the county board. No person shall seek election to both the forest preserve commission and the county board at the same election. The compensation for the president shall be an amount equal to 85% of the annual salary of the county board chairman. The president, with the advice and consent of the board of commissioners shall appoint a secretary, treasurer, and such other officers as deemed necessary by the board of commissioners, which officers need not be members of the board of commissioners. The president shall have the powers and duties as specified in Section 12 of this Act.

Candidates for president and commissioner shall be candidates of established political parties.

If a vacancy in the office of president or commissioner occurs, other than by expiration of the president's or a commissioner's term, the forest preserve district board of commissioners shall declare that a vacancy exists and notification of the vacancy shall be given to the county central committee of each established political party within 3 business days after the occurrence of the vacancy. If the vacancy occurs in the office of forest preserve district commissioner, the president of the board of commissioners shall, within 60 days after the date of the vacancy, with the advice and consent of other commissioners then serving, appoint a person an individual to serve for the remainder of the unexpired term. The appointee shall be affiliated with the same political party as the commissioner in whose office the vacancy occurred and be a resident of such district. If a vacancy in the office of president occurs, other than by expiration of the president's term, the remaining members of the board of commissioners shall, within 60 days after the

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vacancy, appoint one of the commissioners to serve as president for the remainder of the unexpired term. In that case, the office of the commissioner who is appointed to serve as president shall be deemed vacant and shall be filled within 60 days by appointment of the president with the advice and consent of the other forest preserve district commissioners. The commissioner who is appointed to fill a vacancy in the office of president shall be affiliated with the same political party as the person who occupied the office of president prior to the vacancy. A person appointed to fill a vacancy in the office of president or commissioner shall establish his or her party affiliation by his or her record of voting in primary elections or by holding or having held an office in an established political party organization before the appointment. If the appointee has not voted in a party primary election or is not holding or has not held an office in an established political party organization before the appointment, the appointee shall establish his or her political party affiliation by his or her record of participating in an established political party's nomination or election caucus. If, however, more than 28 months remain in the unexpired term of a commissioner or the president, the appointment shall be until the next general consolidated election, at which time the vacated office of commissioner or president shall be filled by election for the remainder of the term. Notwithstanding any law to the contrary, if a vacancy occurs after the last day provided in Section 7-12 of the Election Code for filing nomination papers for the office of president of a forest preserve district where that office is elected as provided for in this Section, or as set forth in Section 7-61 of the Election Code, a vacancy in nomination shall be filled by the passage of a resolution by the nominating committee of the affected political party within the time periods specified in the Election Code. The nominating committee shall consist of the chairman of the county central committee and the township chairmen of the affected political party. All other vacancies in nomination shall be filled in accordance with the provisions of the Election Code.

The president and commissioners elected under this Section may be reimbursed for their reasonable expenses actually incurred in performing their official duties under this Act in accordance with the provisions of Section 3a. The reimbursement paid under this Section shall be paid by the forest preserve district.

Compensation for forest preserve commissioners elected under this Section shall be the same as that of county board members of the county with which the forest preserve district's boundaries are co-extensive.

(Source: P.A. 91-933, eff. 12-30-00.)".

#### AMENDMENT NO. 2

AMENDMENT NO. 2. Amend HOUSE Bill 2729, AS AMENDED, by replacing the title with "An Act in relation to forest preserve districts."; and

with reference to page and line numbers of Senate Amendment No. 1, by adding after the last line on page 6, the following:

"Section 20. The Forest Preserve Zoological Parks Act is amended by changing Sections 1 and 2 as follows:

(70 ILCS 835/1) (from Ch. 96 1/2, par. 6801)

Sec. 1. The corporate authorities of forest preserve districts, containing a population of 140,000 ~~150,000~~ or more located in counties of less than 3,000,000 inhabitants, having the control or supervision of any forest preserves, may erect and maintain within such forest preserves, under the control or supervision of such corporate authorities, edifices to be used for the collection and

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display of animals as customary in zoological parks, and may collect and display such animals, or permit the directors or trustees of any zoological society devoted to the purpose aforesaid to erect and maintain a zoological park and to collect and display zoological collections within any forest preserve now or hereafter under the control or supervision of such forest preserve district, out of funds belonging to such zoological society, or to contract with the directors or trustees of any zoological society on such terms and conditions as may to such corporate authorities seem best, relative to the erection, operation and maintenance of a zoological park and collection and display of such animals within such forest preserve, out of the tax hereinafter in this Act provided.

This Act applies to any forest preserve district that maintains a zoological park that was established under this Act prior to 1964, regardless of whether the population requirements continue to be met.

Such a forest preserve district, or the directors or trustee of such zoological society when so authorized by the forest preserve district, may (a) police the property of the zoological park, (b) employ, establish, maintain and equip a security force for fire and police protection of the zoological park and (c) provide that the personnel of the security force shall other tasks relating to the maintenance and operation of the zoological park. Members of the security force shall be conservators of the peace with all the powers of policemen in cities and of sheriffs, other than to serve or execute civil processes, but such powers may be exercised only within the area comprising the zoological park when required to protect the zoological park's property and interests, its personnel and persons using the facilities or at the specific request of appropriate federal, State or local law enforcement officials.

Such forest preserve district may charge, or permit such zoological society to charge an admission fee. The proceeds of such admission fee shall be devoted exclusively to the operation and maintenance of such zoological park and the collections therein. All such zoological parks shall be open to the public without charge for at least one day each week and to the children in actual attendance upon any of the schools in the State at all times, except that charges may be made at any time for special services and for admission to special facilities within any zoological park for the education, entertainment or convenience of visitors.

(Source: P.A. 91-817, eff. 6-13-00.)

(70 ILCS 835/2) (from Ch. 96 1/2, par. 6802)

Sec. 2. For the purpose of constructing and maintaining and caring for any such zoological park and the buildings and grounds thereof and of securing and displaying zoological collections thereon the corporate authorities of any forest preserve district containing a population of 150,000 or more but less than 3,000,000 are authorized to levy annually a tax of not to exceed .0058% of value as equalized or assessed by the Department of Revenue, upon all the taxable property in the district; provided however, in a forest preserve district located in a county with a population in excess of 140,000 ~~150,000~~ but less than 200,000 and contiguous to the Mississippi River, the annual tax may be at a rate not to exceed .01%. This tax shall be levied and collected in the same manner as the general taxes of the forest preserve district and shall be in addition to the maximum of all other taxes and tax rates which the district is now or may hereafter be authorized to levy upon the aggregate valuation of all taxable property within the district and shall be exclusive of and in addition to the maximum amount and rate of taxes the district is now or may hereafter be authorized to levy for general purposes under Section 13 of "An Act to provide for the

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creation and management of forest preserve districts and repealing certain Acts therein named", approved June 27, 1913, as amended, or under any other law which may limit the amount of tax which the district may levy for general purposes. The proceeds of the tax herein authorized shall be kept as a separate fund. (Source: P.A. 85-1352.)".

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

Senator Karpziel announced that there will be a Republican caucus at 8:30 o'clock a.m., Thursday, November 15, 2001.

#### COMMITTEE MEETING ANNOUNCEMENT

Senator Cronin, Chairperson of the Committee on Education announced that the Education Committee will meet immediately upon adjournment.

#### LEGISLATIVE MEASURE FILED

The following floor amendment to the Senate Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to Senate Bill 1261

At the hour of 1:27 o'clock p.m., on motion of Senator Hawkinson, the Senate stood adjourned until Thursday, November 15, 2001 at 9:00 o'clock a.m.

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