



FIRST READING

COMMISSION ON GOVERNMENT FORECASTING AND ACCOUNTABILITY

VOLUME 33, NO. 2

DECEMBER 2019

Laws on Financial Exploitation of Senior Citizens

Financial crimes against, and exploitation of, older adults can involve illegal or improper use of their money or property, identify theft, scams, and other activities. The National Adult Protective Services Association reported that 90% of such abusers are family members or other trusted persons. Such crimes are widely believed to be underreported by victims; but the National Conference of State Legislatures (NCSL) reports that a MetLife Mature Market Institute study estimated the financial loss to elderly victims of financial crime and exploitation at over \$2.9 billion annually.

This article discusses laws of Illinois and 18 other states (consisting of the other 10 most populous states; neighboring states; and regional representatives) that could help prevent financial fraud against senior citizens. The laws were found by consulting indexes to the laws of those 19 states and tables provided by NCSL.

Tables 1 and 2 on pages 2-7 summarize the laws. Table 1 summarizes civil provisions addressing fraud against senior citizens; Table 2 summarizes criminal provisions on such fraud.

Mandated Reporter Laws

There are at least two types of relevant “mandated reporter” laws in many states. They are described below, but are omitted from Tables 1 and 2 because they are quite common.



Healthcare Providers

Most states, including Illinois, require persons practicing various professions or occupations (especially those in medical or other healthcare fields), who have reason to believe that a patient or client is being abused or financially exploited, to report information supporting that belief to a public authority for investigation.

Financial Services Providers

A smaller number of states, not including Illinois, require such reporting by entities that handle financial affairs of elderly persons, and/or by the employees of such entities. Based on NCSL’s tables, about 11 states require reporting by financial institutions (primarily banks and credit unions), and about 12 require reporting by personnel of entities that provide investment services.

Inside This Issue

Abstracts of Reports Required to be Filed With
General Assembly 8

Laws on Financial Exploitation of Senior Citizens *(continued from p. 1)*

A good example of the latter kind of law is in Indiana. It says that a person in a supervisory, compliance, or legal capacity in relation to a broker-dealer or investment adviser, who has reason to believe that a “financially vulnerable adult” (which includes anyone who is at least 65) is being or may be financially exploited, must report that information to an adult protective services unit, a law enforcement agency, or the state’s Division of Aging. (A law enforcement agency that receives such a report is to forward it to the other two agencies.) After making such a report, the reporter (unless barred by federal law) *may* also notify any of several kinds of persons, such as family members and a guardian, conservator, trustee, and/or agent with a power of attorney for the vulnerable adult. Under detailed statutory procedures, an adult protective services unit can petition a court to protect an “endangered adult” (defined to include an adult whose property is being exploited).

A Mississippi law mandating reporting by financial services employees of suspected exploitation of adults is even broader. It requires a report from any:

(vii) Accountant, stockbroker, financial advisor or consultant, insurance agent or consultant, investment advisor or consultant, financial planner, or any officer or employee of a bank, savings and loan, credit union or any other financial service provider.

A limitation of such generally worded provisions is that the persons who exploit adults obviously will not report on themselves. Thus, a “mandated reporter” provision will achieve its goals only if it induces other persons (such as those supervising the exploiters) to report on them.

Clearly, family members, financial advisers, and financial institution employees need to be informed (or reminded) to watch for signs that vulnerable adults are being defrauded or financially manipulated—even by those they trust the most.

Table 1: Civil Provisions on Elder Fraud in Illinois and Surveyed States*

<i>Major provisions</i>	<i>Exempt entities</i>
<p>Arizona</p> <p>A person in a position of trust and confidence in relation to a “vulnerable adult” (an adult unable to avoid abuse or exploitation due to physical or mental impairment) may not use the adult’s assets to benefit anyone except the vulnerable adult. In a civil suit by or on behalf of such an adult, the court may order a violator to repay amounts wrongfully taken plus damages of up to twice those amounts, and attorney’s fees.</p> <p>Notice of each suit filed under the provisions described above is to be sent to the Attorney General, who is to maintain a registry of such actions and their disposition. Members of the public can check it upon written request.</p>	<p>Banks and other financial institutions; registered securities dealers and sellers; regulated insurers; and licensed home health care institutions.</p>

California

If a probate court finds that a person wrongfully and in bad faith took, concealed, or disposed of property of an elder (including doing so through undue influence in bad faith), that person can be required to repay twice the value of the property taken, and may also be liable for attorney’s fees and costs.

-

If a violation of criminal provisions on fraud cited in Table 2 involved over \$100,000, the court in deciding whether to issue an order against dissipation of assets held or transferred to a third party by the alleged perpetrator can consider whether the alleged victim was an “elder” (apparently meaning a person who was at least 65, as defined in the criminal provisions in Table 2).

Florida

A vulnerable adult (a person at least 18 years old whose ability to provide self-care and protection is impaired by physical or mental problems) who has been exploited; a person authorized to act on the adult’s behalf; or the deceased adult’s personal representative can recover actual and punitive damages and attorney’s fees from the perpetrator.

Nursing homes and assisted care communities are not subject to suit under this section, but may be under other laws.

Separately, use of an unfair or deceptive trade practice against a person who is at least 60 can result in a civil penalty up to \$15,000, to go to a fund to prevent and fight such practices.

Georgia

The only provisions specific to elderly victims that were found address use of unfair or deceptive trade practices.

-

Illinois

In a civil action by a person who is at least 60, or that person’s estate, for financial exploitation by a person in a position of trust or confidence in relation to the victim, the court can award three times the value of property wrongly obtained plus attorney’s fees.

A person who unsuccessfully attempted to help an elderly person manage property.

Indiana

If anyone, by deception or intimidation, financially exploits a “senior consumer” (a person who is at least 60), the victim can sue for restitution or reimbursement, plus double the loss (triple if the defendant was in a position of trust and confidence in relation to the plaintiff) and a civil penalty up to \$5,000. Attorney’s fees may also be awarded.

-

Iowa

Violation of a section prohibiting consumer fraud can bring an added civil penalty up to \$5,000 if the victim was at least 60.

-

(continued on p. 4)

Massachusetts

An administrative system of protective services is provided for elderly persons who are determined to be abused (including those financially exploited).

-

New Jersey

If a financial institution suspects that illegal activity is or will be taking place involving an account in which a senior customer (defined as one who appears to be at least 60) has an interest, the institution may release financial records on the account to a law enforcement agency and/or county adult protective services provider. (Defrauding a senior customer is specifically mentioned as a type of illegal activity to which this provision applies.) The institution will not be liable to the customer for making such a disclosure, or for failure to notify the customer of the disclosure.

-

North Carolina

Financial institutions are encouraged to offer each older adult customer (a customer who is at least 65) an opportunity to provide a list of persons who can be contacted if there is suspected financial exploitation of the customer. If a financial institution has reasonable cause to believe that an older adult is a victim or target of financial exploitation, it is to report to persons named on such a list provided by the customer (except to any person whom the institution suspects of financially exploiting the customer), and to local law enforcement.

-

A law enforcement agency investigating suspected financial exploitation of an older adult customer can petition a court to issue a subpoena requiring production of the customer's financial records. If the court grants a subpoena, the investigating agency is to notify the customer, unless the court grants an order to delay notice based on credible evidence that notifying the customer will endanger anyone or cause flight from prosecution, destruction of evidence, witness tampering, serious jeopardy to an investigation, or undue delay of a trial or other proceeding. The customer may not be prosecuted based on anything learned from such records, except that a joint account holder who is accused of financial exploitation of the customer may be sued and/or prosecuted solely regarding that alleged exploitation.

- * The accompanying article describes two kinds of "mandated reporter" provisions that are not listed in this table because most of the surveyed states have one or both such types of provisions. This table also does not list laws on financial exploitation that do not appear to have provisions specific to victims who are adults over some age.

No other relevant civil provisions on this topic were found in the remaining surveyed states: Michigan, Missouri, New York, Ohio, Pennsylvania, Texas, Virginia, Washington, and Wisconsin.

Sources: Ariz. Rev. Stat., secs. 46-456, 46-451 (subd. A. 9), and 46-457; Cal. Prob. Code, sec. 859 and Cal. Penal Code, subsecs. 186.12(d)(3)(C) and (E); Fla. Stat. Ann., secs. 415.1111, 415.102(28), and 501.2077; Ga. Code, sec. 10-1-853; 720 ILCS 5/17-56(e) and (g); Ind. Code, secs. 24-4.6-6-4 ff. and 24-4.6-6-3(5); Iowa Code, sec. 714.16A; Mass. Gen. Laws, ch. 19A, secs. 14 ff.; N.J. Stat. Ann., secs. 17:16T-2 to 17:16T-4; and N.C. Gen. Stat., secs. 108A-113 to 108A-117.

Table 2: Criminal Provisions on Elder Fraud in Illinois and Surveyed States

<i>Major provisions</i>	<i>Exempt entities</i>
Arizona Knowingly taking control or use of property of a vulnerable adult (an adult unable to avoid abuse or exploitation due to physical or mental impairment) while in a position of trust and confidence, and with intent to deprive the vulnerable adult of the property, is a Class 2 to 6 felony depending on the value taken (the most severe offense is theft of at least \$25,000).	A person, or member of a class of persons, who had received similar gifts from the vulnerable adult before the adult became vulnerable can assert that as an affirmative defense.
California Fraud by a non-caretaker against a victim who is at least 65, involving over \$950, is punishable by up to 4 years in prison and/or a fine up to \$10,000.	-
Florida Theft (broadly defined as wrongly taking anything of value, either tangible or intangible) from a person who is at least 65 is a more serious crime than it would normally be (the class depends on how much was taken). Financial exploitation of a person who is at least 60 and suffers “physical or mental incapacitation” for any of several reasons, resulting in obtaining at least \$50,000, can be punished by up to 30 years in prison and a fine up to \$10,000.	-
Georgia Knowingly and willfully exploiting (as defined) a person who is at least 65 is punishable by 1-20 years in prison and/or a fine up to \$50,000.	-
Illinois Financial exploitation of a person who is at least 60, by a person in a position of trust or confidence in relation to the victim, is a Class 1 to 4 felony depending on the value involved and the victim’s age (the severity rises if the victim is over 70, and rises further if the victim is over 80). Violation of the Consumer Fraud and Deceptive Business Practices Act against a person who is at least 65 can result in an additional civil penalty up to \$10,000, to be deposited into a fund to make grants to senior centers.	A person who attempted without success to help the elderly person manage the person’s property.

(continued on p. 6)

Indiana

Knowingly exerting unauthorized use over property of an endangered adult (defined to include an adult whose property is being exploited) is a Level 6 felony if the value taken exceeds \$10,000 or the adult is at least 60. A Level 6 felony is punishable by 6 months to 2½ years of confinement and a fine up to \$10,000.

-

Iowa

Exploiting a dependent adult (defined to include one who, due to a physical or mental condition, is unable to protect his or her interests) by wrongly taking more than \$100 is a Class D felony.

-

Massachusetts

Stealing, embezzling, or converting property worth over \$250 from a person who is at least 60 is punishable by up to 10 years in prison and/or a fine up to \$50,000. Restitution may be ordered.

-

Michigan

Wrongfully obtaining property of a vulnerable adult (defined to include an adult who, due to mental or physical disability, requires supervision or personal care), if the property was worth at least \$100,000, is punishable by (a) up to 20 years in prison and/or (b) a fine of the greater of \$50,000 or three times the value wrongfully obtained.

Brokers, officers, and employees in financial institutions who performed their duties in the normal course of business.

Missouri

Financial exploitation of an “elderly person” (defined as a person who is at least 60) by taking at least \$75,000 is a Class A felony.

A person who made a good-faith effort to help the elderly person but was unable to do so; persons engaging in “bona fide estate planning” and similar activities.

New York

Engaging in a systematic scheme to defraud more than one vulnerable elderly person is a Class E felony. A vulnerable elderly person is defined as a person who is at least 60 and suffers from a disease or infirmity that is associated with advanced age and is manifested by demonstrable physical, mental, or emotional dysfunction that prevents the person from providing adequate self-care.

-

North Carolina

Obtaining the assets or property of an older adult (one who is at least 65) by deception or intimidation is normally a Class G felony if at least \$100,000 is involved. If the perpetrator is in a position of trust and confidence, or in a business relationship, with the older adult, it is a Class F felony. If a violation involving over \$5,000 is charged, the district attorney can file a petition to freeze the defendant’s assets worth up to 150% of the value allegedly taken, to provide restitution to the alleged victim. -

Ohio

Wrongfully obtaining property of a person who is at least 65 is a 1st degree felony if the amount involved is at least \$150,000. A perpetrator may be required, among other penalties, to make full restitution and pay a fine up to \$50,000. -

Pennsylvania

If a person under age 60 commits theft by deception, as defined by another section, against a person who is over 60, a mandatory minimum term of 1 year must be imposed unless the court makes a written finding of “justifiable cause” (not explained). -

Texas

The crime of theft (wrongful appropriation of property), is an offense one level higher if the victim was at least 65. Even without such an increase, theft of property worth at least \$300,000 is a felony of the First Degree. -

Note: No relevant criminal provisions were found in New Jersey and Virginia.

Sources: Ariz. Rev. Stat., sec. 13-1802 (subds. B., C., and G.); Cal. Penal Code, subsecs. 368(d), (e), and (g); Fla. Stat. Ann., subsecs. 812.0145(2), 812.012(4), 812.014(1), 825.101(4), 825.103(3)(a), 775.082(3)(b)1., and 775.083(1)(a); Ga. Code, subsecs. 16-5-102(a) and 16-5-100(6); 720 ILCS 5/17-56(a) to (e) and 815 ILCS 505/7(c); Ind. Code, secs. 35-46-1-12(a) and (b), 35-31.5-2-116, 35-46-1-1, 12-10-3-2(a)(3)(C), and 35-50-2-7(b); Iowa Code, secs. 235B.20 (subd. 5) and 235B.2 (subds. 4. and 5. a. (1)(c)); Mass. Gen. Laws, ch. 266, subsec. 30(5); Mich. Comp. Laws, subsecs. 750.174a(1), (7), (11), and (15), and 750.145m(u); Mo. Rev. Stat., secs. 570.145 and 556.061(25); N.Y. Penal Law, secs. 190.65 and 260.31; N.C. Gen. Stat. sec. 14-112.2; Ohio Rev. Code, subsecs. 2913.02(B)(3) and 2913.01(CC); Pa. Cons. Stat., tit. 42, subsec. 9717(a) and tit. 18, sec. 3922; Tex. Penal Code, subsecs. 31.03(a), (e)(7), and (f)(3)(A), 31.01(10), and 22.04(c)(2); Wash. Rev. Code, subsecs. 9A.56.400(1) and 9A.56.010(22); and Wis. Stat., subsecs. 100.264(1) and (2).

David R. Miller
Research Administrator

Abstracts of Reports Required to be Filed With the General Assembly

The CGFA staff is required to prepare abstracts of reports required to be filed with the General Assembly. Legislators may receive copies of entire reports by emailing the form that was delivered to their Springfield office to isinfo@ilsos.net or by mailing it to the State Government Report Distribution Center at the Illinois State Library. Abstracts are published quarterly.

Aging, Dept. on

Home delivered meals report, FY 2019

About 19,676 adults per day received home delivered meals. About 45% of such meals were delivered hot, 26% cold, 27% frozen, and 2% were shelf stable. Most providers (67%) delivered meals 5 days per week, while 21% delivered 6-7 days per week. In FY 2018, about 596 older adults were denied home delivered meals due to lack of funding, which is a 6% decrease from FY 2017. At the time of the report, 460 older adults were on waiting lists for home delivered meals. Meal providers would need over \$2 million more to serve those denied and on waiting lists. About 1,041 potential meal recipients lived in unserved areas. Some statistics reflect FY 2018 or FY 2019, while in others the year is not specified. The report also gives information on congregate meals and meal information by service area. (20 ILCS 105/4.07; Jan. 2019, rec'd April 2019, 76 pp.)

Aging, Dept. on; Healthcare and Family Services, Human Services, and Public Health, Depts. of

Annual report on serving minority seniors, FY 2017

The report profiles each agency's programs for the minority

elderly. The Department on Aging provided services under the Older Americans Act to 492,000 persons age 60+. The Department of Human Services served about 283,215 persons age 65+ under SNAP, TANF, and other programs. Minority participation in such programs by type and region is listed. The Department provided mental health services to 2,890 persons age 65+, of which at least 20% were minorities. The Department of Healthcare and Family Services paid \$6.6 billion for 78.7 million medical assistance services in FY 2017; 30% of services and 25% of expenditures were for the elderly. Minority elderly received 39% of elderly services (37% of elderly expenditures). The Department of Public Health funded and oversaw programs (focused on minority communities) addressing AIDS and HIV, refugee health, suicide, Alzheimer's disease, tobacco use, and women's health. The report includes hospital and emergency room discharge data and death statistics. (20 ILCS 105/4.06; Aug. 2018, rec'd Feb. 2019, 45 pp.)

Auditor General

Annual report, 2018

The Compliance Audit Division conducted audits at 83 agencies

in FY 2017. These included compliance examinations, financial audits, and federal audits. Auditor General staff auditors conducted 30 of these audits; accounting firms did the rest. The Auditor General also released 3 performance audits in 2018. (30 ILCS 5/3-15; issued & rec'd March 2019, 40 pp.)

Medicaid eligibility

determinations for long-term care performance audit, 2017

Auditors sampled 61 applications for long-term care Medicaid eligibility submitted in 2017. The eligibility determinations for those applications were, on average, 69 days late. Auditors found that the Departments of Healthcare and Family Services and Human Services do not adequately track applicants' requests for extensions. They also found that long-term care monthly reports did not contain all required elements and were sometimes not accurate. However, auditors found that the agencies' switch from a caseworker-based approach to a task-based approach to case processing was based on reasonable assumptions. Auditors made 8 related recommendations and the agencies agreed with them. (305 ILCS 5/11-5.4(f); issued

& rec'd March 2019, 43 pp. + 5 appendices)

Board of Higher Education

Annual report, July 2017-June 2018 (budget data for FY 2019)

In FY 2019, \$1.894 billion was appropriated for higher education operations at institutions, agencies, and grant programs. Public universities received \$1.1 billion, community colleges got \$268 million, and adult education received \$51.3 million. The Illinois Student Assistance Commission received \$439 million, which includes funding for the Monetary Award Program. In FY 2018, there were over 100 new degree programs overseen by the Degree-Granting Unit, including 18 at public universities, 14 at community colleges, and 93 at private institutions. (110 ILCS 205/9.04; undated, rec'd May 2019, 4 pp.)

Public university revenues and expenditures annual report, FY 2018

Illinois public universities received about \$7.212 billion from all sources in FY 2018 (up slightly from \$7.209 billion in FY 2017); and spent \$7.084 billion (up from \$6.802 billion). Tuition remained the largest source of revenue (28% of the total); state support fell from 17% to 15%. Converted to 2018 dollars using the Consumer Price Index, revenues declined 0.3% over the last 5 years; and expenditures declined 3.0%. The report has information by function and has detailed information for each institution. (30 ILCS 105/13.5; Oct. 2018,

rec'd. Mar 2019, 2 pp. + 7 tables, 9 figures, 5 appendices)

Underrepresented Groups in Academia Task Force report

The Task Force was given the primary mission of finding ways to better assist African American and Latino populations, in particular, in achieving success in post-secondary education endeavors. Recommendations for improvements include: (1) increase awareness of available higher education and vocational training opportunities; (2) encourage higher education institutions to be more welcoming and supportive to underrepresented students; and (3) increase financial support for higher education amongst underrepresented populations. (2017 H.J.R 2; issued Dec. 2018, rec'd. Feb. 2019; 20 pp. + 4 appendices)

Underrepresented groups in Illinois higher education annual report, 2018

Fall enrollment of underrepresented groups at Illinois public colleges and universities fell by 6% from 2013 to 2017. During those years, African American student enrollment decreased by about 26%; but other underrepresented groups' enrollment increased: Hispanic enrollment increased by 6%, Asian enrollment increased by 2%, and enrollment of students in other groups increased by 5%. Enrollment of students with disabilities also rose, by 7%, from 2014 to 2017. The report also includes completion percentages for each group;

institutional summaries for each public university; comparisons with peer institutions; and recommendations. (110 ILCS 205/9.16; undated, rec'd March 2019, 60 pp.)

Central Management Services, Dept. of

African American Employment Plan, 2019 (covering CY 2018)

In 2018, 21% of state employees covered by the Personnel Code were African American. About 13% of Illinois' available labor force is African American. African Americans represented 24% of new hires, 25% of promotions, and 23% of employees in supervisory, technical, or professional positions. The 5 state agencies with the highest numbers of African Americans employed were the Departments of: Human Services (4,587), Corrections (1,440), Children and Family Services (1,035), Juvenile Justice (353), and Employment Security (319). In 2018, 70% of African Americans who took an open competitive exam for state employment received a passing grade while 74% of all other applicants got a passing grade. Recently, CMS launched a new "diversity dashboard" that allows users to access statewide and agency employment demographic data. (20 ILCS 30/15(b); April 2019, rec'd May 2019, 38 pp.)

Asian American Employment Plan, 2019 (covering CY 2018)

In 2018, 2.7% of state employees covered by the Personnel Code were Asian American. About

(continued on p. 10)

Abstracts of Reports Required to be Filed With the General Assembly *(continued from p. 9)*

5.48% of Illinois' labor force is Asian American. Asian Americans represented 3% of new hires, 2% of promotions, and 4% of supervisory, technical, or professional positions. The 5 state agencies with the highest numbers of Asian Americans employed were the Departments of: Human Services (599), Innovation and Technology (97), Public Health (80), Corrections (78), and Revenue (58). In 2018, 76% of Asian Americans who took an open competitive exam for state employment got a passing grade while the passage rate for all applicants was 73%. Recently, CMS launched a new "diversity dashboard" that allows users to access statewide and agency employment demographic data. (20 ILCS 405/405-120; April 2019, rec'd May 2019, 38 pp.)

Bilingual employees, 2019
CMS had 4 bilingual employees in February; all spoke Spanish. The report also includes position descriptions. (5 ILCS 382/3-20; issued & rec'd April 2019, 13 pp.)

Flex time report, 2019
The Personnel Code requires agencies to have plans to reduce the use of day care through flex time for eligible employees. Among 45,013 Personal Code employees, 12,570 (28%) used flex time in 2018: 9,688 worked flexible hours; 2,541 worked full-time compressed

workweeks; 287 worked part-time; and 84 used job sharing. (20 ILCS 415/9(13); undated, rec'd March 2019, 2 pp.)

Chicago Transit Authority
Equal employment opportunity and disadvantaged business enterprise report, FY 2018
As of June 30, 2018, the CTA had 10,852 employees; 34.9% were women. Minorities were 84.9%: 68.3% black, 13.3% Hispanic, 1.9% Asian, 1.4% multi-racial or other. Nine contracts worth \$423,733 went to disadvantaged business enterprises (DBEs) with federal funds; 244 DBE contracts (\$39.4 million) used non-federal funds. (70 ILCS 3615/2.31; issued Feb. 2019, rec'd March 2019, 3 pp. + 4 enclosures)

Chief Procurement Office
CPO-CDB small business participation report, FY 2018
In FY 2018, 144 Capital Development Board contracts were awarded to small businesses—69% of all CDB contracts. Spending on those contracts was \$45.6 million, 48% of total CDB spending (\$94.4 million). (These amounts do not include subcontractors.) CDB does not set aside contracts for small businesses because its percentage of contracts with small businesses continually exceeds the 10% statewide goal. (30 ILCS 500/45-90(f); Nov. 2018, rec'd. March 2019, 2 pp.)

**Children and Family Services,
Dept. of**
Foster youth summer internship pilot program
The report details the

implementation of a 2-year pilot program providing foster youth with summer internships in DCFS offices. Six of 21 applicants were chosen to participate in the first year; all six completed the program. Five of 13 applicants were chosen for year two; 3 completed the program. The report recommends continuing and making improvements to the program. (20 ILCS 505/8.1(f); undated, rec'd Feb. 2019, 20 pp.)

Commerce Commission
Crossing Safety Improvement Program, FYs 2020-2024
Preliminary data showed 82 collisions at public railroad crossings in 2018, down 6.8% from 2017. The report calls for \$49.8 million in safety improvements for FY 2020, including \$14.5 million in grade crossing improvement projects. The report also lists \$203.2 million in proposed safety improvements for FYs 2021-2024, to be funded by the Grade Crossing Protection Fund and affecting over 600 crossings in over 70 counties. Projects are listed by county. (35 ILCS 505/8(c); issued & rec'd April 2019, 8 pp. + 3 appendices)

Electricity, gas, water, and sewer utilities annual report, 2018
Major electric utilities' 2017 average prices per kilowatt-hour (kWh) were: Commonwealth Edison, 11.64¢; MidAmerican Energy, 8.35¢; Ameren Illinois, 9.38¢; and Mt. Carmel Public Utility Company (MCPU), 13.89¢. Major gas utilities' 2017 average prices per therm were: MidAmerican Energy, 58.30¢;

Nicor Gas, 57.65¢; North Shore Gas, 82.17¢; Peoples Gas Light and Coke, 106.00¢; Ameren Illinois, 100.39¢; Consumers Gas, 74.26¢; Illinois Gas, 76.94¢; Liberty Utilities, 107.14¢; and MPCU, 111.31¢. The report includes a review of Commission activities, examinations of the utility industry and energy planning, and reports on the effects of federal actions on state utility services. No specific recommendations for legislative action were made. (220 ILCS 5/4-304; Jan. 2019, rec'd Feb. 2019, 60 pp. + 2 appendices)

Commerce and Economic Opportunity, Dept. of

Angel Investment Tax Credit Program, 2018

The program encourages interested persons and firms to invest in qualified Illinois new businesses. Claimants got \$10 million in tax credits. There were 168 businesses registered as qualified with 231 registered investors in 2018. (35 ILCS 5/220(h); issued & rec'd March 2019, 15 pp.)

Business Information Center report, 2018

The First Stop Business Information Center answers questions on federal and state requirements, regulatory processes, and aid. It took 3,705 inquiries, including 1,289 on general business questions and 1,119 on business startup, planning, counseling, and training assistance. The Regulatory Flexibility Program serves as a regulatory advocate for small businesses. It reviewed

406 proposed regulations and did 59 small business impact analyses for JCAR. (20 ILCS 608/15(q); issued & rec'd March 2019, 8 pp.)

High Impact Business Designation

Algonquin Power America, Inc. d.b.a. Sugar Creek Wind One, LLC was designated a high impact business/wind energy business, allowing a business material tax exemption for up to 20 years. (20 ILCS 655/5.5(h); issued & rec'd March 2019, 3 pp.)

Live Theater Tax Credit annual report, FY 2018

There were 287 technical and support (32% minorities and 16% white women) job hires from pre-Broadway productions. Live theater productions brought over \$3.17 million in spending to Illinois. P.A. 100-415 limited the credit to tax years beginning before 2022 (35 ILCS 17/10-50(c); undated, rec'd March 2019, 3 pp.)

Commission on Government Forecasting and Accountability

State Employees' Group Health Insurance Program liabilities, FY 2020

The Commission projected costs for the State Employees' Group Health Insurance Program (SEGIP) based on information provided by Central Management Services (CMS) that indicated a continuation of existing contracts and standard rate increases for group insurance participants. CMS projected FY 2020 liability of \$3.105 billion, up 2.7% from

the FY 2019 anticipated final liability of \$3.023 billion. CGFA projected FY 2020 liability of \$3.130 billion, up 3.5% from FY 2019, and \$25.4 million more than CMS. The estimated number of SEGIP participants for FY 2019 was 351,586, and membership is expected to increase 0.2% to 352,131 in FY 2020. The FY 2020 liability per participant is projected to increase 3.5% from \$8,506 to \$8,806. (25 ILCS 155/4(b)(2); issued March 2019, rec'd April 2019, 24 pp. + 3 appendices)

Community College Board

Adult Education and Literacy report, FY 2018

Adult education programs served 74,134 students: 38,434 English as a Second Language students, 18,441 in Adult Basic Education, 12,740 in Adult Secondary Education, 2,011 earning high school credit, and 2,508 vocational students. Adult Education providers were community, junior, or technical colleges (37); community-based organizations (22); local education agencies (14); faith-based organizations (2); 4-year institutions (2); and the Department of Corrections, for a total of 78 providers. (105 ILCS 405/2-4, issued & rec'd March 2019, 5 pp.)

Community & Residential Services Authority

Annual report, FY 2016

To date, CRSA has helped with service planning for about 11,000 children and their families and has helped address several thousand

(continued on p. 12)

Abstracts of Reports Required to be Filed With the General Assembly *(continued from p. 11)*

service disputes. In FY 2016 it responded to 277 requests for assistance and addressed 11 cases through its dispute resolution process. Demographics of children referred to CRSA for assistance include children who are Medicaid-eligible; need special education; have a major mental illness; have an intellectual/developmental disability; or are adopted, among other categories. Its FY 2016 appropriation was \$579,000. (105 ILCS 5/14-15.01(d)(3); undated, rec'd March 2019, 18 pp.)

Comptroller, Office of the Receivables report, 2018

Gross receivables due to the state at 2018 yearend were \$18.928 billion—up \$856 million from \$18.072 billion at 2017 year end. Net receivables (believed to be collectible) were \$4.542 billion. Of those, child support claims were the largest group (26%), followed by interest and investment income (22%), other (licenses, fees, federal reimbursements, etc.) (21%), taxes (12%), public aid recoveries (11%), contributions (7%), and current loan and note repayment (1%). Receivables by agency are listed. (30 ILCS 210/4(d); issued & rec'd March 2019, 27 pp.)

Corrections, Dept. of

Earned discretionary sentence credit annual report, 2018
In 2018, the Department of

Corrections did not award any earned discretionary sentence credit because procedures for the new law were being developed. It will start making awards in 2019. (730 ILCS 5/3-6-3(3.5); undated, rec'd March 2019, 13 pp.)

Financial and Professional Regulation, Dept. of

*Anti-Predatory Lending
Database semi-annual summary
report, April-Sept. 2018*

The Anti-Predatory Lending Database (APLD) tracks mortgage loans in Cook, Kane, Peoria, and Will counties, and flags those containing unfavorable or nontraditional terms that require counseling for the borrower. Such loans include interest-only loans, and those with adjustable rates with an initial term of 3 years or less; prepayment penalties; or points and fees exceeding 5%, among others. Since its inception in 2008, over 1.14 million loans have been registered in the database; over 9,000 of those triggered the counseling requirement. In this reporting period (April 1, 2018 to Sept. 30, 2018), 55,137 loans were registered and 548 triggered the counseling requirement. The leading cause of loan counseling during this period was for points and fees exceeding 5%. (765 ILCS 77/70(k); Nov. 2018, rec'd Feb. 2019, 14 pp.)

Housing Development Authority

Housing plan for 2019

The report identifies four focus areas: (1) help communities develop affordable

homeownership and rental opportunities, and expand reuse of foreclosed properties; (2) develop supportive housing for people with special needs; (3) research accessible and sustainable design techniques, and expand housing production for priority populations using innovative and cost-containing strategies; and (4) increase planning efforts to foster housing policy changes. Programs to meet those goals are summarized. (30 ILCS 345/7.5 and 310 ILCS 110/15(c); undated, rec'd Feb. 2019; 71 pp. + 3 appendices)

Human Services, Dept. of

*Child Care Assistance Program
report, FY 2018*

CCAP spent \$876 million; served 206,842 children in 115,521 families; and paid 32,713 providers. There were 3,794 children enrolled in day-care centers that participate in a Quality Counts Quality Rating System program; and 970 Circles of Quality day-care centers, with 128 rated as bronze, 376 as silver, and 466 as gold. (20 ILCS 505/5.15; undated, rec'd June 2019, 9 pp.)

*Community Developmental
Disabilities Services Trust Fund,
FYs 2017 & 2018*

The Community Developmental Disabilities Services Trust Fund had revenues of \$72.8 million in FY 2017 and \$63.4 million in FY 2018. Spending from the Fund was almost \$50 million in FY 2017 and \$59.6 million in FY 2018. The largest spending category for both years was for

Community Integrated Living Arrangements (CILA). (20 ILCS 1705/18.4(c-10); Aug. 2018, rec'd May 2019, 2 tables)

Illinois House of Representatives

Task Force on Sexual Discrimination and Harassment, 2018

The report summarizes Illinois and federal laws on sexual harassment; describes the Task Force's meetings; lists recent relevant General Assembly actions; and presents further ideas for the General Assembly to consider in the areas of ethics laws, employee protections, non-disclosure agreements, mandatory arbitration, and preventative training. (H. Res. 687 (2017); undated; rec'd March 2019, 28 pp.)

Illinois PANDAS/PANS Advisory Council

Report, 2018

The Advisory Council was created in 2015 to make recommendations for standard practice guidelines for, and to increase awareness of, Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections (PANDAS) and Pediatric Acute-onset Neuropsychiatric Syndrome (PANS). The report gives background on the conditions and their incidence in Illinois; criteria for diagnosis; treatment guidelines; efforts to increase awareness, including an Illinois law that increased access to insurance coverage for treatment; and recommendations to continue educating people

about the conditions. (20 ILCS 2310/2310-676(e); Dec. 2018, rec'd Feb. 2019, 21 pp.)

Illinois Senate

Task Force on Sexual Discrimination and Harassment Awareness and Prevention, 2018

The report includes an overview of the problem of sexual harassment in Illinois; relevant laws enacted in the 100th General Assembly; recommendations for further action; and best practices for preventing sexual harassment. The Task Force encouraged the General Assembly to continue finding ways to increase accountability for sexual harassment in state government and to strengthen civil remedies for sexual harassment. It also recommended more training for law enforcement personnel and employers on the criminal consequences of sexual harassment. (S. Res. 1076 (2017); undated, rec'd March 2019, 40 pp.)

Insurance, Dept. of

Workers' Compensation Insurance Oversight Report, 2018 (most data for 2017)

In 2017, over 124,000 workers' compensation claims were opened in Illinois. Illinois companies wrote over \$2.57 billion in workers' compensation insurance premium that year. Illinois and Pennsylvania tied for the most insurance companies in this market (339 each). Illinois' workers' compensation market's profits increased by 8.4 percentage points from 2016 to 2017; nationally, the increase

was 3.4 points. Illinois insurers paid \$705 million in indemnity payments and \$563 million in medical payments. The average premium for Illinois policies effective in 2018 was \$1.59 for the voluntary market and \$4.25 for the assigned market (per \$100 of payroll). (820 ILCS 305/29.2(a); Dec. 2018, rec'd Feb. 2019, 11 pp.)

Lottery, Dept. of the

Bilingual employees, 2018

The Department had 4 bilingual employees in 2018, all of whom spoke Spanish. The report includes position descriptions. (5 ILCS 382/3-20; July 2018, rec'd Feb. 2019, 10 pp.)

Private management agreement quarterly report, April-June 2018

In the fourth quarter of FY 2018, lottery sales were \$744 million, transfers to the Common School Fund were \$213 million, and transfers to special causes were \$0.9 million. Internet sales under the iLottery program were \$5.9 million. The report includes totals for each quarter and the entire year, including transfers for each special cause. The Lottery also used print and digital advertising to encourage players to play in moderation. (20 ILCS 1605/9.1(p)(1); Aug. 2018, rec'd March 2019, 2 pp.)

Mahomet Aquifer Protection Task Force

Final report, 2019

The Task Force was created to develop a plan to maintain the groundwater quality of the Mahomet Aquifer; identify

(continued on p. 14)

Abstracts of Reports Required to be Filed With the General

Assembly *(continued from p. 13)*

contamination threats; and make recommendations to protect the aquifer. Its report covers each of those topics. The most highly prioritized of its 10 recommendations to the legislature was to provide \$19.8 million to the Prairie Research Institute to use helicopter-based time-domain electromagnetics to map the aquifer and aid in identifying connections with other aquifers and surface waters. (P.A. 100-403 (2017); Dec. 2018, rec'd June 2019, 33 pp. + 6 appendices)

Property Tax Appeal Board

Annual report, 2018

The report presents data by county for recent years on commercial and industrial property tax assessment appeals and any resulting assessment reductions. The Board also closed some 19,264 residential appeals involving 28,864 properties in 2018. (Synopses of representative cases are at www.ptab.illinois.gov or available from the PTAB office.) (35 ILCS 200/16-190(b); issued & rec'd Feb. 2019, 11 pp.)

Public Health, Dept. of

Breast reconstruction and prostheses education program, FYs 2014 to 2017

The Department of Public Health (IDPH) partners with other agencies and public universities to raise awareness of breast reconstruction and prostheses

options, especially among patients from racial and ethnic minority groups. IDPH and its partners created an educational booklet in English and Spanish, and provided information through conferences, webinars, and IDPH's website. The report includes statistics on how often breast and cervical cancer educational materials have been viewed on IDPH's website. (20 ILCS 2310/2310-670(e), issued & rec'd March 2019, 5 pp.)

Revenue, Dept. of

Bilingual employees, 2019

As of March 1, 2019, the Department of Revenue had 14 bilingual employees: 12 spoke Spanish; 1 Italian; and 1 Chinese. The report includes position descriptions. (5 ILCS 382/3-20; issued & rec'd March 2019, 44 pp.)

Sexual Assault Evidence Tracking and Reporting Commission

Report, 2018

A 2017 law created the Commission and directed it to research options to create and implement a statewide system to track the location, lab submission status, forensic testing status, and storage of sexual assault evidence. The Commission met 6 times. It recommended buying an off-the-shelf electronic tracking system, to be funded by grants and state appropriations. It also developed guidelines for secure and confidential access to the tracking system for victims and made policy recommendations. (725 ILCS 202/43(f)(6); issued

June 2018, rec'd Feb. 2019, 7 pp. + attachment)

Sports Facilities Authority

Annual report, 2018

The Authority completed and began a number of construction projects at Guaranteed Rate Field, including lobby renovation, video surveillance, installation of new speakers, and exterior painting. In mid-2018, assets were \$431.1 million and liabilities were \$431.5 million, for negative equity of around \$434,000. The hotel tax provided most revenues; the most spending was for bond interest. (70 ILCS 3205/18; undated, rec'd April 2019, 25 pp.)

State Police, Dept. of

DNA Testing Accountability Report, FY 2018

The Illinois State Police (ISP) laboratories received 68,654 cases and completed analysis on 66,126 in FY 2018. ISP's DNA program consists of two components: casework (forensic analysis of evidence) and offender database (Combined DNA Index System, CODIS). ISP spent \$19.6 million in state funds on its DNA program and employed 63 fully trained forensic scientists as of June 2018; 5 others were expected to start later in 2018. At the end of FY 2018, there was a backlog of 2,785 forensic biology cases (with 13 cases in progress at outsourced vendors) and 3,745 DNA cases (with 177 cases in progress at outsourced vendors). There were 1,830 CODIS hits in FY 2018, up from 1,513 in

FY 2017. (730 ILCS 5/5-4-3a; undated, rec'd July 2019, 9 pp.)

Juvenile charge report, Oct.-Dec. 2018

The Department received 8,407 juvenile charge reports (up from 6,477 in the previous quarter). There were some 571 ordinance violations, 300 petty offenses, 4,195 misdemeanors, 2,371 Class 1 to 4 felonies, 239 Class X felonies, and 22 murders. In 709 cases, the charges were not identified. By gender, 6,533 were male and 1,874 were female. By race, 5,333 were African American; 1,677 were white; 1,279 Hispanic; 44 Asian; 3 American Indian; and 71 unidentified. The report also lists age at arrest and disposition, and total charges by county. (20 ILCS 2605/2605-355; issued & rec'd. Feb. 2019, 4 pp.)

Metropolitan Enforcement

Group annual report, FY 2018
Metropolitan Enforcement Groups (MEGs) were authorized in 1977 to enforce state drug laws and investigate gang activity. Illinois has 9 MEGs covering 20 counties, including 1 county in Iowa. They have 116 personnel—64 local officers, 24 state police, 6 federal officers, and 22 administrative staff. In FY 2018, MEGs received \$1.17 million in funding. They opened 1,973 cases and closed 1,076 through arrest; 785 cases were administratively closed. MEGs arrested 120 gang members and seized 348 weapons. The report lists drugs seized and drug arrests by type. It also includes statistics for each MEG. (30

ILCS 715/6; undated, rec'd Feb. 2019, 36 pp.)

Missing Children Report, 2017

In CY 2017, 19,728 Illinois minors were reported missing; 19,091 were found, but 637 remained missing at year end. One Amber Alert was issued for one child, who was recovered. The report lists, by county, the number of children reported missing and cleared (located, returned home, arrested, or found deceased), and how many cases are still pending in each county. (325 ILCS 40/8; undated, rec'd July 2019, 15 pp.)

State's Attorney of Boone County

Eavesdropping request and authorization, March 1, 2018-March 1, 2019

The 15 eavesdropping requests in Boone County were all approved by the state's attorney's office. (720 ILCS 5/14-3(q)(3.10); issued & rec'd July 2019, 1 p.)

State's Attorney of Kendall County

Eavesdropping requests and authorization, March 1, 2018-March 1, 2019

The 161 eavesdropping requests in Kendall County were all approved by the state's attorney's office. (720 ILCS 5/14-3(q)(3.10); April 2019, rec'd May 2019, 1 p.)

Transportation, Dept. of
Annual exempt construction contracts report, FY 2018

IDOT had 4 categories of construction-related contracts

exempt from the Procurement Code: (1) Purchase of real estate: IDOT acquired 43 parcels worth \$6.1 million; (2) Land acquisition legal services contracts (125 active); (3) Public-private agreements (none executed); and (4) Railroad agreements (318 active) and utility agreements (25 active). (30 ILCS 500/1-10(b); Oct. 2018, rec'd. March 2019, 2 pp.)

Chief Procurement Office joint purchases report, FY 2018

IDOT Highway Construction did not procure any contracts through joint purchase in FY 2018. (30 ILCS 525/2(a-10); Oct. 2018, rec'd May 2019, 1 p.)

Fiber-optic network annual report, Jan. 2019

IDOT worked with Department of Innovation & Technology (DoIT) and others to issue permits to bury fiber-optic cables on IDOT rights-of-way. Over 3,000 miles are in place. Summarizes construction and projected completion through 2019. (605 ILCS 5/9-131; Jan. 2019, rec'd March 2019, 3 pp.)

Small business contracts report, FY 2018

In FY 2018, \$327.2 million of the Department's \$1.73 billion total spending on construction projects was awarded to small businesses—18.9% of the construction total. That includes both prime contractors and subcontractors. The 53 contracts awarded to small businesses (as prime contractor) were worth \$6.2 million, for an average of

(continued on p. 15)



Commission on Government Forecasting and Accountability
 802 Stratton Building
 Springfield, Illinois 62706

PRESORTED
 STANDARD
 U.S. POSTAGE
 PAID
 SPRINGFIELD, IL
 PERMIT NO. 721

RETURN SERVICE REQUESTED

Abstracts of Reports Required to be Filed With the General Assembly *(continued from p. 15)*

\$116,821. (30 ILCS 500/45-90(f); Oct. 2018, rec'd. March 2019, 2 pp.)

Sole source procurement method, FY 2019

The Chief Procurement Office for IDOT Highway Construction executed one contract through the sole source procurement method in FY 2019. Sidewalk Labs Employees, LLC was selected to provide an analysis tool to allow data collection on

travel patterns. (30 ILCS 55/20-25; issued & rec'd July 2019, 1 p.)

Workforce Innovation Board *Illinois Workforce Development annual report, 2017*

The report describes progress toward implementing the state's plan for workforce innovation and development; ways to evaluate the Board's effectiveness in serving employers; layoff aversion activities; and the use of waivers to strengthen workforce development. (20 ILCS 3975/4.5(b); undated, rec'd March 2019, 34 pp. + 9 attachments)

First Reading

A publication of CGFA

Clayton Klenke
Executive Director

Laurie Eby
Deputy Director

Amy Barry
Research Unit Manager

Sarah E. Barlow
Editor of First Reading

Dianna Jones
Layout

Commission on Government Forecasting and Accountability Governing Board

Co-Chair Sen. Heather A. Steans
 Co-Chair Rep. C.D. Davidsmeyer

Senators
 Donald P. DeWitte
 David Koehler
 Elgie R. Sims
 Dave Syverson
 Jil Tracy

Representatives
 Thomas M. Bennett
 Sonya M. Harper
 Elizabeth Hernandez
 Anna Moeller
 Joe Sosnowski