



Teen “Sexting” Problem Challenges Policymakers

“Sexting” (sending revealing images using electronic devices, such as cell phones) has become a common behavior by middle- and high-school students. One study of at-risk 7th graders found that 22% reported sending a sexually explicit message in the last 6 months. Another study, of high-school students at seven Texas public schools, found that 57% had been asked by peers to send sexually explicit images. About 30% admitted asking someone for such images, and 28% reported sending such images of themselves.

Many “sexters” likely engage in such behavior due to pressure from others, rather than voluntarily. Sexting can have serious legal consequences, including possible prosecution for creating and distributing child pornography. Some states have laws to shield minors from prosecution for child pornography while still attempting to deter such behavior. A provision of Illinois law added in 2010 offers prosecutors and judges the option of lenient treatment for a sexting minor—but only if the images sent were of *another* minor, not of the sender.

At least 20 states have laws specifically aimed at sexting by minors. Illinois is among at least 12 states that considered bills on the topic in 2016.

Illinois Laws and Bill

Illinois has three laws that could apply to juvenile sexting: two substantive prohibitions, and the requirement that sex offenders register. Depending

on the facts, and how local authorities choose to proceed, those authorities might seek to use one or more of these laws in a given situation.

- (1) A section of the Criminal Code of 2012 makes it a Class 1 felony, with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000 (plus prison time or probation) to create, send, or possess with intent to send child pornography. The section’s definition of “child pornography” applies mostly to images that go beyond mere unclothed pictures. But one part of the definition might apply to sexting, if any images sent amount to a “lewd exhibition” of intimate bodily areas of a person under 18. The definition of “child pornography,” and the penalty provisions, do not distinguish between sending images of oneself and of another minor.

- (2) Section 3-40 of the Juvenile Court Act of 1987 states this prohibition:

(b) A minor shall not distribute or disseminate an indecent visual depiction of **another** minor through the use of a computer or electronic communication device. [emphasis added]

(continued on p. 2)

Inside This Issue

- ATV Laws Vary Widely by State4
- Abstracts of Reports Required to be Filed
With General Assembly8
- General Assembly Proposes Constitutional
Amendment.....8

Teen “Sexting” Problem Challenges Policymakers

(continued from p. 1)

Violators of that prohibition can be adjudicated as “minors in need of supervision.” Those so adjudicated can be ordered to get counseling or other supportive services, or to perform community service. But that section adds that it does not bar prosecution of such minors for any of several crimes (including child pornography) if committed.

Section 3-40 was added by a 2010 act. Its chief sponsor stated in floor debate that it was meant to provide a noncriminal way to address sexting. She added that sending revealing images of *one-self* would “not [be handled] in the juvenile process” But the result seemingly is that prosecutors wanting to proceed against minors for sending indecent images of themselves have available only the more severe option of charging child pornography.

(3) The Sex Offender Registration Act says that a minor adjudicated as a “juvenile delinquent” for committing any of numerous offenses, including child pornography, must register as a sex offender. (As already noted, the Juvenile Court Act section quoted above does not prevent prosecution of a minor for offenses such as child pornography.)

The combined effect of these three laws is somewhat hard to assess. But there currently appears to be no Illinois law banning minors from sending revealing images of themselves rather than of other minors—unless those images amount to a “lewd exhibition” of intimate areas and thus could support a charge of child pornography.

This year’s H.B. 1509 (Ford et al.) would require school boards to adopt rules on minors’ sending of sexually explicit images. Any student disciplinary policy furnished to parents or students would be required to state such a rule and any penalty for violation. The bill passed its House committee, but was re-referred to the Rules Committee for lack of Third Reading by the deadline.

Other States’ Laws

At least 20 other states have laws that appear to be meant to address sexting by minors:

Arizona	Hawaii
Arkansas	Idaho
Connecticut	Louisiana
Florida	Maine
Georgia	Nebraska
Nevada	Rhode Island
New Jersey	South Dakota
New Mexico	Texas
New York	Vermont
Pennsylvania	West Virginia

In most of them, a first violation is a minor misdemeanor, punishable by a small fine and/or community service. In Louisiana and Rhode Island, minors who send sexually explicit images of themselves are not criminally punished. A 2016 New Mexico law exempts a minor from punishment for “sexual exploitation of children” (basically meaning production or possession of child pornography) if (1) the minor only possesses, rather than distributes, a sexually explicit image of another minor between ages 14 and 18, and (2) the depicted minor consented to creation of the image and made it voluntarily and without coercion.

Many of these states allow persons charged with possessing sexually explicit images of other minors to assert as an affirmative defense that they (1) took no action to acquire the images, and (2) either deleted them or reported them to police. Thus, a person so charged could raise that defense, requiring prosecutors to try to negate it.

At least six states either require or allow educational diversion programs in lieu of criminal penalties for a first, and in some cases for a repeat, offense: Florida, Louisiana, New Jersey, New York, Vermont, and West Virginia.

None of the states with laws aimed at juvenile sexting require minors who send sexually explicit images of themselves to register as sex offenders. But three of those states appear to require minors who possess and/or send sexually explicit

images of *other* minors to register as sex offenders: Nevada, Pennsylvania, and Rhode Island.

Some laws of interest are described below.

In Arizona, sending a sexually explicit image of the minor who sends the image, to only one person, is a petty offense; but sending such an image to more than one person is a Class 3 misdemeanor.

In Florida, a first occurrence of sexting is a noncriminal offense. Within 30 days after receiving a citation, the cited minor must appear in juvenile court or choose one of the following options: (1) do 8 hours of community service; (2) pay a \$60 civil penalty; or (3) participate in a cyber-safety program (if one is available). If the citation is contested and the court determines that the minor committed the offense, the court can impose any of those penalties. If the minor fails to comply with those requirements, the court can issue an order to show cause. If the minor is held in contempt, the court can impose the same penalties and “additional age-appropriate penalties”—including a 30-day driver’s license suspension, but not jail time.

A 2016 Idaho law makes a repeat offense by a minor of distributing a sexually explicit image of the minor a felony if the image is distributed in a way or through a medium that allows multiple parties to receive or view it. Minors

are also punished more severely for possessing such images of other minors who are more than 3 years younger than them. Also, minors who receive sexually explicit images of other minors and distribute or threaten to distribute them to coerce action or cause embarrassment commit a felony.

Nevada punishes minors more severely for possessing or sending sexually explicit images of other minors who are more than 4 years younger.

Current Bills

Bills introduced this year took several approaches to this issue. Those in two states (Massachusetts and South Carolina) would make sending or receiving sexually explicit images of a minor by a minor an infraction punishable (for a second offense in Massachusetts) by a \$150 to \$1,000 fine. A Kentucky bill would make sending sexually explicit images of a minor by a minor an infraction, but raise the penalty for repeat offenses. Bills in at least four states would make sending sexually explicit images of a minor by a minor a misdemeanor for a first offense.

Bills in some states, including Idaho and Kansas, would increase penalties if the sexually explicit image is sent to multiple recipients or with intent to harass or humiliate its subject.

Bills in two states (Colorado and Kansas) would vary penalties based on the age difference between the sender of a sexually explicit image and a minor depicted in it. Under the Colorado bill, it would be a minor misdemeanor if the sender is within 4 years of the age of the minor “as depicted in the image”—apparently meaning that the depicted minor’s age when the image was made would be compared to the age of the sender when sending it. If the age difference exceeded 4 years, the offense would continue to be a felony. Kansas’ bill would apply lesser penalties to a minor under age 19 who sends sexually explicit images of another minor who is at least 12 but not yet 18.

Bills in at least three states would address teen sexting through education programs. A Massachusetts bill proposes an educational diversion program for minors who send sexually explicit images of minors. A California bill would include an education program on the dangers of sending sexually explicit images in school curricula. A New York bill would create a public education campaign to teach parents and minors about the risks and harm from sending sexually explicit images of minors. □

*Melissa S. Cate, Senior Research Associate and
Ashley N. Musser, Research Associate*

ATV Laws Vary Widely by State

The U.S. Consumer Product Safety Commission reported that in the 30 years from 1982-2011, over 11,600 Americans died in accidents associated with all-terrain vehicle (ATV) use. In the slightly shorter period from 1982 to 2007, over one-fourth of persons killed in ATV-related accidents were under age 16. Although dwarfed by automobile accident deaths, such numbers suggest that many users may not fully understand ATV risks.

A number of organizations—including the Specialty Vehicle Institute of America, National Off-Highway Vehicle Conservation Council, and Consumer Product Safety Commission—have issued ATV safety recommendations or recommended laws for safe ATV operation. Major statutory recommendations are:

- (1) Require anyone operating an ATV on public land to be trained and certified by a state-approved ATV safety course.
- (2) Prohibit anyone under 16 from operating an ATV on public land without supervision, and restrict operation of adult-sized ATVs by those who are not yet 16.
- (3) Require each ATV operated on public land to have a

headlight and taillight illuminated at night, brakes, a muffler, and a spark arrestor.

- (4) Prohibit ATVs on public paved roads except to cross them.
- (5) Require anyone operating an ATV on public land to wear a helmet and eye protection.
- (6) Prohibit carrying a passenger in an ATV on public land unless the manufacturer designed it to carry a passenger.
- (7) Restrict the retail sale of adult-size ATVs for use by persons under 16.

An Illinois law generally covers item (4) by prohibiting use of ATVs on paved public roads except to cross. Illinois does not appear to have laws addressing the other recommendations.

Illinois law does prohibit operating “non-highway vehicles” (including ATVs) under the influence, and requires that such vehicles have liability insurance—but in each case only if they are operated on public roadways (which, as stated above, usually is legal only to cross them).

Other States’ Laws

Lists of state ATV safety laws, compiled by the Specialty Vehicle Institute of America in 2012 and the National Conference of State Legislatures in 2014, were used to find states’ laws on points listed above that Illinois does not

address; the current versions of those laws were then checked for details. Some major requirements are described below by category.

1. Minimum age to operate. Only four of the 11 states set an absolute minimum age to drive an ATV anywhere: 6 in South Carolina, 10 in Michigan, 12 in North Dakota, and 14 in Massachusetts. For operation on public land, Minnesota sets a minimum age of 10 and Connecticut sets a minimum age of 12. Minnesota also prohibits anyone under 15 from driving a Class 2 ATV (defined as one with a total tire width of 50 to 65 inches). Michigan prohibits anyone under 16 from driving a 3-wheeled ATV.
2. Minimum age to operate without supervision. The most common minimum age for unsupervised ATV operation in the 11 states is 16. But only in Massachusetts and Michigan does that age apply on all land, including private land.
3. Who must get training. Massachusetts requires completion of a safety training course before a person under 18 operates an ATV. West Virginia does too, unless the ATV will be operated only on a trail owned by an entity that has a safety program. Texas requires training of anyone driving an ATV on public land, unless supervised by an adult who has taken the training. Minnesota, in addition to requiring training for anyone under 16 to drive on

public land, requires anyone born after July 1, 1987 to take an independent study course before driving on public land.

4. Equipment required. Almost all of these states require each ATV to have headlights, taillights, a braking system, a muffler, and a spark arrestor—although some require them only for operation on public land.
5. Driver and passenger protection required. Massachusetts requires all ATV drivers and passengers to wear helmets. Most of these states require helmets only for those under a specified age, or when on public land. Five of these states also require drivers and passengers to wear eye protection. Minnesota requires using a seat belt in a Class 2 ATV if seat belts are provided. Florida requires drivers to wear over-the-ankle boots on public land if under 16.
6. Passenger restrictions. In New Hampshire, no one under 18 may transport a passenger in an ATV. South Carolina prohibits anyone under 16 who does not have a driver's license from transporting a passenger. West Virginia requires passengers to be at least 18, unless the operator has at least a Level 2 intermediate driver's license or is at least 18. In Minnesota, a driver who is 12 to 17 may transport only a parent or guardian as a passenger in a Class 1 ATV (one with total tire width up to 50 inches), and no driver may

transport more than one passenger in a Class 1 ATV. A broader restriction in some other states is that a passenger is allowed only if the ATV's manufacturer designed it for a passenger.

Massachusetts' law seems to be the strictest one surveyed, due to high minimum ages to operate and training requirements applying on both public and private land. A number of these 11 states (and others not among them) restrict the application of some or all of their laws to public land, such as recreational trails.

Some ATV riding advocates question whether more laws would reduce ATV accidents. They argue that ATVs are often used on private land and in wooded rural areas where laws would be hard to enforce. As an alternative, they advocate more ATV parks and trails, where participants would be required to meet safety rules when entering and where staff members could enforce them. A National Conference of State Legislatures report described West Virginia as having balanced ATV safety with a recognition that ATVs are popular devices that people will continue to use. In addition to West Virginia's laws, it created a Hatfield-McCoy Regional Recreation Authority to help develop a system of recreational facilities with trails for off-highway vehicles. The Authority now offers hundreds of miles of trails for ATVs, dirt bikes, and sport-utility vehicles.

Illinois laws on ATV use are summarized and described below.

Illinois

Summary

ATVs must be titled, but are not registered. Each ATV is to display an Off-Highway Vehicle Usage Stamp from the Department of Natural Resources (although the Department has not yet begun selling them). ATVs may not be operated on roadways except to cross, unless units of local government or the Illinois Department of Transportation have authorized such use on roadways under their jurisdiction (use on county or township highways is permitted for farming purposes). Operation on private property is allowed only with the owner's consent, and on public property only in areas designated for such use.

Details

Stamps required

The Recreational Trails of Illinois Act requires, starting July 1, 2013, that any off-highway vehicle, including an ATV, display an Off-Highway Vehicle Usage Stamp bought from the Department of Natural Resources, unless the ATV:

- (1) is owned and used by a government entity;

(continued on p. 6)

ATV Laws Vary Widely by State

(continued from p. 5)

- (2) is operated on land owned solely by the operator and/or his or her immediate family;
- (3) is used only on authorized local, national, or international competition circuits;
- (4) is used on an off-highway vehicle grant-assisted site and has an Off-Highway Vehicle Access decal (described below);
- (5) is used in conjunction with a bona fide commercial business, including agricultural and livestock production;
- (6) is a golf cart;
- (7) displays a valid motor vehicle registration issued by any state;
- (8) is operated by a person with a qualifying disability; or
- (9) is used only at commercial riding parks.

However, a spokesman for the Illinois Department of Natural Resources (DNR) stated that no such stamps have been issued. DNR planned to start selling them after opening a public riding area for off-highway vehicles. It is seeking a federal grant to do so, but selling of the stickers has been postponed until the riding area is complete. He said DNR will need to issue regulations before selling stamps.

Under the Act, agents of DNR or other duly appointed police officers may stop and inspect any off-highway vehicle at any time for compliance with the Act. An agent or officer who discovers any violations is to issue a summons requiring the operator to appear before the circuit court for that county.

The Act also requires DNR to establish a program to administer grants from the Off-Highway Vehicle Trails Fund to units of local government, nonprofit organizations, and other groups to operate, maintain, and acquire land for off-highway vehicle parks to be open to the public. Each off-highway vehicle operated in such grant-assisted parks must have an off-highway vehicle public access sticker from DNR.

An owner of an off-highway vehicle may not knowingly allow a minor to operate it in violation of the Act.

Operation on public roads

The Illinois Vehicle Code defines an all-terrain vehicle thus:

Any motorized off-highway device designed to travel primarily off-highway, 50 inches or less in width, having a manufacturer's dry weight of 1,500 pounds or less, traveling on 3 or more non-highway tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control, except equipment such as lawnmowers.

Every all-terrain vehicle or off-highway motorcycle bought after 1997 must be titled.

Another section of the Vehicle Code regulates use of "non-highway vehicles" including ATVs, golf carts, off-highway motorcycles, and recreational off-highway vehicles. In general, use of such vehicles on roadways is prohibited except to cross at intersections. (Direct crossing is not allowed on toll roads, Interstate highways, and other controlled-access highways. Crossing is allowed at intersections with other highways, public streets, and roads.) But a local government or the Illinois Department of Transportation may authorize operation of non-highway vehicles on roadways under its jurisdiction, after determining that public safety will not be jeopardized and only on streets with speed limits up to 35 miles per hour by persons with valid drivers' licenses.

A non-highway vehicle operated on a roadway must have all of the following: brakes; a steering apparatus; tires; a rearview mirror; red reflectorized warning devices in the front and rear; a slow-moving vehicle emblem at the rear of the vehicle; a headlight that emits a white light visible from a distance of 500 feet in front; a taillight that emits a red light visible at least 100 feet in the rear; brake lights; and turn signals. When operated on a roadway, a non-highway vehicle must have its headlight and taillight lighted at all times when that is required for other motor vehicles.

Operators of non-highway vehicles on roadways are subject to Illinois laws on driving under the influence and mandatory liability insurance. No Illinois law was found imposing such requirements on non-highway vehicles when not driven on roadways.

Non-highway vehicles are allowed on county or township roadways to conduct farming operations among a home, farm, farm buildings, and any adjacent or nearby farm land. When used for that purpose, non-highway vehicles need not comply with the requirements listed above on vehicle equipment and compliance with vehicle insurance laws. But if such a vehicle is not covered by a vehicle insurance policy, it must be covered by a farm, home, or non-highway vehicle insurance policy in at least the minimum statutory amounts for bodily injury or death and loss of property. Such a vehicle that is operated on a county or township roadway at any time between one-half hour before sunset and one-half hour after sunrise must be equipped with headlights and taillights, which must be lighted. Such a vehicle may not directly cross any toll road, Interstate highway, or other controlled-access highway. It may cross a state highway, municipal street, county highway, or road district highway if:

(1) the crossing is made at an angle of approximately 90° to the direction of the street, and at a place where no obstruction prevents a quick and safe crossing;

- (2) the vehicle is brought to a complete stop before crossing;
- (3) the operator yields the right of way to all pedestrian and vehicular traffic that constitutes a hazard; and
- (4) if crossing a divided highway, the crossing is made only at an intersection of the highway with another public street, road, or highway.

Miscellaneous requirements

Another section of the Illinois Vehicle Code lists ways to drive or operate an ATV or off-highway motorcycle that are prohibited:

- (1) In a careless or reckless manner.
- (2) In a nature preserve.
- (3) On the tracks or right-of-way of an operating railroad.
- (4) In a tree nursery or planting in a manner which could damage or destroy growing stock.
- (5) On private property without the owner's written or oral consent.
- (6) On public property unless designated for use by such vehicles. Before public property can be so designated, a public hearing must be held by the governmental entity

with jurisdiction over the land.

- (7) Too fast for conditions.
- (8) On the frozen surface of public waters within 100 feet of a person not in the vehicle; within 100 feet of a person who is fishing, except at the minimum speed required to maintain forward movement; or on an area that has been cleared of snow for skating, unless the area is needed for access to the frozen waters.
- (9) Within 100 feet of a dwelling between midnight and 6 a.m. at a speed greater than the minimum required to maintain forward movement (except on private property with the owner's consent).

Anyone with a firearm in such a vehicle must comply with the Wildlife Code. The vehicle must comply with the pollutant emissions standards of the Environmental Protection Act. Littering from such a vehicle is prohibited.

After receiving a visual or audible signal from a law enforcement officer to stop, the operator of an ATV or off-highway motorcycle may not operate the vehicle in willful or wanton disregard of the signal to stop; interfere with or endanger the officer or another person or vehicle; or increase speed or attempt to flee. □

Sarah E. Barlow
Senior Research Associate

Abstracts of Reports Required to be Filed With General Assembly

The Legislative Research Unit staff is required to prepare abstracts of reports required to be filed with the General Assembly. Legislators may receive copies of entire reports by sending the enclosed form to the State Government Report Distribution Center at the Illinois State Library. Abstracts are published quarterly. Legislators who wish to receive them more often may contact the executive director.

Ageing Dept.

Adult protective services annual report (successor to Elder Abuse and Neglect reports), FY 2014
Program received 14,371 reports of abuse, including 2,607 of persons with disabilities aged 18-59 (up 22% from FY 2013). Types reported (more than one can be alleged) were financial exploitation (7,692); emotional abuse (6,201); passive neglect (5,471); physical abuse (3,359); willful deprivation (2,062); confinement (1,134); and sexual abuse (703). Among alleged victims, 20% were 86 or older. The alleged abuser was a relative in 78% of cases. Department continued B*SAFE, and held 27th Annual Conference (the first to focus on persons with disabilities aged 18-59). (320 ILCS 20/11; undated, rec'd Dec. 2015, 3 pp.)

Attorney General

Automated Victim Notification (AVN) system, FY 2015
System informs victims, witnesses, police, and the public of changes in a prisoner's custody and case status. In mid-October 2015, it had 366,529 registered users. AVN contact attempts during the fiscal year were: 1,981,048 by telephone, 265,897 by e-mail, and 98,849 by text messages. VINE-Link (Victim Information and Notification Everyday—allowing victims to search offenders' status and register for notice of changes) was redesigned in September 2015. (725 ILCS 120/8.5(g); issued & rec'd Oct. 2015, 3 pp.)

Violent Crime Victims Assistance program, 2015
Attorney General made 250 VCVA

grants totaling \$6 million to programs in these categories among others: prosecutor-based, domestic violence, children's advocacy centers, sexual assault, and court-appointed special advocates. (725 ILCS 240/5(8); issued & rec'd Dec. 2015, 5 pp.)

Auditor General

State Actuary's Report on pension systems, 2015

Reports actuarial assumptions and valuations of five state-funded retirement systems. Interest rate and inflation assumptions used to calculate state contributions to all five systems were found reasonable; recommends that boards annually review interest rate and inflation assumptions. Required state contributions are \$3.99 billion to TRS, \$1.67 billion to SURS, \$2.01 billion to SERS, \$131 million to Judges Retirement System, and \$22 million to General Assembly Retirement System—totaling \$7.83 billion. Makes recommendations for each system. (30 ILCS 5/2-8.1(c); Dec. 2015, rec'd Jan. 2016, 164 pp. + appendices)

Central Management Services Dept.

Bilingual needs and pay survey, FY 2015

Twenty-nine agencies reported
(continued on p. 9)

General Assembly Proposes Constitutional Amendment

The General Assembly has proposed a new section in Article 9 of the Illinois Constitution, to prevent the proceeds of taxes and fees on motor vehicles and transportation activities from being spent for non-transportation purposes. The ban would also apply to bond proceeds related to those revenue sources. The proposed section has a detailed list of the transportation-related purposes for which such funds could be spent.

Other parts of the section seek to prevent transportation-related proceeds from being “diverted” to other purposes, and state that “If the General Assembly appropriates funds for a mode of transportation not described in this Section, the General Assembly must provide for a dedicated source of funding.”

These changes, which will go to the voters in November, were proposed by House Joint Resolution—Constitutional Amendment 36 (Phelps-Fortner-Costello et al.—Haine-Althoff-Forby-Radogno-McConnaughay et al.). If approved by the voters, they will take effect immediately after being proclaimed as adopted.

Abstracts *(continued from p. 8)*

need for bilingual services. Bilingual staff were used 381,725 times. Bilingual pay went to 1,858 employees (including 1,307 Hispanic). Fourteen employees have Braille transcription skills; 397 have sign language skills. (20 ILCS 415/9(6); Dec. 2015, rec'd Jan. 2016, 26 pp.)

Hiring of ex-offenders by state vendors, FY 2015

All bid invitations are required to encourage state vendors to employ ex-offenders and self-report on those employed. None were reported as employed by state vendors in FY 2015. CMS seeks to improve vendor awareness and self-reporting. (30 ILCS 500/15-25(a) and 500/45-70; Dec. 2015, rec'd Jan. 2016, 1 p.)

Hiring of veterans by state vendors, FY 2015

All bid invitations are required to encourage state vendors to employ veterans and self-report on those employed. Five vendors reported hiring 31 veterans in FY 2015. CMS seeks to improve vendor awareness and self-reporting. (30 ILCS 500/45-67; Dec. 2015, rec'd Jan. 2016, 1 p.)

Recycling and recycled paper procurement update, FY 2015

The Division of Vehicles finished installing 33 electric charging stations around Illinois. About 54% of paper products CMS bought for state agencies came from recycled products. Lists other achievements. (415 ILCS 20/3(j); issued & rec'd Nov. 2015, 4 pp.)

State employee child care centers, 2015

State has two on-site child care centers for employees' children, in Springfield and Chicago. Last year, the Chicago center was accredited by the National Association for the Education of Young

Children. Springfield center has an innovative handwriting and math curriculum and a weekly exercise program. In 2015, 1,768 employees participated. (30 ILCS 590/3; undated, rec'd Jan. 2016, 3 pp.)

State Government Suggestion Award Program Board annual report, 2015

Board received 120 suggestions; none brought monetary awards. Board was inactive in 2014 and 2015 due to vacancies and retirements. Total savings due to suggestions to Board since 1993 are \$556,021. (20 ILCS 405/405-130(b); Dec. 2015, rec'd Jan. 2016, 2 pp.)

State printing report summary, 2015

Lists annual reports printed by state agencies or outside printers through the Printing Unit, Bureau of Strategic Sources, CMS, or reporting agencies. The 3,538 copies of reports printed cost \$21,281. Fewer agencies have reports printed through CMS because it recommends printing digitally in-house or through other state agencies. (30 ILCS 500/25-55; Dec. 2015, rec'd Jan. 2016, 3 pp.)

Chicago Transit Authority

Equal employment opportunity and disadvantaged business enterprise reports, FY 2015

On June 30, 2015 the CTA had 11,104 employees; 67% were male. Minorities were 84% of the total: 68% black, 13% Hispanic, 2% Asian, and under 1% American Indian. In FY 2015, 261 contracts totaling \$133.8 million were made with disadvantaged business enterprises. (70 ILCS 3615/2.31; issued & rec'd Oct. 2015, 3 pp.)

Children and Family Services Dept.

Inspector General's FY 2015 report

In FY 2015, 96 child deaths met

criteria for review, leading to 20 full investigations. Hotline took 1,375 calls; 90 were referred to Inspector General for investigation. Gives death and injury investigation summaries and recommendations, and DCFS responses. Lists recommendations to DCFS, past years' recommendations and status, and summaries of employee discipline. (20 ILCS 505/35.5(h); issued & rec'd Jan. 2016, 297 pp. + 2 appendices)

Commerce & Economic Opportunity Dept.

Film Office annual report, FY 2015

In FY 2015, 9,534 crew and production office jobs were created, and an estimated \$171 million was spent on film production. Among crew and production office employees, 24% were nonwhite and 19% were white females. (35 ILCS 16/45(c); undated, rec'd Aug. 2015, 2 pp.)

Illinois Film Office quarterly report, April-June 2015

Estimates that 2,604 technical crew and office, 337 talent, and 884 extras jobs were created or retained. Film production brought \$36.8 million in spending to Illinois. Overall crew and production office staff racial diversity rose from 14% when program began to 27% in 2013. (35 ILCS 16/45(b); undated, rec'd Aug. 2015, 2 pp.)

Illinois Historic Preservation Tax Credit Pilot Program, 2015

Program gave maximum \$10 million state income tax credit for historic rehabilitation of Peoria's Pere Marquette Hotel. Projected economic impact was \$131 million in economic activity and 840 job-years in Peoria. Projected economic impact of operations phase was \$30.8 million in annual economic activity and 250 job-years. By 2015, hotel created 154 full-time jobs. Renovation was

(continued on p. 10)

Abstracts *(continued from p. 9)*

finished in 2013; no additional projects qualified for the credit. (35 ILCS 30/25; Dec. 2015, rec'd Jan. 2016, 7 pp.)

Live Theater Program annual report, FY 2015

This report now lists actual spending based on when credit is claimed, rather than on estimates at time of application as in past reports. Estimates are still used to measure performance. Applications for the credit require diversity plans and estimated minority and female employees. Reports that 557 crew and production office jobs, and \$9.2 million in theater spending, were brought to Illinois. No talent jobs were involved. (35 ILCS 17/10-50(c); undated, rec'd Aug. 2015, 2 pp.)

Live Theater Tax Credit report, July-Sept. 2015

Lists no new jobs, vendor spending, or tax credits in the quarter. Thus no human infrastructure diversity assessment was made. (35 ILCS 17/10-50(b); undated, rec'd Nov. 2015, 1 p.)

Comptroller

Fee Imposition Report, FY 2015
State collected \$9.284 billion in fees to 86 agencies—down 2.4% from FY 2014. Secretary of State reported \$2.306 billion; Healthcare and Family Services \$2.126 billion; and Toll Highway Authority \$1.125 billion. Most fee money (94.1%) went to restricted funds. Lists fees, collections by agency, and disposition. (15 ILCS 405/16.2; issued & rec'd Dec. 2015; 10 pp. + 5 appendices)

Corrections Dept.

Quarterly report, Oct. 2015
On August 31, 2015 adult facilities had 47,000 residents—46% over rated capacity of 32,103 but

7% below bed space for 50,598. Number was projected to rise to 49,497 by September 2016. Adult transition centers had 934 (184 over rated capacity but 24 below bed space). Enrollment (unduplicated) in educational and vocational programs was 7,748. No capital projects were funded. (730 ILCS 5/3-5-3.1; issued & rec'd Oct. 2015, 12 tables)

Sex offender housing, 2015

Another Chance Ministries (only remaining licensed sex offender transitional housing facility) closed, citing financial reasons. No licensed sex offender housing facilities remained. (730 ILCS 5/3-17-5(e); undated, rec'd Dec. 2015, 1 p.)

Human Services Dept.

Social Services Block Grant Fund and Local Initiative Fund receipts and transfers, April-June 2015

Social Services Block Grant Fund had \$65.2 million in federal transfers in. Transfers out were \$35.1 million to General Revenue Fund, \$7.5 million to Special Purpose Trust Fund, and \$17.3 million to Local Initiative Fund. (305 ILCS 5/12-5; issued & rec'd Oct. 2015, 1 p.)

Illinois Power Agency

Renewable resource procurement, 2015

The cost of renewable energy to most Com Ed and Ameren retail customers in 2013 was between 1.5% and 2.25% of electric bills including taxes. The portion of Illinois electricity coming from intermittent source rose to 5.0% in 2014. Energy storage to smooth out fluctuations in electric supply from intermittent sources is being considered in several states; a few such systems (most using large batteries) are already used in Illinois. The Agency recommends monitoring

the success of storage in other states. The Renewable Energy Resources Fund was reduced by a \$98 million transfer to the General Revenue Fund in April 2015, leaving a balance of about \$30 million after payments into the Fund. (20 ILCS 3855/1-75(c)(5) and 220 ILCS 5/16-115D(d)(4); April 2015, rec'd Aug. 2015, 65 pp.)

Insurance Dept.

Insurance cost containment report, 2015

Illinois policyholders paid \$21.9 billion in direct written premiums in 2014. Losses divided by direct earned premiums dropped from 62.5% in 2013 to 59.4% in 2014. Total written premiums for homeowners' coverage were \$3.3 billion, up 4.7% from 2013. Medical malpractice losses as a percentage of earned premiums rose in 2014. Although still highly concentrated, that market became significantly less so in 2014. (215 ILCS 5/1202(d); Aug. 2015, rec'd Nov. 2015, 38 pp. + appendices)

Juvenile Justice Dept.

Quarterly report July 2015

On June 30, 2015 there were 698 youth in all juvenile facilities, below capacity of 1,250. They were projected to rise to 769 by June 2016. Ratio of youth to security staff was 1.175. Unduplicated enrollment in educational and vocational programs was 507. No capital projects were funded. (730 ILCS 5/3-5-3.1; July 2015, rec'd Oct. 2015, 10 tables)

Quarterly report, Oct. 2015

On September 30, 2015, juvenile facilities held 693 youth, below rated capacity and beds (each 1,250) but projected to rise to 756 by September 2016. Ratio of youth to security staff was 1.2. Unduplicated enrollment in educational and vocational programs

was 511. No capital projects were funded. Also has 1993-2015 youth data. (730 ILCS 5/3-5-3.1; Oct. 2015, rec'd Dec. 2015, 10 tables)

Legislative Reference Bureau

Illinois delegation to National Conference of Commissioners on Uniform State Laws, 2015

The Commissioners study state laws to recommend which should be uniform. They proposed seven new acts in 2015: Revised Uniform Athlete Agents Act; Uniform Commercial Real Estate Receivership Act; Revised Uniform Fiduciary Access to Digital Assets Act; Uniform Home Foreclosure Procedures Act; Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act; Revised Uniform Residential Landlord and Tenant Act; and Uniform Trust Decanting Act. General Assembly adopted Uniform Interstate Depositions and Discovery Act (2007); Uniform Parentage Act (2002); and amendments to Uniform Interstate Family Support Act (2008). (25 ILCS 135/5.07; Dec. 2015, rec'd Jan. 2016, 23 pp.)

Secretary of State

Public Library Capital Needs Assessment, 2015

The 493 public libraries responding to survey (77.1% response rate) reported total needs of \$500.4 million for next 2 years: \$252.2 million for new construction, \$103.8 million for building additions, and \$144.4 million for repairs and upgrades. Eighty-nine library buildings are over 100 years old; 102 are over 50 years old. (30 ILCS 767/15-60; Dec. 2015, rec'd Jan. 2016, 4 pp.)

Social Security Number Protection Task Force

Report, 2015

Task Force examines state procedures to avoid unauthorized release of Social Security Numbers

(SSNs) and ways to substitute other numbers for state use. Discusses H.B. 1260 [now P.A. 99-503], which added medical, health, and biometric data to definition of "personal information;" requires reasonable measures to protect such data; and requires notification of any breach. State's new Chief Information Officer formed a Cybersecurity Working Group to improve state agency protection of personal information. Also reports on federal actions or proposals for personal information security. Task Force awaits several appointments and/or confirmations. (20 ILCS 4040/10(c); Dec. 2015, rec'd Jan. 2016, 10 pp. + 6 appendices)

State Board of Education

Charter school biennial report, school years 2013-2014 and 2014-2015

Illinois' 63 charter schools serve 63,892 students. Low-income students were a majority in most schools and over 90% in 44 schools in 2014-2015. The 4-year graduation rate for all charter schools was 64.7% in 2015. Schools suggested 23 statutory changes, including mandating at least 100% per-capita funding; allocating additional operating funds to charter schools; making state grants to all schools; and increasing startup grants per student. Also includes student assessment results by school on 2014-2015 tests. (105 ILCS 5/27A-12; issued & rec'd Jan. 2016, 54 pp.)

Educational Mandates Report, 2015

Lists 19 new school mandates; 9 were expected to have costs but amounts could not be estimated. Among other things, they require that districts with sports establish concussion oversight teams; districts provide a semester of civics education; districts install carbon monoxide detectors within 20 feet

of emitting device; and schools may have supply of opioid overdose medicine. (105 ILCS 5/2-3.104; issued & rec'd Jan. 2016, 5 pp.)

State Board of Investment

Emerging money managers report Board's multiple diversity-related policies were combined into one. Board meets or exceeds most diversity goals; only investments in female-owned firms and emerging equity investment managers do not meet goals. Board approved commitment to three minority-owned real estate and private equity funds. Board staff is 73% female and 36% African American. Policy requires quarterly demographic disclosure by all investment vendors. (40 ILCS 5/1-109.1(4); Dec. 2015, rec'd Jan. 2016, 4 pp. + enclosures)

State Police Dept.

Consensual use of eavesdropping devices, 2014

A total of 611 consensual eavesdropping applications (572 original and 39 extensions) were made to the State Police in 2014. Crimes being investigated are classified as 61% drugs, 6% murder-related, 4% theft-related, 2% sex-related, 6% other, and 21% not reported. Eavesdropping brought 411 arrests with 69 convictions; 169 arrests and 262 trials were pending. Among the counties, 28 filed eavesdropping reports as required by law; 10 reported no eavesdropping; and 64 failed to file reports. (725 ILCS 5/108A-11(c); Feb. 2015, rec'd Sept. 2015, 8 pp.)

Nonconsensual eavesdropping device use, 2014

The Department reported 37 non-consensual eavesdrops in 2014: 34 in Cook County and 3 in Kane County. The Chicago police investigated the Cook County orders, which involved criminal drug conspiracies and brought multiple

(continued on p. 12)



Legislative Research Unit
222 South College, Suite 301
Springfield, Illinois 62704



RETURN SERVICE REQUESTED

First Reading

A publication of the Legislative Research Unit

Alan R. Kroner
Executive Director

Jonathan P. Wolff
Associate Director

David R. Miller
Editor

Abstracts *(continued from p. 11)*

pending arrests and trials. The U.S. Postal Inspection Service investigated the Kane County orders, which involved money laundering. (725 ILCS 5/108B-13; undated, rec'd Sept. 2015, 7 pp.)

State's Attorneys Appellate Prosecutor

Annual report, FY 2015

Agency filed 957 original briefs and responded to 1,945 advice calls. Labor Unit represented 5

client counties and 7 contractual counties. Local Drug Prosecution Support Unit closed 2,851 criminal and 802 civil cases. Continuing Legal Education Unit sponsored or co-sponsored 13 training seminars. Tax Objection Division handled 70 matters for 16 counties. Special Prosecution Unit helped on 762 cases in 86 counties. (725 ILCS 210/4.06; Sept. 2015, rec'd Jan. 2016, 28 pp.)

Tax Return Preparation Task Force

Report and recommendations

Task Force was directed to determine whether Illinois should regulate paid tax return preparers. It heard testimony from 23 organizations, government entities, and stakeholders. Task Force majority does not recommend regulation due to few consumer complaints. It does recommend (1) using

IRS's Preparer Tax Identification Number (PTIN) on a state tax return prepared for compensation; (2) increasing Department of Revenue's enforcement capabilities against paid tax preparers; and (3) more public education. Two of eight members disagreed and recommended regulation. (225 ILCS 450/30.9; issued & rec'd Dec. 2015, 81 pp. + 5 exhibits)

Teachers' Retirement System

Emerging investment managers report, 2015

Minority-, women-, and disabled-owned firms managed \$7.83 billion of TRS' portfolio in FY 2015. TRS had 31 firms managing 43 portfolios (up by 6 firms from FY 2014). Assets managed by firms rose by \$1.24 billion from FY 2014. (40 ILCS 5/1-109.1(8); Aug. 2015, rec'd Sept. 2015, 61 pp.)