



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4284

Introduced 1/14/2026, by Rep. Justin Cochran, Nicolle Grasse and Lindsey LaPointe

SYNOPSIS AS INTRODUCED:

See Index

Amends the Statute on Statutes and other various Acts. Changes all occurrences of "disabled person" to "person with a disability", changes all occurrences of "a person who is handicapped" to "a person who has a disability", changes all occurrences of "physically or mentally handicapped" to "having a physical or intellectual disability", and changes all occurrences of "visually handicapped" to "visually impaired". Replaces an outdated reference to the "Disabled Person Identification Card" with "the Illinois Person with a Disability Identification Card". Amends the Aid to the Aged, Blind or Disabled Article of the Illinois Public Aid Code. Changes "Aid to the Aged, Blind or Disabled program" to "Aid to the Aged, Blind or Persons with Disabilities program". Makes corresponding references in various Acts. Effective immediately.

LRB104 15221 KTG 28370 b

1 AN ACT concerning persons with disabilities.

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

4 Section 1. Rule of construction. This Act shall be
5 construed to make amendments to provisions of State law to
6 substitute the term "person with a disability" or "persons
7 with disabilities" for "disabled person" or "disabled
8 persons"; "persons with developmental disabilities" for "the
9 developmentally disabled" or "developmentally disabled
10 persons"; "intellectual disability" for "mentally
11 handicapped"; "physical disability" for "physically
12 handicapped"; "has a disability" for "is handicapped"; and
13 "visually impaired" for "visually handicapped" without any
14 intent to change the substantive rights, responsibilities,
15 coverage, eligibility, or definitions referred to in the
16 amended provisions represented in this Act.

17 Section 2. The Statute on Statutes is amended by changing
18 Section 1.37 as follows:

19 (5 ILCS 70/1.37)

20 Sec. 1.37. Intellectual disability. Except where the
21 context indicates otherwise, in any rule, contract, or other
22 document a reference to the term "mental retardation" shall be

1 considered a reference to the term "intellectual disability"
2 and a reference to a mentally retarded person or a similar
3 reference shall be considered a reference to a person with an
4 intellectual disability; and a reference to the term "mentally
5 handicapped" shall be considered a reference to the term
6 "intellectual disability" and a reference to a mentally
7 handicapped person or a similar reference shall be considered
8 a reference to a person with an intellectual disability. The
9 use of either "mental retardation" or "intellectually
10 disabled", or "mentally retarded" or "mentally handicapped" or
11 "person with an intellectual disability" shall not invalidate
12 any rule, contract, or other document.

13 (Source: P.A. 99-143, eff. 7-27-15.)

14 Section 5. The Government Severance Pay Act is amended by
15 changing Section 5 as follows:

16 (5 ILCS 415/5)

17 Sec. 5. Definitions. As used in this Act:

18 "Department" means any branch, department, college, or
19 school of a university established by the board of trustees of
20 the university.

21 "Misconduct" includes, but is not limited to, the
22 following:

23 (1) Conduct demonstrating conscious disregard of an
24 employer's interests and found to be a deliberate

1 violation or disregard of the reasonable standards of
2 behavior which the employer expects of his or her
3 employee. Such conduct may include, but is not limited to,
4 willful damage to an employer's property that results in
5 damage of more than \$50, or theft of employer property or
6 property of a customer or invitee of the employer.

7 (2) Carelessness or negligence to a degree or
8 recurrence that manifests culpability or wrongful intent,
9 or shows an intentional and substantial disregard of the
10 employer's interests or of the employee's duties and
11 obligations to his or her employer.

12 (3) Chronic absenteeism or tardiness in deliberate
13 violation of a known policy of the employer or one or more
14 unapproved absences following a written reprimand or
15 warning relating to more than one unapproved absence.

16 (4) A willful and deliberate violation of a standard
17 or regulation of this State by an employee of an employer
18 licensed or certified by this State, which violation would
19 cause the employer to be sanctioned or have its license or
20 certification suspended by this State.

21 (5) A violation of an employer's rule, unless the
22 claimant can demonstrate that:

23 (A) he or she did not know, and could not
24 reasonably know, of the rule's requirements;

25 (B) the rule is not lawful or not reasonably
26 related to the job environment and performance; or

1 (C) the rule is not fairly or consistently
2 enforced.

3 (6) Other conduct, including, but not limited to,
4 committing criminal assault or battery on another
5 employee, or on a customer or invitee of the employer, or
6 committing abuse or neglect of a patient, resident, person
7 with a disability ~~disabled person~~, elderly person, or
8 child in her or his professional care.

9 "Severance pay" means the actual or constructive
10 compensation, including salary, benefits, or perquisites, for
11 employment services yet to be rendered which is provided to an
12 employee who has recently been or is about to be terminated, or
13 a university president or chancellor who is transitioning to a
14 new position within the university for which he or she is
15 employed, excluding interim presidents and interim
16 chancellors.

17 "Unit of government" means and includes all boards,
18 commissions, agencies, institutions, authorities, and bodies
19 politic and corporate of the State, created by or in
20 accordance with the constitution or statute, of the executive
21 branch of State government and does include colleges,
22 universities, and institutions under the jurisdiction of the
23 governing boards of the University of Illinois, Southern
24 Illinois University, Illinois State University, Eastern
25 Illinois University, Northern Illinois University, Western
26 Illinois University, Chicago State University, Governors State

1 University, Northeastern Illinois University, and the Board of
2 Higher Education. "Unit of government" also includes units of
3 local government, school districts, and community colleges
4 under the Public Community College Act.
5 (Source: P.A. 102-378, eff. 8-13-21.)

6 Section 6. The Property Tax Code is amended by changing
7 Section 15-172 as follows:

8 (35 ILCS 200/15-172)

9 Sec. 15-172. Low-Income Senior Citizens Assessment Freeze
10 Homestead Exemption.

11 (a) This Section may be cited as the Low-Income Senior
12 Citizens Assessment Freeze Homestead Exemption.

13 (b) As used in this Section:

14 "Applicant" means an individual who has filed an
15 application under this Section.

16 "Base amount" means the base year equalized assessed value
17 of the residence plus the first year's equalized assessed
18 value of any added improvements which increased the assessed
19 value of the residence after the base year.

20 "Base year" means the taxable year prior to the taxable
21 year for which the applicant first qualifies and applies for
22 the exemption provided that in the prior taxable year the
23 property was improved with a permanent structure that was
24 occupied as a residence by the applicant who was liable for

1 paying real property taxes on the property and who was either
2 (i) an owner of record of the property or had legal or
3 equitable interest in the property as evidenced by a written
4 instrument or (ii) had a legal or equitable interest as a
5 lessee in the parcel of property that was single family
6 residence. If in any subsequent taxable year for which the
7 applicant applies and qualifies for the exemption the
8 equalized assessed value of the residence is less than the
9 equalized assessed value in the existing base year (provided
10 that such equalized assessed value is not based on an assessed
11 value that results from a temporary irregularity in the
12 property that reduces the assessed value for one or more
13 taxable years), then that subsequent taxable year shall become
14 the base year until a new base year is established under the
15 terms of this paragraph. For taxable year 1999 only, the Chief
16 County Assessment Officer shall review (i) all taxable years
17 for which the applicant applied and qualified for the
18 exemption and (ii) the existing base year. The assessment
19 officer shall select as the new base year the year with the
20 lowest equalized assessed value. An equalized assessed value
21 that is based on an assessed value that results from a
22 temporary irregularity in the property that reduces the
23 assessed value for one or more taxable years shall not be
24 considered the lowest equalized assessed value. The selected
25 year shall be the base year for taxable year 1999 and
26 thereafter until a new base year is established under the

1 terms of this paragraph.

2 "Chief County Assessment Officer" means the County
3 Assessor or Supervisor of Assessments of the county in which
4 the property is located.

5 "Equalized assessed value" means the assessed value as
6 equalized by the Illinois Department of Revenue.

7 "Household" means the applicant, the spouse of the
8 applicant, and all persons using the residence of the
9 applicant as their principal place of residence.

10 "Household income" means the combined income of the
11 members of a household for the calendar year preceding the
12 taxable year.

13 "Income" has the same meaning as provided in Section 3.07
14 of the Senior Citizens and Persons with Disabilities Property
15 Tax Relief Act, except that, beginning in assessment year
16 2001, "income" does not include veteran's benefits.

17 "Internal Revenue Code of 1986" means the United States
18 Internal Revenue Code of 1986 or any successor law or laws
19 relating to federal income taxes in effect for the year
20 preceding the taxable year.

21 "Life care facility that qualifies as a cooperative" means
22 a facility as defined in Section 2 of the Life Care Facilities
23 Act.

24 "Maximum income limitation" means:

25 (1) \$35,000 prior to taxable year 1999;

26 (2) \$40,000 in taxable years 1999 through 2003;

- 1 (3) \$45,000 in taxable years 2004 through 2005;
- 2 (4) \$50,000 in taxable years 2006 and 2007;
- 3 (5) \$55,000 in taxable years 2008 through 2016;
- 4 (6) for taxable year 2017, (i) \$65,000 for qualified
- 5 property located in a county with 3,000,000 or more
- 6 inhabitants and (ii) \$55,000 for qualified property
- 7 located in a county with fewer than 3,000,000 inhabitants;
- 8 and
- 9 (7) for taxable years 2018 and thereafter, \$65,000 for
- 10 all qualified property.

11 As an alternative income valuation, a homeowner who is

12 enrolled in any of the following programs may be presumed to

13 have household income that does not exceed the maximum income

14 limitation for that tax year as required by this Section: Aid

15 to the Aged, Blind or Persons with Disabilities ~~Disabled~~

16 (AABD) Program or the Supplemental Nutrition Assistance

17 Program (SNAP), both of which are administered by the

18 Department of Human Services; the Low Income Home Energy

19 Assistance Program (LIHEAP), which is administered by the

20 Department of Commerce and Economic Opportunity; The Benefit

21 Access program, which is administered by the Department on

22 Aging; and the Senior Citizens Real Estate Tax Deferral

23 Program.

24 A chief county assessment officer may indicate that he or

25 she has verified an applicant's income eligibility for this

26 exemption but may not report which program or programs, if

1 any, enroll the applicant. Release of personal information
2 submitted pursuant to this Section shall be deemed an
3 unwarranted invasion of personal privacy under the Freedom of
4 Information Act.

5 "Residence" means the principal dwelling place and
6 appurtenant structures used for residential purposes in this
7 State occupied on January 1 of the taxable year by a household
8 and so much of the surrounding land, constituting the parcel
9 upon which the dwelling place is situated, as is used for
10 residential purposes. If the Chief County Assessment Officer
11 has established a specific legal description for a portion of
12 property constituting the residence, then that portion of
13 property shall be deemed the residence for the purposes of
14 this Section.

15 "Taxable year" means the calendar year during which ad
16 valorem property taxes payable in the next succeeding year are
17 levied.

18 (c) Beginning in taxable year 1994, a low-income senior
19 citizens assessment freeze homestead exemption is granted for
20 real property that is improved with a permanent structure that
21 is occupied as a residence by an applicant who (i) is 65 years
22 of age or older during the taxable year, (ii) has a household
23 income that does not exceed the maximum income limitation,
24 (iii) is liable for paying real property taxes on the
25 property, and (iv) is an owner of record of the property or has
26 a legal or equitable interest in the property as evidenced by a

1 written instrument. This homestead exemption shall also apply
2 to a leasehold interest in a parcel of property improved with a
3 permanent structure that is a single family residence that is
4 occupied as a residence by a person who (i) is 65 years of age
5 or older during the taxable year, (ii) has a household income
6 that does not exceed the maximum income limitation, (iii) has
7 a legal or equitable ownership interest in the property as
8 lessee, and (iv) is liable for the payment of real property
9 taxes on that property.

10 In counties of 3,000,000 or more inhabitants, the amount
11 of the exemption for all taxable years is the equalized
12 assessed value of the residence in the taxable year for which
13 application is made minus the base amount. In all other
14 counties, the amount of the exemption is as follows: (i)
15 through taxable year 2005 and for taxable year 2007 and
16 thereafter, the amount of this exemption shall be the
17 equalized assessed value of the residence in the taxable year
18 for which application is made minus the base amount; and (ii)
19 for taxable year 2006, the amount of the exemption is as
20 follows:

21 (1) For an applicant who has a household income of
22 \$45,000 or less, the amount of the exemption is the
23 equalized assessed value of the residence in the taxable
24 year for which application is made minus the base amount.

25 (2) For an applicant who has a household income
26 exceeding \$45,000 but not exceeding \$46,250, the amount of

1 the exemption is (i) the equalized assessed value of the
2 residence in the taxable year for which application is
3 made minus the base amount (ii) multiplied by 0.8.

4 (3) For an applicant who has a household income
5 exceeding \$46,250 but not exceeding \$47,500, the amount of
6 the exemption is (i) the equalized assessed value of the
7 residence in the taxable year for which application is
8 made minus the base amount (ii) multiplied by 0.6.

9 (4) For an applicant who has a household income
10 exceeding \$47,500 but not exceeding \$48,750, the amount of
11 the exemption is (i) the equalized assessed value of the
12 residence in the taxable year for which application is
13 made minus the base amount (ii) multiplied by 0.4.

14 (5) For an applicant who has a household income
15 exceeding \$48,750 but not exceeding \$50,000, the amount of
16 the exemption is (i) the equalized assessed value of the
17 residence in the taxable year for which application is
18 made minus the base amount (ii) multiplied by 0.2.

19 When the applicant is a surviving spouse of an applicant
20 for a prior year for the same residence for which an exemption
21 under this Section has been granted, the base year and base
22 amount for that residence are the same as for the applicant for
23 the prior year.

24 Each year at the time the assessment books are certified
25 to the County Clerk, the Board of Review or Board of Appeals
26 shall give to the County Clerk a list of the assessed values of

1 improvements on each parcel qualifying for this exemption that
2 were added after the base year for this parcel and that
3 increased the assessed value of the property.

4 In the case of land improved with an apartment building
5 owned and operated as a cooperative or a building that is a
6 life care facility that qualifies as a cooperative, the
7 maximum reduction from the equalized assessed value of the
8 property is limited to the sum of the reductions calculated
9 for each unit occupied as a residence by a person or persons
10 (i) 65 years of age or older, (ii) with a household income that
11 does not exceed the maximum income limitation, (iii) who is
12 liable, by contract with the owner or owners of record, for
13 paying real property taxes on the property, and (iv) who is an
14 owner of record of a legal or equitable interest in the
15 cooperative apartment building, other than a leasehold
16 interest. In the instance of a cooperative where a homestead
17 exemption has been granted under this Section, the cooperative
18 association or its management firm shall credit the savings
19 resulting from that exemption only to the apportioned tax
20 liability of the owner who qualified for the exemption. Any
21 person who willfully refuses to credit that savings to an
22 owner who qualifies for the exemption is guilty of a Class B
23 misdemeanor.

24 When a homestead exemption has been granted under this
25 Section and an applicant then becomes a resident of a facility
26 licensed under the Assisted Living and Shared Housing Act, the

1 Nursing Home Care Act, the Specialized Mental Health
2 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
3 the MC/DD Act, the exemption shall be granted in subsequent
4 years so long as the residence (i) continues to be occupied by
5 the qualified applicant's spouse or (ii) if remaining
6 unoccupied, is still owned by the qualified applicant for the
7 homestead exemption.

8 Beginning January 1, 1997, when an individual dies who
9 would have qualified for an exemption under this Section, and
10 the surviving spouse does not independently qualify for this
11 exemption because of age, the exemption under this Section
12 shall be granted to the surviving spouse for the taxable year
13 preceding and the taxable year of the death, provided that,
14 except for age, the surviving spouse meets all other
15 qualifications for the granting of this exemption for those
16 years.

17 When married persons maintain separate residences, the
18 exemption provided for in this Section may be claimed by only
19 one of such persons and for only one residence.

20 For taxable year 1994 only, in counties having less than
21 3,000,000 inhabitants, to receive the exemption, a person
22 shall submit an application by February 15, 1995 to the Chief
23 County Assessment Officer of the county in which the property
24 is located. In counties having 3,000,000 or more inhabitants,
25 for taxable year 1994 and all subsequent taxable years, to
26 receive the exemption, a person may submit an application to

1 the Chief County Assessment Officer of the county in which the
2 property is located during such period as may be specified by
3 the Chief County Assessment Officer. The Chief County
4 Assessment Officer in counties of 3,000,000 or more
5 inhabitants shall annually give notice of the application
6 period by mail or by publication. In counties having less than
7 3,000,000 inhabitants, beginning with taxable year 1995 and
8 thereafter, to receive the exemption, a person shall submit an
9 application by July 1 of each taxable year to the Chief County
10 Assessment Officer of the county in which the property is
11 located. A county may, by ordinance, establish a date for
12 submission of applications that is different than July 1. The
13 applicant shall submit with the application an affidavit of
14 the applicant's total household income, age, marital status
15 (and if married the name and address of the applicant's
16 spouse, if known), and principal dwelling place of members of
17 the household on January 1 of the taxable year. The Department
18 shall establish, by rule, a method for verifying the accuracy
19 of affidavits filed by applicants under this Section, and the
20 Chief County Assessment Officer may conduct audits of any
21 taxpayer claiming an exemption under this Section to verify
22 that the taxpayer is eligible to receive the exemption. Each
23 application shall contain or be verified by a written
24 declaration that it is made under the penalties of perjury. A
25 taxpayer's signing a fraudulent application under this Act is
26 perjury, as defined in Section 32-2 of the Criminal Code of

1 2012. The applications shall be clearly marked as applications
2 for the Low-Income Senior Citizens Assessment Freeze Homestead
3 Exemption and must contain a notice that any taxpayer who
4 receives the exemption is subject to an audit by the Chief
5 County Assessment Officer.

6 Notwithstanding any other provision to the contrary, in
7 counties having fewer than 3,000,000 inhabitants, if an
8 applicant fails to file the application required by this
9 Section in a timely manner and this failure to file is due to a
10 mental or physical condition sufficiently severe so as to
11 render the applicant incapable of filing the application in a
12 timely manner, the Chief County Assessment Officer may extend
13 the filing deadline for a period of 30 days after the applicant
14 regains the capability to file the application, but in no case
15 may the filing deadline be extended beyond 3 months of the
16 original filing deadline. In order to receive the extension
17 provided in this paragraph, the applicant shall provide the
18 Chief County Assessment Officer with a signed statement from
19 the applicant's physician, advanced practice registered nurse,
20 or physician assistant stating the nature and extent of the
21 condition, that, in the physician's, advanced practice
22 registered nurse's, or physician assistant's opinion, the
23 condition was so severe that it rendered the applicant
24 incapable of filing the application in a timely manner, and
25 the date on which the applicant regained the capability to
26 file the application.

1 Beginning January 1, 1998, notwithstanding any other
2 provision to the contrary, in counties having fewer than
3 3,000,000 inhabitants, if an applicant fails to file the
4 application required by this Section in a timely manner and
5 this failure to file is due to a mental or physical condition
6 sufficiently severe so as to render the applicant incapable of
7 filing the application in a timely manner, the Chief County
8 Assessment Officer may extend the filing deadline for a period
9 of 3 months. In order to receive the extension provided in this
10 paragraph, the applicant shall provide the Chief County
11 Assessment Officer with a signed statement from the
12 applicant's physician, advanced practice registered nurse, or
13 physician assistant stating the nature and extent of the
14 condition, and that, in the physician's, advanced practice
15 registered nurse's, or physician assistant's opinion, the
16 condition was so severe that it rendered the applicant
17 incapable of filing the application in a timely manner.

18 In counties having less than 3,000,000 inhabitants, if an
19 applicant was denied an exemption in taxable year 1994 and the
20 denial occurred due to an error on the part of an assessment
21 official, or his or her agent or employee, then beginning in
22 taxable year 1997 the applicant's base year, for purposes of
23 determining the amount of the exemption, shall be 1993 rather
24 than 1994. In addition, in taxable year 1997, the applicant's
25 exemption shall also include an amount equal to (i) the amount
26 of any exemption denied to the applicant in taxable year 1995

1 as a result of using 1994, rather than 1993, as the base year,
2 (ii) the amount of any exemption denied to the applicant in
3 taxable year 1996 as a result of using 1994, rather than 1993,
4 as the base year, and (iii) the amount of the exemption
5 erroneously denied for taxable year 1994.

6 For purposes of this Section, a person who will be 65 years
7 of age during the current taxable year shall be eligible to
8 apply for the homestead exemption during that taxable year.
9 Application shall be made during the application period in
10 effect for the county of his or her residence.

11 The Chief County Assessment Officer may determine the
12 eligibility of a life care facility that qualifies as a
13 cooperative to receive the benefits provided by this Section
14 by use of an affidavit, application, visual inspection,
15 questionnaire, or other reasonable method in order to insure
16 that the tax savings resulting from the exemption are credited
17 by the management firm to the apportioned tax liability of
18 each qualifying resident. The Chief County Assessment Officer
19 may request reasonable proof that the management firm has so
20 credited that exemption.

21 Except as provided in this Section, all information
22 received by the chief county assessment officer or the
23 Department from applications filed under this Section, or from
24 any investigation conducted under the provisions of this
25 Section, shall be confidential, except for official purposes
26 or pursuant to official procedures for collection of any State

1 or local tax or enforcement of any civil or criminal penalty or
2 sanction imposed by this Act or by any statute or ordinance
3 imposing a State or local tax. Any person who divulges any such
4 information in any manner, except in accordance with a proper
5 judicial order, is guilty of a Class A misdemeanor.

6 Nothing contained in this Section shall prevent the
7 Director or chief county assessment officer from publishing or
8 making available reasonable statistics concerning the
9 operation of the exemption contained in this Section in which
10 the contents of claims are grouped into aggregates in such a
11 way that information contained in any individual claim shall
12 not be disclosed.

13 Notwithstanding any other provision of law, for taxable
14 year 2017 and thereafter, in counties of 3,000,000 or more
15 inhabitants, the amount of the exemption shall be the greater
16 of (i) the amount of the exemption otherwise calculated under
17 this Section or (ii) \$2,000.

18 (c-5) Notwithstanding any other provision of law, each
19 chief county assessment officer may approve this exemption for
20 the 2020 taxable year, without application, for any property
21 that was approved for this exemption for the 2019 taxable
22 year, provided that:

23 (1) the county board has declared a local disaster as
24 provided in the Illinois Emergency Management Agency Act
25 related to the COVID-19 public health emergency;

26 (2) the owner of record of the property as of January

1 1, 2020 is the same as the owner of record of the property
2 as of January 1, 2019;

3 (3) the exemption for the 2019 taxable year has not
4 been determined to be an erroneous exemption as defined by
5 this Code; and

6 (4) the applicant for the 2019 taxable year has not
7 asked for the exemption to be removed for the 2019 or 2020
8 taxable years.

9 Nothing in this subsection shall preclude or impair the
10 authority of a chief county assessment officer to conduct
11 audits of any taxpayer claiming an exemption under this
12 Section to verify that the taxpayer is eligible to receive the
13 exemption as provided elsewhere in this Section.

14 (c-10) Notwithstanding any other provision of law, each
15 chief county assessment officer may approve this exemption for
16 the 2021 taxable year, without application, for any property
17 that was approved for this exemption for the 2020 taxable
18 year, if:

19 (1) the county board has declared a local disaster as
20 provided in the Illinois Emergency Management Agency Act
21 related to the COVID-19 public health emergency;

22 (2) the owner of record of the property as of January
23 1, 2021 is the same as the owner of record of the property
24 as of January 1, 2020;

25 (3) the exemption for the 2020 taxable year has not
26 been determined to be an erroneous exemption as defined by

1 this Code; and

2 (4) the taxpayer for the 2020 taxable year has not
3 asked for the exemption to be removed for the 2020 or 2021
4 taxable years.

5 Nothing in this subsection shall preclude or impair the
6 authority of a chief county assessment officer to conduct
7 audits of any taxpayer claiming an exemption under this
8 Section to verify that the taxpayer is eligible to receive the
9 exemption as provided elsewhere in this Section.

10 (d) Each Chief County Assessment Officer shall annually
11 publish a notice of availability of the exemption provided
12 under this Section. The notice shall be published at least 60
13 days but no more than 75 days prior to the date on which the
14 application must be submitted to the Chief County Assessment
15 Officer of the county in which the property is located. The
16 notice shall appear in a newspaper of general circulation in
17 the county.

18 Notwithstanding Sections 6 and 8 of the State Mandates
19 Act, no reimbursement by the State is required for the
20 implementation of any mandate created by this Section.

21 (Source: P.A. 101-635, eff. 6-5-20; 102-136, eff. 7-23-21;
22 102-895, eff. 5-23-22.)

23 Section 10. The Illinois Pension Code is amended by
24 changing Sections 4-110.1, 4-114, 4-115.1, 5-152, 6-148,
25 6-151, 6-151.1, 6-163, 16-190.1, and 19-113 as follows:

1 (40 ILCS 5/4-110.1) (from Ch. 108 1/2, par. 4-110.1)

2 Sec. 4-110.1. Occupational disease disability pension.
3 The General Assembly finds that service in the fire department
4 requires firefighters in times of stress and danger to perform
5 unusual tasks; that firefighters are subject to exposure to
6 extreme heat or extreme cold in certain seasons while
7 performing their duties; that they are required to work in the
8 midst of and are subject to heavy smoke fumes, and
9 carcinogenic, poisonous, toxic or chemical gases from fires;
10 and that these conditions exist and arise out of or in the
11 course of employment.

12 An active firefighter with 5 or more years of creditable
13 service who is found, pursuant to Section 4-112, unable to
14 perform his or her duties in the fire department by reason of
15 heart disease, stroke, tuberculosis, or any disease of the
16 lungs or respiratory tract, resulting from service as a
17 firefighter, is entitled to an occupational disease disability
18 pension during any period of such disability for which he or
19 she has no right to receive salary.

20 Any active firefighter who has completed 5 or more years
21 of service and is unable to perform his or her duties in the
22 fire department by reason of a disabling cancer, which
23 develops or manifests itself during a period while the
24 firefighter is in the service of the fire department, shall be
25 entitled to receive an occupational disease disability benefit

1 during any period of such disability for which he or she does
2 not have a right to receive salary. In order to receive this
3 occupational disease disability benefit, (i) the type of
4 cancer involved must be a type which may be caused by exposure
5 to heat, radiation or a known carcinogen as defined by the
6 International Agency for Research on Cancer and (ii) the
7 cancer must (and is rebuttably presumed to) arise as a result
8 of service as a firefighter.

9 A firefighter who enters the service after August 27, 1971
10 shall be examined by one or more practicing physicians
11 appointed by the board. If the examination discloses
12 impairment of the heart, lungs or respiratory tract, or the
13 existence of any cancer, the firefighter shall not be entitled
14 to the occupational disease disability pension unless and
15 until a subsequent examination reveals no such impairment or
16 cancer.

17 The occupational disease disability pension shall be equal
18 to the greater of (1) 65% of the salary attached to the rank
19 held by the firefighter in the fire service at the time of his
20 or her removal from the municipality's fire department payroll
21 or (2) the retirement pension that the firefighter would be
22 eligible to receive if he or she retired (but not including any
23 automatic annual increase in that retirement pension).

24 The firefighter is also entitled to a child's disability
25 benefit of \$20 a month for each natural or legally adopted
26 unmarried child less than age 18 dependent upon the

1 firefighter for support. The total child's disability benefit
2 when added to the occupational disease disability pension
3 shall not exceed 75% of the firefighter's salary at the time of
4 the grant of occupational disease disability pension.

5 The occupational disease disability pension is payable to
6 the firefighter during the period of the disability. If the
7 disability ceases before the death of the firefighter, the
8 disability pension payable under this Section shall also cease
9 and the firefighter thereafter shall receive such pension
10 benefits as are provided in accordance with other provisions
11 of this Article.

12 If a firefighter dies while still disabled and receiving a
13 disability pension under this Section, the disability pension
14 shall continue to be paid to the firefighter's survivors in
15 the sequence provided in Section 4-114. A pension previously
16 granted under Section 4-114 to a survivor of a firefighter who
17 died while receiving a disability pension under this Section
18 shall be deemed to be a continuation of the pension provided
19 under this Section and shall be deemed to be in the nature of
20 worker's occupational disease compensation payments. The
21 changes to this Section made by this amendatory Act of 1995 are
22 intended to be retroactive and are not limited to persons in
23 service on or after its effective date.

24 The child's disability benefit shall terminate if the
25 disability ceases while the firefighter is alive or when the
26 child or children attain age 18 or marry, whichever event

1 occurs first, except that benefits payable on account of a
2 child under this Section shall not be reduced or terminated by
3 reason of the child's attainment of age 18 if he or she is then
4 dependent by reason of a physical or mental disability but
5 shall continue to be paid as long as such dependency
6 continues. Individuals over the age of 18 and adjudged as a
7 disabled person or a person with a disability pursuant to
8 Article XIa of the Probate Act of 1975, except for persons
9 receiving benefits under Article III of the Illinois Public
10 Aid Code, shall be eligible to receive benefits under this
11 Act.

12 (Source: P.A. 93-1090, eff. 3-11-05.)

13 (40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

14 Sec. 4-114. Pension to survivors. If a firefighter who is
15 not receiving a disability pension under Section 4-110 or
16 4-110.1 dies (1) as a result of any illness or accident, or (2)
17 from any cause while in receipt of a disability pension under
18 this Article, or (3) during retirement after 20 years service,
19 or (4) while vested for or in receipt of a pension payable
20 under subsection (b) of Section 4-109, or (5) while a deferred
21 pensioner, having made all required contributions, a pension
22 shall be paid to his or her survivors, based on the monthly
23 salary attached to the firefighter's rank on the last day of
24 service in the fire department, as follows:

25 (a) (1) To the surviving spouse, a monthly pension of

1 40% of the monthly salary, and if there is a surviving
2 spouse, to the guardian of any minor child or children
3 including a child which has been conceived but not yet
4 born, 12% of such monthly salary for each such child until
5 attainment of age 18 or until the child's marriage,
6 whichever occurs first. Beginning July 1, 1993, the
7 monthly pension to the surviving spouse shall be 54% of
8 the monthly salary for all persons receiving a surviving
9 spouse pension under this Article, regardless of whether
10 the deceased firefighter was in service on or after the
11 effective date of this amendatory Act of 1993.

12 (2) Beginning July 1, 2004, unless the amount provided
13 under paragraph (1) of this subsection (a) is greater, the
14 total monthly pension payable under this paragraph (a),
15 including any amount payable on account of children, to
16 the surviving spouse of a firefighter who died (i) while
17 receiving a retirement pension, (ii) while he or she was a
18 deferred pensioner with at least 20 years of creditable
19 service, or (iii) while he or she was in active service
20 having at least 20 years of creditable service, regardless
21 of age, shall be no less than 100% of the monthly
22 retirement pension earned by the deceased firefighter at
23 the time of death, regardless of whether death occurs
24 before or after attainment of age 50, including any
25 increases under Section 4-109.1. This minimum applies to
26 all such surviving spouses who are eligible to receive a

1 surviving spouse pension, regardless of whether the
2 deceased firefighter was in service on or after the
3 effective date of this amendatory Act of the 93rd General
4 Assembly, and notwithstanding any limitation on maximum
5 pension under paragraph (d) or any other provision of this
6 Article.

7 (3) If the pension paid on and after July 1, 2004 to
8 the surviving spouse of a firefighter who died on or after
9 July 1, 2004 and before the effective date of this
10 amendatory Act of the 93rd General Assembly was less than
11 the minimum pension payable under paragraph (1) or (2) of
12 this subsection (a), the fund shall pay a lump sum equal to
13 the difference within 90 days after the effective date of
14 this amendatory Act of the 93rd General Assembly.

15 The pension to the surviving spouse shall terminate in
16 the event of the surviving spouse's remarriage prior to
17 July 1, 1993; remarriage on or after that date does not
18 affect the surviving spouse's pension, regardless of
19 whether the deceased firefighter was in service on or
20 after the effective date of this amendatory Act of 1993.

21 The surviving spouse's pension shall be subject to the
22 minimum established in Section 4-109.2.

23 (b) Upon the death of the surviving spouse leaving one
24 or more minor children, or upon the death of a firefighter
25 leaving one or more minor children but no surviving
26 spouse, to the duly appointed guardian of each such child,

1 for support and maintenance of each such child until the
2 child reaches age 18 or marries, whichever occurs first, a
3 monthly pension of 20% of the monthly salary.

4 In a case where the deceased firefighter left one or
5 more minor children but no surviving spouse and the
6 guardian of a child is receiving a pension of 12% of the
7 monthly salary on August 16, 2013 (the effective date of
8 Public Act 98-391), the pension is increased by Public Act
9 98-391 to 20% of the monthly salary for each such child,
10 beginning on the pension payment date occurring on or next
11 following August 16, 2013. The changes to this Section
12 made by Public Act 98-391 apply without regard to whether
13 the deceased firefighter was in service on or after August
14 16, 2013.

15 (c) If a deceased firefighter leaves no surviving
16 spouse or unmarried minor children under age 18, but
17 leaves a dependent father or mother, to each dependent
18 parent a monthly pension of 18% of the monthly salary. To
19 qualify for the pension, a dependent parent must furnish
20 satisfactory proof that the deceased firefighter was at
21 the time of his or her death the sole supporter of the
22 parent or that the parent was the deceased's dependent for
23 federal income tax purposes.

24 (d) The total pension provided under paragraphs (a),
25 (b) and (c) of this Section shall not exceed 75% of the
26 monthly salary of the deceased firefighter (1) when paid

1 to the survivor of a firefighter who has attained 20 or
2 more years of service credit and who receives or is
3 eligible to receive a retirement pension under this
4 Article, or (2) when paid to the survivor of a firefighter
5 who dies as a result of illness or accident, or (3) when
6 paid to the survivor of a firefighter who dies from any
7 cause while in receipt of a disability pension under this
8 Article, or (4) when paid to the survivor of a deferred
9 pensioner. For all other survivors of deceased
10 firefighters, the total pension provided under paragraphs
11 (a), (b) and (c) of this Section shall not exceed 50% of
12 the retirement annuity the firefighter would have received
13 on the date of death.

14 The maximum pension limitations in this paragraph (d)
15 do not control over any contrary provision of this Article
16 explicitly establishing a minimum amount of pension or
17 granting a one-time or annual increase in pension.

18 (e) If a firefighter leaves no eligible survivors
19 under paragraphs (a), (b) and (c), the board shall refund
20 to the firefighter's estate the amount of his or her
21 accumulated contributions, less the amount of pension
22 payments, if any, made to the firefighter while living.

23 (f) (Blank).

24 (g) If a judgment of dissolution of marriage between a
25 firefighter and spouse is judicially set aside subsequent
26 to the firefighter's death, the surviving spouse is

1 eligible for the pension provided in paragraph (a) only if
2 the judicial proceedings are filed within 2 years after
3 the date of the dissolution of marriage and within one
4 year after the firefighter's death and the board is made a
5 party to the proceedings. In such case the pension shall
6 be payable only from the date of the court's order setting
7 aside the judgment of dissolution of marriage.

8 (h) Benefits payable on account of a child under this
9 Section shall not be reduced or terminated by reason of
10 the child's attainment of age 18 if he or she is then
11 dependent by reason of a physical or mental disability but
12 shall continue to be paid as long as such dependency
13 continues. Individuals over the age of 18 and adjudged as
14 a disabled person or a person with a disability pursuant
15 to Article XIa of the Probate Act of 1975, except for
16 persons receiving benefits under Article III of the
17 Illinois Public Aid Code, shall be eligible to receive
18 benefits under this Act.

19 (i) Beginning January 1, 2000, the pension of the
20 surviving spouse of a firefighter who dies on or after
21 January 1, 1994 as a result of sickness, accident, or
22 injury incurred in or resulting from the performance of an
23 act of duty or from the cumulative effects of acts of duty
24 shall not be less than 100% of the salary attached to the
25 rank held by the deceased firefighter on the last day of
26 service, notwithstanding subsection (d) or any other

1 provision of this Article.

2 (j) Beginning July 1, 2004, the pension of the
3 surviving spouse of a firefighter who dies on or after
4 January 1, 1988 as a result of sickness, accident, or
5 injury incurred in or resulting from the performance of an
6 act of duty or from the cumulative effects of acts of duty
7 shall not be less than 100% of the salary attached to the
8 rank held by the deceased firefighter on the last day of
9 service, notwithstanding subsection (d) or any other
10 provision of this Article.

11 Notwithstanding any other provision of this Article, if a
12 person who first becomes a firefighter under this Article on
13 or after January 1, 2011 and who is not receiving a disability
14 pension under Section 4-110 or 4-110.1 dies (1) as a result of
15 any illness or accident, (2) from any cause while in receipt of
16 a disability pension under this Article, (3) during retirement
17 after 20 years service, (4) while vested for or in receipt of a
18 pension payable under subsection (b) of Section 4-109, or (5)
19 while a deferred pensioner, having made all required
20 contributions, then a pension shall be paid to his or her
21 survivors in an amount equal to the greater of (i) 54% of the
22 firefighter's monthly salary at the date of death, or (ii) 66
23 2/3% of the firefighter's earned pension at the date of death,
24 and, if there is a surviving spouse, 12% of such monthly salary
25 shall be granted to the guardian of any minor child or
26 children, including a child who has been conceived but not yet

1 born, for each such child until attainment of age 18. Upon the
2 death of the surviving spouse leaving one or more minor
3 children, or upon the death of a firefighter leaving one or
4 more minor children but no surviving spouse, a monthly pension
5 of 20% of the monthly salary shall be granted to the duly
6 appointed guardian of each such child for the support and
7 maintenance of each such child until the child reaches age 18.
8 The total pension provided under this paragraph shall not
9 exceed 75% of the monthly salary of the deceased firefighter
10 (1) when paid to the survivor of a firefighter who has attained
11 20 or more years of service credit and who receives or is
12 eligible to receive a retirement pension under this Article,
13 (2) when paid to the survivor of a firefighter who dies as a
14 result of illness or accident, (3) when paid to the survivor of
15 a firefighter who dies from any cause while in receipt of a
16 disability pension under this Article, or (4) when paid to the
17 survivor of a deferred pensioner. Nothing in this Section
18 shall act to diminish the survivor's benefits described in
19 subsection (j) of this Section.

20 Notwithstanding Section 1-103.1, the changes made to this
21 subsection apply without regard to whether the deceased
22 firefighter was in service on or after the effective date of
23 this amendatory Act of the 101st General Assembly.

24 Notwithstanding any other provision of this Article, the
25 monthly pension of a survivor of a person who first becomes a
26 firefighter under this Article on or after January 1, 2011

1 shall be increased on the January 1 after attainment of age 60
2 by the recipient of the survivor's pension and each January 1
3 thereafter by 3% or one-half the annual unadjusted percentage
4 increase in the consumer price index-u for the 12 months
5 ending with the September preceding each November 1, whichever
6 is less, of the originally granted survivor's pension. If the
7 annual unadjusted percentage change in the consumer price
8 index-u for a 12-month period ending in September is zero or,
9 when compared with the preceding period, decreases, then the
10 survivor's pension shall not be increased.

11 For the purposes of this Section, "consumer price index-u"
12 means the index published by the Bureau of Labor Statistics of
13 the United States Department of Labor that measures the
14 average change in prices of goods and services purchased by
15 all urban consumers, United States city average, all items,
16 1982-84 = 100. The new amount resulting from each annual
17 adjustment shall be determined by the Public Pension Division
18 of the Department of Insurance and made available to the
19 boards of the pension funds.

20 (Source: P.A. 101-610, eff. 1-1-20.)

21 (40 ILCS 5/4-115.1) (from Ch. 108 1/2, par. 4-115.1)

22 Sec. 4-115.1. Eligibility of children. Dependent benefits
23 shall be paid to each natural child of a deceased firefighter,
24 and to each child legally adopted, until the child's
25 attainment of age 18 or marriage, whichever occurs first,

1 whether or not the death of the firefighter occurred prior to
2 November 21, 1975.

3 Benefits payable to or on account of a child under this
4 Article shall not be reduced or terminated by reason of the
5 child's adoption by a third party after the firefighter's
6 death.

7 Benefits payable to or on account of a child under this
8 Article shall not be reduced or terminated by reason of the
9 child's attainment of age 18 if he or she is then dependent by
10 reason of a physical or mental disability but shall continue
11 to be paid as long as such dependency continues. Individuals
12 over the age of 18 and adjudged as a disabled person or a
13 person with a disability pursuant to Article XIa of the
14 Probate Act of 1975, except for persons receiving benefits
15 under Article III of the Illinois Public Aid Code, shall be
16 eligible to receive benefits under this Act.

17 (Source: P.A. 95-279, eff. 1-1-08.)

18 (40 ILCS 5/5-152) (from Ch. 108 1/2, par. 5-152)

19 Sec. 5-152. Child's annuity - Conditions - Amount. A
20 child's annuity shall be payable in the following cases of
21 policemen who die on or after the effective date: (a) A
22 policeman whose death results from injury incurred in the
23 performance of an act or acts of duty; (b) a policeman who dies
24 in service from any cause; (c) a policeman who withdraws upon
25 or after attainment of age 50 and who enters upon or is

1 eligible for annuity; (d) a present employee with at least 20
2 years of service who dies after withdrawal, whether or not he
3 has entered upon annuity.

4 Only one annuity shall be granted and paid for the benefit
5 of any child if both parents have been policemen.

6 The annuity shall be paid, without regard to the fact that
7 the death of the deceased policeman parent may have occurred
8 prior to the effective date of this amendatory Act of 1975, in
9 an amount equal to 10% of the annual maximum salary attached to
10 the classified civil service position of a first class
11 patrolman on July 1, 1975, or the date of the policeman's
12 death, whichever is later, for each child while a widow or
13 widower of the deceased policeman survives and in an amount
14 equal to 15% of the annual maximum salary attached to the
15 classified civil service position of a first class patrolman
16 on July 1, 1975, or the date of the policeman's death,
17 whichever is later, while no widow or widower shall survive,
18 provided that if the combined annuities for the widow and
19 children of a policeman who dies on or after September 26,
20 1969, as the result of an act of duty, or for the children of
21 such policeman in any case wherein a widow or widower does not
22 exist, exceed the salary that would ordinarily have been paid
23 to him if he had been in the active discharge of his duties,
24 all such annuities shall be reduced pro rata so that the
25 combined annuities for the family shall not exceed such
26 limitation. The compensation portion of the annuity of the

1 widow shall not be considered in making such reduction. No age
2 limitation in this Section or Section 5-151 shall apply to a
3 child who is ~~so physically or mentally handicapped as to be~~
4 unable to support himself or herself due to a physical or
5 intellectual disability. Benefits payable under this Section
6 shall not be reduced or terminated by reason of any child's
7 attainment of age 18 if he is then dependent by reason of a
8 physical or mental disability but shall continue to be paid as
9 long as such dependency continues. For the purposes of this
10 subsection, "disability" means inability to engage in any
11 substantial gainful activity by reason of any medically
12 determinable physical or mental impairment which can be
13 expected to result in death or which has lasted or can be
14 expected to last for a continuous period of not less than 12
15 months.

16 In the case of a family of a policeman who dies on or after
17 September 26, 1969, as the result of any cause other than the
18 performance of an act of duty, in which annuities for such
19 family exceed an amount equal to 60% of the salary that would
20 ordinarily have been paid to him if he had been in the active
21 discharge of his duties, all such annuities shall be reduced
22 pro rata so that the combined annuities shall not exceed such
23 limitation.

24 Child's annuity shall be paid to the parent providing for
25 the child, unless another person is appointed by a court of law
26 as the child's guardian.

1 (Source: P.A. 95-279, eff. 1-1-08; 95-504, eff. 8-28-07;
2 95-876, eff. 8-21-08.)

3 (40 ILCS 5/6-148) (from Ch. 108 1/2, par. 6-148)

4 Sec. 6-148. A child's annuity, shall be paid for the
5 benefit of any unmarried child, less than age 18, of any
6 following described firemen:

7 (a) A fireman whose death results from the performance of
8 any act or acts of duty; (b) a fireman who dies in service from
9 any cause; (c) a fireman who withdraws subsequent to age 50 and
10 who enters upon or is eligible for annuity; and (d) a fireman
11 having at least 20 years of service who withdraws and dies
12 before he enters upon annuity.

13 The annuity shall be paid without regard to the fact that
14 the death of the deceased fireman parent may have occurred
15 prior to the effective date of this amendatory Act and shall be
16 paid monthly in an amount equal to 15% of the current annual
17 maximum salary attached to the classified civil service
18 position of fire fighter if no widow survives and 10% of such
19 salary while the widow survives and no age limitation in this
20 Section shall apply to a child who is ~~so physically or mentally~~
21 ~~handicapped as to be~~ unable to support himself or herself due
22 to a physical or intellectual disability; provided, if
23 annuities for the widow and children of a fireman who dies on
24 or after the effective date and whose death has been the result
25 of an act or acts of duty performed on or after said date, or

1 for the children in any such case wherein a widow shall not
2 exist, computed at the rates hereinbefore stated, would exceed
3 the final annual salary of a first class fireman, (one who
4 receives maximum salary for classified civil service rank of
5 fire fighter), the annuity for each child shall be reduced pro
6 rata so that the combined annuities for the family of the
7 fireman shall not exceed such amount; and in the case of the
8 family of a fireman who dies on or after said date and whose
9 death is the result of any cause or causes other than injury
10 incurred in the performance of an act or acts of duty in which
11 annuities for such family, computed at the rates hereinbefore
12 stated would exceed 60% of the final annual salary of a first
13 class fireman, the annuity of each child shall be reduced pro
14 rata so that the combined annuities for the family do not
15 exceed such limitation.

16 Child's annuity shall be paid to the parent who is
17 providing for the child, unless another person is appointed by
18 a court of law as the child's guardian.

19 (Source: P.A. 95-279, eff. 1-1-08.)

20 (40 ILCS 5/6-151) (from Ch. 108 1/2, par. 6-151)

21 Sec. 6-151. An active fireman who is or becomes disabled
22 on or after the effective date as the result of a specific
23 injury, or of cumulative injuries, or of specific sickness
24 incurred in or resulting from an act or acts of duty, shall
25 have the right to receive duty disability benefit during any

1 period of such disability for which he does not receive or have
2 a right to receive salary, equal to 75% of his salary at the
3 time the disability is allowed. However, beginning January 1,
4 1994, no duty disability benefit that has been payable under
5 this Section for at least 10 years shall be less than 50% of
6 the current salary attached from time to time to the rank and
7 grade held by the fireman at the time of his removal from the
8 Department payroll, regardless of whether that removal
9 occurred before the effective date of this amendatory Act of
10 1993.

11 Whenever an active fireman is or becomes so injured or
12 sick, as to require medical or hospital attention, the chief
13 officer of the fire department of the city shall file, or cause
14 to be filed, with the board a report of the nature and cause of
15 his disability, together with the certificate or report of the
16 physician attending or treating, or who attended or treated
17 the fireman, and a copy of any hospital record concerning the
18 disability. Any injury or sickness not reported to the board
19 in time to permit the board's physician to examine the fireman
20 before his recovery, and any injury or sickness for which a
21 physician's report or copy of the hospital record is not on
22 file with the board shall not be considered for the payment of
23 duty disability benefit.

24 Such fireman shall also receive a child's disability
25 benefit of \$30 per month on account of each unmarried child,
26 the issue of the fireman or legally adopted by him, who is less

1 than 18 years of age or has a disability ~~handicapped~~ and is
2 dependent upon the fireman for support. The total amount of
3 child's disability benefit shall not exceed 25% of his salary
4 at the time the disability is allowed.

5 The first payment of duty disability or child's disability
6 benefit shall be made not later than one month after the
7 benefit is granted. Each subsequent payment shall be made not
8 later than one month after the date of the latest payment.

9 Duty disability benefit shall be payable during the period
10 of the disability until the fireman reaches the age of
11 compulsory retirement. Child's disability benefit shall be
12 paid to such a fireman during the period of disability until
13 such child or children attain age 18 or marries, whichever
14 event occurs first; except that attainment of age 18 by a child
15 who has a physical or intellectual disability and is ~~so~~
16 ~~physically or mentally handicapped as to be~~ dependent upon the
17 fireman for support, shall not render the child ineligible for
18 child's disability benefit. The fireman shall thereafter
19 receive such annuity or annuities as are provided for him in
20 accordance with other provisions of this Article.

21 For the purposes of this Section only, any fireman who
22 becomes disabled as a result of exposure to and contraction of
23 COVID-19, as evidenced by either a confirmed positive
24 laboratory test for COVID-19 or COVID-19 antibodies or a
25 confirmed diagnosis of COVID-19 from a licensed medical
26 professional shall:

1 (1) be rebuttably presumed to have contracted COVID-19
2 while in the performance of an act or acts of duty;

3 (2) be rebuttably presumed to have been injured while
4 in the performance of an act or acts of duty; and

5 (3) be entitled to receive a duty disability benefit
6 during any period of such disability for which the fireman
7 does not have a right to receive salary, in an amount equal
8 to 75% of the fireman's salary, as salary is defined in
9 this Article, at the time the disability is allowed, in
10 accordance with this Section.

11 The presumption shall apply to any fireman who was exposed
12 to and contracted COVID-19 on or after March 9, 2020 and on or
13 before January 31, 2022; except that the presumption shall not
14 apply if the fireman was on a leave of absence from his or her
15 employment or otherwise not required to report for duty for a
16 period of 14 or more consecutive days immediately prior to the
17 date of contraction of COVID-19. For the purposes of
18 determining when a fireman contracted COVID-19 under this
19 paragraph, the date of contraction is either the date that the
20 fireman was diagnosed with COVID-19 or was unable to work due
21 to symptoms that were later diagnosed as COVID-19, whichever
22 occurred first.

23 It is the intent of the General Assembly that the change
24 made by this amendatory Act shall apply retroactively to March
25 9, 2020, and any fireman who has been previously denied a duty
26 disability benefit that would otherwise be entitled to duty

1 disability benefit under this Section shall be entitled to
2 retroactive benefits and duty disability benefit.

3 (Source: P.A. 103-2, eff. 5-10-23; 103-692, eff. 7-19-24.)

4 (40 ILCS 5/6-151.1) (from Ch. 108 1/2, par. 6-151.1)

5 Sec. 6-151.1. The General Assembly finds and declares that
6 service in the Fire Department requires that firemen, in times
7 of stress and danger, must perform unusual tasks; that by
8 reason of their occupation, firemen are subject to exposure to
9 great heat and to extreme cold in certain seasons while in
10 performance of their duties; that by reason of their
11 employment firemen are required to work in the midst of and are
12 subject to heavy smoke fumes and carcinogenic, poisonous,
13 toxic or chemical gases from fires; and that in the course of
14 their rescue and paramedic duties firemen are exposed to
15 disabling infectious diseases, including AIDS, hepatitis C,
16 and stroke. The General Assembly further finds and declares
17 that all the aforementioned conditions exist and arise out of
18 or in the course of such employment.

19 Any active fireman who has completed 7 or more years of
20 service and is unable to perform his duties in the Fire
21 Department by reason of heart disease, tuberculosis, breast
22 cancer, any disease of the lungs or respiratory tract, AIDS,
23 hepatitis C, stroke, or a contagious staph infection,
24 including methicillin-resistant Staphylococcus aureus (MRSA),
25 resulting from his service as a fireman, shall be entitled to

1 receive an occupational disease disability benefit during any
2 period of such disability for which he does not have a right to
3 receive salary.

4 Any active fireman who has completed 7 or more years of
5 service and is unable to perform his duties in the fire
6 department by reason of a disabling cancer, which develops or
7 manifests itself during a period while the fireman is in the
8 service of the department, shall be entitled to receive an
9 occupational disease disability benefit during any period of
10 such disability for which he does not have a right to receive
11 salary. In order to receive this occupational disease
12 disability benefit, the type of cancer involved must be a type
13 which may be caused by exposure to heat, radiation or a known
14 carcinogen as defined by the International Agency for Research
15 on Cancer.

16 Any fireman receiving a retirement annuity shall be
17 entitled to an occupational disease disability benefit under
18 this Section if the fireman (1) has not reached the age of
19 compulsory retirement, (2) has not been receiving a retirement
20 annuity for more than 5 years, and (3) has a condition that
21 would have qualified the fireman for an occupational disease
22 disability benefit under this Section if he or she was an
23 active fireman. A fireman who receives an occupational disease
24 disability benefit in accordance with this paragraph may not
25 receive a retirement annuity during the period in which he or
26 she receives an occupational disease disability benefit. The

1 occupational disease disability benefit shall terminate upon
2 the fireman reaching the age of compulsory retirement.

3 Any fireman who shall enter the service after the
4 effective date of this amendatory Act shall be examined by one
5 or more practicing physicians appointed by the Board, and if
6 that examination discloses impairment of the heart, lungs, or
7 respiratory tract, or the existence of AIDS, hepatitis C,
8 stroke, cancer, or a contagious staph infection, including
9 methicillin-resistant Staphylococcus aureus (MRSA), then the
10 fireman shall not be entitled to receive an occupational
11 disease disability benefit unless and until a subsequent
12 examination reveals no such impairment, AIDS, hepatitis C,
13 stroke, cancer, or contagious staph infection, including
14 methicillin-resistant Staphylococcus aureus (MRSA).

15 The occupational disease disability benefit shall be 65%
16 of the fireman's salary at the time of his removal from the
17 Department payroll. However, beginning January 1, 1994, no
18 occupational disease disability benefit that has been payable
19 under this Section for at least 10 years shall be less than 50%
20 of the current salary attached from time to time to the rank
21 and grade held by the fireman at the time of his removal from
22 the Department payroll, regardless of whether that removal
23 occurred before the effective date of this amendatory Act of
24 1993.

25 Such fireman also shall have a right to receive child's
26 disability benefit of \$30 per month on account of each

1 unmarried child who is less than 18 years of age or has a
2 disability ~~handicapped~~, dependent upon the fireman for
3 support, and either the issue of the fireman or legally
4 adopted by him. The total amount of child's disability benefit
5 payable to the fireman, when added to his occupational disease
6 disability benefit, shall not exceed 75% of the amount of
7 salary which he was receiving at the time of the grant of
8 occupational disease disability benefit.

9 The first payment of occupational disease disability
10 benefit or child's disability benefit shall be made not later
11 than one month after the benefit is granted. Each subsequent
12 payment shall be made not later than one month after the date
13 of the latest payment.

14 Occupational disease disability benefit shall be payable
15 during the period of the disability until the fireman reaches
16 the age of compulsory retirement. Child's disability benefit
17 shall be paid to such a fireman during the period of disability
18 until such child or children attain age 18 or marry, whichever
19 event occurs first; except that attainment of age 18 by a child
20 who has a physical or intellectual disability and is ~~so~~
21 ~~physically or mentally handicapped as to be~~ dependent upon the
22 fireman for support, shall not render the child ineligible for
23 child's disability benefit. The fireman thereafter shall
24 receive such annuity or annuities as are provided for him in
25 accordance with other provisions of this Article.

26 (Source: P.A. 104-284, eff. 8-15-25.)

1 (40 ILCS 5/6-163)

2 Sec. 6-163. Annual salary for computing annuities and
3 benefits-Amount of duty disability benefit limited. For age
4 and service annuity, the minimum annuities prescribed in
5 Sections 6-123 and 6-128 and for disability benefits, salary
6 as defined in Section 6-111 shall be the basis of computation.
7 For disability pension and duty disability benefit under this
8 Article, it shall be assumed that the annual salary of a
9 fireman is the amount set out and appropriated for the rank or
10 grade held by him in the annual budget or appropriation of the
11 city, and that when salary is appropriated in a lump sum to be
12 paid on the basis of a daily wage for services as needed, the
13 annual salary is the amount ascertained by multiplying the
14 daily wage by 280; provided that (1) for computing minimum
15 annuity, disability pension and duty disability benefits from
16 and after January 1, 1941, the salary shall be assumed to be
17 not less than the salary appropriated for the rank or grade
18 held by the fireman concerned on December 31, 1940; and that
19 (2) when the amount of salary appropriated for a position is
20 for a definite period of less than 12 months in any one year
21 subsequent to December 31, 1940, disability benefit shall be
22 computed upon the basis of a daily wage or salary by dividing
23 the amount appropriated for such person with a disability
24 ~~disabled person~~ by 365; and (3) the amount of duty disability
25 benefit, either in itself or when added to child's disability

1 benefit, shall not exceed the actual salary appropriated for
2 the rank or grade held by the person with a disability ~~disabled~~
3 ~~person~~ when the right to such disability benefits accrues.

4 The provisions of this section shall be retroactive to
5 January 1, 1941, but shall not apply to any person whose
6 pension, annuity or disability benefit has been or shall be
7 granted, based upon or computed in accordance with the
8 provisions of any Act other than this Article or the
9 "Firemen's Annuity and Benefit Fund of the Illinois Municipal
10 Code".

11 (Source: Laws 1967, p. 3625.)

12 (40 ILCS 5/16-190.1) (from Ch. 108 1/2, par. 16-190.1)

13 Sec. 16-190.1. Payment of benefits on account of minors,
14 persons with disabilities, ~~disabled persons~~ and others.
15 Benefits under this Article due minors or persons with
16 disabilities ~~disabled persons~~ as defined in Section 16-140(4)
17 may be paid (1) to any person who has legally qualified and is
18 acting as guardian of the minor's or person with a
19 disability's ~~disabled person's~~ person or property in any
20 jurisdiction; or (2) to a parent of the minor or to any adult
21 person with whom the minor or person with a disability
22 ~~disabled person~~ may be residing, provided the board is assured
23 that the moneys will be held in trust or used for the support
24 of the minor or person with a disability ~~disabled person~~; or
25 (3) to the trustee of a trust established for the benefit of

1 the minor or person with a disability ~~disabled person~~. In
2 addition, an adult person to whom benefits under this Article
3 may be paid, while of sound mind and memory, may designate in
4 writing any adult person with whom he or she resides or who
5 provides responsible assistance or advice to him or her in the
6 conduct of his or her affairs to receive benefits due or to
7 become due to him or her under this Article, and benefits may
8 be paid in accordance with such designation provided the board
9 is assured that the same will be held in trust or used for the
10 support of the person making such designation. The written
11 receipt from the parent or other adult person shall constitute
12 an absolute discharge of the system's liability in respect of
13 the amounts paid by the system.

14 (Source: P.A. 87-1265.)

15 (40 ILCS 5/19-113) (from Ch. 108 1/2, par. 19-113)

16 Sec. 19-113. Retirement account of disability. Any person
17 who has contributed to said fund for a period of 3 years or
18 more may retire from the service of said house of correction on
19 account of serious disability rendering him or her unable to
20 properly discharge his or her duties. If such disability is
21 incurred as the result of the performance of any act or acts of
22 duty, such person with a disability ~~disabled person~~ shall be
23 entitled to receive an amount equal to 75% of salary as salary
24 is defined in Section 19-101 of this Division, until such
25 person shall recover from such disability or shall attain an

1 age of 65 years, at which time he shall retire from the service
2 and be entitled to receive a pension as provided for in Section
3 19-109 of this Division. If such disability shall not be the
4 result of the performance of an act or acts of duty, and is not
5 due to alcoholism or pregnancy, such person shall be entitled
6 to receive ordinary disability pension in the amount of 44% of
7 said contributor's salary per month for a period of time equal
8 to 1/2 of his period of service, but not to exceed 5 years.

9 Neither duty disability pension nor ordinary disability
10 pension shall be paid to any contributor to this fund after
11 such contributor has attained the age of 65 years; provided,
12 however, that any person in receipt of ordinary disability
13 pension or duty disability pension from this fund, if he shall
14 still be disabled upon attainment of age 65 and shall have a
15 period of service of 10 years or more (which period of service
16 shall consist of actual service plus the period of time such
17 person received disability pension,) shall be retired upon the
18 annuity provided for in Section 19-109 of this Division.

19 In the event any person receiving ordinary disability
20 pension shall continue to be disabled after the expiration of
21 the period of time for which he shall be entitled to receive
22 disability pension, and before the attainment by such person
23 of the age of 55 years, such person shall be entitled to retire
24 upon the annuity provided for in Section 19-109 of this
25 Division as though such person with a disability ~~disabled~~
26 ~~person~~ had attained 55 years of age; provided, if such annuity

1 shall be less than \$300 per year, the employee concerned may,
2 at his option, in lieu of such annuity, withdraw the
3 contributions he shall have made to the fund together with the
4 interest thereon. Such person with a disability ~~disabled~~
5 ~~person~~ must be found to be disabled and unable to discharge the
6 duties of his position upon an examination made by a physician
7 appointed by the board of trustees. During the period any
8 person is in receipt of ordinary disability pension, such
9 person shall continue to make the contributions provided under
10 Section 19-101 of this Division. When such person with a
11 disability ~~disabled person~~ shall have recovered from such
12 disability he or she shall be removed from the disability roll
13 and shall be restored to his or her position in the service.
14 (Source: Laws 1963, p. 161.)

15 Section 15. The Illinois Banking Act is amended by
16 changing Section 48.1 as follows:

17 (205 ILCS 5/48.1) (from Ch. 17, par. 360)

18 Sec. 48.1. Customer financial records; confidentiality.

19 (a) For the purpose of this Section, the term "financial
20 records" means any original, any copy, or any summary of:

21 (1) a document granting signature authority over a
22 deposit or account;

23 (2) a statement, ledger card or other record on any
24 deposit or account, which shows each transaction in or

1 with respect to that account;

2 (3) a check, draft or money order drawn on a bank or
3 issued and payable by a bank; or

4 (4) any other item containing information pertaining
5 to any relationship established in the ordinary course of
6 a bank's business between a bank and its customer,
7 including financial statements or other financial
8 information provided by the customer.

9 (b) This Section does not prohibit:

10 (1) The preparation, examination, handling or
11 maintenance of any financial records by any officer,
12 employee or agent of a bank having custody of the records,
13 or the examination of the records by a certified public
14 accountant engaged by the bank to perform an independent
15 audit.

16 (2) The examination of any financial records by, or
17 the furnishing of financial records by a bank to, any
18 officer, employee or agent of (i) the Commissioner of
19 Banks and Real Estate, (ii) after May 31, 1997, a state
20 regulatory authority authorized to examine a branch of a
21 State bank located in another state, (iii) the Comptroller
22 of the Currency, (iv) the Federal Reserve Board, or (v)
23 the Federal Deposit Insurance Corporation for use solely
24 in the exercise of his duties as an officer, employee, or
25 agent.

26 (3) The publication of data furnished from financial

1 records relating to customers where the data cannot be
2 identified to any particular customer or account.

3 (4) The making of reports or returns required under
4 Chapter 61 of the Internal Revenue Code of 1986.

5 (5) Furnishing information concerning the dishonor of
6 any negotiable instrument permitted to be disclosed under
7 the Uniform Commercial Code.

8 (6) The exchange in the regular course of business of
9 (i) credit information between a bank and other banks or
10 financial institutions or commercial enterprises, directly
11 or through a consumer reporting agency or (ii) financial
12 records or information derived from financial records
13 between a bank and other banks or financial institutions
14 or commercial enterprises for the purpose of conducting
15 due diligence pursuant to a purchase or sale involving the
16 bank or assets or liabilities of the bank.

17 (7) The furnishing of information to the appropriate
18 law enforcement authorities where the bank reasonably
19 believes it has been the victim of a crime.

20 (8) The furnishing of information under the Revised
21 Uniform Unclaimed Property Act.

22 (9) The furnishing of information under the Illinois
23 Income Tax Act and the Illinois Estate and
24 Generation-Skipping Transfer Tax Act.

25 (10) The furnishing of information under the federal
26 Currency and Foreign Transactions Reporting Act Title 31,

1 United States Code, Section 1051 et seq.

2 (11) The furnishing of information under any other
3 statute that by its terms or by regulations promulgated
4 thereunder requires the disclosure of financial records
5 other than by subpoena, summons, warrant, or court order.

6 (12) The furnishing of information about the existence
7 of an account of a person to a judgment creditor of that
8 person who has made a written request for that
9 information.

10 (13) The exchange in the regular course of business of
11 information between commonly owned banks in connection
12 with a transaction authorized under paragraph (23) of
13 Section 5 and conducted at an affiliate facility.

14 (14) The furnishing of information in accordance with
15 the federal Personal Responsibility and Work Opportunity
16 Reconciliation Act of 1996. Any bank governed by this Act
17 shall enter into an agreement for data exchanges with a
18 State agency provided the State agency pays to the bank a
19 reasonable fee not to exceed its actual cost incurred. A
20 bank providing information in accordance with this item
21 shall not be liable to any account holder or other person
22 for any disclosure of information to a State agency, for
23 encumbering or surrendering any assets held by the bank in
24 response to a lien or order to withhold and deliver issued
25 by a State agency, or for any other action taken pursuant
26 to this item, including individual or mechanical errors,

1 provided the action does not constitute gross negligence
2 or willful misconduct. A bank shall have no obligation to
3 hold, encumber, or surrender assets until it has been
4 served with a subpoena, summons, warrant, court or
5 administrative order, lien, or levy.

6 (15) The exchange in the regular course of business of
7 information between a bank and any commonly owned
8 affiliate of the bank, subject to the provisions of the
9 Financial Institutions Insurance Sales Law.

10 (16) The furnishing of information to law enforcement
11 authorities, the Illinois Department on Aging and its
12 regional administrative and provider agencies, the
13 Department of Human Services Office of Inspector General,
14 or public guardians: (i) upon subpoena by the
15 investigatory entity or the guardian, or (ii) if there is
16 suspicion by the bank that a customer who is an elderly
17 person or person with a disability has been or may become
18 the victim of financial exploitation. For the purposes of
19 this item (16), the term: (i) "elderly person" means a
20 person who is 60 or more years of age, (ii) "person with a
21 disability" ~~disabled person~~ means a person who has or
22 reasonably appears to the bank to have a physical or
23 mental disability that impairs his or her ability to seek
24 or obtain protection from or prevent financial
25 exploitation, and (iii) "financial exploitation" means
26 tortious or illegal use of the assets or resources of an

1 elderly person or person with a disability ~~or disabled~~
2 ~~person~~, and includes, without limitation, misappropriation
3 of the elderly person's or person with a disability's ~~or~~
4 ~~disabled person's~~ assets or resources by undue influence,
5 breach of fiduciary relationship, intimidation, fraud,
6 deception, extortion, or the use of assets or resources in
7 any manner contrary to law. A bank or person furnishing
8 information pursuant to this item (16) shall be entitled
9 to the same rights and protections as a person furnishing
10 information under the Adult Protective Services Act and
11 the Illinois Domestic Violence Act of 1986.

12 (17) The disclosure of financial records or
13 information as necessary to effect, administer, or enforce
14 a transaction requested or authorized by the customer, or
15 in connection with:

16 (A) servicing or processing a financial product or
17 service requested or authorized by the customer;

18 (B) maintaining or servicing a customer's account
19 with the bank; or

20 (C) a proposed or actual securitization or
21 secondary market sale (including sales of servicing
22 rights) related to a transaction of a customer.

23 Nothing in this item (17), however, authorizes the
24 sale of the financial records or information of a customer
25 without the consent of the customer.

26 (18) The disclosure of financial records or

1 information as necessary to protect against actual or
2 potential fraud, unauthorized transactions, claims, or
3 other liability.

4 (19) (A) The disclosure of financial records or
5 information related to a private label credit program
6 between a financial institution and a private label party
7 in connection with that private label credit program. Such
8 information is limited to outstanding balance, available
9 credit, payment and performance and account history,
10 product references, purchase information, and information
11 related to the identity of the customer.

12 (B) (1) For purposes of this paragraph (19) of
13 subsection (b) of Section 48.1, a "private label credit
14 program" means a credit program involving a financial
15 institution and a private label party that is used by a
16 customer of the financial institution and the private
17 label party primarily for payment for goods or services
18 sold, manufactured, or distributed by a private label
19 party.

20 (2) For purposes of this paragraph (19) of subsection
21 (b) of Section 48.1, a "private label party" means, with
22 respect to a private label credit program, any of the
23 following: a retailer, a merchant, a manufacturer, a trade
24 group, or any such person's affiliate, subsidiary, member,
25 agent, or service provider.

26 (20) (A) The furnishing of financial records of a

1 customer to the Department to aid the Department's initial
 2 determination or subsequent re-determination of the
 3 customer's eligibility for Medicaid and Medicaid long-term
 4 care benefits for long-term care services, provided that
 5 the bank receives the written consent and authorization of
 6 the customer, which shall:

- 7 (1) have the customer's signature notarized;
- 8 (2) be signed by at least one witness who
 9 certifies that he or she believes the customer to be of
 10 sound mind and memory;
- 11 (3) be tendered to the bank at the earliest
 12 practicable time following its execution,
 13 certification, and notarization;
- 14 (4) specifically limit the disclosure of the
 15 customer's financial records to the Department; and
- 16 (5) be in substantially the following form:

17 CUSTOMER CONSENT AND AUTHORIZATION
 18 FOR RELEASE OF FINANCIAL RECORDS

19 I, , hereby authorize
 20 (Name of Customer)

21
 22 (Name of Financial Institution)

1
2

(Address of Financial Institution)

3 to disclose the following financial records:

4 any and all information concerning my deposit, savings, money
5 market, certificate of deposit, individual retirement,
6 retirement plan, 401(k) plan, incentive plan, employee benefit
7 plan, mutual fund and loan accounts (including, but not
8 limited to, any indebtedness or obligation for which I am a
9 co-borrower, co-obligor, guarantor, or surety), and any and
10 all other accounts in which I have an interest and any other
11 information regarding me in the possession of the Financial
12 Institution,

13 to the Illinois Department of Human Services or the Illinois
14 Department of Healthcare and Family Services, or both ("the
15 Department"), for the following purpose(s):

16 to aid in the initial determination or re-determination by the
17 State of Illinois of my eligibility for Medicaid long-term
18 care benefits, pursuant to applicable law.

19 I understand that this Consent and Authorization may be
20 revoked by me in writing at any time before my financial
21 records, as described above, are disclosed, and that this

1 Consent and Authorization is valid until the Financial
 2 Institution receives my written revocation. This Consent and
 3 Authorization shall constitute valid authorization for the
 4 Department identified above to inspect all such financial
 5 records set forth above, and to request and receive copies of
 6 such financial records from the Financial Institution (subject
 7 to such records search and reproduction reimbursement policies
 8 as the Financial Institution may have in place). An executed
 9 copy of this Consent and Authorization shall be sufficient and
 10 as good as the original and permission is hereby granted to
 11 honor a photostatic or electronic copy of this Consent and
 12 Authorization. Disclosure is strictly limited to the
 13 Department identified above and no other person or entity
 14 shall receive my financial records pursuant to this Consent
 15 and Authorization. By signing this form, I agree to indemnify
 16 and hold the Financial Institution harmless from any and all
 17 claims, demands, and losses, including reasonable attorneys
 18 fees and expenses, arising from or incurred in its reliance on
 19 this Consent and Authorization. As used herein, "Customer"
 20 shall mean "Member" if the Financial Institution is a credit
 21 union.

22

23 (Date)

(Signature of Customer)

24

1
2

(Address of Customer)

3
4

(Customer's birth date)

5 (month/day/year)

6 The undersigned witness certifies that
7 known to me to be the same person whose name is subscribed as
8 the customer to the foregoing Consent and Authorization,
9 appeared before me and the notary public and acknowledged
10 signing and delivering the instrument as his or her free and
11 voluntary act for the uses and purposes therein set forth. I
12 believe him or her to be of sound mind and memory. The
13 undersigned witness also certifies that the witness is not an
14 owner, operator, or relative of an owner or operator of a
15 long-term care facility in which the customer is a patient or
16 resident.

17 Dated:
18

(Signature of Witness)

19
20

(Print Name of Witness)

21

1
2

(Address of Witness)

3 State of Illinois)

4) ss.

5 County of)

6 The undersigned, a notary public in and for the above county
7 and state, certifies that, known to me to be the
8 same person whose name is subscribed as the customer to the
9 foregoing Consent and Authorization, appeared before me
10 together with the witness,, in person and
11 acknowledged signing and delivering the instrument as the free
12 and voluntary act of the customer for the uses and purposes
13 therein set forth.

14 Dated:

15 Notary Public:

16 My commission expires:

17 (B) In no event shall the bank distribute the
18 customer's financial records to the long-term care
19 facility from which the customer seeks initial or
20 continuing residency or long-term care services.

21 (C) A bank providing financial records of a customer
22 in good faith relying on a consent and authorization

1 executed and tendered in accordance with this paragraph
2 (20) shall not be liable to the customer or any other
3 person in relation to the bank's disclosure of the
4 customer's financial records to the Department. The
5 customer signing the consent and authorization shall
6 indemnify and hold the bank harmless that relies in good
7 faith upon the consent and authorization and incurs a loss
8 because of such reliance. The bank recovering under this
9 indemnification provision shall also be entitled to
10 reasonable attorney's fees and the expenses of recovery.

11 (D) A bank shall be reimbursed by the customer for all
12 costs reasonably necessary and directly incurred in
13 searching for, reproducing, and disclosing a customer's
14 financial records required or requested to be produced
15 pursuant to any consent and authorization executed under
16 this paragraph (20). The requested financial records shall
17 be delivered to the Department within 10 days after
18 receiving a properly executed consent and authorization or
19 at the earliest practicable time thereafter if the
20 requested records cannot be delivered within 10 days, but
21 delivery may be delayed until the final reimbursement of
22 all costs is received by the bank. The bank may honor a
23 photostatic or electronic copy of a properly executed
24 consent and authorization.

25 (E) Nothing in this paragraph (20) shall impair,
26 abridge, or abrogate the right of a customer to:

1 (1) directly disclose his or her financial records
2 to the Department or any other person; or

3 (2) authorize his or her attorney or duly
4 appointed agent to request and obtain the customer's
5 financial records and disclose those financial records
6 to the Department.

7 (F) For purposes of this paragraph (20), "Department"
8 means the Department of Human Services and the Department
9 of Healthcare and Family Services or any successor
10 administrative agency of either agency.

11 (c) Except as otherwise provided by this Act, a bank may
12 not disclose to any person, except to the customer or his duly
13 authorized agent, any financial records or financial
14 information obtained from financial records relating to that
15 customer of that bank unless:

16 (1) the customer has authorized disclosure to the
17 person;

18 (2) the financial records are disclosed in response to
19 a lawful subpoena, summons, warrant, citation to discover
20 assets, or court order which meets the requirements of
21 subsection (d) of this Section; or

22 (3) the bank is attempting to collect an obligation
23 owed to the bank and the bank complies with the provisions
24 of Section 2I of the Consumer Fraud and Deceptive Business
25 Practices Act.

26 (d) A bank shall disclose financial records under

1 paragraph (2) of subsection (c) of this Section under a lawful
2 subpoena, summons, warrant, citation to discover assets, or
3 court order only after the bank sends a copy of the subpoena,
4 summons, warrant, citation to discover assets, or court order
5 to the person establishing the relationship with the bank, if
6 living, and, otherwise the person's personal representative,
7 if known, at the person's last known address by first class
8 mail, postage prepaid, through a third-party commercial
9 carrier or courier with delivery charge fully prepaid, by hand
10 delivery, or by electronic delivery at an email address on
11 file with the bank (if the person establishing the
12 relationship with the bank has consented to receive electronic
13 delivery and, if the person establishing the relationship with
14 the bank is a consumer, the person has consented under the
15 consumer consent provisions set forth in Section 7001 of Title
16 15 of the United States Code), unless the bank is specifically
17 prohibited from notifying the person by order of court or by
18 applicable State or federal law. A bank shall not mail a copy
19 of a subpoena to any person pursuant to this subsection if the
20 subpoena was issued by a grand jury under the Statewide Grand
21 Jury Act.

22 (e) Any officer or employee of a bank who knowingly and
23 willfully furnishes financial records in violation of this
24 Section is guilty of a business offense and, upon conviction,
25 shall be fined not more than \$1,000.

26 (f) Any person who knowingly and willfully induces or

1 attempts to induce any officer or employee of a bank to
2 disclose financial records in violation of this Section is
3 guilty of a business offense and, upon conviction, shall be
4 fined not more than \$1,000.

5 (g) A bank shall be reimbursed for costs that are
6 reasonably necessary and that have been directly incurred in
7 searching for, reproducing, or transporting books, papers,
8 records, or other data required or requested to be produced
9 pursuant to a lawful subpoena, summons, warrant, citation to
10 discover assets, or court order. The Commissioner shall
11 determine the rates and conditions under which payment may be
12 made.

13 (Source: P.A. 101-81, eff. 7-12-19; 102-873, eff. 5-13-22.)

14 Section 20. The MC/DD Act is amended by changing Section
15 2-202 as follows:

16 (210 ILCS 46/2-202)

17 Sec. 2-202. Contract required.

18 (a) Before a person is admitted to a facility, or at the
19 expiration of the period of previous contract, or when the
20 source of payment for the resident's care changes from private
21 to public funds or from public to private funds, a written
22 contract shall be executed between a licensee and the
23 following in order of priority:

24 (1) the person, or if the person is a minor, his parent

1 or guardian; or

2 (2) the person's guardian, if any, or agent, if any,
3 as defined in Section 2-3 of the Illinois Power of
4 Attorney Act; or

5 (3) a member of the person's immediate family.

6 An adult person shall be presumed to have the capacity to
7 contract for admission to a facility unless he or she has been
8 adjudicated a "person with a disability" ~~disabled person~~
9 within the meaning of Section 11a-2 of the Probate Act of 1975,
10 or unless a petition for such an adjudication is pending in a
11 circuit court of Illinois.

12 If there is no guardian, agent or member of the person's
13 immediate family available, able or willing to execute the
14 contract required by this Section and a physician determines
15 that a person is so disabled as to be unable to consent to
16 placement in a facility, or if a person has already been found
17 to be a "person with a disability" ~~disabled person~~, but no
18 order has been entered allowing residential placement of the
19 person, that person may be admitted to a facility before the
20 execution of a contract required by this Section; provided
21 that a petition for guardianship or for modification of
22 guardianship is filed within 15 days of the person's admission
23 to a facility, and provided further that such a contract is
24 executed within 10 days of the disposition of the petition.

25 No adult shall be admitted to a facility if he or she
26 objects, orally or in writing, to such admission, except as

1 otherwise provided in Chapters III and IV of the Mental Health
2 and Developmental Disabilities Code or Section 11a-14.1 of the
3 Probate Act of 1975.

4 Before a licensee enters a contract under this Section, it
5 shall provide the prospective resident and his or her
6 guardian, if any, with written notice of the licensee's policy
7 regarding discharge of a resident whose private funds for
8 payment of care are exhausted.

9 (b) A resident shall not be discharged or transferred at
10 the expiration of the term of a contract, except as provided in
11 Sections 3-401 through 3-423.

12 (c) At the time of the resident's admission to the
13 facility, a copy of the contract shall be given to the
14 resident, his or her guardian, if any, and any other person who
15 executed the contract.

16 (d) A copy of the contract for a resident who is supported
17 by nonpublic funds other than the resident's own funds shall
18 be made available to the person providing the funds for the
19 resident's support.

20 (e) The original or a copy of the contract shall be
21 maintained in the facility and be made available upon request
22 to representatives of the Department and the Department of
23 Healthcare and Family Services.

24 (f) The contract shall be written in clear and unambiguous
25 language and shall be printed in not less than 12-point type.
26 The general form of the contract shall be prescribed by the

1 Department.

2 (g) The contract shall specify:

3 (1) the term of the contract;

4 (2) the services to be provided under the contract and
5 the charges for the services;

6 (3) the services that may be provided to supplement
7 the contract and the charges for the services;

8 (4) the sources liable for payments due under the
9 contract;

10 (5) the amount of deposit paid; and

11 (6) the rights, duties and obligations of the
12 resident, except that the specification of a resident's
13 rights may be furnished on a separate document which
14 complies with the requirements of Section 2-211.

15 (h) The contract shall designate the name of the
16 resident's representative, if any. The resident shall provide
17 the facility with a copy of the written agreement between the
18 resident and the resident's representative which authorizes
19 the resident's representative to inspect and copy the
20 resident's records and authorizes the resident's
21 representative to execute the contract on behalf of the
22 resident required by this Section.

23 (i) The contract shall provide that if the resident is
24 compelled by a change in physical or mental health to leave the
25 facility, the contract and all obligations under it shall
26 terminate on 7 days' notice. No prior notice of termination of

1 the contract shall be required, however, in the case of a
2 resident's death. The contract shall also provide that in all
3 other situations, a resident may terminate the contract and
4 all obligations under it with 30 days' notice. All charges
5 shall be prorated as of the date on which the contract
6 terminates, and, if any payments have been made in advance,
7 the excess shall be refunded to the resident. This provision
8 shall not apply to life care contracts through which a
9 facility agrees to provide maintenance and care for a resident
10 throughout the remainder of his life nor to continuing care
11 contracts through which a facility agrees to supplement all
12 available forms of financial support in providing maintenance
13 and care for a resident throughout the remainder of his or her
14 life.

15 (j) In addition to all other contract specifications
16 contained in this Section admission contracts shall also
17 specify:

18 (1) whether the facility accepts Medicaid clients;

19 (2) whether the facility requires a deposit of the
20 resident or his or her family prior to the establishment
21 of Medicaid eligibility;

22 (3) in the event that a deposit is required, a clear
23 and concise statement of the procedure to be followed for
24 the return of such deposit to the resident or the
25 appropriate family member or guardian of the person; and

26 (4) that all deposits made to a facility by a

1 resident, or on behalf of a resident, shall be returned by
2 the facility within 30 days of the establishment of
3 Medicaid eligibility, unless such deposits must be drawn
4 upon or encumbered in accordance with Medicaid eligibility
5 requirements established by the Department of Healthcare
6 and Family Services.

7 (k) It shall be a business offense for a facility to
8 knowingly and intentionally both retain a resident's deposit
9 and accept Medicaid payments on behalf of that resident.

10 (Source: P.A. 99-180, eff. 7-29-15.)

11 Section 25. The Illinois Public Aid Code is amended by
12 changing the heading of Article III and by changing Sections
13 1-6, 3-1, 3-5, 3-13, 8A-18, 11-5.1, 11-6, and 12-4.13a as
14 follows:

15 (305 ILCS 5/1-6) (from Ch. 23, par. 1-6)

16 Sec. 1-6. Notwithstanding any provisions of this Code to
17 the contrary, a person, if eligible, shall be required to file
18 for unemployment compensation benefits as a condition for
19 qualifying for public assistance benefits under programs of
20 aid to the aged, blind, or persons with disabilities ~~disabled~~,
21 aid to families with dependent children, and aid to families
22 with dependent children-- unemployed, which are administered
23 by the Illinois Department, or general assistance programs
24 administered by some other public agency.

1 (Source: P.A. 89-507, eff. 7-1-97.)

2 (305 ILCS 5/Art. III heading)

3 ARTICLE III. AID TO THE AGED, BLIND

4 OR PERSONS WITH DISABILITIES ~~DISABLED~~

5 (305 ILCS 5/3-1) (from Ch. 23, par. 3-1)

6 Sec. 3-1. Eligibility Requirements. Financial aid in
7 meeting basic maintenance requirements for a livelihood
8 compatible with health and well-being shall be given under
9 this Article to or in behalf of aged, blind, or persons with
10 disabilities ~~disabled persons~~ who meet the eligibility
11 conditions of Sections 3-1.1 through 3-1.7. Financial aid
12 under this Article shall be available only for persons who are
13 receiving Supplemental Security Income (SSI) or who have been
14 found ineligible for SSI (i) on the basis of income or (ii) due
15 to expiration of the period of eligibility for refugees and
16 asylees pursuant to 8 U.S.C. 1612(a)(2).

17 "Aged person" means a person who has attained age 65, as
18 demonstrated by such evidence of age as the Illinois
19 Department may by rule prescribe.

20 "Blind person" means a person who has no vision or whose
21 vision with corrective glasses is so defective as to prevent
22 the performance of ordinary duties or tasks for which eyesight
23 is essential. The Illinois Department shall define blindness
24 in terms of ophthalmic measurements or ocular conditions. For

1 purposes of this Act, an Illinois Person with a Disability
2 Identification Card issued pursuant to the Illinois
3 Identification Card Act, indicating that the person thereon
4 named has a Type 3 disability shall be evidence that such
5 person is a blind person within the meaning of this Section;
6 however, such a card shall not qualify such person for aid as a
7 blind person under this Act, and eligibility for aid as a blind
8 person shall be determined as provided in this Act.

9 "Person with a disability" ~~Disabled person~~ means a person
10 age 18 or over who has a physical or mental impairment,
11 disease, or loss which is of a permanent nature and which
12 substantially impairs his or her ability to perform labor or
13 services or to engage in useful occupations for which he or she
14 is qualified, as determined by rule and regulation of the
15 Illinois Department. For purposes of this Act, an Illinois
16 Person with a Disability Identification Card issued pursuant
17 to the Illinois Identification Card Act, indicating that the
18 person thereon named has a Type 1 or 2, Class 2 disability
19 shall be evidence that such person is a person with a
20 disability ~~disabled person~~ under this Section; however, such a
21 card shall not qualify such person for aid as a person with a
22 disability ~~disabled person~~ under this Act, and eligibility for
23 aid as a person with a disability ~~disabled person~~ shall be
24 determined as provided in this Act. If federal law or
25 regulation permit or require the inclusion of blind persons or
26 persons with disabilities ~~or disabled persons~~ whose blindness

1 or disability is not of the degree specified in the foregoing
2 definitions, or permit or require the inclusion of persons
3 with disabilities ~~disabled persons~~ under age 18 or aged
4 persons under age 65, the Illinois Department, upon written
5 approval of the Governor, may provide by rule that all aged,
6 blind persons or persons with disabilities ~~or disabled persons~~
7 toward whose aid federal funds are available be eligible for
8 assistance under this Article as is given to those who meet the
9 foregoing definitions of blind person and person with a
10 disability ~~disabled person~~ or aged person.

11 (Source: P.A. 96-22, eff. 6-30-09; 97-1064, eff. 1-1-13.)

12 (305 ILCS 5/3-5) (from Ch. 23, par. 3-5)

13 Sec. 3-5. Amount of aid. The amount and nature of
14 financial aid granted to or in behalf of aged, blind, or
15 persons with disabilities ~~disabled persons~~ shall be determined
16 in accordance with the standards, grant amounts, rules and
17 regulations of the Illinois Department. Due regard shall be
18 given to the requirements and conditions existing in each
19 case, and to the amount of property owned and the income, money
20 contributions, and other support, and resources received or
21 obtainable by the person, from whatever source. However, the
22 amount and nature of any financial aid is not affected by the
23 payment of any grant under the "Senior Citizens and Disabled
24 Persons Property Tax Relief Act" or any distributions or items
25 of income described under subparagraph (X) of paragraph (2) of

1 subsection (a) of Section 203 of the Illinois Income Tax Act.
2 The aid shall be sufficient, when added to all other income,
3 money contributions and support, to provide the person with a
4 grant in the amount established by Department regulation for
5 such a person, based upon standards providing a livelihood
6 compatible with health and well-being. Financial aid under
7 this Article granted to persons who have been found ineligible
8 for Supplemental Security Income (SSI) due to expiration of
9 the period of eligibility for refugees and asylees pursuant to
10 8 U.S.C. 1612(a)(2) shall equal 90% of the current maximum SSI
11 payment amount per month.

12 (Source: P.A. 97-689, eff. 6-14-12; 98-674, eff. 6-30-14.)

13 (305 ILCS 5/3-13) (from Ch. 23, par. 3-13)

14 Sec. 3-13. Federal program - Declaration of
15 responsibilities: It is the position of this State that the
16 Federal Government should meet its obligation to provide
17 financial aid to those persons who are aged, blind, or persons
18 with disabilities ~~disabled persons~~ eligible under Article III
19 hereof so as to assure those persons a standard of living
20 compatible with health and well-being, including any
21 supplementary aid program provided to meet special or
22 emergency needs, and it is the position of this State that the
23 Federal Government should meet its obligation to provide
24 continuing supplemental nutritional aid for such persons
25 through the Federal Food Stamp Program or through full

1 reimbursement for expenditures made in lieu of such Food Stamp
2 Program.

3 (a) The Illinois Department may, from federal
4 reimbursements received under this Section, make disbursements
5 to any attorney, or advocate working under the supervision of
6 an attorney, who represents a recipient of assistance under
7 Article VI of this Code in a program administered by the
8 Illinois Department, in an appeal of any claim for federal
9 Supplemental Security Income benefits before an administrative
10 law judge which is decided in favor of such recipient. The
11 amount of such disbursement shall be equal to 25% of the
12 maximum federal Supplemental Security Income grant payable to
13 an individual for a period of one year. No such disbursement
14 shall be made unless a petition and a copy of the favorable
15 decision is submitted by such attorney or advocate to the
16 Illinois Department within 60 days of the date of such
17 decision. The disbursement shall be made within 30 days after
18 the petition is received. The Illinois Department shall
19 promulgate rules and regulations necessary to implement this
20 subsection.

21 (b) The Illinois Department shall institute a State
22 program to fully supplement the federal Supplemental Security
23 Income grants of all persons in the aged, blind, or disability
24 ~~disabled~~ categories who meet the eligibility and need
25 requirements of this Code. The amount or amounts of such
26 supplementary payments shall be established by the Director of

1 the Illinois Department in a manner consistent with the other
2 provisions of this Article III.

3 (c) The Illinois Department, the Comptroller and the
4 Treasurer, are authorized to disburse to the Federal
5 Government amounts appropriated to the Illinois Department for
6 use in furnishing aid to persons eligible under Article III of
7 this Code, to receive reimbursements from the Federal
8 Government therefor, and to establish administrative
9 procedures necessary for the accomplishment of such a payment
10 system.

11 (Source: P.A. 93-632, eff. 2-1-04.)

12 (305 ILCS 5/8A-18)

13 Sec. 8A-18. Application assistance fraud; SNAP; AABD;
14 TANF. It is a Class C misdemeanor for any person, including an
15 individual, firm, corporation, association, partnership, or
16 joint venture, or any employee or agent of any of those, to
17 assist or represent another person in completing or submitting
18 an application for benefits under the federal Supplemental
19 Nutrition Assistance Program (SNAP), the State's Aid to the
20 Aged, Blind, or Persons with Disabilities ~~Disabled~~ (AABD)
21 program, or the State's Temporary Assistance for Needy
22 Families (TANF) program, in exchange for a portion of the
23 applicant's SNAP, AABD, or TANF benefits or cash or any other
24 form of payment from any other source. An applicant who
25 receives such assistance or representation is not in violation

1 of this Section. Nothing in this Section shall be construed as
2 prohibiting an applicant from receiving such assistance or
3 representation when appealing a denial of an application for
4 SNAP, AABD, or TANF benefits.

5 (Source: P.A. 98-931, eff. 8-15-14.)

6 (305 ILCS 5/11-5.1)

7 Sec. 11-5.1. Eligibility verification. Notwithstanding any
8 other provision of this Code, with respect to applications for
9 medical assistance provided under Article V of this Code,
10 eligibility shall be determined in a manner that ensures
11 program integrity and complies with federal laws and
12 regulations while minimizing unnecessary barriers to
13 enrollment. To this end, as soon as practicable, and unless
14 the Department receives written denial from the federal
15 government, this Section shall be implemented:

16 (a) The Department of Healthcare and Family Services or
17 its designees shall:

18 (1) By no later than July 1, 2011, require
19 verification of, at a minimum, one month's income from all
20 sources required for determining the eligibility of
21 applicants for medical assistance under this Code. Such
22 verification shall take the form of pay stubs, business or
23 income and expense records for self-employed persons,
24 letters from employers, and any other valid documentation
25 of income including data obtained electronically by the

1 Department or its designees from other sources as
2 described in subsection (b) of this Section. A month's
3 income may be verified by a single pay stub with the
4 monthly income extrapolated from the time period covered
5 by the pay stub.

6 (2) By no later than October 1, 2011, require
7 verification of, at a minimum, one month's income from all
8 sources required for determining the continued eligibility
9 of recipients at their annual review of eligibility for
10 medical assistance under this Code. Information the
11 Department receives prior to the annual review, including
12 information available to the Department as a result of the
13 recipient's application for other non-Medicaid benefits,
14 that is sufficient to make a determination of continued
15 Medicaid eligibility may be reviewed and verified, and
16 subsequent action taken including client notification of
17 continued Medicaid eligibility. The date of client
18 notification establishes the date for subsequent annual
19 Medicaid eligibility reviews. Such verification shall take
20 the form of pay stubs, business or income and expense
21 records for self-employed persons, letters from employers,
22 and any other valid documentation of income including data
23 obtained electronically by the Department or its designees
24 from other sources as described in subsection (b) of this
25 Section. A month's income may be verified by a single pay
26 stub with the monthly income extrapolated from the time

1 period covered by the pay stub. The Department shall send
2 a notice to recipients at least 60 days prior to the end of
3 their period of eligibility that informs them of the
4 requirements for continued eligibility. If a recipient
5 does not fulfill the requirements for continued
6 eligibility by the deadline established in the notice a
7 notice of cancellation shall be issued to the recipient
8 and coverage shall end no later than the last day of the
9 month following the last day of the eligibility period. A
10 recipient's eligibility may be reinstated without
11 requiring a new application if the recipient fulfills the
12 requirements for continued eligibility prior to the end of
13 the third month following the last date of coverage (or
14 longer period if required by federal regulations). Nothing
15 in this Section shall prevent an individual whose coverage
16 has been cancelled from reapplying for health benefits at
17 any time.

18 (3) By no later than July 1, 2011, require
19 verification of Illinois residency.

20 The Department, with federal approval, may choose to adopt
21 continuous financial eligibility for a full 12 months for
22 adults on Medicaid.

23 (b) The Department shall establish or continue cooperative
24 arrangements with the Social Security Administration, the
25 Illinois Secretary of State, the Department of Human Services,
26 the Department of Revenue, the Department of Employment

1 Security, and any other appropriate entity to gain electronic
2 access, to the extent allowed by law, to information available
3 to those entities that may be appropriate for electronically
4 verifying any factor of eligibility for benefits under the
5 Program. Data relevant to eligibility shall be provided for no
6 other purpose than to verify the eligibility of new applicants
7 or current recipients of health benefits under the Program.
8 Data shall be requested or provided for any new applicant or
9 current recipient only insofar as that individual's
10 circumstances are relevant to that individual's or another
11 individual's eligibility.

12 (c) Within 90 days of the effective date of this
13 amendatory Act of the 96th General Assembly, the Department of
14 Healthcare and Family Services shall send notice to current
15 recipients informing them of the changes regarding their
16 eligibility verification.

17 (d) As soon as practical if the data is reasonably
18 available, but no later than January 1, 2017, the Department
19 shall compile on a monthly basis data on eligibility
20 redeterminations of beneficiaries of medical assistance
21 provided under Article V of this Code. In addition to the other
22 data required under this subsection, the Department shall
23 compile on a monthly basis data on the percentage of
24 beneficiaries whose eligibility is renewed through ex parte
25 redeterminations as described in subsection (b) of Section
26 5-1.6 of this Code, subject to federal approval of the changes

1 made in subsection (b) of Section 5-1.6 by this amendatory Act
2 of the 102nd General Assembly. This data shall be posted on the
3 Department's website, and data from prior months shall be
4 retained and available on the Department's website. The data
5 compiled and reported shall include the following:

6 (1) The total number of redetermination decisions made
7 in a month and, of that total number, the number of
8 decisions to continue or change benefits and the number of
9 decisions to cancel benefits.

10 (2) A breakdown of enrollee language preference for
11 the total number of redetermination decisions made in a
12 month and, of that total number, a breakdown of enrollee
13 language preference for the number of decisions to
14 continue or change benefits, and a breakdown of enrollee
15 language preference for the number of decisions to cancel
16 benefits. The language breakdown shall include, at a
17 minimum, English, Spanish, and the next 4 most commonly
18 used languages.

19 (3) The percentage of cancellation decisions made in a
20 month due to each of the following:

21 (A) The beneficiary's ineligibility due to excess
22 income.

23 (B) The beneficiary's ineligibility due to not
24 being an Illinois resident.

25 (C) The beneficiary's ineligibility due to being
26 deceased.

1 (D) The beneficiary's request to cancel benefits.

2 (E) The beneficiary's lack of response after
3 notices mailed to the beneficiary are returned to the
4 Department as undeliverable by the United States
5 Postal Service.

6 (F) The beneficiary's lack of response to a
7 request for additional information when reliable
8 information in the beneficiary's account, or other
9 more current information, is unavailable to the
10 Department to make a decision on whether to continue
11 benefits.

12 (G) Other reasons tracked by the Department for
13 the purpose of ensuring program integrity.

14 (4) If a vendor is utilized to provide services in
15 support of the Department's redetermination decision
16 process, the total number of redetermination decisions
17 made in a month and, of that total number, the number of
18 decisions to continue or change benefits, and the number
19 of decisions to cancel benefits (i) with the involvement
20 of the vendor and (ii) without the involvement of the
21 vendor.

22 (5) Of the total number of benefit cancellations in a
23 month, the number of beneficiaries who return from
24 cancellation within one month, the number of beneficiaries
25 who return from cancellation within 2 months, and the
26 number of beneficiaries who return from cancellation

1 within 3 months. Of the number of beneficiaries who return
2 from cancellation within 3 months, the percentage of those
3 cancellations due to each of the reasons listed under
4 paragraph (3) of this subsection.

5 (e) The Department shall conduct a complete review of the
6 Medicaid redetermination process in order to identify changes
7 that can increase the use of ex parte redetermination
8 processing. This review shall be completed within 90 days
9 after the effective date of this amendatory Act of the 101st
10 General Assembly. Within 90 days of completion of the review,
11 the Department shall seek written federal approval of policy
12 changes the review recommended and implement once approved.
13 The review shall specifically include, but not be limited to,
14 use of ex parte redeterminations of the following populations:

15 (1) Recipients of developmental disabilities services.

16 (2) Recipients of benefits under the State's Aid to
17 the Aged, Blind, or Persons with Disabilities ~~Disabled~~
18 program.

19 (3) Recipients of Medicaid long-term care services and
20 supports, including waiver services.

21 (4) All Modified Adjusted Gross Income (MAGI)
22 populations.

23 (5) Populations with no verifiable income.

24 (6) Self-employed people.

25 The report shall also outline populations and
26 circumstances in which an ex parte redetermination is not a

1 recommended option.

2 (f) The Department shall explore and implement, as
3 practical and technologically possible, roles that
4 stakeholders outside State agencies can play to assist in
5 expediting eligibility determinations and redeterminations
6 within 24 months after the effective date of this amendatory
7 Act of the 101st General Assembly. Such practical roles to be
8 explored to expedite the eligibility determination processes
9 shall include the implementation of hospital presumptive
10 eligibility, as authorized by the Patient Protection and
11 Affordable Care Act.

12 (g) The Department or its designee shall seek federal
13 approval to enhance the reasonable compatibility standard from
14 5% to 10%.

15 (h) Reporting. The Department of Healthcare and Family
16 Services and the Department of Human Services shall publish
17 quarterly reports on their progress in implementing policies
18 and practices pursuant to this Section as modified by this
19 amendatory Act of the 101st General Assembly.

20 (1) The reports shall include, but not be limited to,
21 the following:

22 (A) Medical application processing, including a
23 breakdown of the number of MAGI, non-MAGI, long-term
24 care, and other medical cases pending for various
25 incremental time frames between 0 to 181 or more days.

26 (B) Medical redeterminations completed, including:

1 (i) a breakdown of the number of households that were
2 redetermined ex parte and those that were not; (ii)
3 the reasons households were not redetermined ex parte;
4 and (iii) the relative percentages of these reasons.

5 (C) A narrative discussion on issues identified in
6 the functioning of the State's Integrated Eligibility
7 System and progress on addressing those issues, as
8 well as progress on implementing strategies to address
9 eligibility backlogs, including expanding ex parte
10 determinations to ensure timely eligibility
11 determinations and renewals.

12 (2) Initial reports shall be issued within 90 days
13 after the effective date of this amendatory Act of the
14 101st General Assembly.

15 (3) All reports shall be published on the Department's
16 website.

17 (i) It is the determination of the General Assembly that
18 the Department must include seniors and persons with
19 disabilities in ex parte renewals. It is the determination of
20 the General Assembly that the Department must use its asset
21 verification system to assist in the determination of whether
22 an individual's coverage can be renewed using the ex parte
23 process. If a State Plan amendment is required, the Department
24 shall pursue such State Plan amendment by July 1, 2022. Within
25 60 days after receiving federal approval or guidance, the
26 Department of Healthcare and Family Services and the

1 Department of Human Services shall make necessary technical
2 and rule changes to implement these changes to the
3 redetermination process.

4 (Source: P.A. 101-209, eff. 8-5-19; 101-649, eff. 7-7-20;
5 102-1037, eff. 6-2-22.)

6 (305 ILCS 5/11-6) (from Ch. 23, par. 11-6)

7 Sec. 11-6. Decisions on applications. Within 10 days after
8 a decision is reached on an application, the applicant shall
9 be notified in writing of the decision. If the applicant
10 resides in a facility licensed under the Nursing Home Care Act
11 or a supportive living facility authorized under Section
12 5-5.01a, the facility shall also receive written notice of the
13 decision, provided that the notification is related to a
14 Department payment for services received by the applicant in
15 the facility. Only facilities enrolled in and subject to a
16 provider agreement under the medical assistance program under
17 Article V may receive such notices of decisions. The
18 Department shall consider eligibility for, and the notice
19 shall contain a decision on, each of the following assistance
20 programs for which the client may be eligible based on the
21 information contained in the application: Temporary Assistance
22 for Needy Families, Medical Assistance, Aid to the Aged, Blind
23 and Persons with Disabilities ~~Disabled~~, General Assistance (in
24 the City of Chicago), and food stamps. No decision shall be
25 required for any assistance program for which the applicant

1 has expressly declined in writing to apply. If the applicant
2 is determined to be eligible, the notice shall include a
3 statement of the amount of financial aid to be provided and a
4 statement of the reasons for any partial grant amounts. If the
5 applicant is determined ineligible for any public assistance
6 the notice shall include the reason why the applicant is
7 ineligible. If the application for any public assistance is
8 denied, the notice shall include a statement defining the
9 applicant's right to appeal the decision. The Illinois
10 Department, by rule, shall determine the date on which
11 assistance shall begin for applicants determined eligible.
12 That date may be no later than 30 days after the date of the
13 application.

14 Under no circumstances may any application be denied
15 solely to meet an application-processing deadline. As used in
16 this Section, "application" also refers to requests for
17 admission approval to facilities licensed under the Nursing
18 Home Care Act or to supportive living facilities authorized
19 under Section 5-5.01a.

20 (Source: P.A. 100-665, eff. 8-2-18; 100-863, eff. 8-14-18.)

21 (305 ILCS 5/12-4.13a)

22 (Text of Section before amendment by P.A. 104-67)

23 Sec. 12-4.13a. Gross income eligibility standard; SNAP.
24 Subject to federal approval if required, a household that
25 includes an elderly or 7 blind person or a person with a

1 disability ~~, or disabled person~~ shall be considered
2 categorically eligible for Supplemental Nutrition Assistance
3 Program (SNAP) benefits if the gross income of such household
4 is at or below 200% of the nonfarm income poverty guidelines
5 updated periodically in the Federal Register by the U.S.
6 Department of Health and Human Services under the authority of
7 42 U.S.C. 9902(2); and a household that does not include an
8 elderly or ~~or~~ blind person or a person with a disability, ~~or~~
9 ~~disabled person~~ shall be considered categorically eligible for
10 Supplemental Nutrition Assistance Program (SNAP) benefits if
11 the gross income of such household is at or below 165% of those
12 nonfarm income poverty guidelines.

13 (Source: P.A. 99-170, eff. 1-1-16.)

14 (Text of Section after amendment by P.A. 104-67)

15 Sec. 12-4.13a. Gross income eligibility standard; SNAP.

16 (a) Subject to federal approval if required, a household
17 that includes an elderly or ~~or~~ blind person or a person with a
18 disability ~~, or disabled person~~ shall be considered
19 categorically eligible for Supplemental Nutrition Assistance
20 Program (SNAP) benefits if the gross income of such household
21 is at or below 200% of the nonfarm income poverty guidelines
22 updated periodically in the Federal Register by the U.S.
23 Department of Health and Human Services under the authority of
24 42 U.S.C. 9902(2); and a household that does not include an
25 elderly or ~~or~~ blind person or a person with a disability, ~~or~~

1 ~~disabled person~~ shall be considered categorically eligible for
2 Supplemental Nutrition Assistance Program (SNAP) benefits if
3 the gross income of such household is at or below 165% of those
4 nonfarm income poverty guidelines.

5 (b) Subject to federal approval, if required, and federal
6 funding, a household that includes one or more veterans or
7 members of the armed forces shall be considered categorically
8 eligible for Supplemental Nutrition Assistance Program (SNAP)
9 benefits if the gross income of such a household is at or below
10 200% of the nonfarm income poverty guidelines. Nothing in this
11 subsection shall be construed to create an obligation on the
12 part of the Department of Human Services to allocate or
13 provide SNAP benefits through the use of State funds.

14 As used in this subsection:

15 "Armed forces" means any of the Armed Forces of the United
16 States, including a member of any reserve component or
17 National Guard unit.

18 "Veteran" means a person who has served in the armed
19 forces and was discharged or separated under honorable
20 conditions.

21 (Source: P.A. 104-67, eff. 1-1-26.)

22 Section 26. The Senior Pharmaceutical Assistance Act is
23 amended by changing Section 5 as follows:

24 (320 ILCS 50/5)

1 Sec. 5. Findings. The General Assembly finds:

2 (1) Senior citizens identify pharmaceutical assistance as
3 the single most critical factor to their health, well-being,
4 and continued independence.

5 (2) The State of Illinois currently operates 2
6 pharmaceutical assistance programs that benefit seniors: (i)
7 the program of pharmaceutical assistance under the Senior
8 Citizens and Persons with Disabilities Property Tax Relief Act
9 and (ii) the Aid to the Aged, Blind, or Persons with
10 Disabilities ~~Disabled~~ program under the Illinois Public Aid
11 Code. The State has been given authority to establish a third
12 program, SeniorRx Care, through a federal Medicaid waiver.

13 (3) Each year, numerous pieces of legislation are filed
14 seeking to establish additional pharmaceutical assistance
15 benefits for seniors or to make changes to the existing
16 programs.

17 (4) Establishment of a pharmaceutical assistance review
18 committee will ensure proper coordination of benefits,
19 diminish the likelihood of duplicative benefits, and ensure
20 that the best interests of seniors are served.

21 (5) In addition to the State pharmaceutical assistance
22 programs, several private entities, such as drug manufacturers
23 and pharmacies, also offer prescription drug discount or
24 coverage programs.

25 (6) Many seniors are unaware of the myriad of public and
26 private programs available to them.

1 (7) Establishing a pharmaceutical clearinghouse with a
2 toll-free hot-line and local outreach workers will educate
3 seniors about the vast array of options available to them and
4 enable seniors to make an educated and informed choice that is
5 best for them.

6 (8) Estimates indicate that almost one-third of senior
7 citizens lack prescription drug coverage. The federal
8 government, states, and the pharmaceutical industry each have
9 a role in helping these uninsured seniors gain access to
10 life-saving medications.

11 (9) The State of Illinois has recognized its obligation to
12 assist Illinois' neediest seniors in purchasing prescription
13 medications, and it is now time for pharmaceutical
14 manufacturers to recognize their obligation to make their
15 medications affordable to seniors.

16 (Source: P.A. 99-143, eff. 7-27-15.)

17 Section 28. Senior Citizens and Persons with Disabilities
18 Property Tax Relief Act is amended by changing Section 3.14 as
19 follows:

20 (320 ILCS 25/3.14) (from Ch. 67 1/2, par. 403.14)

21 Sec. 3.14. "Person with a disability" means a person
22 unable to engage in any substantial gainful activity by reason
23 of a medically determinable physical or mental impairment
24 which can be expected to result in death or has lasted or can

1 be expected to last for a continuous period of not less than 12
2 months. Persons with disabilities filing claims under this Act
3 shall submit proof of the disability in such form and manner as
4 the Department shall by rule and regulation prescribe. Proof
5 that a claimant is eligible to receive disability benefits
6 under the Federal Social Security Act shall constitute proof
7 of the disability for purposes of this Act. Issuance of an
8 Illinois Person with a Disability Identification Card stating
9 that the claimant is under a Class 2 disability, as defined in
10 Section 4A of the Illinois Identification Card Act, shall
11 constitute proof that the person named thereon is a person
12 with a disability for purposes of this Act. A person with a
13 disability not covered under the Federal Social Security Act
14 and not presenting an Illinois Person with a Disability ~~a~~
15 ~~Disabled Person~~ Identification Card stating that the claimant
16 is under a Class 2 disability shall be examined by a physician
17 designated by the Department, and his or her status as a person
18 with a disability determined using the same standards as used
19 by the Social Security Administration. The costs of any
20 required examination shall be borne by the claimant.

21 (Source: P.A. 99-143, eff. 7-27-15.)

22 Section 30. The Viet Nam Veterans Compensation Act is
23 amended by changing Section 5 as follows:

24 (330 ILCS 30/5) (from Ch. 126 1/2, par. 57.55)

1 Sec. 5. The Department of Veterans Affairs has complete
2 charge and control of the general scheme of payments
3 authorized by this Act and shall adopt general rules for the
4 making of such payments, the ascertainment and selection of
5 proper beneficiaries and the amount to which such
6 beneficiaries are entitled, and for procedure.

7 If the person to whom compensation is payable under this
8 Act is under legal disability, it shall be paid to the person
9 legally vested with the care of the person under legal
10 disability ~~such legally disabled person~~ under the laws of his
11 State of residence. If no such person has been so designated
12 for the person under legal disability ~~legally disabled person~~,
13 payment shall be made to the chief officer of any hospital or
14 institution under the supervision or control of any State or
15 of the Veterans Administration of the United States in which
16 such person under legal disability ~~legally disabled person~~ is
17 placed, if such officer is authorized to accept moneys for the
18 benefit of the incompetent. Any payments so made shall be held
19 or used solely for the benefit of the person under legal
20 disability ~~legally disabled person~~.

21 As used in this Section, "person ~~a person~~ under legal
22 disability" means any person found to be so disabled by a court
23 of competent jurisdiction of any State or the District of
24 Columbia or by any adjudication officer of the Veterans
25 Administration of the United States.

26 (Source: P.A. 104-234, eff. 8-15-25.)

1 Section 35. The Survivors Compensation Act is amended by
2 changing Section 4 as follows:

3 (330 ILCS 100/4)

4 Sec. 4. Compensation in connection with deceased veterans
5 of the Global War on Terrorism.

6 (a) The widow or widower, child or children, mother,
7 father, persons standing in loco parentis, brothers and
8 sisters, in the order named, of any deceased person if (i) that
9 person was a resident of Illinois for at least 12 months
10 immediately preceding entry into military service and (ii)
11 that person's death was service-connected as a result of
12 hostile action on or after September 11, 2001 and prior to such
13 time as Congress declares such persons ineligible for the
14 Global War on Terrorism Expeditionary Medal or the Global War
15 on Terrorism Service Medal shall be paid \$3,000.

16 (b) If a preceding beneficiary fails to file a claim of
17 compensation after the official notice of death, the
18 Department of Veterans Affairs may accept applications from
19 succeeding beneficiaries, and such beneficiaries may then
20 proceed to qualify upon submission of satisfactory proof of
21 eligibility.

22 (c) No right or claim to compensation under this Section
23 may be assigned.

24 (d) The Illinois Department of Veterans Affairs has

1 complete charge and control of the general scheme of payments
2 authorized by this Section and shall adopt general rules for
3 the making of those payments, for the ascertainment and
4 selection of proper beneficiaries and the amount to which
5 those beneficiaries are entitled, and for procedure.

6 (e) If the person to whom compensation is payable under
7 this Section is under legal disability, the compensation shall
8 be paid to the person legally vested with the care of the
9 person under legal disability ~~legally disabled person~~ under
10 the laws of his or her state of residence. If no such person
11 has been so designated for the person under legal disability
12 ~~legally disabled person~~, payment shall be made to the chief
13 officer of any hospital or institution under the supervision
14 or control of any state or of the Veterans Administration of
15 the United States in which the person under legal disability
16 ~~legally disabled person~~ is placed, if the officer is
17 authorized to accept moneys for the benefit of the
18 incompetent. Any payments so made shall be held or used solely
19 for the benefit of the person under legal disability ~~legally~~
20 ~~disabled person~~.

21 As used in this Section, "person ~~a person~~" under legal
22 disability" means any person found to be so disabled by a court
23 of competent jurisdiction of any state or the District of
24 Columbia or by any adjudication officer of the Veterans
25 Administration of the United States.

26 (Source: P.A. 104-234, eff. 8-15-25.)

1 Section 37. The Elevator Tactile Identification Act is
2 amended by changing the title of the Act as follows:

3 (410 ILCS 30/Act title)

4 An Act to require tactile identification for the visually
5 impaired ~~handicapped~~ on certain unsupervised automatic
6 passenger elevator installations, and to repeal an Act therein
7 named.

8 Section 38. The Clerks of Courts Act is amended by
9 changing Section 27.3f as follows:

10 (705 ILCS 105/27.3f)

11 Sec. 27.3f. Guardianship and advocacy operations fee.

12 (a) As used in this Section, "guardianship and advocacy"
13 means the guardianship and advocacy services provided by the
14 Guardianship and Advocacy Commission and defined in the
15 Guardianship and Advocacy Act. Viable public guardianship and
16 advocacy programs, including the public guardianship programs
17 created and supervised in probate proceedings in the Illinois
18 courts, are essential to the administration of justice and
19 ensure that incapacitated persons and their estates are
20 protected. To defray the expense of maintaining and operating
21 the divisions and programs of the Guardianship and Advocacy
22 Commission and to support viable guardianship and advocacy

1 programs throughout Illinois, each circuit court clerk shall
2 charge and collect a fee on all matters filed in probate cases
3 in accordance with this Section, but no fees shall be assessed
4 against the State Guardian, any State agency under the
5 jurisdiction of the Governor, any public guardian, or any
6 State's Attorney.

7 (b) No fee specified in this Section shall be imposed in
8 any minor guardianship established under Article XI of the
9 Probate Act of 1975, or against an indigent person. An
10 indigent person shall include any person who meets one or more
11 of the following criteria:

12 (1) He or she is receiving assistance under one or
13 more of the following public benefits programs:
14 Supplemental Security Income (SSI), Aid to the Aged,
15 Blind, and Persons with Disabilities ~~Disabled~~ (AABD),
16 Temporary Assistance for Needy Families (TANF),
17 Supplemental Nutrition Assistance Program (SNAP) (formerly
18 Food Stamps), General Assistance, State Transitional
19 Assistance, or State Children and Family Assistance.

20 (2) His or her available income is 125% or less of the
21 current poverty level as established by the United States
22 Department of Health and Human Services, unless the
23 applicant's assets that are not exempt under Part 9 or 10
24 of Article XII of the Code of Civil Procedure are of a
25 nature and value that the court determines that the
26 applicant is able to pay the fees, costs, and charges.

1 (3) He or she is, in the discretion of the court,
2 unable to proceed in an action without payment of fees,
3 costs, and charges and whose payment of those fees, costs,
4 and charges would result in substantial hardship to the
5 person or his or her family.

6 (4) He or she is an indigent person pursuant to
7 Section 5-105.5 of the Code of Civil Procedure, providing
8 that an "indigent person" means a person whose income is
9 125% or less of the current official federal poverty
10 guidelines or who is otherwise eligible to receive civil
11 legal services under the Legal Services Corporation Act of
12 1974.

13 (c) The clerk is entitled to receive the fee specified in
14 this Section, which shall be paid in advance, and managed by
15 the clerk as set out in paragraph (2), except that, for good
16 cause shown, the court may suspend, reduce, or release the
17 costs payable under this Section:

18 (1) For administration of the estate of a decedent
19 (whether testate or intestate) or of a missing person, a
20 fee of \$100.

21 (2) The guardianship and advocacy operations fee, as
22 outlined in this Section, shall be in addition to all
23 other fees and charges and assessable as costs. Five
24 percent of the fee shall be retained by the clerk for
25 deposit into the Circuit Court Clerk Operation and
26 Administrative Fund to defray costs of collection and 95%

1 of the fee shall be disbursed within 60 days after receipt
2 by the circuit clerk to the State Treasurer for deposit by
3 the State Treasurer into the Guardianship and Advocacy
4 Fund.

5 (Source: P.A. 97-1093, eff. 1-1-13.)

6 Section 40. The Code of Criminal Procedure of 1963 is
7 amended by changing Sections 106B-10 and 124A-20 as follows:

8 (725 ILCS 5/106B-10)

9 (Text of Section before amendment by P.A. 104-245)

10 Sec. 106B-10. Conditions for testimony by a victim who is
11 a child or a person with a moderate, severe, or profound
12 intellectual disability ~~moderately, severely, or profoundly~~
13 ~~intellectually disabled person~~ or a person affected by a
14 developmental disability. In a prosecution of criminal sexual
15 assault, predatory criminal sexual assault of a child,
16 aggravated criminal sexual assault, criminal sexual abuse,
17 aggravated criminal sexual abuse, or any violent crime as
18 defined in subsection (c) of Section 3 of the Rights of Crime
19 Victims and Witnesses Act, the court may set any conditions it
20 finds just and appropriate on the taking of testimony of a
21 victim who is a child under the age of 18 years or a person
22 with a moderate, severe, or profound intellectual disability
23 ~~moderately, severely, or profoundly intellectually disabled~~
24 ~~person~~ or a person affected by a developmental disability,

1 involving the use of a facility dog in any proceeding
2 involving that offense. When deciding whether to permit the
3 child or person to testify with the assistance of a facility
4 dog, the court shall take into consideration the age of the
5 child or person, the rights of the parties to the litigation,
6 and any other relevant factor that would facilitate the
7 testimony by the child or the person. As used in this Section,
8 "facility dog" means a dog that is a graduate of an assistance
9 dog organization that is a member of Assistance Dogs
10 International.

11 (Source: P.A. 102-22, eff. 6-25-21.)

12 (Text of Section after amendment by P.A. 104-245)

13 Sec. 106B-10. Conditions for testimony by a victim or
14 witness who is under 18 years of age or a person with an
15 intellectual disability ~~an intellectually disabled person~~ or a
16 person affected by a developmental disability. The court may
17 set any conditions it finds just and appropriate on the taking
18 of testimony of a victim or witness who is under 18 years of
19 age or a person with an intellectual disability ~~an~~
20 ~~intellectually disabled person~~ or a person affected by a
21 developmental disability involving the use of a facility dog
22 in any criminal proceeding. When deciding whether to permit
23 the child or person to testify with the assistance of a
24 facility dog, the court shall take into consideration the age
25 of the child or person, the rights of the parties to the

1 litigation, and any other relevant factor that would
2 facilitate the giving of testimony. As used in this Section,
3 "facility dog" means a dog that is a graduate of an assistance
4 dog organization that is a member of Assistance Dogs
5 International.

6 (Source: P.A. 104-245, eff. 1-1-26.)

7 (725 ILCS 5/124A-20)

8 Sec. 124A-20. Assessment waiver.

9 (a) As used in this Section:

10 "Assessments" means any costs imposed on a criminal
11 defendant under Article 15 of the Criminal and Traffic
12 Assessment Act, but does not include violation of the Illinois
13 Vehicle Code assessments except in a county having a
14 population of more than 3,000,000.

15 "Indigent person" means any person who meets one or more
16 of the following criteria:

17 (1) He or she is receiving assistance under one or
18 more of the following means-based governmental public
19 benefits programs: Supplemental Security Income; Aid to
20 the Aged, Blind and Persons with Disabilities ~~Disabled~~;
21 Temporary Assistance for Needy Families; Supplemental
22 Nutrition Assistance Program; General Assistance;
23 Transitional Assistance; or State Children and Family
24 Assistance.

25 (2) His or her available personal income is 200% or

1 less of the current poverty level, unless the applicant's
2 assets that are not exempt under Part 9 or 10 of Article
3 XII of the Code of Civil Procedure are of a nature and
4 value that the court determines that the applicant is able
5 to pay the assessments.

6 (3) He or she is, in the discretion of the court,
7 unable to proceed in an action with payment of assessments
8 and whose payment of those assessments would result in
9 substantial hardship to the person or his or her family.

10 "Poverty level" means the current poverty level as
11 established by the United States Department of Health and
12 Human Services.

13 (a-5) (Blank).

14 (b) For criminal offenses reflected in Schedules 1, 3, 4,
15 5, 7, and 8 of Article 15 of the Criminal and Traffic
16 Assessment Act, upon the application of any defendant, after
17 the commencement of an action, but no later than 30 days after
18 sentencing:

19 (1) If the court finds that the applicant is an
20 indigent person, the court shall grant the applicant a
21 full assessment waiver exempting him or her from the
22 payment of any assessments.

23 (2) The court shall grant the applicant a partial
24 assessment as follows:

25 (A) 75% of all assessments shall be waived if the
26 applicant's available income is greater than 200% but

1 no more than 250% of the poverty level, unless the
2 applicant's assets that are not exempt under Part 9 or
3 10 of Article XII of the Code of Civil Procedure are
4 such that the applicant is able, without undue
5 hardship, to pay the total assessments.

6 (B) 50% of all assessments shall be waived if the
7 applicant's available income is greater than 250% but
8 no more than 300% of the poverty level, unless the
9 applicant's assets that are not exempt under Part 9 or
10 10 of Article XII of the Code of Civil Procedure are
11 such that the court determines that the applicant is
12 able, without undue hardship, to pay a greater portion
13 of the assessments.

14 (C) 25% of all assessments shall be waived if the
15 applicant's available income is greater than 300% but
16 no more than 400% of the poverty level, unless the
17 applicant's assets that are not exempt under Part 9 or
18 10 of Article XII of the Code of Civil Procedure are
19 such that the court determines that the applicant is
20 able, without undue hardship, to pay a greater portion
21 of the assessments.

22 (b-5) For traffic and petty offenses reflected in
23 Schedules 2, 6, 9, 10, and 13 of Article 15 of the Criminal and
24 Traffic Assessment Act, upon the application of any defendant,
25 after the commencement of an action, but no later than 30 days
26 after sentencing, the court shall grant the applicant a

1 partial assessment as follows:

2 (1) 50% of all assessments shall be waived if the
3 court finds that the applicant is an indigent person or if
4 the applicant's available income is not greater than 200%
5 of the poverty level, unless the applicant's assets that
6 are not exempt under Part 9 or 10 of Article XII of the
7 Code of Civil Procedure are such that the applicant is
8 able, without undue hardship, to pay the total
9 assessments.

10 (2) 37.5% of all assessments shall be waived if the
11 applicant's available income is greater than 200% but no
12 more than 250% of the poverty level, unless the
13 applicant's assets that are not exempt under Part 9 or 10
14 of Article XII of the Code of Civil Procedure are such that
15 the applicant is able, without undue hardship, to pay the
16 total assessments.

17 (3) 25% of all assessments shall be waived if the
18 applicant's available income is greater than 250% but no
19 more than 300% of the poverty level, unless the
20 applicant's assets that are not exempt under Part 9 or 10
21 of Article XII of the Code of Civil Procedure are such that
22 the court determines that the applicant is able, without
23 undue hardship, to pay a greater portion of the
24 assessments.

25 (4) 12.5% of all assessments shall be waived if the
26 applicant's available income is greater than 300% but no

1 more than 400% of the poverty level, unless the
2 applicant's assets that are not exempt under Part 9 or 10
3 of Article XII of the Code of Civil Procedure are such that
4 the court determines that the applicant is able, without
5 undue hardship, to pay a greater portion of the
6 assessments.

7 (c) An application for a waiver of assessments shall be in
8 writing, signed by the defendant or, if the defendant is a
9 minor, by another person having knowledge of the facts, and
10 filed no later than 30 days after sentencing. The contents of
11 the application for a waiver of assessments, and the procedure
12 for deciding the applications, shall be established by Supreme
13 Court Rule. Factors to consider in evaluating an application
14 shall include:

15 (1) the applicant's receipt of needs based
16 governmental public benefits, including Supplemental
17 Security Income (SSI); Aid to the Aged, Blind and Persons
18 with Disabilities ~~Disabled~~ (AABD); Temporary Assistance
19 for Needy Families (TANF); Supplemental Nutrition
20 Assistance Program (SNAP or "food stamps"); General
21 Assistance; Transitional Assistance; or State Children and
22 Family Assistance;

23 (2) the employment status of the applicant and amount
24 of monthly income, if any;

25 (3) income received from the applicant's pension,
26 Social Security benefits, unemployment benefits, and other

1 sources;

2 (4) income received by the applicant from other
3 household members;

4 (5) the applicant's monthly expenses, including rent,
5 home mortgage, other mortgage, utilities, food, medical,
6 vehicle, childcare, debts, child support, and other
7 expenses; and

8 (6) financial affidavits or other similar supporting
9 documentation provided by the applicant showing that
10 payment of the imposed assessments would result in
11 substantial hardship to the applicant or the applicant's
12 family.

13 (d) The clerk of court shall provide the application for a
14 waiver of assessments to any defendant who indicates an
15 inability to pay the assessments. The clerk of the court shall
16 post in a conspicuous place in the courthouse a notice, no
17 smaller than 8.5 x 11 inches and using no smaller than 30-point
18 typeface printed in English and in Spanish, advising criminal
19 defendants they may ask the court for a waiver of any court
20 ordered assessments. The notice shall be substantially as
21 follows:

22 "If you are unable to pay the required assessments,
23 you may ask the court to waive payment of them. Ask the
24 clerk of the court for forms."

25 (e) For good cause shown, the court may allow an applicant
26 whose application is denied or who receives a partial

1 assessment waiver to defer payment of the assessments, make
2 installment payments, or make payment upon reasonable terms
3 and conditions stated in the order.

4 (f) Nothing in this Section shall be construed to affect
5 the right of a party to court-appointed counsel, as authorized
6 by any other provision of law or by the rules of the Illinois
7 Supreme Court.

8 (g) The provisions of this Section are severable under
9 Section 1.31 of the Statute on Statutes.

10 (Source: P.A. 103-1059, eff. 12-20-24; 104-21, eff. 6-30-25.)

11 Section 42. The Code of Civil Procedure is amended by
12 changing Sections 5-105 and 8-2001 as follows:

13 (735 ILCS 5/5-105) (from Ch. 110, par. 5-105)

14 Sec. 5-105. Waiver of court fees, costs, and charges.

15 (a) As used in this Section:

16 (1) "Fees, costs, and charges" means payments imposed
17 on a party in connection with the prosecution or defense
18 of a civil action, including, but not limited to: fees set
19 forth in Section 27.1b of the Clerks of Courts Act; fees
20 for service of process and other papers served either
21 within or outside this State, including service by
22 publication pursuant to Section 2-206 of this Code and
23 publication of necessary legal notices; motion fees;
24 charges for participation in, or attendance at, any

1 mandatory process or procedure including, but not limited
2 to, conciliation, mediation, arbitration, counseling,
3 evaluation, "Children First", "Focus on Children" or
4 similar programs; fees for supplementary proceedings;
5 charges for translation services; guardian ad litem fees;
6 and all other processes and procedures deemed by the court
7 to be necessary to commence, prosecute, defend, or enforce
8 relief in a civil action.

9 (2) "Indigent person" means any person who meets one
10 or more of the following criteria:

11 (i) He or she is receiving assistance under one or
12 more of the following means-based governmental public
13 benefits programs: Supplemental Security Income (SSI),
14 Aid to the Aged, Blind and Persons with Disabilities
15 ~~Disabled~~ (AABD), Temporary Assistance for Needy
16 Families (TANF), Supplemental Nutrition Assistance
17 Program (SNAP), General Assistance, Transitional
18 Assistance, or State Children and Family Assistance.

19 (ii) His or her available personal income is 125%
20 or less of the current poverty level, unless the
21 applicant's assets that are not exempt under Part 9 or
22 10 of Article XII of this Code are of a nature and
23 value that the court determines that the applicant is
24 able to pay the fees, costs, and charges.

25 (iii) He or she is, in the discretion of the court,
26 unable to proceed in an action without payment of

1 fees, costs, and charges and whose payment of those
2 fees, costs, and charges would result in substantial
3 hardship to the person or his or her family.

4 (iv) He or she is an indigent person pursuant to
5 Section 5-105.5 of this Code.

6 (3) "Poverty level" means the current poverty level as
7 established by the United States Department of Health and
8 Human Services.

9 (b) On the application of any person, before or after the
10 commencement of an action:

11 (1) If the court finds that the applicant is an
12 indigent person, the court shall grant the applicant a
13 full fees, costs, and charges waiver entitling him or her
14 to sue or defend the action without payment of any of the
15 fees, costs, and charges.

16 (2) If the court finds that the applicant satisfies
17 any of the criteria contained in items (i), (ii), or (iii)
18 of this subdivision (b)(2), the court shall grant the
19 applicant a partial fees, costs, and charges waiver
20 entitling him or her to sue or defend the action upon
21 payment of the applicable percentage of the assessments,
22 costs, and charges of the action, as follows:

23 (i) the court shall waive 75% of all fees, costs,
24 and charges if the available income of the applicant
25 is greater than 125% but does not exceed 150% of the
26 poverty level, unless the assets of the applicant that

1 are not exempt under Part 9 or 10 of Article XII of
2 this Code are such that the applicant is able, without
3 undue hardship, to pay a greater portion of the fees,
4 costs, and charges;

5 (ii) the court shall waive 50% of all fees, costs,
6 and charges if the available income is greater than
7 150% but does not exceed 175% of the poverty level,
8 unless the assets of the applicant that are not exempt
9 under Part 9 or 10 of Article XII of this Code are such
10 that the applicant is able, without undue hardship, to
11 pay a greater portion of the fees, costs, and charges;
12 and

13 (iii) the court shall waive 25% of all fees,
14 costs, and charges if the available income of the
15 applicant is greater than 175% but does not exceed
16 200% of the current poverty level, unless the assets
17 of the applicant that are not exempt under Part 9 or 10
18 of Article XII of this Code are such that the applicant
19 is able, without undue hardship, to pay a greater
20 portion of the fees, costs, and charges.

21 (c) An application for waiver of court fees, costs, and
22 charges shall be in writing and signed by the applicant, or, if
23 the applicant is a minor or an incompetent adult, by another
24 person having knowledge of the facts. The contents of the
25 application for waiver of court fees, costs, and charges, and
26 the procedure for the decision of the applications, shall be

1 established by Supreme Court Rule. Factors to consider in
2 evaluating an application shall include:

3 (1) the applicant's receipt of needs based
4 governmental public benefits, including Supplemental
5 Security Income (SSI); Aid to the Aged, Blind and Persons
6 with Disabilities ~~Disabled~~ (AABD); Temporary Assistance
7 for Needy Families (TANF); Supplemental Nutrition
8 Assistance Program (SNAP or "food stamps"); General
9 Assistance; Transitional Assistance; or State Children and
10 Family Assistance;

11 (2) the employment status of the applicant and amount
12 of monthly income, if any;

13 (3) income received from the applicant's pension,
14 Social Security benefits, unemployment benefits, and other
15 sources;

16 (4) income received by the applicant from other
17 household members;

18 (5) the applicant's monthly expenses, including rent,
19 home mortgage, other mortgage, utilities, food, medical,
20 vehicle, childcare, debts, child support, and other
21 expenses; and

22 (6) financial affidavits or other similar supporting
23 documentation provided by the applicant showing that
24 payment of the imposed fees, costs, and charges would
25 result in substantial hardship to the applicant or the
26 applicant's family.

1 (c-5) The court shall provide, through the office of the
2 clerk of the court, the application for waiver of court fees,
3 costs, and charges to any person seeking to sue or defend an
4 action who indicates an inability to pay the fees, costs, and
5 charges of the action. The clerk of the court shall post in a
6 conspicuous place in the courthouse a notice no smaller than
7 8.5 x 11 inches, using no smaller than 30-point typeface
8 printed in English and in Spanish, advising the public that
9 they may ask the court for permission to sue or defend a civil
10 action without payment of fees, costs, and charges. The notice
11 shall be substantially as follows:

12 "If you are unable to pay the fees, costs, and charges
13 of an action you may ask the court to allow you to proceed
14 without paying them. Ask the clerk of the court for
15 forms."

16 (d) (Blank).

17 (e) The clerk of the court shall not refuse to accept and
18 file any complaint, appearance, or other paper presented by
19 the applicant if accompanied by an application for waiver of
20 court fees, costs, and charges, and those papers shall be
21 considered filed on the date the application is presented. If
22 the application is denied or a partial fees, costs, and
23 charges waiver is granted, the order shall state a date
24 certain by which the necessary fees, costs, and charges must
25 be paid. For good cause shown, the court may allow an applicant
26 who receives a partial fees, costs, and charges waiver to

1 defer payment of fees, costs, and charges, make installment
2 payments, or make payment upon reasonable terms and conditions
3 stated in the order. The court may dismiss the claims or strike
4 the defenses of any party failing to pay the fees, costs, and
5 charges within the time and in the manner ordered by the court.
6 A judicial ruling on an application for waiver of court
7 assessments does not constitute a decision of a substantial
8 issue in the case under Section 2-1001 of this Code.

9 (f) The order granting a full or partial fees, costs, and
10 charges waiver shall expire after one year. Upon expiration of
11 the waiver, or a reasonable period of time before expiration,
12 the party whose fees, costs, and charges were waived may file
13 another application for waiver and the court shall consider
14 the application in accordance with the applicable Supreme
15 Court Rule.

16 (f-5) If, before or at the time of final disposition of the
17 case, the court obtains information, including information
18 from the court file, suggesting that a person whose fees,
19 costs, and charges were initially waived was not entitled to a
20 full or partial waiver at the time of application, the court
21 may require the person to appear at a court hearing by giving
22 the applicant no less than 10 days' written notice of the
23 hearing and the specific reasons why the initial waiver might
24 be reconsidered. The court may require the applicant to
25 provide reasonably available evidence, including financial
26 information, to support his or her eligibility for the waiver,

1 but the court shall not require submission of information that
2 is unrelated to the criteria for eligibility and application
3 requirements set forth in subdivision (b)(1) or (b)(2) of this
4 Section. If the court finds that the person was not initially
5 entitled to any waiver, the person shall pay all fees, costs,
6 and charges relating to the civil action, including any
7 previously waived fees, costs, and charges. The order may
8 state terms of payment in accordance with subsection (e). The
9 court shall not conduct a hearing under this subsection more
10 often than once every 6 months.

11 (f-10) If, before or at the time of final disposition of
12 the case, the court obtains information, including information
13 from the court file, suggesting that a person who received a
14 full or partial waiver has experienced a change in financial
15 condition so that he or she is no longer eligible for that
16 waiver, the court may require the person to appear at a court
17 hearing by giving the applicant no less than 10 days' written
18 notice of the hearing and the specific reasons why the waiver
19 might be reconsidered. The court may require the person to
20 provide reasonably available evidence, including financial
21 information, to support his or her continued eligibility for
22 the waiver, but shall not require submission of information
23 that is unrelated to the criteria for eligibility and
24 application requirements set forth in subdivisions (b)(1) and
25 (b)(2) of this Section. If the court enters an order finding
26 that the person is no longer entitled to a waiver, or is

1 entitled to a partial waiver different than that which the
2 person had previously received, the person shall pay the
3 requisite fees, costs, and charges from the date of the order
4 going forward. The order may state terms of payment in
5 accordance with subsection (e) of this Section. The court
6 shall not conduct a hearing under this subsection more often
7 than once every 6 months.

8 (g) A court, in its discretion, may appoint counsel to
9 represent an indigent person, and that counsel shall perform
10 his or her duties without fees, charges, or reward.

11 (h) Nothing in this Section shall be construed to affect
12 the right of a party to sue or defend an action in forma
13 pauperis without the payment of fees, costs, charges, or the
14 right of a party to court-appointed counsel, as authorized by
15 any other provision of law or by the rules of the Illinois
16 Supreme Court. Nothing in this Section shall be construed to
17 limit the authority of a court to order another party to the
18 action to pay the fees, costs, and charges of the action.

19 (h-5) If a party is represented by a civil legal services
20 provider or an attorney in a court-sponsored pro bono program
21 as defined in Section 5-105.5 of this Code, the attorney
22 representing that party shall file a certification with the
23 court in accordance with Supreme Court Rule 298 and that party
24 shall be allowed to sue or defend without payment of fees,
25 costs, and charges without filing an application under this
26 Section.

1 (h-10) (Blank).

2 (i) The provisions of this Section are severable under
3 Section 1.31 of the Statute on Statutes.

4 (Source: P.A. 101-36, eff. 6-28-19; 102-558, eff. 8-20-21.)

5 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)
6 Sec. 8-2001. Examination of health care records.

7 (a) In this Section:

8 "Health care facility" or "facility" means a public or
9 private hospital, ambulatory surgical treatment center,
10 nursing home, independent practice association, or physician
11 hospital organization, or any other entity where health care
12 services are provided to any person. The term does not include
13 a health care practitioner.

14 "Health care practitioner" means any health care
15 practitioner, including a physician, dentist, podiatric
16 physician, advanced practice registered nurse, registered
17 nurse, licensed practical nurse, physician assistant, clinical
18 psychologist, clinical social worker, therapist, or counselor.
19 The term includes a medical office, health care clinic, health
20 department, group practice, and any other organizational
21 structure for a licensed professional to provide health care
22 services. The term does not include a health care facility.

23 (b) Every private and public health care facility shall,
24 upon the request of any patient who has been treated in such
25 health care facility, or any person, entity, or organization

1 presenting a valid authorization for the release of records
2 signed by the patient or the patient's legally authorized
3 representative, or as authorized by Section 8-2001.5, permit
4 the patient, his or her health care practitioner, authorized
5 attorney, or any person, entity, or organization presenting a
6 valid authorization for the release of records signed by the
7 patient or the patient's legally authorized representative to
8 examine the health care facility patient care records,
9 including but not limited to the history, bedside notes,
10 charts, pictures and plates, kept in connection with the
11 treatment of such patient, and permit copies of such records
12 to be made by him or her or his or her health care practitioner
13 or authorized attorney.

14 (c) Every health care practitioner shall, upon the request
15 of any patient who has been treated by the health care
16 practitioner, or any person, entity, or organization
17 presenting a valid authorization for the release of records
18 signed by the patient or the patient's legally authorized
19 representative, permit the patient and the patient's health
20 care practitioner or authorized attorney, or any person,
21 entity, or organization presenting a valid authorization for
22 the release of records signed by the patient or the patient's
23 legally authorized representative, to examine and copy the
24 patient's records, including but not limited to those relating
25 to the diagnosis, treatment, prognosis, history, charts,
26 pictures and plates, kept in connection with the treatment of

1 such patient.

2 (d) A request for copies of the records shall be in writing
3 and shall be delivered to the administrator or manager of such
4 health care facility or to the health care practitioner. The
5 person (including patients, health care practitioners and
6 attorneys) requesting copies of records shall reimburse the
7 facility or the health care practitioner at the time of such
8 copying for all reasonable expenses, including the costs of
9 independent copy service companies, incurred in connection
10 with such copying not to exceed a \$20 handling charge for
11 processing the request and the actual postage or shipping
12 charge, if any, plus: (1) for paper copies 75 cents per page
13 for the first through 25th pages, 50 cents per page for the
14 26th through 50th pages, and 25 cents per page for all pages in
15 excess of 50 (except that the charge shall not exceed \$1.25 per
16 page for any copies made from microfiche or microfilm; records
17 retrieved from scanning, digital imaging, electronic
18 information or other digital format do not qualify as
19 microfiche or microfilm retrieval for purposes of calculating
20 charges); and (2) for electronic records, retrieved from a
21 scanning, digital imaging, electronic information or other
22 digital format in an electronic document, a charge of 50% of
23 the per page charge for paper copies under subdivision (d) (1).
24 This per page charge includes the cost of each CD Rom, DVD, or
25 other storage media. Records already maintained in an
26 electronic or digital format shall be provided in an

1 electronic format when so requested. If the records system
2 does not allow for the creation or transmission of an
3 electronic or digital record, then the facility or
4 practitioner shall inform the requester in writing of the
5 reason the records can not be provided electronically. The
6 written explanation may be included with the production of
7 paper copies, if the requester chooses to order paper copies.
8 These rates shall be automatically adjusted as set forth in
9 Section 8-2006. The facility or health care practitioner may,
10 however, charge for the reasonable cost of all duplication of
11 record material or information that cannot routinely be copied
12 or duplicated on a standard commercial photocopy machine such
13 as x-ray films or pictures.

14 (d-5) The handling fee shall not be collected from the
15 patient or the patient's personal representative who obtains
16 copies of records under Section 8-2001.5.

17 (e) The requirements of this Section shall be satisfied
18 within 30 days of the receipt of a written request by a patient
19 or by his or her legally authorized representative, health
20 care practitioner, authorized attorney, or any person, entity,
21 or organization presenting a valid authorization for the
22 release of records signed by the patient or the patient's
23 legally authorized representative. If the facility or health
24 care practitioner needs more time to comply with the request,
25 then within 30 days after receiving the request, the facility
26 or health care practitioner must provide the requesting party

1 with a written statement of the reasons for the delay and the
2 date by which the requested information will be provided. In
3 any event, the facility or health care practitioner must
4 provide the requested information no later than 60 days after
5 receiving the request.

6 (f) A health care facility or health care practitioner
7 must provide the public with at least 30 days prior notice of
8 the closure of the facility or the health care practitioner's
9 practice. The notice must include an explanation of how copies
10 of the facility's records may be accessed by patients. The
11 notice may be given by publication in a newspaper of general
12 circulation in the area in which the health care facility or
13 health care practitioner is located.

14 (g) Failure to comply with the time limit requirement of
15 this Section shall subject the denying party to expenses and
16 reasonable attorneys' fees incurred in connection with any
17 court ordered enforcement of the provisions of this Section.

18 (h) Notwithstanding any other provision of the law, a
19 health care facility or health care practitioner shall provide
20 without charge one complete copy of a patient's records if the
21 records are being requested by the patient or a person,
22 entity, attorney, registered representative, or organization
23 presenting a valid authorization for the release of records
24 signed by the patient or the patient's legally authorized
25 representative who has provided documentation of authority to
26 act for the patient, or by such other requester as is

1 authorized by statute if the patient is deceased, for the
2 purpose of supporting a claim for: (1) federal veterans'
3 disability benefits; (2) federal Social Security or
4 Supplemental Security Income benefits, or both, under any
5 title of the Social Security Act; or (3) Aid to the Aged,
6 Blind, or Persons with Disabilities ~~Disabled~~ benefits. Upon
7 request, and if the records are for at least one of the
8 approved purposes, the requester may obtain updated medical
9 records not included in the original medical record free of
10 charge if the request is accompanied by a valid authorization
11 for the release of records signed by the patient, the
12 patient's legally authorized representative who has provided
13 documentation of authority to act for the patient, or such
14 other requester as is authorized by statute if the patient is
15 deceased.

16 (Source: P.A. 102-183, eff. 1-1-22.)

17 Section 45. The Condominium Property Act is amended by
18 changing Section 18.12 as follows:

19 (765 ILCS 605/18.12)

20 Sec. 18.12. Accessible parking.

21 (a) The board of managers shall adopt a policy to
22 reasonably accommodate a unit owner who is a person with a
23 disability who requires accessible parking. Such a policy
24 shall include, without limitation, the procedure for

1 submitting a request for an accessible parking space and the
2 time in which the board shall review the request. The time for
3 review shall not be more than 45 days from the date the request
4 is submitted. The board must review and make a decision on the
5 request within a reasonable period of time. A copy of such
6 policy shall be given to any unit owner upon request. The board
7 of managers shall adopt such policy no later than 90 days after
8 the effective date of this amendatory Act of the 103rd General
9 Assembly for condominiums existing on said effective date or
10 90 days after the date of the election of the initial board of
11 managers pursuant to Section 18.2 of this Act.

12 (b) The board of managers shall make reasonable efforts to
13 facilitate a resolution between unit owners to provide for
14 accessible parking when the association does not own or
15 otherwise control parking that meets the accessible parking
16 needs of a unit owner who is a person with a disability who
17 requires accessible parking.

18 (c) For all new construction condominiums and conversion
19 condominiums submitted to the provisions of this Act after the
20 effective date of this amendatory Act of the 103rd General
21 Assembly, all accessible parking spaces constructed or created
22 in accordance with applicable federal, State, and local
23 building and accessibility statutes, codes, and ordinances
24 must remain part of the common elements. No developer or
25 declarant shall construct, create, or otherwise make parking
26 units (a unit as defined in Section 2 of this Act that is a

1 parking space) or limited common elements of such accessible
2 parking spaces. The board of managers has the authority to
3 establish rules and regulations for the use of such common
4 element accessible parking spaces, including, but not limited
5 to, renting or licensing such common element accessible
6 parking spaces to non-disabled unit owners, provided that the
7 rules and regulations must provide that a unit owner who is a
8 person with a disability who requires accessible parking has
9 priority over non-disabled unit owners, and that non-disabled
10 unit owners must immediately stop using such common element
11 accessible parking space when a request by a unit owner who is
12 a person with a disability for accessible parking is approved
13 by the board.

14 Nothing in this subsection (c) shall preclude a person
15 with a disability ~~disabled person~~ from purchasing a parking
16 unit or a residential unit to which a limited common element
17 parking space is assigned, and no developer or declarant shall
18 refuse to sell a parking unit to a person with a disability
19 ~~disabled person~~ or assign a limited common element parking
20 space to a residential unit purchased by a person with a
21 disability ~~disabled person~~. If a person with a disability
22 ~~disabled person~~ purchases a parking unit or a residential unit
23 to which a limited common element parking space is assigned,
24 that unit owner who is a person with a disability who requires
25 accessible parking may request use of a common element
26 accessible parking space in exchange for permitting the

1 association use of that disabled unit owner's parking unit or
2 limited common element parking space.

3 (d) Subsections (a) and (b) apply to all condominiums that
4 have parking, regardless of whether the parking comprises
5 parking units, limited common elements, common elements, or
6 parking rights.

7 (e) An aggrieved unit owner, an aggrieved prospective unit
8 owner, or the board of managers may commence a civil action in
9 State court against a developer or declarant who fails to
10 comply with its requirements under subsection (c). If the
11 court finds that the developer or declarant failed to comply
12 with these requirements, it may award declaratory relief,
13 actual damages, punitive damages and, if appropriate,
14 equitable relief.

15 The condominium association shall not be held liable for
16 the failure of the developer or declarant to comply with its
17 requirements under subsection (c).

18 (Source: P.A. 103-916, eff. 1-1-25.)

19 Section 95. No acceleration or delay. Where this Act makes
20 changes in a statute that is represented in this Act by text
21 that is not yet or no longer in effect (for example, a Section
22 represented by multiple versions), the use of that text does
23 not accelerate or delay the taking effect of (i) the changes
24 made by this Act or (ii) provisions derived from any other
25 Public Act.

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

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