



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3099

by Rep. Elizabeth Hernandez

SYNOPSIS AS INTRODUCED:

See Index

Creates the Illinois Trust Act. Provides that no law enforcement agency may detain or continue to detain any individual solely on the basis of any immigration detainer or administrative warrant, or otherwise comply with an immigration detainer or administrative warrant, after that individual becomes eligible for release from custody. Provides that a law enforcement official or other law enforcement agency personnel shall not give an immigration agent access to an individual or allow an immigration agent to use law enforcement agency facilities for investigative interviews or other investigative purposes; transfer a person into an immigration agent's custody; permit federal Immigration Custom Enforcement agents use of agency facilities, information, or equipment, including an agency's electronic database for investigative interviews or other investigative purpose or for purposes of executing an immigration enforcement operation; or respond to immigration agent inquiries regarding an individual's incarceration status, release date, or contact information except insofar as the agency makes that information available to the public. Amends the Police Training Act. Requires the Illinois Law Enforcement Training Standards Board to conduct or approve a training program on federal U and T nonimmigrant visas and other federal immigration remedies for immigrant victims of qualifying criminal activity. Amends the Juvenile Court Act of 1987. Makes changes in provisions concerning special immigrant juvenile status. Amends the Code of Criminal Procedure of 1963. Provides that no person subject to an immigration detainer or administrative warrant shall be denied bail solely on the basis of that immigration detainer or administrative warrant. Makes changes in provisions concerning post-conviction proceedings. Makes other changes. Effective immediately.

LRB100 11030 SLF 21269 b

1 AN ACT concerning immigration.

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

4 Section 1. Short title. This Act may be cited as the
5 Illinois Trust Act.

6 Section 5. Legislative intent. It is the intent of the
7 General Assembly that Act shall not be construed as providing,
8 expanding, or ratifying the legal authority for any State or
9 local law enforcement agency to detain an individual on an
10 immigration detainer or administrative warrant or perform any
11 other civil immigration enforcement function.

12 Section 10. Definitions. In this Act:

13 "Administrative warrant" means an immigration warrant of
14 arrest, order to detain or release aliens, notice of custody
15 determination, notice to appear, removal order, warrant of
16 removal, or any other document issued by an immigration agent
17 that can form the basis for an individual's arrest or detention
18 for a civil immigration enforcement purpose. "Administrative
19 warrant" does not mean a warrant issued by a criminal court
20 upon a determination of probable cause and in compliance with
21 the requirements of the Fourth Amendment to the United States
22 Constitution and Article I, Section 6 of the Illinois

1 Constitution.

2 "Certification" means any law enforcement certification or
3 statement required by federal immigration law including, but
4 not limited to, the information required by Section 1184(p) of
5 Title 8 of the United States Code (including current United
6 States Citizenship and Immigration Service Form I-918,
7 Supplement B, or any successor forms) for purposes of obtaining
8 a U visa, or by Section 1184(o) of Title 8 of the United States
9 Code (including current United States Citizenship and
10 Immigration Service Form I-914, Supplement B, or any successor
11 forms) for purposes of obtaining a T visa.

12 "Certifying agency" means a State or local law enforcement
13 agency, prosecutor, or other authority that has responsibility
14 for the investigation or prosecution of criminal activity
15 including any agency that has criminal investigative
16 jurisdiction in its respective areas of expertise specifically
17 including the Department of Labor, the Department of Children
18 and Family Services, the Department of Human Services, and the
19 Workers' Compensation Commission of this State. "Certifying
20 agency" does not include any State court.

21 "Citizenship or immigration status" means all matters
22 regarding questions of citizenship of the United States or
23 another country, the authority to reside in or otherwise be
24 present in the United States, the time or manner of a person's
25 entry into the United States, or any other civil immigration
26 matter enforced by the federal Department of Homeland Security

1 or other federal agency charged with the enforcement of civil
2 immigration laws.

3 "Coerce" means to use express or implied threats towards a
4 person or any family member of a person that attempts to put
5 the person in immediate fear of those consequences in order to
6 compel that person to act against his or her will.

7 "Contact information" means home address, work address,
8 telephone number, electronic mail address, social media
9 information, or any other personal identifying information
10 that could be used as a means to contact an individual.

11 "Eligible for release from custody" means that the
12 individual may be released from custody because one of the
13 following conditions has occurred:

14 (1) all criminal charges against the individual have
15 been dropped or dismissed;

16 (2) the individual has been acquitted of all criminal
17 charges filed against him or her;

18 (3) the individual has served all the time required for
19 his or her sentence;

20 (4) the individual has posted a bond; or

21 (5) the individual is otherwise eligible for release
22 under State or local law.

23 "Family member" means a person's (i) mother, father,
24 spouse, brother or sister (including blood, step, or half), son
25 or daughter (including blood, step, or half), father-in-law,
26 mother-in-law, daughter-in-law, son-in-law, brother-in-law,

1 sister-in-law, grandparent or grandchild; or (ii) a
2 court-appointed legal guardian or a person for whom the person
3 is a court-appointed legal guardian; or (iii) a domestic
4 partner or the domestic partner's mother, father, brother or
5 sister (including blood, step, or half), or son or daughter
6 (including blood, step, or half).

7 "Immigration agent" means an agent of federal Immigration
8 and Customs Enforcement or federal Customs and Border
9 Protection, an individual authorized to conduct enforcement of
10 civil immigration laws under Section 1357(g) of Title 8 of the
11 United States Code or any other federal law, any other federal
12 agent charged with enforcement of civil immigration laws, or
13 any successor.

14 "Immigration detainer" means a document issued by an
15 immigration agent to a federal, State, or local law enforcement
16 agency that requests that the law enforcement agency provide
17 notice of release or maintain custody of a person based on an
18 alleged violation of a civil immigration law, including
19 detainers issued under Section 287.7 of Title 8 of the United
20 States Code or Section 236.1 of the Code of Federal
21 Regulations.

22 "Immigration enforcement operation" means an operation
23 that has as one of its objectives the identification or
24 apprehension of a person or persons: (1) in order to subject
25 them to civil immigration detention, removal proceedings, and
26 removal from the United States, or (2) to criminally prosecute

1 a person or persons for offenses related to immigration status,
2 including but not limited to violations of Sections 1253, 1304,
3 1306(a) and (b), 1325, or 1326 of Title 8 of the United States
4 Code.

5 "Law enforcement agency" means an agency in this State
6 charged with enforcement of State, county, or municipal laws or
7 with managing custody of detained persons in the State,
8 including municipal police departments, sheriff's departments,
9 campus police departments, the Department of State Police, and
10 the Department of Juvenile Justice.

11 "Law enforcement official" means an officer or other agent
12 of a State or local law enforcement agency authorized to
13 enforce criminal laws, rules, regulations, or local ordinances
14 or to operate jails, correctional facilities, or juvenile
15 detention facilities or to maintain custody of individuals in
16 jails, correctional facilities, or juvenile detention
17 facilities.

18 "Qualifying criminal activity" means an activity involving
19 one or more of the following or any similar activity in
20 violation of federal, State, or local criminal law: rape;
21 torture; trafficking; incest; domestic violence; sexual
22 assault; abusive sexual contact; prostitution; sexual
23 exploitation; female genital mutilation; being held hostage;
24 peonage; involuntary servitude; slave trade; kidnapping;
25 abduction; unlawful criminal restraint; false imprisonment;
26 blackmail; extortion; manslaughter; murder; felonious assault;

1 witness tampering; obstruction of justice; perjury; fraud in
2 foreign labor contracting (as defined in Section 1351 of Title
3 18 of the United States Code); or attempt, conspiracy, or
4 solicitation to commit any of the above mentioned crimes.
5 "Qualifying criminal activity" also means criminal activity
6 that has an articulable similarity to any activity listed under
7 this definition, but is not specifically listed. "Qualifying
8 criminal activity" also means any qualifying criminal activity
9 that occurs during the commission of non-qualifying criminal
10 activity, regardless of whether or not criminal prosecution was
11 sought for the qualifying criminal activity.

12 "Verbal abuse" means the use of a remark which is overtly
13 insulting, mocking, or belittling that is directed at a person
14 based upon the actual or perceived: (1) race, color, sex,
15 religion, national origin, English proficiency, sexual
16 orientation, or gender identity of that person, or (2)
17 citizenship or immigration status of that person or that
18 person's family member.

19 "Victim of qualifying criminal activity" means an
20 individual who:

21 (1) has reported qualifying criminal activity to a law
22 enforcement agency or certifying agency;

23 (2) has otherwise participated in the detection,
24 investigation, or prosecution of qualifying criminal
25 activity;

26 (3) has suffered direct or proximate harm as a result

1 of the commission of any qualifying criminal activity
2 including, but not limited to, any indirect victim,
3 regardless of the direct victim's immigration or
4 citizenship status, who is the direct victim's spouse or
5 child under 21 years of age, or who is the direct victim's
6 parents or unmarried siblings under 18 years of age of the
7 direct victim if the direct victim is under 21 years of
8 age, deceased, incompetent, or incapacitated; or

9 (4) was a victim of a severe form of trafficking in
10 persons as defined in Section 7102 of Title 22 of the
11 United States Code and Section 10-9 of the Criminal Code of
12 2012.

13 Bystander victim may also be considered as a "victim of
14 qualifying criminal activity". More than one victim may be
15 identified and provided with certification depending upon the
16 circumstances. For purposes of this definition of "victim of
17 qualifying criminal activity," the term "incapacitated" means
18 unable to interact with law enforcement agency or certifying
19 agency personnel as a result of a cognitive impairment or other
20 physical limitation, or because of physical restraint or
21 disappearance.

22 Section 15. Prohibited immigration enforcement activities;
23 exceptions.

24 (a) No law enforcement agency may detain or continue to
25 detain an individual solely on the basis of an immigration

1 detainer or administrative warrant or otherwise comply with an
2 immigration detainer or administrative warrant after that
3 individual becomes eligible for release from custody.

4 (b) A law enforcement official shall not stop, arrest,
5 search, detain, or continue to detain a person solely based on
6 an individual's citizenship or immigration status or on an
7 administrative warrant entered into the Federal Bureau of
8 Investigation's National Crime Information Center database, or
9 any successor or similar database maintained by the United
10 States.

11 (c) A law enforcement agency shall not enter into an
12 agreement under Section 1357(g) of Title 8 of the United States
13 Code or any other federal law that permits State or local
14 governmental entities to enforce federal civil immigration
15 laws.

16 (d) A law enforcement agency shall not be permitted to
17 accept requests by immigration agents or other agencies to
18 support or assist in any capacity with immigration enforcement
19 operations, including, but not limited to, requests to provide
20 information on persons that may be the subject of immigration
21 enforcement operations, except as may be required under
22 subsection (g) of this Section, to establish traffic
23 perimeters, or to otherwise be present to assist or support an
24 operation.

25 (e) Except as provided in subsection (f) of this Section, a
26 law enforcement official or other law enforcement agency

1 personnel shall not:

2 (1) give an immigration agent access to an individual
3 or allow an immigration agent to use law enforcement agency
4 facilities for investigative interviews or other
5 investigative purposes;

6 (2) transfer a person into an immigration agent's
7 custody;

8 (3) permit federal Immigration Custom Enforcement
9 agents use of agency facilities, information, except as may
10 be required under subsection (g) of this Section, or
11 equipment, including an agency's electronic database for
12 investigative interviews or other investigative purpose or
13 for purposes of executing an immigration enforcement
14 operation; or

15 (4) respond to immigration agent inquiries regarding a
16 person's incarceration status, release date, or contact
17 information except insofar as the agency makes that
18 information available to the public.

19 (f) If an immigration agent presents to a law enforcement
20 official or law enforcement agency a valid and properly issued
21 criminal warrant related to the investigation or prosecution of
22 a criminal offense, including offenses provided for in the laws
23 of another state or federal law, or the immigration agent
24 otherwise demonstrates that he or she is engaged in the
25 investigation or prosecution of a criminal offense, the law
26 enforcement official or law enforcement agency may conduct any

1 of the activities listed in subsection (e) of this Section or
2 otherwise communicate or coordinate with an immigration agent
3 solely for assisting that specific purpose.

4 (g) Nothing in this Section prohibits a State or local
5 entity or official from sending to, or receiving from, any
6 local, State, federal agency, information regarding an
7 individual's citizenship or immigration status. All law
8 enforcement agencies shall instruct their officials that
9 federal law does not allow this prohibition. "Information
10 regarding an individual's citizenship or immigration status,"
11 for purposes of this subsection, means a statement of the
12 individual's country of citizenship or a statement of the
13 individual's immigration status.

14 (h) Subsections (a), (d), (e), (f), and (g) of this Section
15 shall not apply to the Department of Corrections.

16 (i) Nothing in this Section shall be construed as
17 restricting any expenditure or activity necessary to the
18 performance by the State, any local unit of government, or any
19 law enforcement or other agency, official, employee, or agent
20 of any obligations under any contract between the State, a
21 local unit of government, and the agency and federal officials
22 regarding the use of a facility to detain individuals in
23 federal immigration removal proceedings.

24 Section 20. Prohibited activities related to immigration
25 detention facilities. Notwithstanding subsection (i) of

1 Section 15 of this Act, no State, local unit of government, or
2 agency shall be permitted to contract with a private for-profit
3 vendor or contractor for the provision of services, other than
4 ancillary services as defined under the Section 3 of Private
5 Correctional Facility Moratorium Act, relating to the
6 operation or management of a facility to detain individuals in
7 federal immigration removal proceedings, or to approve any
8 permits, zoning changes, or other measures required for, or to
9 otherwise facilitate the construction, operation, or
10 management of such a facility.

11 Section 25. Other prohibited activities; verbal abuse and
12 coercion. A law enforcement agency or law enforcement official
13 shall not:

14 (a) coerce a person based upon the person's actual or
15 perceived citizenship or immigration status or the actual or
16 perceived citizenship or immigration status of the person's
17 family member;

18 (b) communicate a threat to deport that person or any
19 family member of that person under circumstances that
20 reasonably tend to produce a fear that the threat will be
21 carried out; or

22 (c) otherwise subject a person to verbal abuse as defined
23 by Section 10 of this Act.

24 Section 30. Certifications for victims of qualifying

1 criminal activity.

2 (a) A certifying agency shall execute a certification
3 requested by a victim of qualifying criminal activity or
4 representative of the victim including, but not limited to, the
5 victim's attorney, accredited representative, or domestic
6 violence service provider, within 90 days of receiving the
7 request. If the victim seeking certification is in federal
8 immigration removal proceedings, then the certifying agency
9 shall execute the certification no later than 14 days after the
10 request is received by the agency. If the victim or the
11 victim's children would lose any benefits under Sections
12 1184(p) and 1184(o) of Title 8 of the United States Code by
13 virtue of having reached the age of 21 years within 90 days
14 after the certifying agency receives the certification
15 request, then the certifying agency shall execute the
16 certification no later than 14 days before the date on which
17 the victim or child would reach the age of 21 years. Requests
18 for expedited certification shall be affirmatively raised by
19 the victim or representative of the victim.

20 (b) If a certifying agency fails to certify within the time
21 limit prescribed in subsection (a) of this Section or a victim
22 of qualifying criminal activity or representative of the victim
23 disputes the content of a certification, then the victim of
24 qualifying criminal activity may bring an action in circuit
25 court to seek certification or amend the certification. The
26 court shall award court costs and reasonable attorneys' fees to

1 any person who brings a proceeding brought under this
2 subsection (b) who prevails. Nothing in this subsection (b)
3 shall limit a State judge's authority to execute a
4 certification outside the procedures established by this
5 Section.

6 (c) The head of each certifying agency or a designated
7 agent who performs a supervisory role within the certifying
8 agency shall:

9 (1) respond to requests for certifications as required
10 by this Section;

11 (2) provide outreach to victims of qualifying criminal
12 activity to inform them of the agency's certification
13 process; and

14 (3) keep written records of all certification requests
15 and responses, which shall be reported to the Illinois
16 Trust Act Compliance Board on an annual basis.

17 (d) A certifying agency shall reissue any certification
18 within 90 days of receiving a request from the victim of
19 qualifying criminal activity or representative of the victim
20 including, but not limited to, the victim's attorney,
21 accredited representative, or domestic violence service
22 provider.

23 (e) Notwithstanding any other provision of this Section, a
24 certifying agency's completion of a certification shall not be
25 considered sufficient evidence to show the victim has met the
26 eligibility requirements for a U or T visa under federal law

1 and completion of a certification by a certifying agency shall
2 not be construed to guarantee that a victim will receive
3 federal immigration relief. It is the exclusive responsibility
4 of federal immigration officials to determine whether a victim
5 of qualifying criminal activity is eligible for a U or T visa.
6 Completion of a certification by a certifying agency merely
7 verifies factual information relevant to the immigration
8 benefit sought including information relevant for federal
9 immigration officials to determine eligibility for a U or T
10 visa. By completing a certification, the certifying agency
11 attests that the information is true and correct to the best of
12 the certifying official's knowledge. If after completion of a
13 certification, the victim unreasonably refuses to assist in the
14 investigation or prosecution of the qualifying criminal
15 activity of which he or she is a victim, then the certifying
16 agency may notify the United States Citizenship and Immigration
17 Service in writing.

18 (f) All certifying agencies not subject to the training
19 requirements established in Section 10.17 of the Illinois
20 Police Training Act shall adopt a training program on federal U
21 and T nonimmigrant visas and other remedies for immigrant
22 victims of qualifying criminal activity.

23 (g) All certifying agencies shall adopt and implement a
24 language access protocol for non-English speaking victims of
25 qualifying criminal activity.

1 Section 35. Equal access to educational, rehabilitative,
2 and diversionary programs in the criminal justice system.

3 Neither the Department of Corrections nor any law
4 enforcement agency may consider an immigration detainer or
5 administrative warrant in determining an individual's
6 eligibility or placement in any educational, rehabilitative,
7 or diversionary program described in Chapter 730 of the
8 Illinois Compiled Statutes or any other educational,
9 rehabilitative, or diversionary program administered by a law
10 enforcement agency.

11 Section 40. Compliance Board; oversight.

12 (a) The Governor shall appoint, with the advice and consent
13 of the Senate, an Illinois Trust Act Compliance Board within 90
14 days after the effective date of this Act. The Board shall
15 consist of 13 members serving terms of 3 years, and the members
16 shall elect their chairperson. No more than 7 members shall be
17 of the same political party. All appointments shall be made in
18 writing and filed with the Secretary of State as a public
19 record.

20 (b) The Board shall consist of the following members:

21 (1) one representative of the Governor's office;

22 (2) one representative of the Attorney General's
23 office;

24 (3) one representative of the Illinois Legislative
25 Latino Caucus;

1 (4) one representative of law enforcement from the
2 Chicago Police Department;

3 (5) one representative of law enforcement from Cook
4 County;

5 (6) 2 representatives of law enforcement from outside
6 of Cook County;

7 (7) one representative that advocates for immigrants
8 in the Latino and Hispanic community in this State;

9 (8) one representative that advocates for immigrants
10 in the Asian American community in this State;

11 (9) one representative that advocates for immigrants
12 in the African, Arab, or Muslim American community in this
13 State;

14 (10) one representative that advocates for immigrant
15 in this State;

16 (11) 2 representatives that advocate for immigrant
17 victims of domestic violence in this State;

18 (c) This Board shall be charged with the following
19 responsibilities:

20 (1) monitoring compliance with this Act;

21 (2) disseminating information about this Act to
22 affected communities and the general public;

23 (3) establishing mechanisms by which the public can
24 report concerns and recommendations regarding
25 implementation of this Act;

26 (4) identifying implementation issues and other trends

1 to provide recommendations to the Governor and the Attorney
2 General for addressing these issues;

3 (5) conducting research regarding sharing personally
4 identifiable information between law enforcement agencies
5 and federal Immigration and Customs Enforcement, including
6 but not limited to, research regarding:

7 (A) requests for or investigations involving
8 personally identifiable information by law enforcement
9 agencies and officials,

10 (B) sharing of information and data posted in the
11 Law Enforcement Agencies Database System (LEADS) or
12 any other State administered database to which
13 immigration agents have access,

14 (C) immigration agents' use of the LEADS database
15 or any other State administered database, and

16 (D) the impact of the requests, investigations,
17 and sharing and use of information on relations between
18 law enforcement agencies and immigrant communities;

19 (6) conducting additional research as may be
20 necessary, including, but not limited to, requesting and
21 disseminating data from law enforcement agencies relevant
22 to this Act and this Act's impact on law enforcement
23 agencies, police-community relations, affected
24 communities, and the State overall;

25 (7) publishing a report of its activities not less than
26 once each calendar year; and

1 (8) any other responsibilities relating to this Act as
2 the Board may identify.

3 Section 45. Private right of action.

4 (a) A person may bring an action in State circuit court to
5 challenge any law enforcement official or agency for failure to
6 fully comply with this Act. If there is a judicial finding that
7 a law enforcement official or agency has violated this Act,
8 then the court shall order that the law enforcement official or
9 agency pay a civil penalty of not less than \$1,000 and not more
10 than \$5,000 for each instance that the law enforcement official
11 or agency has violated this Act.

12 (b) The court shall collect the civil penalty prescribed in
13 subsection (a) and remit the civil penalty to the Crime Victim
14 Services Division of the Office of the Attorney General for use
15 in its programs to assist victims of crime.

16 (c) The court may award court costs and reasonable
17 attorneys' fees to any person who prevails by an adjudication
18 on the merits in a proceeding brought under this section.

19 (d) Except in relation to matters in which a law
20 enforcement officer is adjudged to have acted in bad faith, a
21 law enforcement officer shall be indemnified by the law
22 enforcement agency for reasonable costs and expenses,
23 including attorneys' fees, incurred by an officer in connection
24 with any action, suit, or proceeding brought under this section
25 in which the officer may be a defendant by reason of the

1 officer being or having been a member of the law enforcement
2 agency.

3 Section 50. The Illinois Police Training Act is amended by
4 adding Section 10.17-5 as follows:

5 (50 ILCS 705/10.17-5 new)

6 Sec. 10.17-5. Training; federal nonimmigrant visas. The
7 Illinois Law Enforcement Training Standards Board shall
8 conduct or approve a training program on federal U and T
9 nonimmigrant visas and other federal immigration remedies for
10 immigrant victims of qualifying criminal activity as defined in
11 Section 10 of the Illinois Trust Act. Each law enforcement
12 agency's continuing education program shall provide to the head
13 of the agency and the agency's certifying agent, as designated
14 under subsection (c) of Section 30 of the Illinois Trust Act,
15 continuing education concerning federal U and T nonimmigrant
16 visas, and continuing education concerning cultural diversity
17 awareness.

18 Section 55. The Juvenile Court Act of 1987 is amended by
19 changing Section 2-4a as follows:

20 (705 ILCS 405/2-4a)

21 Sec. 2-4a. Special Immigrant Juvenile Status ~~Special~~
22 ~~immigrant minor.~~

1 (a) (Blank). ~~Except as otherwise provided in this Act, a~~
2 ~~special immigrant minor under 18 years of age who has been made~~
3 ~~a ward of the court may be deemed eligible by the court for~~
4 ~~long term foster care due to abuse, neglect, or abandonment and~~
5 ~~remain under the jurisdiction of the juvenile court until his~~
6 ~~or her special immigrant juvenile status and adjustment of~~
7 ~~status applications are adjudicated. The petition filed on~~
8 ~~behalf of the special immigrant minor must allege that he or~~
9 ~~she otherwise satisfies the prerequisites for special~~
10 ~~immigrant juvenile status pursuant to 8 U.S.C. Section~~
11 ~~1101(a)(27)(J) and must state the custodial status sought on~~
12 ~~behalf of the minor.~~

13 (a-5) Upon filing of a petition on behalf of an immigrant
14 minor alleging that the minor satisfies the prerequisites for
15 special immigrant juvenile status under 8 U.S.C.
16 1101(a)(27)(J) and stating the custodial status sought on
17 behalf of the minor, ~~(b) For the purposes of this Section, a~~
18 ~~juvenile court shall declare the~~ may make a finding that a
19 ~~special immigrant minor a dependent of the court, order that an~~
20 immigrant minor be placed under the custody of an appropriate
21 State agency, or order that an immigrant minor be placed with
22 an individual or entity appointed by the State or the court, ~~is~~
23 ~~eligible for long term foster care~~ if the court makes the
24 following findings:

25 (1) That a reasonable diligent search for one or both
26 of the biological parents or, prior adoptive parents, ~~or~~

1 ~~prior legal guardians~~ has been conducted; and

2 (2) That reunification with one or both of the minor's
3 biological parents or prior adoptive parents is not a
4 viable option due to abuse, neglect, abandonment, or other
5 similar basis; and.

6 (3) That it would not be in the immigrant minor's best
7 interest to be returned to the minor's or parent's previous
8 country of nationality or country of last habitual
9 residence.

10 (b) An immigrant minor for whom the court makes the
11 necessary findings under subsection (a-5) shall remain under
12 the jurisdiction of the court until his or her special
13 immigrant juvenile status and adjustment of status
14 applications are adjudicated by the United States Citizenship
15 and Immigration Services or its successor agency with such
16 responsibilities.

17 (c) For the purposes of this Section:

18 (1) The terms "neglected or abused minor" and
19 "dependent minor" as described in Sections 2-3 and 2-4 of
20 the Act shall include a minor under the age of 21 years.

21 (2) The term "abandonment" means any occasion when a
22 biological or adoptive ~~the failure of a parent~~ whether
23 intentionally, negligently, or due to a physical or mental
24 disability, fails ~~or legal guardian~~ to maintain a
25 reasonable degree of interest, concern, or responsibility
26 for the welfare of his or her minor child or when a

1 diligent search has been conducted and one parent is not
2 located or one parent has died ward.

3 (2) (Blank). ~~The term "special immigrant minor" means~~
4 ~~an immigrant minor who (i) is present in the United States~~
5 ~~and has been made a ward of the court and (ii) for whom it~~
6 ~~has been determined by the juvenile court or in an~~
7 ~~administrative or judicial proceeding that it would not be~~
8 ~~in his or her best interests to be returned to his or her~~
9 ~~previous country of nationality or country of last habitual~~
10 ~~residence.~~

11 (d) (Blank). ~~This Section does not apply to a minor who~~
12 ~~applies for special immigrant minor status solely for the~~
13 ~~purpose of qualifying for financial assistance for himself or~~
14 ~~herself or for his or her parents, guardian, or custodian.~~

15 (Source: P.A. 93-145, eff. 7-10-03.)

16 Section 60. The Cannabis Control Act is amended by changing
17 Section 10 as follows:

18 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

19 Sec. 10. (a) Whenever any person who has not previously
20 been convicted of, or placed on probation or court supervision
21 for, any offense under this Act or any law of the United States
22 or of any State relating to cannabis, or controlled substances
23 as defined in the Illinois Controlled Substances Act, pleads
24 guilty to or is found guilty of violating Sections 4(a), 4(b),

1 4(c), 5(a), 5(b), 5(c) or 8 of this Act, the court may, without
2 entering a judgment and with the consent of such person,
3 sentence him to probation.

4 (b) When a person is placed on probation, the court shall
5 enter an order specifying a period of probation of 24 months,
6 and shall defer further proceedings in the case until the
7 conclusion of the period or until the filing of a petition
8 alleging violation of a term or condition of probation.

9 (c) The conditions of probation shall be that the person:
10 (1) not violate any criminal statute of any jurisdiction; (2)
11 refrain from possession of a firearm or other dangerous weapon;
12 (3) submit to periodic drug testing at a time and in a manner
13 as ordered by the court, but no less than 3 times during the
14 period of the probation, with the cost of the testing to be
15 paid by the probationer; and (4) perform no less than 30 hours
16 of community service, provided community service is available
17 in the jurisdiction and is funded and approved by the county
18 board.

19 (d) The court may, in addition to other conditions, require
20 that the person:

21 (1) make a report to and appear in person before or
22 participate with the court or such courts, person, or
23 social service agency as directed by the court in the order
24 of probation;

25 (2) pay a fine and costs;

26 (3) work or pursue a course of study or vocational

1 training;

2 (4) undergo medical or psychiatric treatment; or
3 treatment for drug addiction or alcoholism;

4 (5) attend or reside in a facility established for the
5 instruction or residence of defendants on probation;

6 (6) support his dependents;

7 (7) refrain from possessing a firearm or other
8 dangerous weapon;

9 (7-5) refrain from having in his or her body the
10 presence of any illicit drug prohibited by the Cannabis
11 Control Act, the Illinois Controlled Substances Act, or the
12 Methamphetamine Control and Community Protection Act,
13 unless prescribed by a physician, and submit samples of his
14 or her blood or urine or both for tests to determine the
15 presence of any illicit drug;

16 (8) and in addition, if a minor:

17 (i) reside with his parents or in a foster home;

18 (ii) attend school;

19 (iii) attend a non-residential program for youth;

20 (iv) contribute to his own support at home or in a
21 foster home.

22 (e) Upon violation of a term or condition of probation, the
23 court may enter a judgment on its original finding of guilt and
24 proceed as otherwise provided.

25 (f) Upon fulfillment of the terms and conditions of
26 probation, the court shall discharge such person and dismiss

1 the proceedings against him.

2 (g) A disposition of probation is considered to be a
3 conviction for the purposes of imposing the conditions of
4 probation and for appeal, however, discharge and dismissal
5 under this Section is not a conviction for purposes of
6 disqualification or disabilities imposed by law upon
7 conviction of a crime (including the additional penalty imposed
8 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)
9 of this Act).

10 (h) Discharge and dismissal under this Section, Section 410
11 of the Illinois Controlled Substances Act, Section 70 of the
12 Methamphetamine Control and Community Protection Act, Section
13 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, or
14 subsection (c) of Section 11-14 of the Criminal Code of 1961 or
15 the Criminal Code of 2012 may occur only once with respect to
16 any person.

17 (i) If a person is convicted of an offense under this Act,
18 the Illinois Controlled Substances Act, or the Methamphetamine
19 Control and Community Protection Act within 5 years subsequent
20 to a discharge and dismissal under this Section, the discharge
21 and dismissal under this Section shall be admissible in the
22 sentencing proceeding for that conviction as a factor in
23 aggravation.

24 (j) Notwithstanding subsection (a), before a person is
25 sentenced to probation under this Section, the court may refer
26 the person to the drug court established in that judicial

1 circuit pursuant to Section 15 of the Drug Court Treatment Act.
2 The drug court team shall evaluate the person's likelihood of
3 successfully completing a sentence of probation under this
4 Section and shall report the results of its evaluation to the
5 court. If the drug court team finds that the person suffers
6 from a substance abuse problem that makes him or her
7 substantially unlikely to successfully complete a sentence of
8 probation under this Section, then the drug court shall set
9 forth its findings in the form of a written order, and the
10 person shall not be sentenced to probation under this Section,
11 but may be considered for the drug court program.

12 (k) In any case in which a person is sentenced to probation
13 under this Section and has performed satisfactorily during the
14 period in which probation was granted and any criminal charge
15 against that person was discharged and dismissed under this
16 Section, the court shall, upon request of the defendant, permit
17 the defendant to withdraw the plea of guilty or nolo contendere
18 and enter a plea of not guilty, and the court shall dismiss the
19 complaint or information against the defendant. If court
20 records showing the case resolution are no longer available,
21 the person's declaration, under penalty of perjury, that the
22 charges were dismissed after he or she completed the
23 requirements for probation, shall be presumed to be true if the
24 person has submitted a copy of his or her summary of criminal
25 history information maintained by the Department of Justice
26 that either shows that the defendant successfully completed the

1 probation or that the record is incomplete in that it does not
2 show a final disposition. For purposes of this Section, a final
3 disposition means that the summary of criminal history
4 information shows either a dismissal after completion of the
5 probation or a sentence after termination of the probation.

6 (Source: P.A. 98-164, eff. 1-1-14; 99-480, eff. 9-9-15.)

7 Section 65. The Illinois Controlled Substances Act is
8 amended by changing Section 410 as follows:

9 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

10 Sec. 410. (a) Whenever any person who has not previously
11 been convicted of, or placed on probation or court supervision
12 for any offense under this Act or any law of the United States
13 or of any State relating to cannabis or controlled substances,
14 pleads guilty to or is found guilty of possession of a
15 controlled or counterfeit substance under subsection (c) of
16 Section 402 or of unauthorized possession of prescription form
17 under Section 406.2, the court, without entering a judgment and
18 with the consent of such person, may sentence him or her to
19 probation.

20 (b) When a person is placed on probation, the court shall
21 enter an order specifying a period of probation of 24 months
22 and shall defer further proceedings in the case until the
23 conclusion of the period or until the filing of a petition
24 alleging violation of a term or condition of probation.

1 (c) The conditions of probation shall be that the person:
2 (1) not violate any criminal statute of any jurisdiction; (2)
3 refrain from possessing a firearm or other dangerous weapon;
4 (3) submit to periodic drug testing at a time and in a manner
5 as ordered by the court, but no less than 3 times during the
6 period of the probation, with the cost of the testing to be
7 paid by the probationer; and (4) perform no less than 30 hours
8 of community service, provided community service is available
9 in the jurisdiction and is funded and approved by the county
10 board.

11 (d) The court may, in addition to other conditions, require
12 that the person:

13 (1) make a report to and appear in person before or
14 participate with the court or such courts, person, or
15 social service agency as directed by the court in the order
16 of probation;

17 (2) pay a fine and costs;

18 (3) work or pursue a course of study or vocational
19 training;

20 (4) undergo medical or psychiatric treatment; or
21 treatment or rehabilitation approved by the Illinois
22 Department of Human Services;

23 (5) attend or reside in a facility established for the
24 instruction or residence of defendants on probation;

25 (6) support his or her dependents;

26 (6-5) refrain from having in his or her body the

1 presence of any illicit drug prohibited by the Cannabis
2 Control Act, the Illinois Controlled Substances Act, or the
3 Methamphetamine Control and Community Protection Act,
4 unless prescribed by a physician, and submit samples of his
5 or her blood or urine or both for tests to determine the
6 presence of any illicit drug;

7 (7) and in addition, if a minor:

8 (i) reside with his or her parents or in a foster
9 home;

10 (ii) attend school;

11 (iii) attend a non-residential program for youth;

12 (iv) contribute to his or her own support at home
13 or in a foster home.

14 (e) Upon violation of a term or condition of probation, the
15 court may enter a judgment on its original finding of guilt and
16 proceed as otherwise provided.

17 (f) Upon fulfillment of the terms and conditions of
18 probation, the court shall discharge the person and dismiss the
19 proceedings against him or her.

20 (g) A disposition of probation is considered to be a
21 conviction for the purposes of imposing the conditions of
22 probation and for appeal, however, discharge and dismissal
23 under this Section is not a conviction for purposes of this Act
24 or for purposes of disqualifications or disabilities imposed by
25 law upon conviction of a crime.

26 (h) There may be only one discharge and dismissal under

1 this Section, Section 10 of the Cannabis Control Act, Section
2 70 of the Methamphetamine Control and Community Protection Act,
3 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections,
4 or subsection (c) of Section 11-14 of the Criminal Code of 1961
5 or the Criminal Code of 2012 with respect to any person.

6 (i) If a person is convicted of an offense under this Act,
7 the Cannabis Control Act, or the Methamphetamine Control and
8 Community Protection Act within 5 years subsequent to a
9 discharge and dismissal under this Section, the discharge and
10 dismissal under this Section shall be admissible in the
11 sentencing proceeding for that conviction as evidence in
12 aggravation.

13 (j) Notwithstanding subsection (a), before a person is
14 sentenced to probation under this Section, the court may refer
15 the person to the drug court established in that judicial
16 circuit pursuant to Section 15 of the Drug Court Treatment Act.
17 The drug court team shall evaluate the person's likelihood of
18 successfully completing a sentence of probation under this
19 Section and shall report the results of its evaluation to the
20 court. If the drug court team finds that the person suffers
21 from a substance abuse problem that makes him or her
22 substantially unlikely to successfully complete a sentence of
23 probation under this Section, then the drug court shall set
24 forth its findings in the form of a written order, and the
25 person shall not be sentenced to probation under this Section,
26 but may be considered for the drug court program.

1 (k) In any case in which a person is sentenced to probation
2 under this Section and has performed satisfactorily during the
3 period in which probation was granted, and any criminal charge
4 against that person was discharged and dismissed pursuant to
5 this Section, the court shall, upon request of the defendant,
6 permit the defendant to withdraw the plea of guilty or nolo
7 contendere and enter a plea of not guilty, and the court shall
8 dismiss the complaint or information against the defendant. If
9 court records showing the case resolution are no longer
10 available, the person's declaration, under penalty of perjury,
11 that the charges were dismissed after he or she completed the
12 requirements for probation, shall be presumed to be true if the
13 person has submitted a copy of his or her summary of criminal
14 history information maintained by the Department of Justice
15 that either shows that the defendant successfully completed the
16 probation or that the record is incomplete in that it does not
17 show a final disposition. For purposes of this Section, a final
18 disposition means that the summary of criminal history
19 information shows either a dismissal after completion of the
20 probation or a sentence after termination of the probation.

21 (Source: P.A. 98-164, eff. 1-1-14; 99-480, eff. 9-9-15.)

22 Section 70. The Code of Criminal Procedure of 1963 is
23 amended by changing Sections 113-8, 122-1, and 122-2.1 and by
24 adding Section 110-5.2 as follows:

1 (725 ILCS 5/110-5.2 new)

2 Sec. 110-5.2. No person subject to an immigration detainer
3 or administrative warrant shall be denied bail solely on the
4 basis of that immigration detainer or administrative warrant.
5 Nothing in this Section may be construed to undermine the
6 authority of a court to make a bail or bond determination under
7 this Article.

8 (725 ILCS 5/113-8)

9 Sec. 113-8. Advisement concerning status as an alien.
10 Before the acceptance of a plea of guilty, guilty but mentally
11 ill, or nolo contendere to a misdemeanor or felony offense, the
12 court shall give the following advisement to the defendant in
13 open court:

14 "If you are not a citizen of the United States, you are
15 hereby advised that conviction of the offense for which you
16 have been charged may have the consequences of deportation,
17 exclusion from admission to the United States, or denial of
18 naturalization under the laws of the United States.".

19 Nothing in this Section shall be construed to authorize or
20 direct any court to request that the defendant state his or her
21 immigration or citizenship status or to require that the
22 defendant provide that information.

23 (Source: P.A. 93-373, eff. 1-1-04.)

24 (725 ILCS 5/122-1) (from Ch. 38, par. 122-1)

1 Sec. 122-1. Petition in the trial court.

2 (a) Any person convicted or adjudicated delinquent of an
3 offense punishable by a sentence of imprisonment or another
4 form of detention ~~imprisoned in the penitentiary~~ may institute
5 a proceeding under this Article if the person asserts that:

6 (1) in the proceedings which resulted in his or her
7 conviction or delinquency adjudication there was a
8 substantial denial of his or her rights under the
9 Constitution of the United States or of the State of
10 Illinois or both; or

11 (2) ~~the death penalty was imposed and there is newly~~
12 ~~discovered evidence not available to the person at the time~~
13 ~~of the proceeding that resulted in his or her conviction~~
14 that establishes a substantial basis to believe that the
15 defendant is actually innocent by clear and convincing
16 evidence.

17 (a-5) A proceeding under paragraph (2) of subsection (a)
18 may be commenced within a reasonable period of time after the
19 person's conviction or delinquency adjudication
20 notwithstanding any other provisions of this Article. ~~In such a~~
21 ~~proceeding regarding actual innocence, if the court determines~~
22 ~~the petition is frivolous or is patently without merit, it~~
23 ~~shall dismiss the petition in a written order, specifying the~~
24 ~~findings of fact and conclusions of law it made in reaching its~~
25 ~~decision. Such order of dismissal is a final judgment and shall~~
26 ~~be served upon the petitioner by certified mail within 10 days~~

1 ~~of its entry.~~

2 (b) The proceeding shall be commenced by filing with the
3 clerk of the court in which the conviction or delinquency
4 adjudication took place a petition (together with a copy
5 thereof) verified by affidavit. Petitioner shall also serve
6 another copy upon the State's Attorney by any of the methods
7 provided in Rule 7 of the Supreme Court. The clerk shall docket
8 the petition for consideration by the court pursuant to Section
9 122-2.1 upon his or her receipt thereof and bring the same
10 promptly to the attention of the court.

11 (c) (Blank). ~~Except as otherwise provided in subsection~~
12 ~~(a-5), if the petitioner is under sentence of death and a~~
13 ~~petition for writ of certiorari is filed, no proceedings under~~
14 ~~this Article shall be commenced more than 6 months after the~~
15 ~~conclusion of proceedings in the United States Supreme Court,~~
16 ~~unless the petitioner alleges facts showing that the delay was~~
17 ~~not due to his or her culpable negligence. If a petition for~~
18 ~~certiorari is not filed, no proceedings under this Article~~
19 ~~shall be commenced more than 6 months from the date for filing~~
20 ~~a certiorari petition, unless the petitioner alleges facts~~
21 ~~showing that the delay was not due to his or her culpable~~
22 ~~negligence.~~

23 Except as otherwise provided in subsection (a-5) of this
24 Section ~~When a defendant has a sentence other than death, no~~
25 proceedings under this Article shall be commenced more than 6
26 months after the conclusion of proceedings in the United States

1 Supreme Court, unless the petitioner alleges facts showing that
2 the delay was not due to his or her culpable negligence. If a
3 petition for certiorari is not filed, no proceedings under this
4 Article shall be commenced more than 6 months from the date for
5 filing a certiorari petition, unless the petitioner alleges
6 facts showing that the delay was not due to his or her culpable
7 negligence. If a defendant does not file a direct appeal, the
8 post-conviction petition shall be filed no later than 3 years
9 from the date of conviction or delinquency adjudication, unless
10 the petitioner alleges facts showing that the delay was not due
11 to his or her culpable negligence.

12 This limitation does not apply to a petition advancing a
13 claim of actual innocence.

14 (d) A person seeking relief by filing a petition under this
15 Section must specify in the petition or its heading that it is
16 filed under this Section. A trial court that has received a
17 petition complaining of a conviction, delinquency
18 adjudication, or sentence that fails to specify in the petition
19 or its heading that it is filed under this Section need not
20 evaluate the petition to determine whether it could otherwise
21 have stated some grounds for relief under this Article.

22 (e) A proceeding under this Article may not be commenced on
23 behalf of a defendant ~~who has been sentenced to death~~ without
24 the written consent of the defendant, unless the defendant,
25 because of a mental or physical condition, is incapable of
26 asserting his or her own claim.

1 (f) Only one petition may be filed by a petitioner under
2 this Article without leave of the court. The determination as
3 to whether to grant leave of court shall be made prior to or
4 contemporaneously with any order made under paragraph (2) of
5 subsection (a) or subsection (b) of Section 122-2.1 of this
6 Article without pleadings from the State. Leave of court may be
7 granted only if a petitioner demonstrates:

8 (1) cause for his or her failure to bring the claim in
9 his or her initial post-conviction proceedings and
10 prejudice results from that failure; or

11 (2) that there has been a fundamental miscarriage of
12 justice.

13 For purposes of this subsection (f):

14 (1) a petitioner demonstrates ~~prisoner shows~~ cause by
15 adequately pleading that identifying an identified
16 ~~objective~~ factor ~~that~~ impeded his or her ability to raise a
17 specific claim during his or her initial post-conviction
18 proceedings; ~~and~~

19 (2) a petitioner demonstrates ~~prisoner shows~~ prejudice
20 by adequately pleading demonstrating that the claim not
21 raised during his or her initial post-conviction
22 proceedings so infected the trial that the resulting
23 conviction or sentence violated due process; and

24 (3) a petitioner demonstrates a fundamental
25 miscarriage of justice by adequately pleading that there is
26 newly discovered evidence that establishes a substantial

1 basis to believe that the petitioner is actually innocent
2 by clear and convincing evidence.

3 (Source: P.A. 93-493, eff. 1-1-04; 93-605, eff. 11-19-03;
4 93-972, eff. 8-20-04.)

5 (725 ILCS 5/122-2.1) (from Ch. 38, par. 122-2.1)

6 Sec. 122-2.1. (a) Within 90 days after the filing and
7 docketing of each petition, the court shall examine the ~~such~~
8 petition and enter an order thereon under ~~pursuant to~~ this
9 Section.

10 (1) If the petitioner is under sentence of death and is
11 without counsel and alleges that he is without means to
12 procure counsel, he shall state whether or not he wishes
13 counsel to be appointed to represent him. If appointment of
14 counsel is so requested, the court shall appoint counsel if
15 satisfied that the petitioner has no means to procure
16 counsel.

17 (2) If ~~the petitioner is sentenced to imprisonment and~~
18 the court determines the petition is frivolous or is
19 patently without merit, it shall dismiss the petition in a
20 written order, specifying the findings of fact and
21 conclusions of law it made in reaching its decision. This
22 ~~Such~~ order of dismissal is a final judgment and shall be
23 served upon the petitioner by certified mail within 10 days
24 of its entry.

25 (b) If the petition is not dismissed under ~~pursuant to~~ this

1 Section, the court shall order the petition to be docketed for
2 further consideration in accordance with Sections 122-4
3 through 122-6. If the petitioner is under sentence of death,
4 the court shall order the petition to be docketed for further
5 consideration and hearing within one year of the filing of the
6 petition. Continuances may be granted as the court deems
7 appropriate.

8 (c) In considering a petition under ~~pursuant to~~ this
9 Section, the court may examine the court file of the proceeding
10 in which the petitioner was convicted, any action taken by an
11 appellate court in that ~~such~~ proceeding and any transcripts of
12 that ~~such~~ proceeding.

13 (Source: P.A. 93-605, eff. 11-19-03.)

14 Section 75. The Probation and Probation Officers Act is
15 amended by changing Section 12 as follows:

16 (730 ILCS 110/12) (from Ch. 38, par. 204-4)

17 Sec. 12. The duties of probation officers shall be:

18 (1) To investigate as required by Section 5-3-1 of the
19 "Unified Code of Corrections", approved July 26, 1972, as
20 amended, the case of any person to be placed on probation. Full
21 opportunity shall be afforded a probation officer to confer
22 with the person under investigation when such person is in
23 custody.

24 (2) To notify the court of any previous conviction for

1 crime or previous probation of any defendant invoking the
2 provisions of this Act.

3 (3) All reports and notifications required in this Act to
4 be made by probation officers shall be in writing and shall be
5 filed by the clerk in the respective cases.

6 (4) To preserve complete and accurate records of cases
7 investigated, including a description of the person
8 investigated, the action of the court with respect to his case
9 and his probation, the subsequent history of such person, if he
10 becomes a probationer, during the continuance of his probation,
11 which records shall be open to inspection by any judge or by
12 any probation officer pursuant to order of court, but shall not
13 be a public record, and its contents shall not be divulged
14 otherwise than as above provided, except upon order of court;
15 provided that nothing in this Section shall be construed to
16 require or direct any probation officer to (i) inquire to the
17 federal Department of Homeland Security regarding the
18 citizenship or immigration status of a person or (ii) provide
19 to the federal Department of Homeland Security any personal
20 information regarding that person, unless otherwise required
21 by law.

22 (5) To take charge of and watch over all persons placed on
23 probation under such regulations and for such terms as may be
24 prescribed by the court, and giving to each probationer full
25 instructions as to the terms of his release upon probation and
26 requiring from him such periodical reports as shall keep the

1 officer informed as to his conduct.

2 (6) To develop and operate programs of reasonable public or
3 community service for any persons ordered by the court to
4 perform public or community service, providing, however, that
5 no probation officer or any employee of a probation office
6 acting in the course of his official duties shall be liable for
7 any tortious acts of any person performing public or community
8 service except for wilful misconduct or gross negligence on the
9 part of the probation officer or employee.

10 (7) When any person on probation removes from the county
11 where his offense was committed, it shall be the duty of the
12 officer under whose care he was placed to report the facts to
13 the probation officer in the county to which the probationer
14 has removed; and it shall thereupon become the duty of such
15 probation officer to take charge of and watch over said
16 probationer the same as if the case originated in that county;
17 and for that purpose he shall have the same power and authority
18 over said probationer as if he had been originally placed in
19 said officer's charge; and such officer shall be required to
20 report in writing every 6 months, or more frequently upon
21 request the results of his supervision to the probation officer
22 in whose charge the said probationer was originally placed by
23 the court.

24 (8) To authorize travel permits to individuals under their
25 supervision unless otherwise ordered by the court.

26 (9) To perform such other duties as are provided for in

1 this act or by rules of court and such incidental duties as may
2 be implied from those expressly required.

3 (10) To send written notification to a public housing
4 agency if a person on probation for a felony who is under the
5 supervision of the probation officer informs the probation
6 officer that he or she has resided, resides, or will reside at
7 an address that is a housing facility owned, managed, operated,
8 or leased by that public housing agency.

9 (11) If a person on probation for a felony offense who is
10 under the supervision of the probation officer becomes a
11 resident of a facility licensed or regulated by the Department
12 of Public Health, the Illinois Department of Public Aid, or
13 Illinois Department of Human Services, the probation officer
14 shall within 3 days of the person becoming a resident, notify
15 the licensing or regulating Department and licensed or
16 regulated facility and shall provide the licensed or regulated
17 facility and licensing or regulating Department with copies of
18 the following:

19 (a) (blank);

20 (b) any applicable probation orders and corresponding
21 compliance plans;

22 (c) the name and contact information for the assigned
23 probation officer.

24 (Source: P.A. 94-163, eff. 7-11-05; 94-752, eff. 5-10-06.)

25 Section 80. The Probate Act of 1975 is amended by changing

1 Section 11-3 as follows:

2 (755 ILCS 5/11-3) (from Ch. 110 1/2, par. 11-3)

3 Sec. 11-3. Who may act as guardian.

4 (a) A person is qualified to act as guardian of the person
5 and as guardian of the estate if the court finds that the
6 proposed guardian is capable of providing an active and
7 suitable program of guardianship for the minor and that the
8 proposed guardian:

9 (1) has attained the age of 18 years;

10 (2) lives in ~~is a resident of~~ the United States;

11 (3) is not of unsound mind;

12 (4) is not an adjudged person with a disability as
13 defined in this Act; and

14 (5) has not been convicted of a felony, unless the
15 court finds appointment of the person convicted of a felony
16 to be in the minor's best interests, and as part of the
17 best interest determination, the court has considered the
18 nature of the offense, the date of offense, and the
19 evidence of the proposed guardian's rehabilitation. No
20 person shall be appointed who has been convicted of a
21 felony involving harm or threat to a child, including a
22 felony sexual offense.

23 One person may be appointed guardian of the person and another
24 person appointed guardian of the estate.

25 (b) The Department of Human Services or the Department of

1 Children and Family Services may with the approval of the court
2 designate one of its employees to serve without fees as
3 guardian of the estate of a minor patient in a State mental
4 hospital or a resident in a State institution when the value of
5 the personal estate does not exceed \$1,000.

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

7 Section 97. Severability. The provisions of this Act are
8 severable under Section 1.31 of the Statute on Statutes.

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

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 50 ILCS 705/10.17-5 new

5 705 ILCS 405/2-4a

6 720 ILCS 550/10 from Ch. 56 1/2, par. 710

7 720 ILCS 570/410 from Ch. 56 1/2, par. 1410

8 725 ILCS 5/110-5.2 new

9 725 ILCS 5/113-8

10 725 ILCS 5/122-1 from Ch. 38, par. 122-1

11 725 ILCS 5/122-2.1 from Ch. 38, par. 122-2.1

12 730 ILCS 110/12 from Ch. 38, par. 204-4

13 755 ILCS 5/11-3 from Ch. 110 1/2, par. 11-3