



Rep. LaToya Greenwood

Filed: 3/24/2022

10200HB4385ham002

LRB102 23969 AWJ 38077 a

1 AMENDMENT TO HOUSE BILL 4385

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4385 on page 1,  
3 immediately below line 5, by inserting the following:

4 "Section 5. The Metropolitan Transit Authority Act is  
5 amended by changing Section 31 as follows:

6 (70 ILCS 3605/31) (from Ch. 111 2/3, par. 331)

7 Sec. 31. The Board shall have power to pass all ordinances  
8 and make all rules and regulations proper or necessary to  
9 regulate the use, operation and maintenance of its property  
10 and facilities, and to carry into effect the powers granted to  
11 the Authority, with such fines or penalties, including, but  
12 not limited to, ordinances, rules, and regulations concerning  
13 the suspension of riding privileges or confiscation of fare  
14 media, as may be deemed proper. No fine or penalty shall exceed  
15 \$300.00, and no imprisonment shall exceed six (6) months for  
16 one offense. All fines and penalties shall be imposed by

1 ordinances, which shall be published in a newspaper of general  
2 circulation published in the metropolitan area. No such  
3 ordinance shall take effect until ten days after its  
4 publication.

5 (Source: P.A. 80-937.)

6 Section 10. The Local Mass Transit District Act is amended  
7 by changing Section 5 as follows:

8 (70 ILCS 3610/5) (from Ch. 111 2/3, par. 355)

9 Sec. 5. (a) The Board of Trustees of every District may  
10 establish or acquire any or all manner of mass transit  
11 facility. The Board may engage in the business of  
12 transportation of passengers on scheduled routes and by  
13 contract on nonscheduled routes within the territorial limits  
14 of the counties or municipalities creating the District, by  
15 whatever means it may decide. Its routes may be extended  
16 beyond such territorial limits with the consent of the  
17 governing bodies of the municipalities or counties into which  
18 such operation is extended.

19 (b) The Board of Trustees of every District may for the  
20 purposes of the District, acquire by gift, purchase, lease,  
21 legacy, condemnation, or otherwise and hold, use, improve,  
22 maintain, operate, own, manage or lease, as lessor or lessee,  
23 such cars, buses, equipment, buildings, structures, real and  
24 personal property, and interests therein, and services, lands

1 for terminal and other related facilities, improvements and  
2 services, or any interest therein, including all or any part  
3 of the plant, land, buildings, equipment, vehicles, licenses,  
4 franchises, patents, property, service contracts and  
5 agreements of every kind and nature. Real property may be so  
6 acquired if it is situated within or partially within the area  
7 served by the District or if it is outside the area if it is  
8 desirable or necessary for the purposes of the District.

9 (c) The Board of Trustees of every District which  
10 establishes, provides, or acquires mass transit facilities or  
11 services may contract with any person or corporation or public  
12 or private entity for the operation or provision thereof upon  
13 such terms and conditions as the District shall determine.

14 (d) The Board of Trustees of every District shall have the  
15 authority to contract for any and all purposes of the  
16 District, including with an interstate transportation  
17 authority, or with another local Mass Transit District or any  
18 other municipal, public, or private corporation entity in the  
19 transportation business including the authority to contract to  
20 lease its or otherwise provide land, buildings, and equipment,  
21 and other related facilities, improvements, and services, for  
22 the carriage of passengers beyond the territorial limits of  
23 the District or to subsidize transit operations by a public or  
24 private or municipal corporation operating entity providing  
25 mass transit facilities.

26 (e) The Board of Trustees of every District shall have the

1 authority to establish, alter and discontinue transportation  
2 routes and services and any or all ancillary or supporting  
3 facilities and services, and to establish and amend rate  
4 schedules for the transportation of persons thereon or for the  
5 public or private use thereof which rate schedules shall,  
6 together with any grants, receipts or income from other  
7 sources, be sufficient to pay the expenses of the District,  
8 the repair, maintenance and the safe and adequate operation of  
9 its mass transit facilities and public mass transportation  
10 system and to fulfill the terms of its debts, undertakings,  
11 and obligations.

12 (f) The Board of Trustees of every District shall have  
13 perpetual succession and shall have the following powers in  
14 addition to any others in this Act granted:

15 (1) to sue and be sued;

16 (2) to adopt and use a seal;

17 (3) to make and execute contracts loans, leases,  
18 subleases, installment purchase agreements, contracts,  
19 notes and other instruments evidencing financial  
20 obligations, and other instruments necessary or convenient  
21 in the exercise of its powers;

22 (4) to make, amend and repeal bylaws, rules and  
23 regulations not inconsistent with this Act, including, but  
24 not limited to, rules and regulations proper or necessary  
25 to regulate the use, operation, and maintenance of its  
26 properties and facilities and to carry into effect the

1 powers granted to the Board of Trustees, with any  
2 necessary fines or penalties, including, but not limited  
3 to, rules and regulations concerning the suspension of  
4 riding privileges or confiscation of fare media, as the  
5 Board deems proper;

6 (5) to sell, lease, sublease, license, transfer,  
7 convey or otherwise dispose of any of its real or personal  
8 property, or interests therein, in whole or in part, at  
9 any time upon such terms and conditions as it may  
10 determine, with public bidding if the value exceeds \$1,000  
11 at negotiated, competitive, public, or private sale;

12 (6) to invest funds, not required for immediate  
13 disbursement, in property, agreements, or securities legal  
14 for investment of public funds controlled by savings banks  
15 under applicable law;

16 (7) to mortgage, pledge, hypothecate or otherwise  
17 encumber all or any part of its real or personal property  
18 or other assets, or interests therein;

19 (8) to apply for, accept and use grants, loans or  
20 other financial assistance from any private entity or  
21 municipal, county, State or Federal governmental agency or  
22 other public entity;

23 (9) to borrow money from the United States Government  
24 or any agency thereof, or from any other public or private  
25 source, for the purposes of the District and, as evidence  
26 thereof, to issue its revenue bonds, payable solely from

1 the revenue derived from the operation of the District.  
2 These bonds may be issued with maturities not exceeding 40  
3 years from the date of the bonds, and in such amounts as  
4 may be necessary to provide sufficient funds, together  
5 with interest, for the purposes of the District. These  
6 bonds shall bear interest at a rate of not more than the  
7 maximum rate authorized by the Bond Authorization Act, as  
8 amended at the time of the making of the contract of sale,  
9 payable semi-annually, may be made registerable as to  
10 principal, and may be made payable and callable as  
11 provided on any interest payment date at a price of par and  
12 accrued interest under such terms and conditions as may be  
13 fixed by the ordinance authorizing the issuance of the  
14 bonds. Bonds issued under this Section are negotiable  
15 instruments. They shall be executed by the chairman and  
16 members of the Board of Trustees, attested by the  
17 secretary, and shall be sealed with the corporate seal of  
18 the District. In case any Trustee or officer whose  
19 signature appears on the bonds or coupons ceases to hold  
20 that office before the bonds are delivered, such officer's  
21 signature, shall nevertheless be valid and sufficient for  
22 all purposes, the same as though such officer had remained  
23 in office until the bonds were delivered. The bonds shall  
24 be sold in such manner and upon such terms as the Board of  
25 Trustees shall determine, except that the selling price  
26 shall be such that the interest cost to the District of the

1 proceeds of the bonds shall not exceed the maximum rate  
2 authorized by the Bond Authorization Act, as amended at  
3 the time of the making of the contract of sale, payable  
4 semi-annually, computed to maturity according to the  
5 standard table of bond values.

6 The ordinance shall fix the amount of revenue bonds  
7 proposed to be issued, the maturity or maturities, the  
8 interest rate, which shall not exceed the maximum rate  
9 authorized by the Bond Authorization Act, as amended at  
10 the time of the making of the contract of sale, and all the  
11 details in connection with the bonds. The ordinance may  
12 contain such covenants and restrictions upon the issuance  
13 of additional revenue bonds thereafter, which will share  
14 equally in the revenue of the District, as may be deemed  
15 necessary or advisable for the assurance of the payment of  
16 the bonds first issued. Any District may also provide in  
17 the ordinance authorizing the issuance of bonds under this  
18 Section that the bonds, or such ones thereof as may be  
19 specified, shall, to the extent and in the manner  
20 prescribed, be subordinated and be junior in standing,  
21 with respect to the payment of principal and interest and  
22 the security thereof, to such other bonds as are  
23 designated in the ordinance.

24 The ordinance shall pledge the revenue derived from  
25 the operations of the District for the purpose of paying  
26 the cost of operation and maintenance of the District,

1 and, as applicable, providing adequate depreciation funds,  
2 and paying the principal of and interest on the bonds of  
3 the District issued under this Section;

4 (10) subject to Section 5.1, to levy a tax on property  
5 within the District at the rate of not to exceed .25% on  
6 the assessed value of such property in the manner provided  
7 in the Illinois Municipal Budget Law;

8 (11) to issue tax anticipation warrants;

9 (12) to contract with any school district in this  
10 State to provide for the transportation of pupils to and  
11 from school within such district pursuant to the  
12 provisions of Section 29-15 of the School Code;

13 (13) to provide for the insurance of any property,  
14 directors, officers, employees or operations of the  
15 District against any risk or hazard, and to self-insure or  
16 participate in joint self-insurance pools or entities to  
17 insure against such risk or hazard;

18 (14) to use its established funds, personnel, and  
19 other resources to acquire, construct, operate, and  
20 maintain bikeways and trails. Districts may cooperate with  
21 other governmental and private agencies in bikeway and  
22 trail programs; and

23 (15) to acquire, own, maintain, construct,  
24 reconstruct, improve, repair, operate or lease any  
25 light-rail public transportation system, terminal,  
26 terminal facility, public airport, or bridge or toll



1 bridge across waters with any city, state, or both.

2 With respect to instruments for the payment of money  
3 issued under this Section either before, on, or after June 6,  
4 1989 (the effective date of Public Act 86-4), it is and always  
5 has been the intention of the General Assembly (i) that the  
6 Omnibus Bond Acts are and always have been supplementary  
7 grants of power to issue instruments in accordance with the  
8 Omnibus Bond Acts, regardless of any provision of this Act  
9 that may appear to be or to have been more restrictive than  
10 those Acts, (ii) that the provisions of this Section are not a  
11 limitation on the supplementary authority granted by the  
12 Omnibus Bond Acts, and (iii) that instruments issued under  
13 this Section within the supplementary authority granted by the  
14 Omnibus Bond Acts are not invalid because of any provision of  
15 this Act that may appear to be or to have been more restrictive  
16 than those Acts.

17 This Section shall be liberally construed to give effect  
18 to its purposes.

19 (Source: P.A. 99-642, eff. 7-28-16.)

20 Section 15. The Regional Transportation Authority Act is  
21 amended by changing Section 3A.09 and by adding Section 3B.09c  
22 as follows:

23 (70 ILCS 3615/3A.09) (from Ch. 111 2/3, par. 703A.09)

24 Sec. 3A.09. General powers. In addition to any powers

1 elsewhere provided to the Suburban Bus Board, it shall have  
2 all of the powers specified in Section 2.20 of this Act except  
3 for the powers specified in Section 2.20(a)(v). The Board  
4 shall also have the power:

5 (a) to cooperate with the Regional Transportation  
6 Authority in the exercise by the Regional Transportation  
7 Authority of all the powers granted it by such Act;

8 (b) to receive funds from the Regional Transportation  
9 Authority pursuant to Sections 2.02, 4.01, 4.02, 4.09 and  
10 4.10 of the Regional Transportation Authority Act, all as  
11 provided in the Regional Transportation Authority Act;

12 (c) to receive financial grants from the Regional  
13 Transportation Authority or a Service Board, as defined in  
14 the Regional Transportation Authority Act, upon such terms  
15 and conditions as shall be set forth in a grant contract  
16 between either the Division and the Regional  
17 Transportation Authority or the Division and another  
18 Service Board, which contract or agreement may be for such  
19 number of years or duration as the parties agree, all as  
20 provided in the Regional Transportation Authority Act;

21 (d) to perform all functions necessary for the  
22 provision of paratransit services under Section 2.30 of  
23 this Act; ~~and~~

24 (e) to borrow money for the purposes of: (i)  
25 constructing a new garage in the northwestern Cook County  
26 suburbs, (ii) converting the South Cook garage in Markham

1 to a Compressed Natural Gas facility, (iii) constructing a  
2 new paratransit garage in DuPage County, (iv) expanding  
3 the North Shore garage in Evanston to accommodate  
4 additional indoor bus parking, and (v) purchasing new  
5 transit buses. For the purpose of evidencing the  
6 obligation of the Suburban Bus Board to repay any money  
7 borrowed as provided in this subsection, the Suburban Bus  
8 Board may issue revenue bonds from time to time pursuant  
9 to ordinance adopted by the Suburban Bus Board, subject to  
10 the approval of the Regional Transportation Authority of  
11 each such issuance by the affirmative vote of 12 of its  
12 then Directors; provided that the Suburban Bus Board may  
13 not issue bonds for the purpose of financing the  
14 acquisition, construction, or improvement of any facility  
15 other than those listed in this subsection (e). All such  
16 bonds shall be payable solely from the revenues or income  
17 or any other funds that the Suburban Bus Board may  
18 receive, provided that the Suburban Bus Board may not  
19 pledge as security for such bonds the moneys, if any, that  
20 the Suburban Bus Board receives from the Regional  
21 Transportation Authority pursuant to Section 4.03.3(f) of  
22 the Regional Transportation Authority Act. The bonds shall  
23 bear interest at a rate not to exceed the maximum rate  
24 authorized by the Bond Authorization Act and shall mature  
25 at such time or times not exceeding 25 years from their  
26 respective dates. Bonds issued pursuant to this paragraph

1 must be issued with scheduled principal or mandatory  
2 redemption payments in equal amounts in each fiscal year  
3 over the term of the bonds, with the first principal or  
4 mandatory redemption payment scheduled within the fiscal  
5 year in which bonds are issued or within the next  
6 succeeding fiscal year. At least 25%, based on total  
7 principal amount, of all bonds authorized pursuant to this  
8 Section shall be sold pursuant to notice of sale and  
9 public bid. No more than 75%, based on total principal  
10 amount, of all bonds authorized pursuant to this Section  
11 shall be sold by negotiated sale. The maximum principal  
12 amount of the bonds that may be issued may not exceed  
13 \$100,000,000. The bonds shall have all the qualities of  
14 negotiable instruments under the laws of this State. To  
15 secure the payment of any or all of such bonds and for the  
16 purpose of setting forth the covenants and undertakings of  
17 the Suburban Bus Board in connection with the issuance  
18 thereof and the issuance of any additional bonds payable  
19 from such revenue or income as well as the use and  
20 application of the revenue or income received by the  
21 Suburban Bus Board, the Suburban Bus Board may execute and  
22 deliver a trust agreement or agreements; provided that no  
23 lien upon any physical property of the Suburban Bus Board  
24 shall be created thereby. A remedy for any breach or  
25 default of the terms of any such trust agreement by the  
26 Suburban Bus Board may be by mandamus proceedings in any

1 court of competent jurisdiction to compel performance and  
2 compliance therewith, but the trust agreement may  
3 prescribe by whom or on whose behalf such action may be  
4 instituted. Under no circumstances shall any bonds issued  
5 by the Suburban Bus Board or any other obligation of the  
6 Suburban Bus Board in connection with the issuance of such  
7 bonds be or become an indebtedness or obligation of the  
8 State of Illinois, the Regional Transportation Authority,  
9 or any other political subdivision of or municipality  
10 within the State, nor shall any such bonds or obligations  
11 be or become an indebtedness of the Suburban Bus Board  
12 within the purview of any constitutional limitation or  
13 provision, and it shall be plainly stated on the face of  
14 each bond that it does not constitute such an indebtedness  
15 or obligation but is payable solely from the revenues or  
16 income as aforesaid; and -

17 (f) to adopt ordinances and make all rules and  
18 regulations proper or necessary to regulate the use,  
19 operation, and maintenance of its property and facilities  
20 and to carry into effect the powers granted to the  
21 Suburban Bus Board, with any necessary fines or penalties,  
22 including, but not limited to, ordinances, rules, and  
23 regulations concerning the suspension of riding privileges  
24 or confiscation of fare media, as the Board deems proper.

25 (Source: P.A. 99-665, eff. 7-29-16.)

1 (70 ILCS 3615/3B.09c new)

2 Sec. 3B.09c. Regulation of the use, operation, and  
3 maintenance of property. The Chief of Police of the Metra  
4 Police Department may make rules and regulations proper or  
5 necessary to regulate the use, operation, and maintenance of  
6 the property and facilities of the Commuter Rail Board and to  
7 carry into effect the powers granted to the Chief by the  
8 Commuter Rail Board, with any necessary fines or penalties,  
9 including, but not limited to, rules and regulations  
10 concerning the suspension of riding privileges or confiscation  
11 of fare media, that the Chief deems proper."; and

12 on page 1, by replacing lines 6 and 7 with the following:

13 "Section 20. The Criminal Code of 2012 is amended by  
14 changing Sections 12-2 and 12-3.05 as follows:

15 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

16 Sec. 12-2. Aggravated assault.

17 (a) Offense based on location of conduct. A person commits  
18 aggravated assault when he or she commits an assault against  
19 an individual who is on or about a public way, public property,  
20 a public place of accommodation or amusement, or a sports  
21 venue, or in a church, synagogue, mosque, or other building,  
22 structure, or place used for religious worship.

23 (b) Offense based on status of victim. A person commits

1 aggravated assault when, in committing an assault, he or she  
2 knows the individual assaulted to be any of the following:

3 (1) A person with a physical disability or a person 60  
4 years of age or older and the assault is without legal  
5 justification.

6 (2) A teacher or school employee upon school grounds  
7 or grounds adjacent to a school or in any part of a  
8 building used for school purposes.

9 (3) A park district employee upon park grounds or  
10 grounds adjacent to a park or in any part of a building  
11 used for park purposes.

12 (4) A community policing volunteer, private security  
13 officer, or utility worker:

14 (i) performing his or her official duties;

15 (ii) assaulted to prevent performance of his or  
16 her official duties; or

17 (iii) assaulted in retaliation for performing his  
18 or her official duties.

19 (4.1) A peace officer, fireman, emergency management  
20 worker, or emergency medical services personnel:

21 (i) performing his or her official duties;

22 (ii) assaulted to prevent performance of his or  
23 her official duties; or

24 (iii) assaulted in retaliation for performing his  
25 or her official duties.

26 (5) A correctional officer or probation officer:

- 1 (i) performing his or her official duties;
- 2 (ii) assaulted to prevent performance of his or
- 3 her official duties; or
- 4 (iii) assaulted in retaliation for performing his
- 5 or her official duties.

6 (6) A correctional institution employee, a county

7 juvenile detention center employee who provides direct and

8 continuous supervision of residents of a juvenile

9 detention center, including a county juvenile detention

10 center employee who supervises recreational activity for

11 residents of a juvenile detention center, or a Department

12 of Human Services employee, Department of Human Services

13 officer, or employee of a subcontractor of the Department

14 of Human Services supervising or controlling sexually

15 dangerous persons or sexually violent persons:

- 16 (i) performing his or her official duties;
- 17 (ii) assaulted to prevent performance of his or
- 18 her official duties; or
- 19 (iii) assaulted in retaliation for performing his
- 20 or her official duties.

21 (7) An employee of the State of Illinois, a municipal

22 corporation therein, or a political subdivision thereof,

23 performing his or her official duties.

24 (8) A transit employee performing his or her official

25 duties, or a transit passenger.

26 (9) A sports official or coach actively participating



1 in any level of athletic competition within a sports  
2 venue, on an indoor playing field or outdoor playing  
3 field, or within the immediate vicinity of such a facility  
4 or field.

5 (10) A person authorized to serve process under  
6 Section 2-202 of the Code of Civil Procedure or a special  
7 process server appointed by the circuit court, while that  
8 individual is in the performance of his or her duties as a  
9 process server.

10 (c) Offense based on use of firearm, device, or motor  
11 vehicle. A person commits aggravated assault when, in  
12 committing an assault, he or she does any of the following:

13 (1) Uses a deadly weapon, an air rifle as defined in  
14 Section 24.8-0.1 of this Act, or any device manufactured  
15 and designed to be substantially similar in appearance to  
16 a firearm, other than by discharging a firearm.

17 (2) Discharges a firearm, other than from a motor  
18 vehicle.

19 (3) Discharges a firearm from a motor vehicle.

20 (4) Wears a hood, robe, or mask to conceal his or her  
21 identity.

22 (5) Knowingly and without lawful justification shines  
23 or flashes a laser gun sight or other laser device  
24 attached to a firearm, or used in concert with a firearm,  
25 so that the laser beam strikes near or in the immediate  
26 vicinity of any person.

1           (6) Uses a firearm, other than by discharging the  
2           firearm, against a peace officer, community policing  
3           volunteer, fireman, private security officer, emergency  
4           management worker, emergency medical services personnel,  
5           employee of a police department, employee of a sheriff's  
6           department, or traffic control municipal employee:

7                   (i) performing his or her official duties;

8                   (ii) assaulted to prevent performance of his or  
9           her official duties; or

10                  (iii) assaulted in retaliation for performing his  
11           or her official duties.

12           (7) Without justification operates a motor vehicle in  
13           a manner which places a person, other than a person listed  
14           in subdivision (b) (4), in reasonable apprehension of being  
15           struck by the moving motor vehicle.

16           (8) Without justification operates a motor vehicle in  
17           a manner which places a person listed in subdivision  
18           (b) (4), in reasonable apprehension of being struck by the  
19           moving motor vehicle.

20           (9) Knowingly video or audio records the offense with  
21           the intent to disseminate the recording.

22           (d) Sentence. Aggravated assault as defined in subdivision  
23           (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), ~~(b) (8)~~, (b) (9),  
24           (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor, except  
25           that aggravated assault as defined in subdivision (b) (4) and  
26           (b) (7) is a Class 4 felony if a Category I, Category II, or

1 Category III weapon is used in the commission of the assault.  
2 Aggravated assault as defined in subdivision (b) (4.1), (b) (5),  
3 (b) (6), (b) (8) (b) (10), (c) (2), (c) (5), (c) (6), or (c) (7) is a  
4 Class 4 felony. Aggravated assault as defined in subdivision  
5 (c) (3) or (c) (8) is a Class 3 felony.

6 (e) For the purposes of this Section, "Category I weapon",  
7 "Category II weapon", and "Category III weapon" have the  
8 meanings ascribed to those terms in Section 33A-1 of this  
9 Code.

10 (Source: P.A. 101-223, eff. 1-1-20; 102-558, eff. 8-20-21.);  
11 and

12 on page 10, line 2, by replacing "or" with "(d) (7), or".