

1 AN ACT concerning State government.

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

4 Section 1. Legislative intent. It is the intent of the
5 General Assembly in enacting this amendatory Act of the 102nd
6 General Assembly to make only nonsubstantive changes that
7 remove the dehumanizing term "alien" from all Illinois
8 statutory provisions. No change made by this amendatory Act of
9 the 102nd General Assembly shall be interpreted so as to make
10 any substantive change to existing law, including, but not
11 limited to, eligibility for federal programs or benefits that
12 are available to a person who meets the definition of "alien"
13 under State or federal law.

14 Section 5. The Illinois Notary Public Act is amended by
15 changing Section 2-102 as follows:

16 (5 ILCS 312/2-102) (from Ch. 102, par. 202-102)

17 (Text of Section before amendment by P.A. 102-160)

18 Sec. 2-102. Application. Every applicant for appointment
19 and commission as a notary shall complete an application in a
20 format prescribed by the Secretary of State to be filed with
21 the Secretary of State, stating:

22 (a) the applicant's official name, as it appears on

1 his or her current driver's license or state-issued
2 identification card;

3 (b) the county in which the applicant resides or, if
4 the applicant is a resident of a state bordering Illinois,
5 the county in Illinois in which that person's principal
6 place of work or principal place of business is located;

7 (c) the applicant's residence address, as it appears
8 on his or her current driver's license or state-issued
9 identification card;

10 (c-5) the applicant's business address if different
11 than the applicant's residence address, if performing
12 notarial acts constitutes any portion of the applicant's
13 job duties;

14 (d) that the applicant has resided in the State of
15 Illinois for 30 days preceding the application or that the
16 applicant who is a resident of a state bordering Illinois
17 has worked or maintained a business in Illinois for 30
18 days preceding the application;

19 (e) that the applicant is a citizen of the United
20 States or a person ~~an alien~~ lawfully admitted for
21 permanent residence in the United States;

22 (f) the applicant's date of birth;

23 (g) that the applicant is able to read and write the
24 English language;

25 (h) that the applicant has never been the holder of a
26 notary public appointment that was revoked or suspended

1 during the past 10 years;

2 (i) that the applicant has not been convicted of a
3 felony;

4 (i-5) that the applicant's signature authorizes the
5 Office of the Secretary of State to conduct a verification
6 to confirm the information provided in the application,
7 including a criminal background check of the applicant, if
8 necessary; and

9 (j) any other information the Secretary of State deems
10 necessary.

11 (Source: P.A. 99-112, eff. 1-1-16; 100-809, eff. 1-1-19.)

12 (Text of Section after amendment by P.A. 102-160)

13 Sec. 2-102. Application.

14 (a) Application for notary public commission. Every
15 applicant for appointment and commission as a notary shall
16 complete an application in a format prescribed by the
17 Secretary of State to be filed with the Secretary of State,
18 stating:

19 (1) the applicant's official name, as it appears on
20 his or her current driver's license or state-issued
21 identification card;

22 (2) the county in which the applicant resides or, if
23 the applicant is a resident of a state bordering Illinois,
24 the county in Illinois in which that person's principal
25 place of work or principal place of business is located;

1 (3) the applicant's residence address, as it appears
2 on his or her current driver's license or state-issued
3 identification card;

4 (4) the applicant's e-mail address;

5 (5) the applicant's business address if different than
6 the applicant's residence address, if performing notarial
7 acts constitutes any portion of the applicant's job
8 duties;

9 (6) that the applicant has resided in the State of
10 Illinois for 30 days preceding the application or that the
11 applicant who is a resident of a state bordering Illinois
12 has worked or maintained a business in Illinois for 30
13 days preceding the application;

14 (7) that the applicant is a citizen of the United
15 States or lawfully admitted for permanent residence in the
16 United States;

17 (8) the applicant's date of birth;

18 (9) that the applicant is proficient in the ~~the~~
19 English language;

20 (10) that the applicant has not had a prior
21 application or commission revoked due to a finding or
22 decision by the Secretary of State;

23 (11) that the applicant has not been convicted of a
24 felony;

25 (12) that the applicant's signature authorizes the
26 Office of the Secretary of State to conduct a verification

1 to confirm the information provided in the application,
2 including a criminal background check of the applicant, if
3 necessary;

4 (13) that the applicant has provided satisfactory
5 proof to the Secretary of State that the applicant has
6 successfully completed any required course of study on
7 notarization; and

8 (14) any other information the Secretary of State
9 deems necessary.

10 (b) Any notary appointed under subsection (a) shall have
11 the authority to conduct remote notarizations.

12 (c) Application for electronic notary public commission.
13 An application for an electronic notary public commission must
14 be filed with the Secretary of State in a manner prescribed by
15 the Secretary of State. Every applicant for appointment and
16 commission as an electronic notary public shall complete an
17 application to be filed with the Secretary of State, stating:

18 (1) all information required to be included in an
19 application for appointment as an electronic notary
20 public, as provided under subsection (a);

21 (2) that the applicant is commissioned as a notary
22 public under this Act;

23 (3) the applicant's email address;

24 (4) that the applicant has provided satisfactory proof
25 to the Secretary of State that the applicant has
26 successfully completed any required course of study on

1 electronic notarization and passed a qualifying
2 examination;

3 (5) a description of the technology or device that the
4 applicant intends to use to create his or her electronic
5 signature in performing electronic notarial acts;

6 (6) the electronic signature of the applicant; and

7 (7) any other information the Secretary of State deems
8 necessary.

9 (d) Electronic notarial acts. Before an electronic notary
10 public performs an electronic notarial act using audio-video
11 communication, he or she must be granted an electronic notary
12 public commission by the Secretary of State under this
13 Section, and identify the technology that the electronic
14 notary public intends to use, which must be approved by the
15 Secretary of State.

16 (e) Approval of commission. Upon the applicant's
17 fulfillment of the requirements for a notarial commission or
18 an electronic notary public commission, the Secretary of State
19 shall approve the commission and issue to the applicant a
20 unique commission number.

21 (f) Rejection of application. The Secretary of State may
22 reject an application for a notarial commission or an
23 electronic notary public commission if the applicant fails to
24 comply with any Section of this Act.

25 (Source: P.A. 102-160 (See Section 99 of P.A. 102-160 for
26 effective date of P.A. 102-160).)

1 Section 15. The Department of Commerce and Economic
2 Opportunity Law of the Civil Administrative Code of Illinois
3 is amended by changing Section 605-800 as follows:

4 (20 ILCS 605/605-800) (was 20 ILCS 605/46.19a in part)

5 Sec. 605-800. Training grants for skills in critical
6 demand.

7 (a) Grants to provide training in fields affected by
8 critical demands for certain skills may be made as provided in
9 this Section.

10 (b) The Director may make grants to eligible employers or
11 to other eligible entities on behalf of employers as
12 authorized in subsection (c) to provide training for employees
13 in fields for which there are critical demands for certain
14 skills. No participating employee may be a person without
15 employment authorization under federal law ~~an unauthorized~~
16 ~~alien, as defined in 8 U.S.C. 1324a.~~

17 (c) The Director may accept applications for training
18 grant funds and grant requests from: (i) entities sponsoring
19 multi-company eligible employee training projects as defined
20 in subsection (d), including business associations, strategic
21 business partnerships, institutions of secondary or higher
22 education, large manufacturers for supplier network companies,
23 federal Job Training Partnership Act administrative entities
24 or grant recipients, and labor organizations when those

1 projects will address common training needs identified by
2 participating companies; and (ii) individual employers that
3 are undertaking eligible employee training projects as defined
4 in subsection (d), including intermediaries and training
5 agents.

6 (d) The Director may make grants to eligible applicants as
7 defined in subsection (c) for employee training projects that
8 include, but need not be limited to, one or more of the
9 following:

10 (1) Training programs in response to new or changing
11 technology being introduced in the workplace.

12 (2) Job-linked training that offers special skills for
13 career advancement or that is preparatory for, and leads
14 directly to, jobs with definite career potential and
15 long-term job security.

16 (3) Training necessary to implement total quality
17 management or improvement or both management and
18 improvement systems within the workplace.

19 (4) Training related to new machinery or equipment.

20 (5) Training of employees of companies that are
21 expanding into new markets or expanding exports from
22 Illinois.

23 (6) Basic, remedial, or both basic and remedial
24 training of employees as a prerequisite for other
25 vocational or technical skills training or as a condition
26 for sustained employment.

1 (7) Self-employment training of the unemployed and
2 underemployed with comprehensive, competency-based
3 instructional programs and services, entrepreneurial
4 education and training initiatives for youth and adult
5 learners in cooperation with the Illinois Institute for
6 Entrepreneurial Education, training and education,
7 conferences, workshops, and best practice information for
8 local program operators of entrepreneurial education and
9 self-employment training programs.

10 (8) Other training activities or projects, or both
11 training activities and projects, related to the support,
12 development, or evaluation of job training programs,
13 activities, and delivery systems, including training needs
14 assessment and design.

15 (e) Grants shall be made on the terms and conditions that
16 the Department shall determine. No grant made under subsection
17 (d), however, shall exceed 50% of the direct costs of all
18 approved training programs provided by the employer or the
19 employer's training agent or other entity as defined in
20 subsection (c). Under this Section, allowable costs include,
21 but are not limited to:

22 (1) Administrative costs of tracking, documenting,
23 reporting, and processing training funds or project costs.

24 (2) Curriculum development.

25 (3) Wages and fringe benefits of employees.

26 (4) Training materials, including scrap product costs.

1 (5) Trainee travel expenses.

2 (6) Instructor costs, including wages, fringe
3 benefits, tuition, and travel expenses.

4 (7) Rent, purchase, or lease of training equipment.

5 (8) Other usual and customary training costs.

6 (f) The Department may conduct on-site grant monitoring
7 visits to verify trainee employment dates and wages and to
8 ensure that the grantee's financial management system is
9 structured to provide for accurate, current, and complete
10 disclosure of the financial results of the grant program in
11 accordance with all provisions, terms, and conditions
12 contained in the grant contract. Each applicant must, on
13 request by the Department, provide to the Department a
14 notarized certification signed and dated by a duly authorized
15 representative of the applicant, or that representative's
16 authorized designee, certifying that all participating
17 employees are employed at an Illinois facility and, for each
18 participating employee, stating the employee's name and
19 providing either (i) the employee's social security number or
20 (ii) a statement that the applicant has adequate written
21 verification that the employee is employed at an Illinois
22 facility. The Department may audit the accuracy of
23 submissions. Applicants sponsoring multi-company training
24 grant programs shall obtain information meeting the
25 requirement of this subsection from each participating company
26 and provide it to the Department upon request.

1 (g) The Director may establish and collect a schedule of
2 charges from subgrantee entities and other system users under
3 federal job-training programs for participating in and
4 utilizing the Department's automated job-training program
5 information systems if the systems and the necessary
6 participation and utilization are requirements of the federal
7 job-training programs. All monies collected pursuant to this
8 subsection shall be deposited into the Federal Workforce
9 Training Fund and may be used, subject to appropriation by the
10 General Assembly, only for the purpose of financing the
11 maintenance and operation of the automated federal
12 job-training information systems.

13 (Source: P.A. 99-933, eff. 1-27-17.)

14 Section 20. The Illinois Guaranteed Job Opportunity Act is
15 amended by changing Section 25 as follows:

16 (20 ILCS 1510/25)

17 Sec. 25. Program eligibility.

18 (a) General Rule. An individual is eligible to participate
19 in the job projects assisted under this Act if the individual:

20 (1) is at least 16 years of age;

21 (2) has resided in the eligible area for at least 30
22 days;

23 (3) has been unemployed for 35 days prior to the
24 determination of employment for job projects assisted

1 under this Act;

2 (4) is a citizen of the United States, is a national of
3 the United States, is a lawfully admitted permanent
4 resident ~~alien~~, is a lawfully admitted refugee or parolee,
5 or is otherwise authorized by the United States Attorney
6 General to work in the United States; and

7 (5) is a recipient of assistance under Article IV of
8 the Illinois Public Aid Code.

9 (b) Limitations.

10 (1) (Blank).

11 (2) (Blank).

12 (3) No individual participating in the job opportunity
13 project assisted under this Act may work in any
14 compensated job other than the job assisted under this Act
15 for more than 20 hours per week.

16 (4) Individuals participating under this Act shall
17 seek employment during the period of employment assisted
18 under this Act.

19 (5) Any individual eligible for retirement benefits
20 under the Social Security Act, under any retirement system
21 for Federal Government employees, under the railroad
22 retirement system, under the military retirement system,
23 under a State or local government pension plan or
24 retirement system, or any private pension program is not
25 eligible to receive a job under a job project assisted
26 under this Act.

1 (Source: P.A. 93-46, eff. 7-1-03.)

2 Section 25. The Illinois Income Tax Act is amended by
3 changing Section 1501 as follows:

4 (35 ILCS 5/1501) (from Ch. 120, par. 15-1501)

5 Sec. 1501. Definitions.

6 (a) In general. When used in this Act, where not otherwise
7 distinctly expressed or manifestly incompatible with the
8 intent thereof:

9 (1) Business income. The term "business income" means
10 all income that may be treated as apportionable business
11 income under the Constitution of the United States.
12 Business income is net of the deductions allocable
13 thereto. Such term does not include compensation or the
14 deductions allocable thereto. For each taxable year
15 beginning on or after January 1, 2003, a taxpayer may
16 elect to treat all income other than compensation as
17 business income. This election shall be made in accordance
18 with rules adopted by the Department and, once made, shall
19 be irrevocable.

20 (1.5) Captive real estate investment trust:

21 (A) The term "captive real estate investment
22 trust" means a corporation, trust, or association:

23 (i) that is considered a real estate
24 investment trust for the taxable year under

1 Section 856 of the Internal Revenue Code;

2 (ii) the certificates of beneficial interest
3 or shares of which are not regularly traded on an
4 established securities market; and

5 (iii) of which more than 50% of the voting
6 power or value of the beneficial interest or
7 shares, at any time during the last half of the
8 taxable year, is owned or controlled, directly,
9 indirectly, or constructively, by a single
10 corporation.

11 (B) The term "captive real estate investment
12 trust" does not include:

13 (i) a real estate investment trust of which
14 more than 50% of the voting power or value of the
15 beneficial interest or shares is owned or
16 controlled, directly, indirectly, or
17 constructively, by:

18 (a) a real estate investment trust, other
19 than a captive real estate investment trust;

20 (b) a person who is exempt from taxation
21 under Section 501 of the Internal Revenue
22 Code, and who is not required to treat income
23 received from the real estate investment trust
24 as unrelated business taxable income under
25 Section 512 of the Internal Revenue Code;

26 (c) a listed Australian property trust, if

1 no more than 50% of the voting power or value
2 of the beneficial interest or shares of that
3 trust, at any time during the last half of the
4 taxable year, is owned or controlled, directly
5 or indirectly, by a single person;

6 (d) an entity organized as a trust,
7 provided a listed Australian property trust
8 described in subparagraph (c) owns or
9 controls, directly or indirectly, or
10 constructively, 75% or more of the voting
11 power or value of the beneficial interests or
12 shares of such entity; or

13 (e) an entity that is organized outside of
14 the laws of the United States and that
15 satisfies all of the following criteria:

16 (1) at least 75% of the entity's total
17 asset value at the close of its taxable
18 year is represented by real estate assets
19 (as defined in Section 856(c)(5)(B) of the
20 Internal Revenue Code, thereby including
21 shares or certificates of beneficial
22 interest in any real estate investment
23 trust), cash and cash equivalents, and
24 U.S. Government securities;

25 (2) the entity is not subject to tax
26 on amounts that are distributed to its

1 beneficial owners or is exempt from
2 entity-level taxation;

3 (3) the entity distributes at least
4 85% of its taxable income (as computed in
5 the jurisdiction in which it is organized)
6 to the holders of its shares or
7 certificates of beneficial interest on an
8 annual basis;

9 (4) either (i) the shares or
10 beneficial interests of the entity are
11 regularly traded on an established
12 securities market or (ii) not more than
13 10% of the voting power or value in the
14 entity is held, directly, indirectly, or
15 constructively, by a single entity or
16 individual; and

17 (5) the entity is organized in a
18 country that has entered into a tax treaty
19 with the United States; or

20 (ii) during its first taxable year for which
21 it elects to be treated as a real estate
22 investment trust under Section 856(c)(1) of the
23 Internal Revenue Code, a real estate investment
24 trust the certificates of beneficial interest or
25 shares of which are not regularly traded on an
26 established securities market, but only if the

1 certificates of beneficial interest or shares of
2 the real estate investment trust are regularly
3 traded on an established securities market prior
4 to the earlier of the due date (including
5 extensions) for filing its return under this Act
6 for that first taxable year or the date it
7 actually files that return.

8 (C) For the purposes of this subsection (1.5), the
9 constructive ownership rules prescribed under Section
10 318(a) of the Internal Revenue Code, as modified by
11 Section 856(d)(5) of the Internal Revenue Code, apply
12 in determining the ownership of stock, assets, or net
13 profits of any person.

14 (D) For the purposes of this item (1.5), for
15 taxable years ending on or after August 16, 2007, the
16 voting power or value of the beneficial interest or
17 shares of a real estate investment trust does not
18 include any voting power or value of beneficial
19 interest or shares in a real estate investment trust
20 held directly or indirectly in a segregated asset
21 account by a life insurance company (as described in
22 Section 817 of the Internal Revenue Code) to the
23 extent such voting power or value is for the benefit of
24 entities or persons who are either immune from
25 taxation or exempt from taxation under subtitle A of
26 the Internal Revenue Code.

1 (2) Commercial domicile. The term "commercial
2 domicile" means the principal place from which the trade
3 or business of the taxpayer is directed or managed.

4 (3) Compensation. The term "compensation" means wages,
5 salaries, commissions and any other form of remuneration
6 paid to employees for personal services.

7 (4) Corporation. The term "corporation" includes
8 associations, joint-stock companies, insurance companies
9 and cooperatives. Any entity, including a limited
10 liability company formed under the Illinois Limited
11 Liability Company Act, shall be treated as a corporation
12 if it is so classified for federal income tax purposes.

13 (5) Department. The term "Department" means the
14 Department of Revenue of this State.

15 (6) Director. The term "Director" means the Director
16 of Revenue of this State.

17 (7) Fiduciary. The term "fiduciary" means a guardian,
18 trustee, executor, administrator, receiver, or any person
19 acting in any fiduciary capacity for any person.

20 (8) Financial organization.

21 (A) The term "financial organization" means any
22 bank, bank holding company, trust company, savings
23 bank, industrial bank, land bank, safe deposit
24 company, private banker, savings and loan association,
25 building and loan association, credit union, currency
26 exchange, cooperative bank, small loan company, sales

1 finance company, investment company, or any person
2 which is owned by a bank or bank holding company. For
3 the purpose of this Section a "person" will include
4 only those persons which a bank holding company may
5 acquire and hold an interest in, directly or
6 indirectly, under the provisions of the Bank Holding
7 Company Act of 1956 (12 U.S.C. 1841, et seq.), except
8 where interests in any person must be disposed of
9 within certain required time limits under the Bank
10 Holding Company Act of 1956.

11 (B) For purposes of subparagraph (A) of this
12 paragraph, the term "bank" includes (i) any entity
13 that is regulated by the Comptroller of the Currency
14 under the National Bank Act, or by the Federal Reserve
15 Board, or by the Federal Deposit Insurance Corporation
16 and (ii) any federally or State chartered bank
17 operating as a credit card bank.

18 (C) For purposes of subparagraph (A) of this
19 paragraph, the term "sales finance company" has the
20 meaning provided in the following item (i) or (ii):

21 (i) A person primarily engaged in one or more
22 of the following businesses: the business of
23 purchasing customer receivables, the business of
24 making loans upon the security of customer
25 receivables, the business of making loans for the
26 express purpose of funding purchases of tangible

1 personal property or services by the borrower, or
2 the business of finance leasing. For purposes of
3 this item (i), "customer receivable" means:

4 (a) a retail installment contract or
5 retail charge agreement within the meaning of
6 the Sales Finance Agency Act, the Retail
7 Installment Sales Act, or the Motor Vehicle
8 Retail Installment Sales Act;

9 (b) an installment, charge, credit, or
10 similar contract or agreement arising from the
11 sale of tangible personal property or services
12 in a transaction involving a deferred payment
13 price payable in one or more installments
14 subsequent to the sale; or

15 (c) the outstanding balance of a contract
16 or agreement described in provisions (a) or
17 (b) of this item (i).

18 A customer receivable need not provide for
19 payment of interest on deferred payments. A sales
20 finance company may purchase a customer receivable
21 from, or make a loan secured by a customer
22 receivable to, the seller in the original
23 transaction or to a person who purchased the
24 customer receivable directly or indirectly from
25 that seller.

26 (ii) A corporation meeting each of the

1 following criteria:

2 (a) the corporation must be a member of an
3 "affiliated group" within the meaning of
4 Section 1504(a) of the Internal Revenue Code,
5 determined without regard to Section 1504(b)
6 of the Internal Revenue Code;

7 (b) more than 50% of the gross income of
8 the corporation for the taxable year must be
9 interest income derived from qualifying loans.
10 A "qualifying loan" is a loan made to a member
11 of the corporation's affiliated group that
12 originates customer receivables (within the
13 meaning of item (i)) or to whom customer
14 receivables originated by a member of the
15 affiliated group have been transferred, to the
16 extent the average outstanding balance of
17 loans from that corporation to members of its
18 affiliated group during the taxable year do
19 not exceed the limitation amount for that
20 corporation. The "limitation amount" for a
21 corporation is the average outstanding
22 balances during the taxable year of customer
23 receivables (within the meaning of item (i))
24 originated by all members of the affiliated
25 group. If the average outstanding balances of
26 the loans made by a corporation to members of

1 its affiliated group exceed the limitation
2 amount, the interest income of that
3 corporation from qualifying loans shall be
4 equal to its interest income from loans to
5 members of its affiliated groups times a
6 fraction equal to the limitation amount
7 divided by the average outstanding balances of
8 the loans made by that corporation to members
9 of its affiliated group;

10 (c) the total of all shareholder's equity
11 (including, without limitation, paid-in
12 capital on common and preferred stock and
13 retained earnings) of the corporation plus the
14 total of all of its loans, advances, and other
15 obligations payable or owed to members of its
16 affiliated group may not exceed 20% of the
17 total assets of the corporation at any time
18 during the tax year; and

19 (d) more than 50% of all interest-bearing
20 obligations of the affiliated group payable to
21 persons outside the group determined in
22 accordance with generally accepted accounting
23 principles must be obligations of the
24 corporation.

25 This amendatory Act of the 91st General Assembly
26 is declaratory of existing law.

1 (D) Subparagraphs (B) and (C) of this paragraph
2 are declaratory of existing law and apply
3 retroactively, for all tax years beginning on or
4 before December 31, 1996, to all original returns, to
5 all amended returns filed no later than 30 days after
6 the effective date of this amendatory Act of 1996, and
7 to all notices issued on or before the effective date
8 of this amendatory Act of 1996 under subsection (a) of
9 Section 903, subsection (a) of Section 904, subsection
10 (e) of Section 909, or Section 912. A taxpayer that is
11 a "financial organization" that engages in any
12 transaction with an affiliate shall be a "financial
13 organization" for all purposes of this Act.

14 (E) For all tax years beginning on or before
15 December 31, 1996, a taxpayer that falls within the
16 definition of a "financial organization" under
17 subparagraphs (B) or (C) of this paragraph, but who
18 does not fall within the definition of a "financial
19 organization" under the Proposed Regulations issued by
20 the Department of Revenue on July 19, 1996, may
21 irrevocably elect to apply the Proposed Regulations
22 for all of those years as though the Proposed
23 Regulations had been lawfully promulgated, adopted,
24 and in effect for all of those years. For purposes of
25 applying subparagraphs (B) or (C) of this paragraph to
26 all of those years, the election allowed by this

1 subparagraph applies only to the taxpayer making the
2 election and to those members of the taxpayer's
3 unitary business group who are ordinarily required to
4 apportion business income under the same subsection of
5 Section 304 of this Act as the taxpayer making the
6 election. No election allowed by this subparagraph
7 shall be made under a claim filed under subsection (d)
8 of Section 909 more than 30 days after the effective
9 date of this amendatory Act of 1996.

10 (F) Finance Leases. For purposes of this
11 subsection, a finance lease shall be treated as a loan
12 or other extension of credit, rather than as a lease,
13 regardless of how the transaction is characterized for
14 any other purpose, including the purposes of any
15 regulatory agency to which the lessor is subject. A
16 finance lease is any transaction in the form of a lease
17 in which the lessee is treated as the owner of the
18 leased asset entitled to any deduction for
19 depreciation allowed under Section 167 of the Internal
20 Revenue Code.

21 (9) Fiscal year. The term "fiscal year" means an
22 accounting period of 12 months ending on the last day of
23 any month other than December.

24 (9.5) Fixed place of business. The term "fixed place
25 of business" has the same meaning as that term is given in
26 Section 864 of the Internal Revenue Code and the related

1 Treasury regulations.

2 (10) Includes and including. The terms "includes" and
3 "including" when used in a definition contained in this
4 Act shall not be deemed to exclude other things otherwise
5 within the meaning of the term defined.

6 (11) Internal Revenue Code. The term "Internal Revenue
7 Code" means the United States Internal Revenue Code of
8 1954 or any successor law or laws relating to federal
9 income taxes in effect for the taxable year.

10 (11.5) Investment partnership.

11 (A) The term "investment partnership" means any
12 entity that is treated as a partnership for federal
13 income tax purposes that meets the following
14 requirements:

15 (i) no less than 90% of the partnership's cost
16 of its total assets consists of qualifying
17 investment securities, deposits at banks or other
18 financial institutions, and office space and
19 equipment reasonably necessary to carry on its
20 activities as an investment partnership;

21 (ii) no less than 90% of its gross income
22 consists of interest, dividends, and gains from
23 the sale or exchange of qualifying investment
24 securities; and

25 (iii) the partnership is not a dealer in
26 qualifying investment securities.

1 (B) For purposes of this paragraph (11.5), the
2 term "qualifying investment securities" includes all
3 of the following:

4 (i) common stock, including preferred or debt
5 securities convertible into common stock, and
6 preferred stock;

7 (ii) bonds, debentures, and other debt
8 securities;

9 (iii) foreign and domestic currency deposits
10 secured by federal, state, or local governmental
11 agencies;

12 (iv) mortgage or asset-backed securities
13 secured by federal, state, or local governmental
14 agencies;

15 (v) repurchase agreements and loan
16 participations;

17 (vi) foreign currency exchange contracts and
18 forward and futures contracts on foreign
19 currencies;

20 (vii) stock and bond index securities and
21 futures contracts and other similar financial
22 securities and futures contracts on those
23 securities;

24 (viii) options for the purchase or sale of any
25 of the securities, currencies, contracts, or
26 financial instruments described in items (i) to

- 1 (vii), inclusive;
- 2 (ix) regulated futures contracts;
- 3 (x) commodities (not described in Section
- 4 1221(a)(1) of the Internal Revenue Code) or
- 5 futures, forwards, and options with respect to
- 6 such commodities, provided, however, that any item
- 7 of a physical commodity to which title is actually
- 8 acquired in the partnership's capacity as a dealer
- 9 in such commodity shall not be a qualifying
- 10 investment security;
- 11 (xi) derivatives; and
- 12 (xii) a partnership interest in another
- 13 partnership that is an investment partnership.

14 (12) Mathematical error. The term "mathematical error"

15 includes the following types of errors, omissions, or

16 defects in a return filed by a taxpayer which prevents

17 acceptance of the return as filed for processing:

18 (A) arithmetic errors or incorrect computations on

19 the return or supporting schedules;

20 (B) entries on the wrong lines;

21 (C) omission of required supporting forms or

22 schedules or the omission of the information in whole

23 or in part called for thereon; and

24 (D) an attempt to claim, exclude, deduct, or

25 improperly report, in a manner directly contrary to

26 the provisions of the Act and regulations thereunder

1 any item of income, exemption, deduction, or credit.

2 (13) Nonbusiness income. The term "nonbusiness income"
3 means all income other than business income or
4 compensation.

5 (14) Nonresident. The term "nonresident" means a
6 person who is not a resident.

7 (15) Paid, incurred and accrued. The terms "paid",
8 "incurred" and "accrued" shall be construed according to
9 the method of accounting upon the basis of which the
10 person's base income is computed under this Act.

11 (16) Partnership and partner. The term "partnership"
12 includes a syndicate, group, pool, joint venture or other
13 unincorporated organization, through or by means of which
14 any business, financial operation, or venture is carried
15 on, and which is not, within the meaning of this Act, a
16 trust or estate or a corporation; and the term "partner"
17 includes a member in such syndicate, group, pool, joint
18 venture or organization.

19 The term "partnership" includes any entity, including
20 a limited liability company formed under the Illinois
21 Limited Liability Company Act, classified as a partnership
22 for federal income tax purposes.

23 The term "partnership" does not include a syndicate,
24 group, pool, joint venture, or other unincorporated
25 organization established for the sole purpose of playing
26 the Illinois State Lottery.

1 (17) Part-year resident. The term "part-year resident"
2 means an individual who became a resident during the
3 taxable year or ceased to be a resident during the taxable
4 year. Under Section 1501(a)(20)(A)(i) residence commences
5 with presence in this State for other than a temporary or
6 transitory purpose and ceases with absence from this State
7 for other than a temporary or transitory purpose. Under
8 Section 1501(a)(20)(A)(ii) residence commences with the
9 establishment of domicile in this State and ceases with
10 the establishment of domicile in another State.

11 (18) Person. The term "person" shall be construed to
12 mean and include an individual, a trust, estate,
13 partnership, association, firm, company, corporation,
14 limited liability company, or fiduciary. For purposes of
15 Section 1301 and 1302 of this Act, a "person" means (i) an
16 individual, (ii) a corporation, (iii) an officer, agent,
17 or employee of a corporation, (iv) a member, agent or
18 employee of a partnership, or (v) a member, manager,
19 employee, officer, director, or agent of a limited
20 liability company who in such capacity commits an offense
21 specified in Section 1301 and 1302.

22 (18A) Records. The term "records" includes all data
23 maintained by the taxpayer, whether on paper, microfilm,
24 microfiche, or any type of machine-sensible data
25 compilation.

26 (19) Regulations. The term "regulations" includes

1 rules promulgated and forms prescribed by the Department.

2 (20) Resident. The term "resident" means:

3 (A) an individual (i) who is in this State for
4 other than a temporary or transitory purpose during
5 the taxable year; or (ii) who is domiciled in this
6 State but is absent from the State for a temporary or
7 transitory purpose during the taxable year;

8 (B) The estate of a decedent who at his or her
9 death was domiciled in this State;

10 (C) A trust created by a will of a decedent who at
11 his death was domiciled in this State; and

12 (D) An irrevocable trust, the grantor of which was
13 domiciled in this State at the time such trust became
14 irrevocable. For purpose of this subparagraph, a trust
15 shall be considered irrevocable to the extent that the
16 grantor is not treated as the owner thereof under
17 Sections 671 through 678 of the Internal Revenue Code.

18 (21) Sales. The term "sales" means all gross receipts
19 of the taxpayer not allocated under Sections 301, 302 and
20 303.

21 (22) State. The term "state" when applied to a
22 jurisdiction other than this State means any state of the
23 United States, the District of Columbia, the Commonwealth
24 of Puerto Rico, any Territory or Possession of the United
25 States, and any foreign country, or any political
26 subdivision of any of the foregoing. For purposes of the

1 foreign tax credit under Section 601, the term "state"
2 means any state of the United States, the District of
3 Columbia, the Commonwealth of Puerto Rico, and any
4 territory or possession of the United States, or any
5 political subdivision of any of the foregoing, effective
6 for tax years ending on or after December 31, 1989.

7 (23) Taxable year. The term "taxable year" means the
8 calendar year, or the fiscal year ending during such
9 calendar year, upon the basis of which the base income is
10 computed under this Act. "Taxable year" means, in the case
11 of a return made for a fractional part of a year under the
12 provisions of this Act, the period for which such return
13 is made.

14 (24) Taxpayer. The term "taxpayer" means any person
15 subject to the tax imposed by this Act.

16 (25) International banking facility. The term
17 international banking facility shall have the same meaning
18 as is set forth in the Illinois Banking Act or as is set
19 forth in the laws of the United States or regulations of
20 the Board of Governors of the Federal Reserve System.

21 (26) Income Tax Return Preparer.

22 (A) The term "income tax return preparer" means
23 any person who prepares for compensation, or who
24 employs one or more persons to prepare for
25 compensation, any return of tax imposed by this Act or
26 any claim for refund of tax imposed by this Act. The

1 preparation of a substantial portion of a return or
2 claim for refund shall be treated as the preparation
3 of that return or claim for refund.

4 (B) A person is not an income tax return preparer
5 if all he or she does is

6 (i) furnish typing, reproducing, or other
7 mechanical assistance;

8 (ii) prepare returns or claims for refunds for
9 the employer by whom he or she is regularly and
10 continuously employed;

11 (iii) prepare as a fiduciary returns or claims
12 for refunds for any person; or

13 (iv) prepare claims for refunds for a taxpayer
14 in response to any notice of deficiency issued to
15 that taxpayer or in response to any waiver of
16 restriction after the commencement of an audit of
17 that taxpayer or of another taxpayer if a
18 determination in the audit of the other taxpayer
19 directly or indirectly affects the tax liability
20 of the taxpayer whose claims he or she is
21 preparing.

22 (27) Unitary business group.

23 (A) The term "unitary business group" means a
24 group of persons related through common ownership
25 whose business activities are integrated with,
26 dependent upon and contribute to each other. The group

1 will not include those members whose business activity
2 outside the United States is 80% or more of any such
3 member's total business activity; for purposes of this
4 paragraph and clause (a)(3)(B)(ii) of Section 304,
5 business activity within the United States shall be
6 measured by means of the factors ordinarily applicable
7 under subsections (a), (b), (c), (d), or (h) of
8 Section 304 except that, in the case of members
9 ordinarily required to apportion business income by
10 means of the 3 factor formula of property, payroll and
11 sales specified in subsection (a) of Section 304,
12 including the formula as weighted in subsection (h) of
13 Section 304, such members shall not use the sales
14 factor in the computation and the results of the
15 property and payroll factor computations of subsection
16 (a) of Section 304 shall be divided by 2 (by one if
17 either the property or payroll factor has a
18 denominator of zero). The computation required by the
19 preceding sentence shall, in each case, involve the
20 division of the member's property, payroll, or revenue
21 miles in the United States, insurance premiums on
22 property or risk in the United States, or financial
23 organization business income from sources within the
24 United States, as the case may be, by the respective
25 worldwide figures for such items. Common ownership in
26 the case of corporations is the direct or indirect

1 control or ownership of more than 50% of the
2 outstanding voting stock of the persons carrying on
3 unitary business activity. Unitary business activity
4 can ordinarily be illustrated where the activities of
5 the members are: (1) in the same general line (such as
6 manufacturing, wholesaling, retailing of tangible
7 personal property, insurance, transportation or
8 finance); or (2) are steps in a vertically structured
9 enterprise or process (such as the steps involved in
10 the production of natural resources, which might
11 include exploration, mining, refining, and marketing);
12 and, in either instance, the members are functionally
13 integrated through the exercise of strong centralized
14 management (where, for example, authority over such
15 matters as purchasing, financing, tax compliance,
16 product line, personnel, marketing and capital
17 investment is not left to each member).

18 (B) In no event, for taxable years ending prior to
19 December 31, 2017, shall any unitary business group
20 include members which are ordinarily required to
21 apportion business income under different subsections
22 of Section 304 except that for tax years ending on or
23 after December 31, 1987 this prohibition shall not
24 apply to a holding company that would otherwise be a
25 member of a unitary business group with taxpayers that
26 apportion business income under any of subsections

1 (b), (c), (c-1), or (d) of Section 304. If a unitary
2 business group would, but for the preceding sentence,
3 include members that are ordinarily required to
4 apportion business income under different subsections
5 of Section 304, then for each subsection of Section
6 304 for which there are two or more members, there
7 shall be a separate unitary business group composed of
8 such members. For purposes of the preceding two
9 sentences, a member is "ordinarily required to
10 apportion business income" under a particular
11 subsection of Section 304 if it would be required to
12 use the apportionment method prescribed by such
13 subsection except for the fact that it derives
14 business income solely from Illinois. As used in this
15 paragraph, for taxable years ending before December
16 31, 2017, the phrase "United States" means only the 50
17 states and the District of Columbia, but does not
18 include any territory or possession of the United
19 States or any area over which the United States has
20 asserted jurisdiction or claimed exclusive rights with
21 respect to the exploration for or exploitation of
22 natural resources. For taxable years ending on or
23 after December 31, 2017, the phrase "United States",
24 as used in this paragraph, means only the 50 states,
25 the District of Columbia, and any area over which the
26 United States has asserted jurisdiction or claimed

1 exclusive rights with respect to the exploration for
2 or exploitation of natural resources, but does not
3 include any territory or possession of the United
4 States.

5 (C) Holding companies.

6 (i) For purposes of this subparagraph, a
7 "holding company" is a corporation (other than a
8 corporation that is a financial organization under
9 paragraph (8) of this subsection (a) of Section
10 1501 because it is a bank holding company under
11 the provisions of the Bank Holding Company Act of
12 1956 (12 U.S.C. 1841, et seq.) or because it is
13 owned by a bank or a bank holding company) that
14 owns a controlling interest in one or more other
15 taxpayers ("controlled taxpayers"); that, during
16 the period that includes the taxable year and the
17 2 immediately preceding taxable years or, if the
18 corporation was formed during the current or
19 immediately preceding taxable year, the taxable
20 years in which the corporation has been in
21 existence, derived substantially all its gross
22 income from dividends, interest, rents, royalties,
23 fees or other charges received from controlled
24 taxpayers for the provision of services, and gains
25 on the sale or other disposition of interests in
26 controlled taxpayers or in property leased or

1 licensed to controlled taxpayers or used by the
2 taxpayer in providing services to controlled
3 taxpayers; and that incurs no substantial expenses
4 other than expenses (including interest and other
5 costs of borrowing) incurred in connection with
6 the acquisition and holding of interests in
7 controlled taxpayers and in the provision of
8 services to controlled taxpayers or in the leasing
9 or licensing of property to controlled taxpayers.

10 (ii) The income of a holding company which is
11 a member of more than one unitary business group
12 shall be included in each unitary business group
13 of which it is a member on a pro rata basis, by
14 including in each unitary business group that
15 portion of the base income of the holding company
16 that bears the same proportion to the total base
17 income of the holding company as the gross
18 receipts of the unitary business group bears to
19 the combined gross receipts of all unitary
20 business groups (in both cases without regard to
21 the holding company) or on any other reasonable
22 basis, consistently applied.

23 (iii) A holding company shall apportion its
24 business income under the subsection of Section
25 304 used by the other members of its unitary
26 business group. The apportionment factors of a

1 holding company which would be a member of more
2 than one unitary business group shall be included
3 with the apportionment factors of each unitary
4 business group of which it is a member on a pro
5 rata basis using the same method used in clause
6 (ii).

7 (iv) The provisions of this subparagraph (C)
8 are intended to clarify existing law.

9 (D) If including the base income and factors of a
10 holding company in more than one unitary business
11 group under subparagraph (C) does not fairly reflect
12 the degree of integration between the holding company
13 and one or more of the unitary business groups, the
14 dependence of the holding company and one or more of
15 the unitary business groups upon each other, or the
16 contributions between the holding company and one or
17 more of the unitary business groups, the holding
18 company may petition the Director, under the
19 procedures provided under Section 304(f), for
20 permission to include all base income and factors of
21 the holding company only with members of a unitary
22 business group apportioning their business income
23 under one subsection of subsections (a), (b), (c), or
24 (d) of Section 304. If the petition is granted, the
25 holding company shall be included in a unitary
26 business group only with persons apportioning their

1 business income under the selected subsection of
2 Section 304 until the Director grants a petition of
3 the holding company either to be included in more than
4 one unitary business group under subparagraph (C) or
5 to include its base income and factors only with
6 members of a unitary business group apportioning their
7 business income under a different subsection of
8 Section 304.

9 (E) If the unitary business group members'
10 accounting periods differ, the common parent's
11 accounting period or, if there is no common parent,
12 the accounting period of the member that is expected
13 to have, on a recurring basis, the greatest Illinois
14 income tax liability must be used to determine whether
15 to use the apportionment method provided in subsection
16 (a) or subsection (h) of Section 304. The prohibition
17 against membership in a unitary business group for
18 taxpayers ordinarily required to apportion income
19 under different subsections of Section 304 does not
20 apply to taxpayers required to apportion income under
21 subsection (a) and subsection (h) of Section 304. The
22 provisions of this amendatory Act of 1998 apply to tax
23 years ending on or after December 31, 1998.

24 (28) Subchapter S corporation. The term "Subchapter S
25 corporation" means a corporation for which there is in
26 effect an election under Section 1362 of the Internal

1 Revenue Code, or for which there is a federal election to
2 opt out of the provisions of the Subchapter S Revision Act
3 of 1982 and have applied instead the prior federal
4 Subchapter S rules as in effect on July 1, 1982.

5 (30) Foreign person. The term "foreign person" means
6 any person who is a nonresident individual who is a
7 national or citizen of a country other than the United
8 States ~~alien individual~~ and any nonindividual entity,
9 regardless of where created or organized, whose business
10 activity outside the United States is 80% or more of the
11 entity's total business activity.

12 (b) Other definitions.

13 (1) Words denoting number, gender, and so forth, when
14 used in this Act, where not otherwise distinctly expressed
15 or manifestly incompatible with the intent thereof:

16 (A) Words importing the singular include and apply
17 to several persons, parties or things;

18 (B) Words importing the plural include the
19 singular; and

20 (C) Words importing the masculine gender include
21 the feminine as well.

22 (2) "Company" or "association" as including successors
23 and assigns. The word "company" or "association", when
24 used in reference to a corporation, shall be deemed to
25 embrace the words "successors and assigns of such company

1 or association", and in like manner as if these last-named
2 words, or words of similar import, were expressed.

3 (3) Other terms. Any term used in any Section of this
4 Act with respect to the application of, or in connection
5 with, the provisions of any other Section of this Act
6 shall have the same meaning as in such other Section.

7 (Source: P.A. 99-213, eff. 7-31-15; 100-22, eff. 7-6-17.)

8 Section 30. The Counties Code is amended by changing
9 Section 3-12007 as follows:

10 (55 ILCS 5/3-12007) (from Ch. 34, par. 3-12007)

11 Sec. 3-12007. Proposed rules for classified service. (a)
12 The Director of Personnel shall prepare and submit to the
13 commission proposed rules for the classified service. The
14 director shall give at least 10 days' notice to the heads of
15 all departments or agencies affected and they shall be given
16 an opportunity, upon their request, to appear before the
17 commission to express their views thereon before action is
18 taken by the commission.

19 (b) The rules, as adopted pursuant to subsection (a) of
20 Section 3-12005 shall provide for:

21 (1) preparation, maintenance and revision of a position
22 classification plan for all positions in the classified
23 service, based upon the similarity of duties performed and
24 responsibilities assumed, so that the same qualifications may

1 reasonably be required and the same schedule of pay may be
2 applied to all positions in the same class. Each position
3 authorized by the Board shall be allocated by the director to
4 the proper class and assigned to the appropriate pay range for
5 that class.

6 (2) promotion which shall give appropriate consideration
7 to the applicant's qualifications, record of performance,
8 seniority, and conduct. Vacancies shall be filled by promotion
9 whenever practicable and in the best interest of the county
10 service, and preference may be given to employees within the
11 department in which the vacancy occurs.

12 (3) open competitive examinations to determine the
13 relative fitness of applicants for the respective competitive
14 positions.

15 (4) competitive selection of employees for all classes in
16 the classified service.

17 (5) establishment of lists of eligibles for appointment
18 and promotion, upon which lists shall be placed the names of
19 successful candidates in the order of their relative
20 excellence in the respective examinations. The duration of
21 eligible lists for initial appointment shall be for no more
22 than one year unless extended by the director for not more than
23 one additional year; lists of eligibles for promotion shall be
24 maintained for as long as the tests on which they are based are
25 considered valid by the director.

26 (6) certification by the director to the appointing

1 authorities of not more than the top 5 names from the list of
2 eligibles for a single vacancy.

3 (7) rejection of candidates who do not comply with
4 reasonable job requirements in regard to such factors as age,
5 physical condition, training and experience, or who are
6 addicted to alcohol or narcotics or have been guilty of
7 infamous or disgraceful conduct or are undocumented immigrants
8 ~~illegal aliens~~.

9 (8) periods of probationary employment. During the initial
10 probation period following appointment any employee may be
11 discharged or demoted without charges or hearing except that
12 any applicant or employee, regardless of status, who has
13 reason to believe that he/she has been discriminated against
14 because of religious opinions or affiliation, or race, sex, or
15 national origin in any personnel action may appeal to the
16 commission in accordance with the provisions of this Division
17 or in appropriate rules established by the commission pursuant
18 to subsection (a) of Section 3-12005.

19 (9) provisional employment without competitive
20 examinations when there is no appropriate eligible list
21 available. No person hired as a provisional employee shall
22 continue on the county payroll longer than 6 months per
23 calendar year nor shall successive provisional appointments be
24 allowed.

25 (10) transfer from a position in one department to a
26 position in another department involving similar

1 qualifications, duties, responsibilities and salary.

2 (11) procedures for authorized reinstatement within one
3 year of persons who resign in good standing.

4 (12) layoff by reason of lack of funds or work or abolition
5 of the position, or material changes in duties or
6 organization, and for the layoff of nontenured employees
7 first, and for the reemployment of permanent employees so laid
8 off, giving consideration in both layoff and reemployment to
9 performance record and seniority in service.

10 (13) keeping records of performance of all employees in
11 the classified service.

12 (14) suspension, demotion or dismissal of an employee for
13 misconduct, inefficiency, incompetence, insubordination,
14 malfeasance or other unfitness to render effective service and
15 for the investigation and hearing of appeals of any employee
16 recommended for suspension, demotion or dismissal by a
17 department head for any of the foregoing reasons.

18 (15) establishment of a plan for resolving employee
19 grievances and complaints, including an appeals procedure.

20 (16) hours of work, holidays and attendance regulations,
21 and for annual, sick and special leaves of absence, with or
22 without pay, or at reduced pay.

23 (17) development of employee morale, safety and training
24 programs.

25 (18) establishment of a period of probation, the length of
26 which shall be determined by the complexity of the work

1 involved, but which shall not exceed one year without special
2 written approval from the commission.

3 (19) such other rules, not inconsistent with this
4 Division, as may be proper and necessary for its enforcement.

5 (Source: P.A. 86-962.)

6 Section 35. The Metropolitan Water Reclamation District
7 Act is amended by changing Section 11.15 as follows:

8 (70 ILCS 2605/11.15) (from Ch. 42, par. 331.15)

9 Sec. 11.15. No person shall be employed upon contracts for
10 work to be done by any such sanitary district unless he or she
11 is a citizen of the United States, a national of the United
12 States under Section 1401 of Title 8 of the United States Code,
13 a person ~~an alien~~ lawfully admitted for permanent residence
14 under Section 1101 of Title 8 of the United States Code, an
15 individual who has been granted asylum under Section 1158 of
16 Title 8 of the United States Code, or an individual who is
17 otherwise legally authorized to work in the United States.

18 (Source: P.A. 98-280, eff. 8-9-13; 99-231, eff. 8-3-15.)

19 Section 40. The Board of Higher Education Act is amended
20 by changing Section 9.16 as follows:

21 (110 ILCS 205/9.16) (from Ch. 144, par. 189.16)

22 Sec. 9.16. Underrepresentation of certain groups in higher

1 education. To require public institutions of higher education
2 to develop and implement methods and strategies to increase
3 the participation of minorities, women and individuals with
4 disabilities who are traditionally underrepresented in
5 education programs and activities. For the purpose of this
6 Section, minorities shall mean persons who are citizens of the
7 United States or lawful permanent residents ~~resident aliens~~ of
8 the United States and who are any of the following:

9 (1) American Indian or Alaska Native (a person having
10 origins in any of the original peoples of North and South
11 America, including Central America, and who maintains
12 tribal affiliation or community attachment).

13 (2) Asian (a person having origins in any of the
14 original peoples of the Far East, Southeast Asia, or the
15 Indian subcontinent, including, but not limited to,
16 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
17 the Philippine Islands, Thailand, and Vietnam).

18 (3) Black or African American (a person having origins
19 in any of the black racial groups of Africa).

20 (4) Hispanic or Latino (a person of Cuban, Mexican,
21 Puerto Rican, South or Central American, or other Spanish
22 culture or origin, regardless of race).

23 (5) Native Hawaiian or Other Pacific Islander (a
24 person having origins in any of the original peoples of
25 Hawaii, Guam, Samoa, or other Pacific Islands).

26 The Board shall adopt any rules necessary to administer

1 this Section. The Board shall also do the following:

2 (a) require all public institutions of higher education to
3 develop and submit plans for the implementation of this
4 Section;

5 (b) conduct periodic review of public institutions of
6 higher education to determine compliance with this Section;
7 and if the Board finds that a public institution of higher
8 education is not in compliance with this Section, it shall
9 notify the institution of steps to take to attain compliance;

10 (c) provide advice and counsel pursuant to this Section;

11 (d) conduct studies of the effectiveness of methods and
12 strategies designed to increase participation of students in
13 education programs and activities in which minorities, women
14 and individuals with disabilities are traditionally
15 underrepresented, and monitor the success of students in such
16 education programs and activities;

17 (e) encourage minority student recruitment and retention
18 in colleges and universities. In implementing this paragraph,
19 the Board shall undertake but need not be limited to the
20 following: the establishment of guidelines and plans for
21 public institutions of higher education for minority student
22 recruitment and retention, the review and monitoring of
23 minority student programs implemented at public institutions
24 of higher education to determine their compliance with any
25 guidelines and plans so established, the determination of the
26 effectiveness and funding requirements of minority student

1 programs at public institutions of higher education, the
2 dissemination of successful programs as models, and the
3 encouragement of cooperative partnerships between community
4 colleges and local school attendance centers which are
5 experiencing difficulties in enrolling minority students in
6 four-year colleges and universities;

7 (f) mandate all public institutions of higher education to
8 submit data and information essential to determine compliance
9 with this Section. The Board shall prescribe the format and
10 the date for submission of this data and any other education
11 equity data; and

12 (g) report to the General Assembly and the Governor
13 annually with a description of the plans submitted by each
14 public institution of higher education for implementation of
15 this Section, including financial data relating to the most
16 recent fiscal year expenditures for specific minority
17 programs, the effectiveness of such plans and programs and the
18 effectiveness of the methods and strategies developed by the
19 Board in meeting the purposes of this Section, the degree of
20 compliance with this Section by each public institution of
21 higher education as determined by the Board pursuant to its
22 periodic review responsibilities, and the findings made by the
23 Board in conducting its studies and monitoring student success
24 as required by paragraph d) of this Section. With respect to
25 each public institution of higher education such report also
26 shall include, but need not be limited to, information with

1 respect to each institution's minority program budget
2 allocations; minority student admission, retention and
3 graduation statistics; admission, retention, and graduation
4 statistics of all students who are the first in their
5 immediate family to attend an institution of higher education;
6 number of financial assistance awards to undergraduate and
7 graduate minority students; and minority faculty
8 representation. This paragraph shall not be construed to
9 prohibit the Board from making, preparing or issuing
10 additional surveys or studies with respect to minority
11 education in Illinois.

12 (Source: P.A. 102-465, eff. 1-1-22.)

13 Section 45. The Dental Student Grant Act is amended by
14 changing Section 3.06 as follows:

15 (110 ILCS 925/3.06) (from Ch. 144, par. 1503.06)

16 Sec. 3.06. "Eligible dental student" means a person who
17 meets all of the following qualifications:

18 (a) That the individual is a resident of this State and a
19 citizen or lawful permanent resident ~~alien~~ of the United
20 States;

21 (b) That the individual has been accepted in a dental
22 school located in Illinois;

23 (c) That the individual exhibits financial need as
24 determined by the Department;

1 (d) That the individual has earned an educational diploma
2 at an institution of education located in this State or has
3 been a resident of the State for no less than 3 years prior to
4 applying for the grant;

5 (e) That the individual is a member of a racial minority as
6 defined in Section 3.07; and

7 (f) That the individual meets other qualifications which
8 shall be established by the Department.

9 (Source: P.A. 87-665.)

10 Section 50. The Diversifying Higher Education Faculty in
11 Illinois Act is amended by changing Sections 2 and 7 as
12 follows:

13 (110 ILCS 930/2) (from Ch. 144, par. 2302)

14 Sec. 2. Definitions. As used in this Act, unless the
15 context otherwise requires:

16 "Board" means the Board of Higher Education.

17 "DFI" means the Diversifying Higher Education Faculty in
18 Illinois Program of financial assistance to minorities who are
19 traditionally underrepresented as participants in
20 postsecondary education. The program shall assist them in
21 pursuing a graduate or professional degree and shall also
22 assist program graduates to find employment at an Illinois
23 institution of higher education, including a community
24 college, in a faculty or staff position.

1 "Program Board" means the entity created to administer the
2 grant program authorized by this Act.

3 "Qualified institution of higher education" means a
4 qualifying publicly or privately operated educational
5 institution located within Illinois (i) that offers
6 instruction leading toward or prerequisite to an academic or
7 professional degree beyond the baccalaureate degree, excluding
8 theological schools, and (ii) that is authorized to operate in
9 the State of Illinois.

10 "Racial minority" means a person who is a citizen of the
11 United States or a lawful permanent resident ~~alien~~ of the
12 United States and who is any of the following:

13 (1) American Indian or Alaska Native (a person having
14 origins in any of the original peoples of North and South
15 America, including Central America, and who maintains
16 tribal affiliation or community attachment).

17 (2) Asian (a person having origins in any of the
18 original peoples of the Far East, Southeast Asia, or the
19 Indian subcontinent, including, but not limited to,
20 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
21 the Philippine Islands, Thailand, and Vietnam).

22 (3) Black or African American (a person having origins
23 in any of the black racial groups of Africa).

24 (4) Hispanic or Latino (a person of Cuban, Mexican,
25 Puerto Rican, South or Central American, or other Spanish
26 culture or origin, regardless of race).

1 (5) Native Hawaiian or Other Pacific Islander (a
2 person having origins in any of the original peoples of
3 Hawaii, Guam, Samoa, or other Pacific Islands).
4 (Source: P.A. 102-465, eff. 1-1-22.)

5 (110 ILCS 930/7) (from Ch. 144, par. 2307)

6 Sec. 7. Eligibility for DFI grants. An individual is
7 eligible for an award under the provisions of this Act when the
8 Program Board finds:

9 (a) That the individual is a resident of this State
10 and a citizen or lawful permanent resident ~~alien~~ of the
11 United States;

12 (b) That the individual is a member of a racial
13 minority as defined under the terms of this Act;

14 (c) That the individual has earned any educational
15 diploma at an institution of education located in this
16 State, or is a resident of the State for no less than three
17 years prior to applying for the grant, and the individual
18 must hold a baccalaureate degree from an institution of
19 higher learning;

20 (d) That the individual's financial resources are such
21 that, in the absence of a DFI grant, the individual will be
22 prevented from pursuing a graduate or professional degree
23 at a qualified institution of higher education of his or
24 her choice;

25 (e) That the individual has above average academic

1 ability to pursue a graduate or professional degree; and

2 (f) That the individual meets other qualifications
3 which shall be established by the Program Board.

4 Grant funds shall be awarded only to those persons
5 pursuing a graduate or professional degree program at a
6 qualified institution of higher education.

7 The Board shall by rule promulgate, pursuant to the
8 Illinois Administrative Procedure Act, precise standards to be
9 used by the Program Board to determine whether a program
10 applicant has above average academic ability to pursue a
11 graduate or professional degree.

12 (Source: P.A. 93-862, eff. 8-4-04.)

13 Section 55. The Higher Education Student Assistance Act is
14 amended by changing Sections 65.50 and 65.110 as follows:

15 (110 ILCS 947/65.50)

16 Sec. 65.50. Teacher training full-time undergraduate
17 scholarships.

18 (a) Five hundred new scholarships shall be provided each
19 year for qualified high school students or high school
20 graduates who desire to pursue full-time undergraduate studies
21 in teacher education at public or private universities or
22 colleges and community colleges in this State. The Commission,
23 in accordance with rules and regulations promulgated for this
24 program, shall provide funding and shall designate each year's

1 new recipients from among those applicants who qualify for
2 consideration by showing:

3 (1) that he or she is a resident of this State and a
4 citizen or a lawful permanent resident ~~alien~~ of the United
5 States;

6 (2) that he or she has successfully completed the
7 program of instruction at an approved high school or is a
8 student in good standing at such a school and is engaged in
9 a program that will be completed by the end of the academic
10 year, and in either event that his or her cumulative grade
11 average was or is in the upper 1/4 of the high school
12 class;

13 (3) that he or she has superior capacity to profit by a
14 higher education; and

15 (4) that he or she agrees to teach in Illinois schools
16 in accordance with subsection (b).

17 No rule or regulation promulgated by the State Board of
18 Education prior to the effective date of this amendatory Act
19 of 1993 pursuant to the exercise of any right, power, duty,
20 responsibility or matter of pending business transferred from
21 the State Board of Education to the Commission under this
22 Section shall be affected thereby, and all such rules and
23 regulations shall become the rules and regulations of the
24 Commission until modified or changed by the Commission in
25 accordance with law.

26 If in any year the number of qualified applicants exceeds

1 the number of scholarships to be awarded, the Commission shall
2 give priority in awarding scholarships to students in
3 financial need. The Commission shall consider factors such as
4 the applicant's family income, the size of the applicant's
5 family and the number of other children in the applicant's
6 family attending college in determining the financial need of
7 the individual.

8 Unless otherwise indicated, these scholarships shall be
9 good for a period of up to 4 years while the recipient is
10 enrolled for residence credit at a public or private
11 university or college or at a community college. The
12 scholarship shall cover tuition, fees and a stipend of \$1,500
13 per year. For purposes of calculating scholarship awards for
14 recipients attending private universities or colleges, tuition
15 and fees for students at private colleges and universities
16 shall not exceed the average tuition and fees for students at
17 4-year public colleges and universities for the academic year
18 in which the scholarship is made.

19 (b) Upon graduation from or termination of enrollment in a
20 teacher education program, any person who accepted a
21 scholarship under the undergraduate scholarship program
22 continued by this Section, including persons whose graduation
23 or termination of enrollment occurred prior to the effective
24 date of this amendatory Act of 1993, shall teach in any school
25 in this State for at least 4 of the 7 years immediately
26 following his or her graduation or termination. If the

1 recipient spends up to 4 years in military service before or
2 after he or she graduates, the period of military service
3 shall be excluded from the computation of that 7 year period. A
4 recipient who is enrolled full-time in an academic program
5 leading to a graduate degree in education shall have the
6 period of graduate study excluded from the computation of that
7 7 year period.

8 Any person who fails to fulfill the teaching requirement
9 shall pay to the Commission an amount equal to one-fourth of
10 the scholarship received for each unfulfilled year of the
11 4-year teaching requirement, together with interest at 8% per
12 year on that amount. However, this obligation to repay does
13 not apply when the failure to fulfill the teaching requirement
14 results from involuntarily leaving the profession due to a
15 decrease in the number of teachers employed by the school
16 board or a discontinuation of a type of teaching service under
17 Section 24-12 of the School Code or from the death or
18 adjudication as incompetent of the person holding the
19 scholarship. No claim for repayment may be filed against the
20 estate of such a decedent or incompetent.

21 Each person applying for such a scholarship shall be
22 provided with a copy of this subsection at the time he or she
23 applies for the benefits of such scholarship.

24 (c) This Section is substantially the same as Sections
25 30-14.5 and 30-14.6 of the School Code, which are repealed by
26 this amendatory Act of 1993, and shall be construed as a

1 continuation of the teacher training undergraduate scholarship
2 program established by that prior law, and not as a new or
3 different teacher training undergraduate scholarship program.
4 The State Board of Education shall transfer to the Commission,
5 as the successor to the State Board of Education for all
6 purposes of administering and implementing the provisions of
7 this Section, all books, accounts, records, papers, documents,
8 contracts, agreements, and pending business in any way
9 relating to the teacher training undergraduate scholarship
10 program continued under this Section, and all scholarships at
11 any time awarded under that program by, and all applications
12 for any such scholarship at any time made to, the State Board
13 of Education shall be unaffected by the transfer to the
14 Commission of all responsibility for the administration and
15 implementation of the teacher training undergraduate
16 scholarship program continued under this Section. The State
17 Board of Education shall furnish to the Commission such other
18 information as the Commission may request to assist it in
19 administering this Section.

20 (Source: P.A. 88-228.)

21 (110 ILCS 947/65.110)

22 Sec. 65.110. Post-Master of Social Work School Social Work
23 Professional Educator License scholarship.

24 (a) Subject to appropriation, beginning with awards for
25 the 2022-2023 academic year, the Commission shall award

1 annually up to 250 Post-Master of Social Work School Social
2 Work Professional Educator License scholarships to a person
3 who:

4 (1) holds a valid Illinois-licensed clinical social
5 work license or social work license;

6 (2) has obtained a master's degree in social work from
7 an approved program;

8 (3) is a United States citizen or eligible noncitizen;
9 and

10 (4) submits an application to the Commission for such
11 scholarship and agrees to take courses to obtain an
12 Illinois Professional Educator License with an endorsement
13 in School Social Work.

14 (b) If an appropriation for this Section for a given
15 fiscal year is insufficient to provide scholarships to all
16 qualified applicants, the Commission shall allocate the
17 appropriation in accordance with this subsection (b). If funds
18 are insufficient to provide all qualified applicants with a
19 scholarship as authorized by this Section, the Commission
20 shall allocate the available scholarship funds for that fiscal
21 year to qualified applicants who submit a complete application
22 on or before a date specified by the Commission, based on the
23 following order of priority:

24 (1) firstly, to students who received a scholarship
25 under this Section in the prior academic year and who
26 remain eligible for a scholarship under this Section;

1 (2) secondly, to new, qualified applicants who are
2 members of a racial minority, as defined in subsection
3 (c); and

4 (3) finally, to other new, qualified applicants in
5 accordance with this Section.

6 (c) Scholarships awarded under this Section shall be
7 issued pursuant to rules adopted by the Commission. In
8 awarding scholarships, the Commission shall give priority to
9 those applicants who are members of a racial minority. Racial
10 minorities are underrepresented as school social workers in
11 elementary and secondary schools in this State, and the
12 General Assembly finds that it is in the interest of this State
13 to provide them with priority consideration for programs that
14 encourage their participation in this field and thereby foster
15 a profession that is more reflective of the diversity of
16 Illinois students and the parents they will serve. A more
17 reflective workforce in school social work allows improved
18 outcomes for students and a better utilization of services.
19 Therefore, the Commission shall give priority to those
20 applicants who are members of a racial minority. In this
21 subsection (c), "racial minority" means a person who is a
22 citizen of the United States or a lawful permanent resident
23 ~~alien~~ of the United States and who is:

24 (1) Black (a person having origins in any of the black
25 racial groups in Africa);

26 (2) Hispanic (a person of Spanish or Portuguese

1 culture with origins in Mexico, South or Central America,
2 or the Caribbean Islands, regardless of race);

3 (3) Asian American (a person having origins in any of
4 the original peoples of the Far East, Southeast Asia, the
5 Indian Subcontinent, or the Pacific Islands); or

6 (4) American Indian or Alaskan Native (a person having
7 origins in any of the original peoples of North America).

8 (d) Each scholarship shall be applied to the payment of
9 tuition and mandatory fees at the University of Illinois,
10 Southern Illinois University, Chicago State University,
11 Eastern Illinois University, Governors State University,
12 Illinois State University, Northeastern Illinois University,
13 Northern Illinois University, and Western Illinois University.
14 Each scholarship may be applied to pay tuition and mandatory
15 fees required to obtain an Illinois Professional Educator
16 License with an endorsement in School Social Work.

17 (e) The Commission shall make tuition and fee payments
18 directly to the qualified institution of higher learning that
19 the applicant attends.

20 (f) Any person who has accepted a scholarship under this
21 Section must, within one year after graduation or termination
22 of enrollment in a Post-Master of Social Work Professional
23 Education License with an endorsement in School Social Work
24 program, begin working as a school social worker at a public or
25 nonpublic not-for-profit preschool, elementary school, or
26 secondary school located in this State for at least 2 of the 5

1 years immediately following that graduation or termination,
2 excluding, however, from the computation of that 5-year
3 period: (i) any time up to 3 years spent in the military
4 service, whether such service occurs before or after the
5 person graduates; (ii) the time that person is a person with a
6 temporary total disability for a period of time not to exceed 3
7 years, as established by the sworn affidavit of a qualified
8 physician; and (iii) the time that person is seeking and
9 unable to find full-time employment as a school social worker
10 at a State public or nonpublic not-for-profit preschool,
11 elementary school, or secondary school.

12 (g) If a recipient of a scholarship under this Section
13 fails to fulfill the work obligation set forth in subsection
14 (f), the Commission shall require the recipient to repay the
15 amount of the scholarships received, prorated according to the
16 fraction of the obligation not completed, at a rate of
17 interest equal to 5%, and, if applicable, reasonable
18 collection fees. The Commission is authorized to establish
19 rules relating to its collection activities for repayment of
20 scholarships under this Section. All repayments collected
21 under this Section shall be forwarded to the State Comptroller
22 for deposit into this State's General Revenue Fund.

23 A recipient of a scholarship under this Section is not
24 considered to be in violation of the failure to fulfill the
25 work obligation under subsection (f) if the recipient (i)
26 enrolls on a full-time basis as a graduate student in a course

1 of study related to the field of social work at a qualified
2 Illinois institution of higher learning; (ii) is serving, not
3 in excess of 3 years, as a member of the armed services of the
4 United States; (iii) is a person with a temporary total
5 disability for a period of time not to exceed 3 years, as
6 established by the sworn affidavit of a qualified physician;
7 (iv) is seeking and unable to find full-time employment as a
8 school social worker at an Illinois public or nonpublic
9 not-for-profit preschool, elementary school, or secondary
10 school that satisfies the criteria set forth in subsection (f)
11 and is able to provide evidence of that fact; or (v) becomes a
12 person with a permanent total disability, as established by
13 the sworn affidavit of a qualified physician.

14 (Source: P.A. 102-621, eff. 1-1-22.)

15 Section 60. The Mental Health Graduate Education
16 Scholarship Act is amended by changing Section 20 as follows:

17 (110 ILCS 952/20)

18 Sec. 20. Scholarships.

19 (a) Beginning with the fall term of the 2009-2010 academic
20 year, the Department, in accordance with rules adopted by it
21 for this program, shall provide scholarships to individuals
22 selected from among those applicants who qualify for
23 consideration by showing all of the following:

24 (1) That the individual has been a resident of this

1 State for at least one year prior to application and is a
2 citizen or a lawful permanent resident ~~alien~~ of the United
3 States.

4 (2) That the individual enrolled in or accepted into a
5 mental health graduate program at an approved institution.

6 (3) That the individual agrees to meet the mental
7 health employment obligation.

8 (b) If in any year the number of qualified applicants
9 exceeds the number of scholarships to be awarded, the
10 Department shall, in consultation with the Advisory Council,
11 consider the following factors in granting priority in
12 awarding scholarships:

13 (1) Financial need, as shown on a standardized
14 financial needs assessment form used by an approved
15 institution.

16 (2) A student's merit, as shown through his or her
17 grade point average, class rank, and other academic and
18 extracurricular activities.

19 The Department may add to and further define these merit
20 criteria by rule.

21 (c) Unless otherwise indicated, scholarships shall be
22 awarded to recipients at approved institutions for a period of
23 up to 2 years if the recipient is enrolled in a master's degree
24 program and up to 4 years if the recipient is enrolled in a
25 doctoral degree program.

26 (Source: P.A. 96-672, eff. 8-25-09.)

1 Section 65. The Nursing Education Scholarship Law is
2 amended by changing Sections 5 and 6.5 as follows:

3 (110 ILCS 975/5) (from Ch. 144, par. 2755)

4 Sec. 5. Nursing education scholarships. Beginning with the
5 fall term of the 2004-2005 academic year, the Department, in
6 accordance with rules and regulations promulgated by it for
7 this program, shall provide scholarships to individuals
8 selected from among those applicants who qualify for
9 consideration by showing:

10 (1) that he or she has been a resident of this State
11 for at least one year prior to application, and is a
12 citizen or a lawful permanent resident ~~alien~~ of the United
13 States;

14 (2) that he or she is enrolled in or accepted for
15 admission to an associate degree in nursing program,
16 hospital-based diploma in nursing program, baccalaureate
17 degree in nursing program, graduate degree in nursing
18 program, or practical nursing program at an approved
19 institution; and

20 (3) that he or she agrees to meet the nursing
21 employment obligation.

22 If in any year the number of qualified applicants exceeds
23 the number of scholarships to be awarded, the Department
24 shall, in consultation with the Illinois Nursing Workforce

1 Center Advisory Board, consider the following factors in
2 granting priority in awarding scholarships:

3 (A) Financial need, as shown on a standardized
4 financial needs assessment form used by an approved
5 institution, of students who will pursue their
6 education on a full-time or close to full-time basis
7 and who already have a certificate in practical
8 nursing, a diploma in nursing, or an associate degree
9 in nursing and are pursuing a higher degree.

10 (B) A student's status as a registered nurse who
11 is pursuing a graduate degree in nursing to pursue
12 employment in an approved institution that educates
13 licensed practical nurses and that educates registered
14 nurses in undergraduate and graduate nursing programs.

15 (C) A student's merit, as shown through his or her
16 grade point average, class rank, and other academic
17 and extracurricular activities. The Department may add
18 to and further define these merit criteria by rule.

19 Unless otherwise indicated, scholarships shall be awarded
20 to recipients at approved institutions for a period of up to 2
21 years if the recipient is enrolled in an associate degree in
22 nursing program, up to 3 years if the recipient is enrolled in
23 a hospital-based diploma in nursing program, up to 4 years if
24 the recipient is enrolled in a baccalaureate degree in nursing
25 program, up to 5 years if the recipient is enrolled in a
26 graduate degree in nursing program, and up to one year if the

1 recipient is enrolled in a certificate in practical nursing
2 program. At least 40% of the scholarships awarded shall be for
3 recipients who are pursuing baccalaureate degrees in nursing,
4 30% of the scholarships awarded shall be for recipients who
5 are pursuing associate degrees in nursing or a diploma in
6 nursing, 10% of the scholarships awarded shall be for
7 recipients who are pursuing a certificate in practical
8 nursing, and 20% of the scholarships awarded shall be for
9 recipients who are pursuing a graduate degree in nursing.

10 Beginning with the fall term of the 2021-2022 academic
11 year and continuing through the 2024-2025 academic year,
12 subject to appropriation from the Hospital Licensure Fund, in
13 addition to any other funds available to the Department for
14 such scholarships, the Department may award a total of
15 \$500,000 annually in scholarships under this Section.

16 (Source: P.A. 102-641, eff. 8-27-21.)

17 (110 ILCS 975/6.5)

18 Sec. 6.5. Nurse educator scholarships.

19 (a) Beginning with the fall term of the 2009-2010 academic
20 year, the Department shall provide scholarships to individuals
21 selected from among those applicants who qualify for
22 consideration by showing the following:

23 (1) that he or she has been a resident of this State
24 for at least one year prior to application and is a citizen
25 or a lawful permanent resident ~~alien~~ of the United States;

1 (2) that he or she is enrolled in or accepted for
2 admission to a graduate degree in nursing program at an
3 approved institution; and

4 (3) that he or she agrees to meet the nurse educator
5 employment obligation.

6 (b) If in any year the number of qualified applicants
7 exceeds the number of scholarships to be awarded under this
8 Section, the Department shall, in consultation with the
9 Illinois Nursing Workforce Center Advisory Board, consider the
10 following factors in granting priority in awarding
11 scholarships:

12 (1) Financial need, as shown on a standardized
13 financial needs assessment form used by an approved
14 institution, of students who will pursue their education
15 on a full-time or close to full-time basis and who already
16 have a diploma in nursing and are pursuing a higher
17 degree.

18 (2) A student's status as a registered nurse who is
19 pursuing a graduate degree in nursing to pursue employment
20 in an approved institution that educates licensed
21 practical nurses and that educates registered nurses in
22 undergraduate and graduate nursing programs.

23 (3) A student's merit, as shown through his or her
24 grade point average, class rank, experience as a nurse,
25 including supervisory experience, experience as a nurse in
26 the United States military, and other academic and

1 extracurricular activities.

2 (c) Unless otherwise indicated, scholarships under this
3 Section shall be awarded to recipients at approved
4 institutions for a period of up to 3 years.

5 (d) Within 12 months after graduation from a graduate
6 degree in nursing program for nurse educators, any recipient
7 who accepted a scholarship under this Section shall begin
8 meeting the required nurse educator employment obligation. In
9 order to defer his or her continuous employment obligation, a
10 recipient must request the deferment in writing from the
11 Department. A recipient shall receive a deferment if he or she
12 notifies the Department, within 30 days after enlisting, that
13 he or she is spending up to 4 years in military service. A
14 recipient shall receive a deferment if he or she notifies the
15 Department, within 30 days after enrolling, that he or she is
16 enrolled in an academic program leading to a graduate degree
17 in nursing. The recipient must begin meeting the required
18 nurse educator employment obligation no later than 6 months
19 after the end of the deferment or deferments.

20 Any person who fails to fulfill the nurse educator
21 employment obligation shall pay to the Department an amount
22 equal to the amount of scholarship funds received per year for
23 each unfulfilled year of the nurse educator employment
24 obligation, together with interest at 7% per year on the
25 unpaid balance. Payment must begin within 6 months following
26 the date of the occurrence initiating the repayment. All

1 repayments must be completed within 6 years from the date of
2 the occurrence initiating the repayment. However, this
3 repayment obligation may be deferred and re-evaluated every 6
4 months when the failure to fulfill the nurse educator
5 employment obligation results from involuntarily leaving the
6 profession due to a decrease in the number of nurses employed
7 in this State or when the failure to fulfill the nurse educator
8 employment obligation results from total and permanent
9 disability. The repayment obligation shall be excused if the
10 failure to fulfill the nurse educator employment obligation
11 results from the death or adjudication as incompetent of the
12 person holding the scholarship. No claim for repayment may be
13 filed against the estate of such a decedent or incompetent.

14 The Department may allow a nurse educator employment
15 obligation fulfillment alternative if the nurse educator
16 scholarship recipient is unsuccessful in finding work as a
17 nurse educator. The Department shall maintain a database of
18 all available nurse educator positions in this State.

19 (e) Each person applying for a scholarship under this
20 Section must be provided with a copy of this Section at the
21 time of application for the benefits of this scholarship.

22 (f) Rulemaking authority to implement this amendatory Act
23 of the 96th General Assembly, if any, is conditioned on the
24 rules being adopted in accordance with all provisions of the
25 Illinois Administrative Procedure Act and all rules and
26 procedures of the Joint Committee on Administrative Rules; any

1 purported rule not so adopted, for whatever reason, is
2 unauthorized.

3 (Source: P.A. 100-513, eff. 1-1-18.)

4 Section 70. The Comprehensive Health Insurance Plan Act is
5 amended by changing Section 7 as follows:

6 (215 ILCS 105/7) (from Ch. 73, par. 1307)

7 Sec. 7. Eligibility.

8 a. Except as provided in subsection (e) of this Section or
9 in Section 15 of this Act, any person who is either a citizen
10 of the United States or an individual ~~an alien~~ lawfully
11 admitted for permanent residence and who has been for a period
12 of at least 180 days and continues to be a resident of this
13 State shall be eligible for Plan coverage under this Section
14 if evidence is provided of:

15 (1) A notice of rejection or refusal to issue
16 substantially similar individual health insurance coverage
17 for health reasons by a health insurance issuer;

18 (2) A refusal by a health insurance issuer to issue
19 individual health insurance coverage except at a rate
20 exceeding the applicable Plan rate for which the person is
21 responsible; or

22 (3) The absence of available health insurance coverage
23 for a person under 19 years of age.

24 A rejection or refusal by a group health plan or health

1 insurance issuer offering only stop-loss or excess of loss
2 insurance or contracts, agreements, or other arrangements for
3 reinsurance coverage with respect to the applicant shall not
4 be sufficient evidence under this subsection.

5 b. The Board shall promulgate a list of medical or health
6 conditions for which a person who is either a citizen of the
7 United States or an individual ~~an alien~~ lawfully admitted for
8 permanent residence and a resident of this State would be
9 eligible for Plan coverage without applying for health
10 insurance coverage pursuant to subsection a. of this Section.
11 Persons who can demonstrate the existence or history of any
12 medical or health conditions on the list promulgated by the
13 Board shall not be required to provide the evidence specified
14 in subsection a. of this Section. The list shall be effective
15 on the first day of the operation of the Plan and may be
16 amended from time to time as appropriate.

17 c. Family members of the same household who each are
18 covered persons are eligible for optional family coverage
19 under the Plan.

20 d. For persons qualifying for coverage in accordance with
21 Section 7 of this Act, the Board shall, if it determines that
22 such appropriations as are made pursuant to Section 12 of this
23 Act are insufficient to allow the Board to accept all of the
24 eligible persons which it projects will apply for enrollment
25 under the Plan, limit or close enrollment to ensure that the
26 Plan is not over-subscribed and that it has sufficient

1 resources to meet its obligations to existing enrollees. The
2 Board shall not limit or close enrollment for federally
3 eligible individuals.

4 e. A person shall not be eligible for coverage under the
5 Plan if:

6 (1) He or she has or obtains other coverage under a
7 group health plan or health insurance coverage
8 substantially similar to or better than a Plan policy as
9 an insured or covered dependent or would be eligible to
10 have that coverage if he or she elected to obtain it.
11 Persons otherwise eligible for Plan coverage may, however,
12 solely for the purpose of having coverage for a
13 pre-existing condition, maintain other coverage only while
14 satisfying any pre-existing condition waiting period under
15 a Plan policy or a subsequent replacement policy of a Plan
16 policy.

17 (1.1) His or her prior coverage under a group health
18 plan or health insurance coverage, provided or arranged by
19 an employer of more than 10 employees was discontinued for
20 any reason without the entire group or plan being
21 discontinued and not replaced, provided he or she remains
22 an employee, or dependent thereof, of the same employer.

23 (2) He or she is a recipient of or is approved to
24 receive medical assistance, except that a person may
25 continue to receive medical assistance through the medical
26 assistance no grant program, but only while satisfying the

1 requirements for a preexisting condition under Section 8,
2 subsection f. of this Act. Payment of premiums pursuant to
3 this Act shall be allocable to the person's spenddown for
4 purposes of the medical assistance no grant program, but
5 that person shall not be eligible for any Plan benefits
6 while that person remains eligible for medical assistance.
7 If the person continues to receive or be approved to
8 receive medical assistance through the medical assistance
9 no grant program at or after the time that requirements
10 for a preexisting condition are satisfied, the person
11 shall not be eligible for coverage under the Plan. In that
12 circumstance, coverage under the Plan shall terminate as
13 of the expiration of the preexisting condition limitation
14 period. Under all other circumstances, coverage under the
15 Plan shall automatically terminate as of the effective
16 date of any medical assistance.

17 (3) Except as provided in Section 15, the person has
18 previously participated in the Plan and voluntarily
19 terminated Plan coverage, unless 12 months have elapsed
20 since the person's latest voluntary termination of
21 coverage.

22 (4) The person fails to pay the required premium under
23 the covered person's terms of enrollment and
24 participation, in which event the liability of the Plan
25 shall be limited to benefits incurred under the Plan for
26 the time period for which premiums had been paid and the

1 covered person remained eligible for Plan coverage.

2 (5) The Plan has paid a total of \$5,000,000 in
3 benefits on behalf of the covered person.

4 (6) The person is a resident of a public institution.

5 (7) The person's premium is paid for or reimbursed
6 under any government sponsored program or by any
7 government agency or health care provider, except as an
8 otherwise qualifying full-time employee, or dependent of
9 such employee, of a government agency or health care
10 provider or, except when a person's premium is paid by the
11 U.S. Treasury Department pursuant to the federal Trade Act
12 of 2002.

13 (8) The person has or later receives other benefits or
14 funds from any settlement, judgement, or award resulting
15 from any accident or injury, regardless of the date of the
16 accident or injury, or any other circumstances creating a
17 legal liability for damages due that person by a third
18 party, whether the settlement, judgment, or award is in
19 the form of a contract, agreement, or trust on behalf of a
20 minor or otherwise and whether the settlement, judgment,
21 or award is payable to the person, his or her dependent,
22 estate, personal representative, or guardian in a lump sum
23 or over time, so long as there continues to be benefits or
24 assets remaining from those sources in an amount in excess
25 of \$300,000.

26 (9) Within the 5 years prior to the date a person's

1 Plan application is received by the Board, the person's
2 coverage under any health care benefit program as defined
3 in 18 U.S.C. 24, including any public or private plan or
4 contract under which any medical benefit, item, or service
5 is provided, was terminated as a result of any act or
6 practice that constitutes fraud under State or federal law
7 or as a result of an intentional misrepresentation of
8 material fact; or if that person knowingly and willfully
9 obtained or attempted to obtain, or fraudulently aided or
10 attempted to aid any other person in obtaining, any
11 coverage or benefits under the Plan to which that person
12 was not entitled.

13 f. The Board or the administrator shall require
14 verification of residency and may require any additional
15 information or documentation, or statements under oath, when
16 necessary to determine residency upon initial application and
17 for the entire term of the policy.

18 g. Coverage shall cease (i) on the date a person is no
19 longer a resident of Illinois, (ii) on the date a person
20 requests coverage to end, (iii) upon the death of the covered
21 person, (iv) on the date State law requires cancellation of
22 the policy, or (v) at the Plan's option, 30 days after the Plan
23 makes any inquiry concerning a person's eligibility or place
24 of residence to which the person does not reply.

25 h. Except under the conditions set forth in subsection g
26 of this Section, the coverage of any person who ceases to meet

1 the eligibility requirements of this Section shall be
2 terminated at the end of the current policy period for which
3 the necessary premiums have been paid.

4 (Source: P.A. 96-938, eff. 6-24-10; 97-661, eff. 1-13-12.)

5 Section 75. The Hearing Instrument Consumer Protection Act
6 is amended by changing Section 8 as follows:

7 (225 ILCS 50/8) (from Ch. 111, par. 7408)

8 (Section scheduled to be repealed on January 1, 2026)

9 Sec. 8. Applicant qualifications; examination.

10 (a) In order to protect persons who are deaf or hard of
11 hearing, the Department shall authorize or shall conduct an
12 appropriate examination, which may be the International
13 Hearing Society's licensure examination, for persons who
14 dispense, test, select, recommend, fit, or service hearing
15 instruments. The frequency of holding these examinations shall
16 be determined by the Department by rule. Those who
17 successfully pass such an examination shall be issued a
18 license as a hearing instrument dispenser, which shall be
19 effective for a 2-year period.

20 (b) Applicants shall be:

21 (1) at least 18 years of age;

22 (2) of good moral character;

23 (3) the holder of an associate's degree or the
24 equivalent;

1 (4) free of contagious or infectious disease; and

2 (5) a citizen or person lawfully present in the United
3 States ~~person who has the status as a legal alien.~~

4 Felony convictions of the applicant and findings against
5 the applicant involving matters set forth in Sections 17 and
6 18 shall be considered in determining moral character, but
7 such a conviction or finding shall not make an applicant
8 ineligible to register for examination.

9 (c) Prior to engaging in the practice of fitting,
10 dispensing, or servicing hearing instruments, an applicant
11 shall demonstrate, by means of written and practical
12 examinations, that such person is qualified to practice the
13 testing, selecting, recommending, fitting, selling, or
14 servicing of hearing instruments as defined in this Act. An
15 applicant must obtain a license within 12 months after passing
16 either the written or practical examination, whichever is
17 passed first, or must take and pass those examinations again
18 in order to be eligible to receive a license.

19 The Department shall, by rule, determine the conditions
20 under which an individual is examined.

21 (d) Proof of having met the minimum requirements of
22 continuing education as determined by the Board shall be
23 required of all license renewals. Pursuant to rule, the
24 continuing education requirements may, upon petition to the
25 Board, be waived in whole or in part if the hearing instrument
26 dispenser can demonstrate that he or she served in the Coast

1 Guard or Armed Forces, had an extreme hardship, or obtained
2 his or her license by examination or endorsement within the
3 preceding renewal period.

4 (e) Persons applying for an initial license must
5 demonstrate having earned, at a minimum, an associate degree
6 or its equivalent from an accredited institution of higher
7 education that is recognized by the U.S. Department of
8 Education or that meets the U.S. Department of Education
9 equivalency as determined through a National Association of
10 Credential Evaluation Services (NACES) member, and meet the
11 other requirements of this Section. In addition, the applicant
12 must demonstrate the successful completion of (1) 12 semester
13 hours or 18 quarter hours of academic undergraduate course
14 work in an accredited institution consisting of 3 semester
15 hours of anatomy and physiology of the hearing mechanism, 3
16 semester hours of hearing science, 3 semester hours of
17 introduction to audiology, and 3 semester hours of aural
18 rehabilitation, or the quarter hour equivalent or (2) an
19 equivalent program as determined by the Department that is
20 consistent with the scope of practice of a hearing instrument
21 dispenser as defined in Section 3 of this Act. Persons
22 licensed before January 1, 2003 who have a valid license on
23 that date may have their license renewed without meeting the
24 requirements of this subsection.

25 (Source: P.A. 98-827, eff. 1-1-15; 99-204, eff. 7-30-15;
26 99-847, eff. 8-19-16.)

1 Section 80. The Illinois Public Aid Code is amended by
2 changing Section 5-3 as follows:

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

4 Sec. 5-3. Residence.) Any person who has established his
5 residence in this State and lives therein, including any
6 person who is a migrant worker, may qualify for medical
7 assistance. A person who, while temporarily in this State,
8 suffers injury or illness endangering his life and health and
9 necessitating emergency care, may also qualify.

10 Temporary absence from the State shall not disqualify a
11 person from maintaining his eligibility under this Article.

12 As used in this Section, "migrant worker" means any person
13 residing temporarily and employed in Illinois who moves
14 seasonally from one place to another for the purpose of
15 employment in agricultural activities, including the planting,
16 raising or harvesting of any agricultural or horticultural
17 commodities and the handling, packing or processing of such
18 commodities on the farm where produced or at the point of first
19 processing, in animal husbandry, or in other activities
20 connected with the care of animals. Dependents of such person
21 shall be considered eligible if they are living with the
22 person during his or her temporary residence and employment in
23 Illinois.

24 In order to be eligible for medical assistance under this

1 section, each migrant worker shall show proof of citizenship
2 or legal immigration ~~alien~~ status.

3 (Source: P.A. 81-746.)

4 Section 85. The Service Member Employment and Reemployment
5 Rights Act is amended by changing Section 1-10 as follows:

6 (330 ILCS 61/1-10)

7 Sec. 1-10. Definitions. As used in this Act:

8 "Accrue" means to accumulate in regular or increasing
9 amounts over time subject to customary allocation of cost.

10 "Active duty" means any full-time military service
11 regardless of length or voluntariness including, but not
12 limited to, annual training, full-time National Guard duty,
13 and State active duty. "Active duty" does not include any form
14 of inactive duty service such as drill duty or muster duty.
15 "Active duty", unless provided otherwise, includes active duty
16 without pay.

17 "Active service" means all forms of active and inactive
18 duty regardless of voluntariness including, but not limited
19 to, annual training, active duty for training, initial active
20 duty training, overseas training duty, full-time National
21 Guard duty, active duty other than training, State active
22 duty, mobilizations, and muster duty. "Active service", unless
23 provided otherwise, includes active service without pay.

24 "Active service" includes:

1 (1) Reserve component voluntary active service means
2 service under one of the following authorities:

3 (A) any duty under 32 U.S.C. 502(f)(1)(B);

4 (B) active guard reserve duty, operational
5 support, or additional duty under 10 U.S.C. 12301(d)
6 or 32 U.S.C. 502(f)(1)(B);

7 (C) funeral honors under 10 U.S.C. 12503 or 32
8 U.S.C. 115;

9 (D) duty at the National Guard Bureau under 10
10 U.S.C. 12402;

11 (E) unsatisfactory participation under 10 U.S.C.
12 10148 or 10 U.S.C. 12303;

13 (F) discipline under 10 U.S.C. 802(d);

14 (G) extended active duty under 10 U.S.C. 12311;
15 and

16 (H) reserve program administrator under 10 U.S.C.
17 10211.

18 (2) Reserve component involuntary active service
19 includes, but is not limited to, service under one of the
20 following authorities:

21 (A) annual training or drill requirements under 10
22 U.S.C. 10147, 10 U.S.C. 12301(b) or 32 U.S.C. 502(a).

23 (B) additional training duty or other duty under
24 32 U.S.C. 502(f)(1)(A);

25 (C) pre-planned or pre-programmed combatant
26 commander support under 10 U.S.C. 12304b;

1 (D) mobilization under 10 U.S.C. 12301(a) or 10
2 U.S.C. 12302;

3 (E) presidential reserve call-up under 10 U.S.C.
4 12304;

5 (F) emergencies and natural disasters under 10
6 U.S.C. 12304a or 14 U.S.C. 712;

7 (G) muster duty under 10 U.S.C. 12319;

8 (H) retiree recall under 10 U.S.C. 688;

9 (I) captive status under 10 U.S.C. 12301(g);

10 (J) insurrection under 10 U.S.C. 331, 10 U.S.C.
11 332, or 10 U.S.C. 12406;

12 (K) pending line of duty determination for
13 response to sexual assault under 10 U.S.C. 12323; and

14 (L) initial active duty for training under 10
15 U.S.C. 671.

16 Reserve component active service not listed in paragraph
17 (1) or (2) shall be considered involuntary active service
18 under paragraph (2).

19 "Active service without pay" means active service
20 performed under any authority in which base pay is not
21 received regardless of other allowances.

22 "Annual training" means any active duty performed under
23 Section 10147 or 12301(b) of Title 10 of the United States Code
24 or under Section 502(a) of Title 32 of the United States Code.

25 "Base pay" means the main component of military pay,
26 whether active or inactive, based on rank and time in service.

1 It does not include the addition of conditional funds for
2 specific purposes such as allowances, incentive and special
3 pay. Base pay, also known as basic pay, can be determined by
4 referencing the appropriate military pay chart covering the
5 time period in question located on the federal Defense Finance
6 and Accounting Services website or as reflected on a federal
7 Military Leave and Earnings Statement.

8 "Benefits" includes, but is not limited to, the terms,
9 conditions, or privileges of employment, including any
10 advantage, profit, privilege, gain, status, account, or
11 interest, including wages or salary for work performed, that
12 accrues by reason of an employment contract or agreement or an
13 employer policy, plan, or practice and includes rights and
14 benefits under a pension plan, a health plan, an employee
15 stock ownership plan, insurance coverage and awards, bonuses,
16 severance pay, supplemental unemployment benefits, vacations,
17 and the opportunity to select work hours or location of
18 employment.

19 "Differential compensation" means pay due when the
20 employee's daily rate of compensation for military service is
21 less than his or her daily rate of compensation as a public
22 employee.

23 "Employee" means anyone employed by an employer.
24 "Employee" includes any person who is a citizen, national, or
25 permanent resident ~~alien~~ of the United States employed in a
26 workplace that the State has legal authority to regulate

1 business and employment. "Employee" does not include an
2 independent contractor.

3 "Employer" means any person, institution, organization, or
4 other entity that pays salary or wages for work performed or
5 that has control over employment opportunities, including:

6 (1) a person, institution, organization, or other
7 entity to whom the employer has delegated the performance
8 of employment-related responsibilities;

9 (2) an employer of a public employee;

10 (3) any successor in interest to a person,
11 institution, organization, or other entity referred to
12 under this definition; and

13 (4) a person, institution, organization, or other
14 entity that has been denied initial employment in
15 violation of Section 5-15.

16 "Inactive duty" means inactive duty training, including
17 drills, consisting of regularly scheduled unit training
18 assemblies, additional training assemblies, periods of
19 appropriate duty or equivalent training, and any special
20 additional duties authorized for reserve component personnel
21 by appropriate military authority. "Inactive duty" does not
22 include active duty.

23 "Military leave" means a furlough or leave of absence
24 while performing active service. It cannot be substituted for
25 accrued vacation, annual, or similar leave with pay except at
26 the sole discretion of the service member employee. It is not a

1 benefit of employment that is requested but a legal
2 requirement upon receiving notice of pending military service.

3 "Military service" means:

4 (1) Service in the Armed Forces of the United States,
5 the National Guard of any state or territory regardless of
6 status, and the State Guard as defined in the State Guard
7 Act. "Military service", whether active or reserve,
8 includes service under the authority of U.S.C. Titles 10,
9 14, or 32, or State active duty.

10 (2) Service in a federally recognized auxiliary of the
11 United States Armed Forces when performing official duties
12 in support of military or civilian authorities as a result
13 of an emergency.

14 (3) A period for which an employee is absent from a
15 position of employment for the purpose of medical or
16 dental treatment for a condition, illness, or injury
17 sustained or aggravated during a period of active service
18 in which treatment is paid by the United States Department
19 of Defense Military Health System.

20 "Public employee" means any person classified as a
21 full-time employee of the State of Illinois, a unit of local
22 government, a public institution of higher education as
23 defined in Section 1 of the Board of Higher Education Act, or a
24 school district, other than an independent contractor.

25 "Reserve component" means the reserve components of
26 Illinois and the United States Armed Forces regardless of

1 status.

2 "Service member" means any person who is a member of a
3 military service.

4 "State active duty" means full-time State-funded military
5 duty under the command and control of the Governor and subject
6 to the Military Code of Illinois.

7 "Unit of local government" means any city, village, town,
8 county, or special district.

9 (Source: P.A. 100-1101, eff. 1-1-19.)

10 Section 90. The Firearm Owners Identification Card Act is
11 amended by changing Sections 1.1, 4, and 8 as follows:

12 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

13 Sec. 1.1. For purposes of this Act:

14 "Addicted to narcotics" means a person who has been:

15 (1) convicted of an offense involving the use or
16 possession of cannabis, a controlled substance, or
17 methamphetamine within the past year; or

18 (2) determined by the Illinois State Police to be
19 addicted to narcotics based upon federal law or federal
20 guidelines.

21 "Addicted to narcotics" does not include possession or use
22 of a prescribed controlled substance under the direction and
23 authority of a physician or other person authorized to
24 prescribe the controlled substance when the controlled

1 substance is used in the prescribed manner.

2 "Adjudicated as a person with a mental disability" means
3 the person is the subject of a determination by a court, board,
4 commission or other lawful authority that the person, as a
5 result of marked subnormal intelligence, or mental illness,
6 mental impairment, incompetency, condition, or disease:

7 (1) presents a clear and present danger to himself,
8 herself, or to others;

9 (2) lacks the mental capacity to manage his or her own
10 affairs or is adjudicated a person with a disability as
11 defined in Section 11a-2 of the Probate Act of 1975;

12 (3) is not guilty in a criminal case by reason of
13 insanity, mental disease or defect;

14 (3.5) is guilty but mentally ill, as provided in
15 Section 5-2-6 of the Unified Code of Corrections;

16 (4) is incompetent to stand trial in a criminal case;

17 (5) is not guilty by reason of lack of mental
18 responsibility under Articles 50a and 72b of the Uniform
19 Code of Military Justice, 10 U.S.C. 850a, 876b;

20 (6) is a sexually violent person under subsection (f)
21 of Section 5 of the Sexually Violent Persons Commitment
22 Act;

23 (7) is a sexually dangerous person under the Sexually
24 Dangerous Persons Act;

25 (8) is unfit to stand trial under the Juvenile Court
26 Act of 1987;

1 (9) is not guilty by reason of insanity under the
2 Juvenile Court Act of 1987;

3 (10) is subject to involuntary admission as an
4 inpatient as defined in Section 1-119 of the Mental Health
5 and Developmental Disabilities Code;

6 (11) is subject to involuntary admission as an
7 outpatient as defined in Section 1-119.1 of the Mental
8 Health and Developmental Disabilities Code;

9 (12) is subject to judicial admission as set forth in
10 Section 4-500 of the Mental Health and Developmental
11 Disabilities Code; or

12 (13) is subject to the provisions of the Interstate
13 Agreements on Sexually Dangerous Persons Act.

14 "Clear and present danger" means a person who:

15 (1) communicates a serious threat of physical violence
16 against a reasonably identifiable victim or poses a clear
17 and imminent risk of serious physical injury to himself,
18 herself, or another person as determined by a physician,
19 clinical psychologist, or qualified examiner; or

20 (2) demonstrates threatening physical or verbal
21 behavior, such as violent, suicidal, or assaultive
22 threats, actions, or other behavior, as determined by a
23 physician, clinical psychologist, qualified examiner,
24 school administrator, or law enforcement official.

25 "Clinical psychologist" has the meaning provided in
26 Section 1-103 of the Mental Health and Developmental

1 Disabilities Code.

2 "Controlled substance" means a controlled substance or
3 controlled substance analog as defined in the Illinois
4 Controlled Substances Act.

5 "Counterfeit" means to copy or imitate, without legal
6 authority, with intent to deceive.

7 "Federally licensed firearm dealer" means a person who is
8 licensed as a federal firearms dealer under Section 923 of the
9 federal Gun Control Act of 1968 (18 U.S.C. 923).

10 "Firearm" means any device, by whatever name known, which
11 is designed to expel a projectile or projectiles by the action
12 of an explosion, expansion of gas or escape of gas; excluding,
13 however:

14 (1) any pneumatic gun, spring gun, paint ball gun, or
15 B-B gun which expels a single globular projectile not
16 exceeding .18 inch in diameter or which has a maximum
17 muzzle velocity of less than 700 feet per second;

18 (1.1) any pneumatic gun, spring gun, paint ball gun,
19 or B-B gun which expels breakable paint balls containing
20 washable marking colors;

21 (2) any device used exclusively for signaling or
22 safety and required or recommended by the United States
23 Coast Guard or the Interstate Commerce Commission;

24 (3) any device used exclusively for the firing of stud
25 cartridges, explosive rivets or similar industrial
26 ammunition; and

1 (4) an antique firearm (other than a machine-gun)
2 which, although designed as a weapon, the Illinois State
3 Police finds by reason of the date of its manufacture,
4 value, design, and other characteristics is primarily a
5 collector's item and is not likely to be used as a weapon.

6 "Firearm ammunition" means any self-contained cartridge or
7 shotgun shell, by whatever name known, which is designed to be
8 used or adaptable to use in a firearm; excluding, however:

9 (1) any ammunition exclusively designed for use with a
10 device used exclusively for signaling ~~signalling~~ or safety
11 and required or recommended by the United States Coast
12 Guard or the Interstate Commerce Commission; and

13 (2) any ammunition designed exclusively for use with a
14 stud or rivet driver or other similar industrial
15 ammunition.

16 "Gun show" means an event or function:

17 (1) at which the sale and transfer of firearms is the
18 regular and normal course of business and where 50 or more
19 firearms are displayed, offered, or exhibited for sale,
20 transfer, or exchange; or

21 (2) at which not less than 10 gun show vendors
22 display, offer, or exhibit for sale, sell, transfer, or
23 exchange firearms.

24 "Gun show" includes the entire premises provided for an
25 event or function, including parking areas for the event or
26 function, that is sponsored to facilitate the purchase, sale,

1 transfer, or exchange of firearms as described in this
2 Section. Nothing in this definition shall be construed to
3 exclude a gun show held in conjunction with competitive
4 shooting events at the World Shooting Complex sanctioned by a
5 national governing body in which the sale or transfer of
6 firearms is authorized under subparagraph (5) of paragraph (g)
7 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

8 Unless otherwise expressly stated, "gun show" does not
9 include training or safety classes, competitive shooting
10 events, such as rifle, shotgun, or handgun matches, trap,
11 skeet, or sporting clays shoots, dinners, banquets, raffles,
12 or any other event where the sale or transfer of firearms is
13 not the primary course of business.

14 "Gun show promoter" means a person who organizes or
15 operates a gun show.

16 "Gun show vendor" means a person who exhibits, sells,
17 offers for sale, transfers, or exchanges any firearms at a gun
18 show, regardless of whether the person arranges with a gun
19 show promoter for a fixed location from which to exhibit,
20 sell, offer for sale, transfer, or exchange any firearm.

21 "Involuntarily admitted" has the meaning as prescribed in
22 Sections 1-119 and 1-119.1 of the Mental Health and
23 Developmental Disabilities Code.

24 "Mental health facility" means any licensed private
25 hospital or hospital affiliate, institution, or facility, or
26 part thereof, and any facility, or part thereof, operated by

1 the State or a political subdivision thereof which provides
2 ~~provide~~ treatment of persons with mental illness and includes
3 all hospitals, institutions, clinics, evaluation facilities,
4 mental health centers, colleges, universities, long-term care
5 facilities, and nursing homes, or parts thereof, which provide
6 treatment of persons with mental illness whether or not the
7 primary purpose is to provide treatment of persons with mental
8 illness.

9 "National governing body" means a group of persons who
10 adopt rules and formulate policy on behalf of a national
11 firearm sporting organization.

12 "Noncitizen" means a person who is not a citizen of the
13 United States, but is a person who is a foreign-born person who
14 lives in the United States, has not been naturalized, and is
15 still a citizen of a foreign country.

16 "Patient" means:

17 (1) a person who is admitted as an inpatient or
18 resident of a public or private mental health facility for
19 mental health treatment under Chapter III of the Mental
20 Health and Developmental Disabilities Code as an informal
21 admission, a voluntary admission, a minor admission, an
22 emergency admission, or an involuntary admission, unless
23 the treatment was solely for an alcohol abuse disorder; or

24 (2) a person who voluntarily or involuntarily receives
25 mental health treatment as an out-patient or is otherwise
26 provided services by a public or private mental health

1 facility, and who poses a clear and present danger to
2 himself, herself, or ~~to~~ others.

3 "Person with a developmental disability" means a person
4 with a disability which is attributable to any other condition
5 which results in impairment similar to that caused by an
6 intellectual disability and which requires services similar to
7 those required by persons with intellectual disabilities. The
8 disability must originate before the age of 18 years, be
9 expected to continue indefinitely, and constitute a
10 substantial disability. This disability results, in the
11 professional opinion of a physician, clinical psychologist, or
12 qualified examiner, in significant functional limitations in 3
13 or more of the following areas of major life activity:

- 14 (i) self-care;
15 (ii) receptive and expressive language;
16 (iii) learning;
17 (iv) mobility; or
18 (v) self-direction.

19 "Person with an intellectual disability" means a person
20 with a significantly subaverage general intellectual
21 functioning which exists concurrently with impairment in
22 adaptive behavior and which originates before the age of 18
23 years.

24 "Physician" has the meaning as defined in Section 1-120 of
25 the Mental Health and Developmental Disabilities Code.

26 "Protective order" means any orders of protection issued

1 under the Illinois Domestic Violence Act of 1986, stalking no
2 contact orders issued under the Stalking No Contact Order Act,
3 civil no contact orders issued under the Civil No Contact
4 Order Act, and firearms restraining orders issued under the
5 Firearms Restraining Order Act.

6 "Qualified examiner" has the meaning provided in Section
7 1-122 of the Mental Health and Developmental Disabilities
8 Code.

9 "Sanctioned competitive shooting event" means a shooting
10 contest officially recognized by a national or state shooting
11 sport association, and includes any sight-in or practice
12 conducted in conjunction with the event.

13 "School administrator" means the person required to report
14 under the School Administrator Reporting of Mental Health
15 Clear and Present Danger Determinations Law.

16 "Stun gun or taser" has the meaning ascribed to it in
17 Section 24-1 of the Criminal Code of 2012.

18 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
19 revised 10-6-21.)

20 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

21 Sec. 4. Application for Firearm Owner's Identification
22 Cards.

23 (a) Each applicant for a Firearm Owner's Identification
24 Card must:

25 (1) Submit an application as made available by the

1 Illinois State Police; and

2 (2) Submit evidence to the Illinois State Police that:

3 (i) This subparagraph (i) applies through the
4 180th day following July 12, 2019 (the effective date
5 of Public Act 101-80) ~~this amendatory Act of the 101st~~
6 ~~General Assembly~~. He or she is 21 years of age or over,
7 or if he or she is under 21 years of age that he or she
8 has the written consent of his or her parent or legal
9 guardian to possess and acquire firearms and firearm
10 ammunition and that he or she has never been convicted
11 of a misdemeanor other than a traffic offense or
12 adjudged delinquent, provided, however, that such
13 parent or legal guardian is not an individual
14 prohibited from having a Firearm Owner's
15 Identification Card and files an affidavit with the
16 Department as prescribed by the Department stating
17 that he or she is not an individual prohibited from
18 having a Card;

19 (i-5) This subparagraph (i-5) applies on and after
20 the 181st day following July 12, 2019 (the effective
21 date of Public Act 101-80) ~~this amendatory Act of the~~
22 ~~101st General Assembly~~. He or she is 21 years of age or
23 over, or if he or she is under 21 years of age that he
24 or she has never been convicted of a misdemeanor other
25 than a traffic offense or adjudged delinquent and is
26 an active duty member of the United States Armed

1 Forces or has the written consent of his or her parent
2 or legal guardian to possess and acquire firearms and
3 firearm ammunition, provided, however, that such
4 parent or legal guardian is not an individual
5 prohibited from having a Firearm Owner's
6 Identification Card and files an affidavit with the
7 Illinois State Police Department as prescribed by the
8 Illinois State Police Department stating that he or
9 she is not an individual prohibited from having a Card
10 or the active duty member of the United States Armed
11 Forces under 21 years of age annually submits proof to
12 the Illinois State Police, in a manner prescribed by
13 the Illinois State Police Department;

14 (ii) He or she has not been convicted of a felony
15 under the laws of this or any other jurisdiction;

16 (iii) He or she is not addicted to narcotics;

17 (iv) He or she has not been a patient in a mental
18 health facility within the past 5 years or, if he or
19 she has been a patient in a mental health facility more
20 than 5 years ago submit the certification required
21 under subsection (u) of Section 8 of this Act;

22 (v) He or she is not a person with an intellectual
23 disability;

24 (vi) He or she is lawfully present in the United
25 States ~~not an alien who is unlawfully present in the~~
26 ~~United States under the laws of the United States;~~

1 (vii) He or she is not subject to an existing order
2 of protection prohibiting him or her from possessing a
3 firearm;

4 (viii) He or she has not been convicted within the
5 past 5 years of battery, assault, aggravated assault,
6 violation of an order of protection, or a
7 substantially similar offense in another jurisdiction,
8 in which a firearm was used or possessed;

9 (ix) He or she has not been convicted of domestic
10 battery, aggravated domestic battery, or a
11 substantially similar offense in another jurisdiction
12 committed before, on or after January 1, 2012 (the
13 effective date of Public Act 97-158). If the applicant
14 knowingly and intelligently waives the right to have
15 an offense described in this clause (ix) tried by a
16 jury, and by guilty plea or otherwise, results in a
17 conviction for an offense in which a domestic
18 relationship is not a required element of the offense
19 but in which a determination of the applicability of
20 18 U.S.C. 922(g)(9) is made under Section 112A-11.1 of
21 the Code of Criminal Procedure of 1963, an entry by the
22 court of a judgment of conviction for that offense
23 shall be grounds for denying the issuance of a Firearm
24 Owner's Identification Card under this Section;

25 (x) (Blank);

26 (xi) He or she is not a person ~~an alien~~ who has

1 been admitted to the United States under a
2 non-immigrant visa (as that term is defined in Section
3 101(a)(26) of the Immigration and Nationality Act (8
4 U.S.C. 1101(a)(26))), or that he or she is a person ~~an~~
5 ~~alien~~ who has been lawfully admitted to the United
6 States under a non-immigrant visa if that person ~~alien~~
7 is:

8 (1) admitted to the United States for lawful
9 hunting or sporting purposes;

10 (2) an official representative of a foreign
11 government who is:

12 (A) accredited to the United States
13 Government or the Government's mission to an
14 international organization having its
15 headquarters in the United States; or

16 (B) en route to or from another country to
17 which that person ~~alien~~ is accredited;

18 (3) an official of a foreign government or
19 distinguished foreign visitor who has been so
20 designated by the Department of State;

21 (4) a foreign law enforcement officer of a
22 friendly foreign government entering the United
23 States on official business; or

24 (5) one who has received a waiver from the
25 Attorney General of the United States pursuant to
26 18 U.S.C. 922(y)(3);

1 (xii) He or she is not a minor subject to a
2 petition filed under Section 5-520 of the Juvenile
3 Court Act of 1987 alleging that the minor is a
4 delinquent minor for the commission of an offense that
5 if committed by an adult would be a felony;

6 (xiii) He or she is not an adult who had been
7 adjudicated a delinquent minor under the Juvenile
8 Court Act of 1987 for the commission of an offense that
9 if committed by an adult would be a felony;

10 (xiv) He or she is a resident of the State of
11 Illinois;

12 (xv) He or she has not been adjudicated as a person
13 with a mental disability;

14 (xvi) He or she has not been involuntarily
15 admitted into a mental health facility; and

16 (xvii) He or she is not a person with a
17 developmental disability; and

18 (3) Upon request by the Illinois State Police, sign a
19 release on a form prescribed by the Illinois State Police
20 waiving any right to confidentiality and requesting the
21 disclosure to the Illinois State Police of limited mental
22 health institution admission information from another
23 state, the District of Columbia, any other territory of
24 the United States, or a foreign nation concerning the
25 applicant for the sole purpose of determining whether the
26 applicant is or was a patient in a mental health

1 institution and disqualified because of that status from
2 receiving a Firearm Owner's Identification Card. No mental
3 health care or treatment records may be requested. The
4 information received shall be destroyed within one year of
5 receipt.

6 (a-5) Each applicant for a Firearm Owner's Identification
7 Card who is over the age of 18 shall furnish to the Illinois
8 State Police either his or her Illinois driver's license
9 number or Illinois Identification Card number, except as
10 provided in subsection (a-10).

11 (a-10) Each applicant for a Firearm Owner's Identification
12 Card, who is employed as a law enforcement officer, an armed
13 security officer in Illinois, or by the United States Military
14 permanently assigned in Illinois and who is not an Illinois
15 resident, shall furnish to the Illinois State Police his or
16 her driver's license number or state identification card
17 number from his or her state of residence. The Illinois State
18 Police may adopt rules to enforce the provisions of this
19 subsection (a-10).

20 (a-15) If an applicant applying for a Firearm Owner's
21 Identification Card moves from the residence address named in
22 the application, he or she shall immediately notify in a form
23 and manner prescribed by the Illinois State Police of that
24 change of address.

25 (a-20) Each applicant for a Firearm Owner's Identification
26 Card shall furnish to the Illinois State Police his or her

1 photograph. An applicant who is 21 years of age or older
2 seeking a religious exemption to the photograph requirement
3 must furnish with the application an approved copy of United
4 States Department of the Treasury Internal Revenue Service
5 Form 4029. In lieu of a photograph, an applicant regardless of
6 age seeking a religious exemption to the photograph
7 requirement shall submit fingerprints on a form and manner
8 prescribed by the Illinois State Police ~~Department~~ with his or
9 her application.

10 (a-25) Beginning January 1, 2023, each applicant for the
11 issuance of a Firearm Owner's Identification Card may include
12 a full set of his or her fingerprints in electronic format to
13 the Illinois State Police, unless the applicant has previously
14 provided a full set of his or her fingerprints to the Illinois
15 State Police under this Act or the Firearm Concealed Carry
16 Act.

17 The fingerprints must be transmitted through a live scan
18 fingerprint vendor licensed by the Department of Financial and
19 Professional Regulation. The fingerprints shall be checked
20 against the fingerprint records now and hereafter filed in the
21 Illinois State Police and Federal Bureau of Investigation
22 criminal history records databases, including all available
23 State and local criminal history record information files.

24 The Illinois State Police shall charge applicants a
25 one-time fee for conducting the criminal history record check,
26 which shall be deposited into the State Police Services Fund

1 and shall not exceed the actual cost of the State and national
2 criminal history record check.

3 (a-26) The Illinois State Police shall research, explore,
4 and report to the General Assembly by January 1, 2022 on the
5 feasibility of permitting voluntarily submitted fingerprints
6 obtained for purposes other than Firearm Owner's
7 Identification Card enforcement that are contained in the
8 Illinois State Police database for purposes of this Act.

9 (b) Each application form shall include the following
10 statement printed in bold type: "Warning: Entering false
11 information on an application for a Firearm Owner's
12 Identification Card is punishable as a Class 2 felony in
13 accordance with subsection (d-5) of Section 14 of the Firearm
14 Owners Identification Card Act."

15 (c) Upon such written consent, pursuant to Section 4,
16 paragraph (a)(2)(i), the parent or legal guardian giving the
17 consent shall be liable for any damages resulting from the
18 applicant's use of firearms or firearm ammunition.

19 (Source: P.A. 101-80, eff. 7-12-19; 102-237, eff. 1-1-22;
20 102-538, eff. 8-20-21; revised 10-12-21.)

21 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

22 Sec. 8. Grounds for denial and revocation. The Illinois
23 State Police has authority to deny an application for or to
24 revoke and seize a Firearm Owner's Identification Card
25 previously issued under this Act only if the Illinois State

1 ~~Police Department~~ finds that the applicant or the person to
2 whom such card was issued is or was at the time of issuance:

3 (a) A person under 21 years of age who has been
4 convicted of a misdemeanor other than a traffic offense or
5 adjudged delinquent;

6 (b) This subsection (b) applies through the 180th day
7 following July 12, 2019 (the effective date of Public Act
8 101-80) ~~this amendatory Act of the 101st General Assembly.~~

9 A person under 21 years of age who does not have the
10 written consent of his parent or guardian to acquire and
11 possess firearms and firearm ammunition, or whose parent
12 or guardian has revoked such written consent, or where
13 such parent or guardian does not qualify to have a Firearm
14 Owner's Identification Card;

15 (b-5) This subsection (b-5) applies on and after the
16 181st day following July 12, 2019 (the effective date of
17 Public Act 101-80) ~~this amendatory Act of the 101st~~
18 ~~General Assembly.~~ A person under 21 years of age who is not

19 an active duty member of the United States Armed Forces
20 and does not have the written consent of his or her parent
21 or guardian to acquire and possess firearms and firearm
22 ammunition, or whose parent or guardian has revoked such
23 written consent, or where such parent or guardian does not
24 qualify to have a Firearm Owner's Identification Card;

25 (c) A person convicted of a felony under the laws of
26 this or any other jurisdiction;

1 (d) A person addicted to narcotics;

2 (e) A person who has been a patient of a mental health
3 facility within the past 5 years or a person who has been a
4 patient in a mental health facility more than 5 years ago
5 who has not received the certification required under
6 subsection (u) of this Section. An active law enforcement
7 officer employed by a unit of government or a Department
8 of Corrections employee authorized to possess firearms who
9 is denied, revoked, or has his or her Firearm Owner's
10 Identification Card seized under this subsection (e) may
11 obtain relief as described in subsection (c-5) of Section
12 10 of this Act if the officer or employee did not act in a
13 manner threatening to the officer or employee, another
14 person, or the public as determined by the treating
15 clinical psychologist or physician, and the officer or
16 employee seeks mental health treatment;

17 (f) A person whose mental condition is of such a
18 nature that it poses a clear and present danger to the
19 applicant, any other person or persons, or the community;

20 (g) A person who has an intellectual disability;

21 (h) A person who intentionally makes a false statement
22 in the Firearm Owner's Identification Card application;

23 (i) A person ~~An alien~~ who is unlawfully present in the
24 United States under the laws of the United States;

25 (i-5) A person ~~An alien~~ who has been admitted to the
26 United States under a non-immigrant visa (as that term is

1 defined in Section 101(a)(26) of the Immigration and
2 Nationality Act (8 U.S.C. 1101(a)(26))), except that this
3 subsection (i-5) does not apply to any person ~~alien~~ who
4 has been lawfully admitted to the United States under a
5 non-immigrant visa if that person ~~alien~~ is:

6 (1) admitted to the United States for lawful
7 hunting or sporting purposes;

8 (2) an official representative of a foreign
9 government who is:

10 (A) accredited to the United States Government
11 or the Government's mission to an international
12 organization having its headquarters in the United
13 States; or

14 (B) en route to or from another country to
15 which that person ~~alien~~ is accredited;

16 (3) an official of a foreign government or
17 distinguished foreign visitor who has been so
18 designated by the Department of State;

19 (4) a foreign law enforcement officer of a
20 friendly foreign government entering the United States
21 on official business; or

22 (5) one who has received a waiver from the
23 Attorney General of the United States pursuant to 18
24 U.S.C. 922(y)(3);

25 (j) (Blank);

26 (k) A person who has been convicted within the past 5

1 years of battery, assault, aggravated assault, violation
2 of an order of protection, or a substantially similar
3 offense in another jurisdiction, in which a firearm was
4 used or possessed;

5 (l) A person who has been convicted of domestic
6 battery, aggravated domestic battery, or a substantially
7 similar offense in another jurisdiction committed before,
8 on or after January 1, 2012 (the effective date of Public
9 Act 97-158). If the applicant or person who has been
10 previously issued a Firearm Owner's Identification Card
11 under this Act knowingly and intelligently waives the
12 right to have an offense described in this paragraph (l)
13 tried by a jury, and by guilty plea or otherwise, results
14 in a conviction for an offense in which a domestic
15 relationship is not a required element of the offense but
16 in which a determination of the applicability of 18 U.S.C.
17 922(g) (9) is made under Section 112A-11.1 of the Code of
18 Criminal Procedure of 1963, an entry by the court of a
19 judgment of conviction for that offense shall be grounds
20 for denying an application for and for revoking and
21 seizing a Firearm Owner's Identification Card previously
22 issued to the person under this Act;

23 (m) (Blank);

24 (n) A person who is prohibited from acquiring or
25 possessing firearms or firearm ammunition by any Illinois
26 State statute or by federal law;

1 (o) A minor subject to a petition filed under Section
2 5-520 of the Juvenile Court Act of 1987 alleging that the
3 minor is a delinquent minor for the commission of an
4 offense that if committed by an adult would be a felony;

5 (p) An adult who had been adjudicated a delinquent
6 minor under the Juvenile Court Act of 1987 for the
7 commission of an offense that if committed by an adult
8 would be a felony;

9 (q) A person who is not a resident of the State of
10 Illinois, except as provided in subsection (a-10) of
11 Section 4;

12 (r) A person who has been adjudicated as a person with
13 a mental disability;

14 (s) A person who has been found to have a
15 developmental disability;

16 (t) A person involuntarily admitted into a mental
17 health facility; or

18 (u) A person who has had his or her Firearm Owner's
19 Identification Card revoked or denied under subsection (e)
20 of this Section or item (iv) of paragraph (2) of
21 subsection (a) of Section 4 of this Act because he or she
22 was a patient in a mental health facility as provided in
23 subsection (e) of this Section, shall not be permitted to
24 obtain a Firearm Owner's Identification Card, after the
25 5-year period has lapsed, unless he or she has received a
26 mental health evaluation by a physician, clinical

1 psychologist, or qualified examiner as those terms are
2 defined in the Mental Health and Developmental
3 Disabilities Code, and has received a certification that
4 he or she is not a clear and present danger to himself,
5 herself, or others. The physician, clinical psychologist,
6 or qualified examiner making the certification and his or
7 her employer shall not be held criminally, civilly, or
8 professionally liable for making or not making the
9 certification required under this subsection, except for
10 willful or wanton misconduct. This subsection does not
11 apply to a person whose firearm possession rights have
12 been restored through administrative or judicial action
13 under Section 10 or 11 of this Act.

14 Upon revocation of a person's Firearm Owner's
15 Identification Card, the Illinois State Police shall provide
16 notice to the person and the person shall comply with Section
17 9.5 of this Act.

18 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
19 102-645, eff. 1-1-22; revised 10-14-21.)

20 Section 95. The Criminal Code of 2012 is amended by
21 changing Section 17-6.5 as follows:

22 (720 ILCS 5/17-6.5)

23 Sec. 17-6.5. Persons under deportation order;
24 ineligibility for benefits.

1 (a) An individual against whom a United States Immigration
2 Judge has issued an order of deportation which has been
3 affirmed by the Board of Immigration Review, as well as an
4 individual who appeals such an order pending appeal, under
5 paragraph 19 of Section 241(a) of the Immigration and
6 Nationality Act relating to persecution of others on account
7 of race, religion, national origin or political opinion under
8 the direction of or in association with the Nazi government of
9 Germany or its allies, shall be ineligible for the following
10 benefits authorized by State law:

11 (1) The homestead exemptions and homestead improvement
12 exemption under Sections 15-170, 15-175, 15-176, and
13 15-180 of the Property Tax Code.

14 (2) Grants under the Senior Citizens and Persons with
15 Disabilities Property Tax Relief Act.

16 (3) The double income tax exemption conferred upon
17 persons 65 years of age or older by Section 204 of the
18 Illinois Income Tax Act.

19 (4) Grants provided by the Department on Aging.

20 (5) Reductions in vehicle registration fees under
21 Section 3-806.3 of the Illinois Vehicle Code.

22 (6) Free fishing and reduced fishing license fees
23 under Sections 20-5 and 20-40 of the Fish and Aquatic Life
24 Code.

25 (7) Tuition free courses for senior citizens under the
26 Senior Citizen Courses Act.

1 (8) Any benefits under the Illinois Public Aid Code.

2 (b) If a person has been found by a court to have knowingly
3 received benefits in violation of subsection (a) and:

4 (1) the total monetary value of the benefits received
5 is less than \$150, the person is guilty of a Class A
6 misdemeanor; a second or subsequent violation is a Class 4
7 felony;

8 (2) the total monetary value of the benefits received
9 is \$150 or more but less than \$1,000, the person is guilty
10 of a Class 4 felony; a second or subsequent violation is a
11 Class 3 felony;

12 (3) the total monetary value of the benefits received
13 is \$1,000 or more but less than \$5,000, the person is
14 guilty of a Class 3 felony; a second or subsequent
15 violation is a Class 2 felony;

16 (4) the total monetary value of the benefits received
17 is \$5,000 or more but less than \$10,000, the person is
18 guilty of a Class 2 felony; a second or subsequent
19 violation is a Class 1 felony; or

20 (5) the total monetary value of the benefits received
21 is \$10,000 or more, the person is guilty of a Class 1
22 felony.

23 (c) For purposes of determining the classification of an
24 offense under this Section, all of the monetary value of the
25 benefits received as a result of the unlawful act, practice,
26 or course of conduct may be accumulated.

1 (d) Any grants awarded to persons described in subsection
2 (a) may be recovered by the State of Illinois in a civil action
3 commenced by the Attorney General in the circuit court of
4 Sangamon County or the State's Attorney of the county of
5 residence of the person described in subsection (a).

6 (e) An individual described in subsection (a) who has been
7 deported shall be restored to any benefits which that
8 individual has been denied under State law pursuant to
9 subsection (a) if (i) the Attorney General of the United
10 States has issued an order cancelling deportation and has
11 adjusted the status of the individual to that of a person ~~an~~
12 ~~alien~~ lawfully admitted for permanent residence in the United
13 States or (ii) the country to which the individual has been
14 deported adjudicates or exonerates the individual in a
15 judicial or administrative proceeding as not being guilty of
16 the persecution of others on account of race, religion,
17 national origin, or political opinion under the direction of
18 or in association with the Nazi government of Germany or its
19 allies.

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

21 Section 100. The Prevention of Cigarette and Electronic
22 Cigarette Sales to Persons under 21 Years of Age Act is amended
23 by changing Section 2 as follows:

24 (720 ILCS 678/2)

1 Sec. 2. Definitions. For the purpose of this Act:

2 "Cigarette", when used in this Act, means any roll for
3 smoking made wholly or in part of tobacco irrespective of size
4 or shape and whether or not the tobacco is flavored,
5 adulterated, or mixed with any other ingredient, and the
6 wrapper or cover of which is made of paper or any other
7 substance or material except whole leaf tobacco.

8 "Clear and conspicuous statement" means the statement is
9 of sufficient type size to be clearly readable by the
10 recipient of the communication.

11 "Consumer" means an individual who acquires or seeks to
12 acquire cigarettes or electronic cigarettes for personal use.

13 "Delivery sale" means any sale of cigarettes or electronic
14 cigarettes to a consumer if:

15 (a) the consumer submits the order for such sale by
16 means of a telephone or other method of voice
17 transmission, the mails, or the Internet or other online
18 service, or the seller is otherwise not in the physical
19 presence of the buyer when the request for purchase or
20 order is made; or

21 (b) the cigarettes or electronic cigarettes are
22 delivered by use of a common carrier, private delivery
23 service, or the mails, or the seller is not in the physical
24 presence of the buyer when the buyer obtains possession of
25 the cigarettes or electronic cigarettes.

26 "Delivery service" means any person (other than a person

1 that makes a delivery sale) who delivers to the consumer the
2 cigarettes or electronic cigarettes sold in a delivery sale.

3 "Department" means the Department of Revenue.

4 "Electronic cigarette" means:

5 (1) any device that employs a battery or other
6 mechanism to heat a solution or substance to produce a
7 vapor or aerosol intended for inhalation;

8 (2) any cartridge or container of a solution or
9 substance intended to be used with or in the device or to
10 refill the device; or

11 (3) any solution or substance, whether or not it
12 contains nicotine, intended for use in the device.

13 "Electronic cigarette" includes, but is not limited to,
14 any electronic nicotine delivery system, electronic cigar,
15 electronic cigarillo, electronic pipe, electronic hookah, vape
16 pen, or similar product or device, and any component, part, or
17 accessory of a device used during the operation of the device,
18 even if the part or accessory was sold separately. "Electronic
19 cigarette" does not include: cigarettes, as defined in Section
20 1 of the Cigarette Tax Act; any product approved by the United
21 States Food and Drug Administration for sale as a tobacco
22 cessation product, a tobacco dependence product, or for other
23 medical purposes that is marketed and sold solely for that
24 approved purpose; any asthma inhaler prescribed by a physician
25 for that condition that is marketed and sold solely for that
26 approved purpose; any device that meets the definition of

1 cannabis paraphernalia under Section 1-10 of the Cannabis
2 Regulation and Tax Act; or any cannabis product sold by a
3 dispensing organization pursuant to the Cannabis Regulation
4 and Tax Act or the Compassionate Use of Medical Cannabis
5 Program Act.

6 "Government-issued identification" means a State driver's
7 license, State identification card, passport, a military
8 identification or an official naturalization or immigration
9 document, such as a permanent resident card ~~an alien~~
10 ~~registration recipient card~~ (commonly known as a "green card")
11 or an immigrant visa.

12 "Mails" or "mailing" mean the shipment of cigarettes or
13 electronic cigarettes through the United States Postal
14 Service.

15 "Out-of-state sale" means a sale of cigarettes or
16 electronic cigarettes to a consumer located outside of this
17 State where the consumer submits the order for such sale by
18 means of a telephonic or other method of voice transmission,
19 the mails or any other delivery service, facsimile
20 transmission, or the Internet or other online service and
21 where the cigarettes or electronic cigarettes are delivered by
22 use of the mails or other delivery service.

23 "Person" means any individual, corporation, partnership,
24 limited liability company, association, or other organization
25 that engages in any for-profit or not-for-profit activities.

26 "Shipping package" means a container in which packs or

1 cartons of cigarettes or electronic cigarettes are shipped in
2 connection with a delivery sale.

3 "Shipping documents" means bills of lading, air bills, or
4 any other documents used to evidence the undertaking by a
5 delivery service to deliver letters, packages, or other
6 containers.

7 (Source: P.A. 102-575, eff. 1-1-22.)

8 Section 105. The Code of Criminal Procedure of 1963 is
9 amended by changing Section 113-8 as follows:

10 (725 ILCS 5/113-8)

11 Sec. 113-8. Advisement concerning status as a noncitizen
12 ~~an alien~~.

13 (a) Before the acceptance of a plea of guilty, guilty but
14 mentally ill, or nolo contendere to a misdemeanor or felony
15 offense, the court shall give the following advisement to the
16 defendant in open court:

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

22 (b) If the defendant is arraigned on or after the
23 effective date of this amendatory Act of the 101st General
24 Assembly, and the court fails to advise the defendant as

1 required by subsection (a) of this Section, and the defendant
2 shows that conviction of the offense to which the defendant
3 pleaded guilty, guilty but mentally ill, or nolo contendere
4 may have the consequence for the defendant of deportation,
5 exclusion from admission to the United States, or denial of
6 naturalization under the laws of the United States, the court,
7 upon the defendant's motion, shall vacate the judgment and
8 permit the defendant to withdraw the plea of guilty, guilty
9 but mentally ill, or nolo contendere and enter a plea of not
10 guilty. The motion shall be filed within 2 years of the date of
11 the defendant's conviction.

12 (Source: P.A. 101-409, eff. 1-1-20.)

13 Section 110. The Unified Code of Corrections is amended by
14 changing Sections 3-2-2 and 5-5-3 as follows:

15 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

16 Sec. 3-2-2. Powers and duties of the Department.

17 (1) In addition to the powers, duties, and
18 responsibilities which are otherwise provided by law, the
19 Department shall have the following powers:

20 (a) To accept persons committed to it by the courts of
21 this State for care, custody, treatment, and
22 rehabilitation, and to accept federal prisoners and
23 noncitizens ~~aliens~~ over whom the Office of the Federal
24 Detention Trustee is authorized to exercise the federal

1 detention function for limited purposes and periods of
2 time.

3 (b) To develop and maintain reception and evaluation
4 units for purposes of analyzing the custody and
5 rehabilitation needs of persons committed to it and to
6 assign such persons to institutions and programs under its
7 control or transfer them to other appropriate agencies. In
8 consultation with the Department of Alcoholism and
9 Substance Abuse (now the Department of Human Services),
10 the Department of Corrections shall develop a master plan
11 for the screening and evaluation of persons committed to
12 its custody who have alcohol or drug abuse problems, and
13 for making appropriate treatment available to such
14 persons; the Department shall report to the General
15 Assembly on such plan not later than April 1, 1987. The
16 maintenance and implementation of such plan shall be
17 contingent upon the availability of funds.

18 (b-1) To create and implement, on January 1, 2002, a
19 pilot program to establish the effectiveness of
20 pupillometer technology (the measurement of the pupil's
21 reaction to light) as an alternative to a urine test for
22 purposes of screening and evaluating persons committed to
23 its custody who have alcohol or drug problems. The pilot
24 program shall require the pupillometer technology to be
25 used in at least one Department of Corrections facility.
26 The Director may expand the pilot program to include an

1 additional facility or facilities as he or she deems
2 appropriate. A minimum of 4,000 tests shall be included in
3 the pilot program. The Department must report to the
4 General Assembly on the effectiveness of the program by
5 January 1, 2003.

6 (b-5) To develop, in consultation with the Illinois
7 State Police, a program for tracking and evaluating each
8 inmate from commitment through release for recording his
9 or her gang affiliations, activities, or ranks.

10 (c) To maintain and administer all State correctional
11 institutions and facilities under its control and to
12 establish new ones as needed. Pursuant to its power to
13 establish new institutions and facilities, the Department
14 may, with the written approval of the Governor, authorize
15 the Department of Central Management Services to enter
16 into an agreement of the type described in subsection (d)
17 of Section 405-300 of the Department of Central Management
18 Services Law. The Department shall designate those
19 institutions which shall constitute the State Penitentiary
20 System. The Department of Juvenile Justice shall maintain
21 and administer all State youth centers pursuant to
22 subsection (d) of Section 3-2.5-20.

23 Pursuant to its power to establish new institutions
24 and facilities, the Department may authorize the
25 Department of Central Management Services to accept bids
26 from counties and municipalities for the construction,

1 remodeling, or conversion of a structure to be leased to
2 the Department of Corrections for the purposes of its
3 serving as a correctional institution or facility. Such
4 construction, remodeling, or conversion may be financed
5 with revenue bonds issued pursuant to the Industrial
6 Building Revenue Bond Act by the municipality or county.
7 The lease specified in a bid shall be for a term of not
8 less than the time needed to retire any revenue bonds used
9 to finance the project, but not to exceed 40 years. The
10 lease may grant to the State the option to purchase the
11 structure outright.

12 Upon receipt of the bids, the Department may certify
13 one or more of the bids and shall submit any such bids to
14 the General Assembly for approval. Upon approval of a bid
15 by a constitutional majority of both houses of the General
16 Assembly, pursuant to joint resolution, the Department of
17 Central Management Services may enter into an agreement
18 with the county or municipality pursuant to such bid.

19 (c-5) To build and maintain regional juvenile
20 detention centers and to charge a per diem to the counties
21 as established by the Department to defray the costs of
22 housing each minor in a center. In this subsection (c-5),
23 "juvenile detention center" means a facility to house
24 minors during pendency of trial who have been transferred
25 from proceedings under the Juvenile Court Act of 1987 to
26 prosecutions under the criminal laws of this State in

1 accordance with Section 5-805 of the Juvenile Court Act of
2 1987, whether the transfer was by operation of law or
3 permissive under that Section. The Department shall
4 designate the counties to be served by each regional
5 juvenile detention center.

6 (d) To develop and maintain programs of control,
7 rehabilitation, and employment of committed persons within
8 its institutions.

9 (d-5) To provide a pre-release job preparation program
10 for inmates at Illinois adult correctional centers.

11 (d-10) To provide educational and visitation
12 opportunities to committed persons within its institutions
13 through temporary access to content-controlled tablets
14 that may be provided as a privilege to committed persons
15 to induce or reward compliance.

16 (e) To establish a system of supervision and guidance
17 of committed persons in the community.

18 (f) To establish in cooperation with the Department of
19 Transportation to supply a sufficient number of prisoners
20 for use by the Department of Transportation to clean up
21 the trash and garbage along State, county, township, or
22 municipal highways as designated by the Department of
23 Transportation. The Department of Corrections, at the
24 request of the Department of Transportation, shall furnish
25 such prisoners at least annually for a period to be agreed
26 upon between the Director of Corrections and the Secretary

1 of Transportation. The prisoners used on this program
2 shall be selected by the Director of Corrections on
3 whatever basis he deems proper in consideration of their
4 term, behavior and earned eligibility to participate in
5 such program - where they will be outside of the prison
6 facility but still in the custody of the Department of
7 Corrections. Prisoners convicted of first degree murder,
8 or a Class X felony, or armed violence, or aggravated
9 kidnapping, or criminal sexual assault, aggravated
10 criminal sexual abuse or a subsequent conviction for
11 criminal sexual abuse, or forcible detention, or arson, or
12 a prisoner adjudged a Habitual Criminal shall not be
13 eligible for selection to participate in such program. The
14 prisoners shall remain as prisoners in the custody of the
15 Department of Corrections and such Department shall
16 furnish whatever security is necessary. The Department of
17 Transportation shall furnish trucks and equipment for the
18 highway cleanup program and personnel to supervise and
19 direct the program. Neither the Department of Corrections
20 nor the Department of Transportation shall replace any
21 regular employee with a prisoner.

22 (g) To maintain records of persons committed to it and
23 to establish programs of research, statistics, and
24 planning.

25 (h) To investigate the grievances of any person
26 committed to the Department and to inquire into any

1 alleged misconduct by employees or committed persons; and
2 for these purposes it may issue subpoenas and compel the
3 attendance of witnesses and the production of writings and
4 papers, and may examine under oath any witnesses who may
5 appear before it; to also investigate alleged violations
6 of a parolee's or releasee's conditions of parole or
7 release; and for this purpose it may issue subpoenas and
8 compel the attendance of witnesses and the production of
9 documents only if there is reason to believe that such
10 procedures would provide evidence that such violations
11 have occurred.

12 If any person fails to obey a subpoena issued under
13 this subsection, the Director may apply to any circuit
14 court to secure compliance with the subpoena. The failure
15 to comply with the order of the court issued in response
16 thereto shall be punishable as contempt of court.

17 (i) To appoint and remove the chief administrative
18 officers, and administer programs of training and
19 development of personnel of the Department. Personnel
20 assigned by the Department to be responsible for the
21 custody and control of committed persons or to investigate
22 the alleged misconduct of committed persons or employees
23 or alleged violations of a parolee's or releasee's
24 conditions of parole shall be conservators of the peace
25 for those purposes, and shall have the full power of peace
26 officers outside of the facilities of the Department in

1 the protection, arrest, retaking, and reconfining of
2 committed persons or where the exercise of such power is
3 necessary to the investigation of such misconduct or
4 violations. This subsection shall not apply to persons
5 committed to the Department of Juvenile Justice under the
6 Juvenile Court Act of 1987 on aftercare release.

7 (j) To cooperate with other departments and agencies
8 and with local communities for the development of
9 standards and programs for better correctional services in
10 this State.

11 (k) To administer all moneys and properties of the
12 Department.

13 (l) To report annually to the Governor on the
14 committed persons, institutions, and programs of the
15 Department.

16 (l-5) (Blank).

17 (m) To make all rules and regulations and exercise all
18 powers and duties vested by law in the Department.

19 (n) To establish rules and regulations for
20 administering a system of sentence credits, established in
21 accordance with Section 3-6-3, subject to review by the
22 Prisoner Review Board.

23 (o) To administer the distribution of funds from the
24 State Treasury to reimburse counties where State penal
25 institutions are located for the payment of assistant
26 state's attorneys' salaries under Section 4-2001 of the

1 Counties Code.

2 (p) To exchange information with the Department of
3 Human Services and the Department of Healthcare and Family
4 Services for the purpose of verifying living arrangements
5 and for other purposes directly connected with the
6 administration of this Code and the Illinois Public Aid
7 Code.

8 (q) To establish a diversion program.

9 The program shall provide a structured environment for
10 selected technical parole or mandatory supervised release
11 violators and committed persons who have violated the
12 rules governing their conduct while in work release. This
13 program shall not apply to those persons who have
14 committed a new offense while serving on parole or
15 mandatory supervised release or while committed to work
16 release.

17 Elements of the program shall include, but shall not
18 be limited to, the following:

19 (1) The staff of a diversion facility shall
20 provide supervision in accordance with required
21 objectives set by the facility.

22 (2) Participants shall be required to maintain
23 employment.

24 (3) Each participant shall pay for room and board
25 at the facility on a sliding-scale basis according to
26 the participant's income.

1 (4) Each participant shall:

2 (A) provide restitution to victims in
3 accordance with any court order;

4 (B) provide financial support to his
5 dependents; and

6 (C) make appropriate payments toward any other
7 court-ordered obligations.

8 (5) Each participant shall complete community
9 service in addition to employment.

10 (6) Participants shall take part in such
11 counseling, educational, and other programs as the
12 Department may deem appropriate.

13 (7) Participants shall submit to drug and alcohol
14 screening.

15 (8) The Department shall promulgate rules
16 governing the administration of the program.

17 (r) To enter into intergovernmental cooperation
18 agreements under which persons in the custody of the
19 Department may participate in a county impact
20 incarceration program established under Section 3-6038 or
21 3-15003.5 of the Counties Code.

22 (r-5) (Blank).

23 (r-10) To systematically and routinely identify with
24 respect to each streetgang active within the correctional
25 system: (1) each active gang; (2) every existing
26 inter-gang affiliation or alliance; and (3) the current

1 leaders in each gang. The Department shall promptly
2 segregate leaders from inmates who belong to their gangs
3 and allied gangs. "Segregate" means no physical contact
4 and, to the extent possible under the conditions and space
5 available at the correctional facility, prohibition of
6 visual and sound communication. For the purposes of this
7 paragraph (r-10), "leaders" means persons who:

8 (i) are members of a criminal streetgang;

9 (ii) with respect to other individuals within the
10 streetgang, occupy a position of organizer,
11 supervisor, or other position of management or
12 leadership; and

13 (iii) are actively and personally engaged in
14 directing, ordering, authorizing, or requesting
15 commission of criminal acts by others, which are
16 punishable as a felony, in furtherance of streetgang
17 related activity both within and outside of the
18 Department of Corrections.

19 "Streetgang", "gang", and "streetgang related" have the
20 meanings ascribed to them in Section 10 of the Illinois
21 Streetgang Terrorism Omnibus Prevention Act.

22 (s) To operate a super-maximum security institution,
23 in order to manage and supervise inmates who are
24 disruptive or dangerous and provide for the safety and
25 security of the staff and the other inmates.

26 (t) To monitor any unprivileged conversation or any

1 unprivileged communication, whether in person or by mail,
2 telephone, or other means, between an inmate who, before
3 commitment to the Department, was a member of an organized
4 gang and any other person without the need to show cause or
5 satisfy any other requirement of law before beginning the
6 monitoring, except as constitutionally required. The
7 monitoring may be by video, voice, or other method of
8 recording or by any other means. As used in this
9 subdivision (1)(t), "organized gang" has the meaning
10 ascribed to it in Section 10 of the Illinois Streetgang
11 Terrorism Omnibus Prevention Act.

12 As used in this subdivision (1)(t), "unprivileged
13 conversation" or "unprivileged communication" means a
14 conversation or communication that is not protected by any
15 privilege recognized by law or by decision, rule, or order
16 of the Illinois Supreme Court.

17 (u) To establish a Women's and Children's Pre-release
18 Community Supervision Program for the purpose of providing
19 housing and services to eligible female inmates, as
20 determined by the Department, and their newborn and young
21 children.

22 (u-5) To issue an order, whenever a person committed
23 to the Department absconds or absents himself or herself,
24 without authority to do so, from any facility or program
25 to which he or she is assigned. The order shall be
26 certified by the Director, the Supervisor of the

1 Apprehension Unit, or any person duly designated by the
2 Director, with the seal of the Department affixed. The
3 order shall be directed to all sheriffs, coroners, and
4 police officers, or to any particular person named in the
5 order. Any order issued pursuant to this subdivision
6 (1)(u-5) shall be sufficient warrant for the officer or
7 person named in the order to arrest and deliver the
8 committed person to the proper correctional officials and
9 shall be executed the same as criminal process.

10 (u-6) To appoint a point of contact person who shall
11 receive suggestions, complaints, or other requests to the
12 Department from visitors to Department institutions or
13 facilities and from other members of the public.

14 (v) To do all other acts necessary to carry out the
15 provisions of this Chapter.

16 (2) The Department of Corrections shall by January 1,
17 1998, consider building and operating a correctional facility
18 within 100 miles of a county of over 2,000,000 inhabitants,
19 especially a facility designed to house juvenile participants
20 in the impact incarceration program.

21 (3) When the Department lets bids for contracts for
22 medical services to be provided to persons committed to
23 Department facilities by a health maintenance organization,
24 medical service corporation, or other health care provider,
25 the bid may only be let to a health care provider that has
26 obtained an irrevocable letter of credit or performance bond

1 issued by a company whose bonds have an investment grade or
2 higher rating by a bond rating organization.

3 (4) When the Department lets bids for contracts for food
4 or commissary services to be provided to Department
5 facilities, the bid may only be let to a food or commissary
6 services provider that has obtained an irrevocable letter of
7 credit or performance bond issued by a company whose bonds
8 have an investment grade or higher rating by a bond rating
9 organization.

10 (5) On and after the date 6 months after August 16, 2013
11 (the effective date of Public Act 98-488), as provided in the
12 Executive Order 1 (2012) Implementation Act, all of the
13 powers, duties, rights, and responsibilities related to State
14 healthcare purchasing under this Code that were transferred
15 from the Department of Corrections to the Department of
16 Healthcare and Family Services by Executive Order 3 (2005) are
17 transferred back to the Department of Corrections; however,
18 powers, duties, rights, and responsibilities related to State
19 healthcare purchasing under this Code that were exercised by
20 the Department of Corrections before the effective date of
21 Executive Order 3 (2005) but that pertain to individuals
22 resident in facilities operated by the Department of Juvenile
23 Justice are transferred to the Department of Juvenile Justice.
24 (Source: P.A. 101-235, eff. 1-1-20; 102-350, eff. 8-13-21;
25 102-535, eff. 1-1-22; 102-538, eff. 8-20-21; revised
26 10-15-21.)

1 (730 ILCS 5/5-5-3)

2 Sec. 5-5-3. Disposition.

3 (a) (Blank).

4 (b) (Blank).

5 (c) (1) (Blank).

6 (2) A period of probation, a term of periodic imprisonment
7 or conditional discharge shall not be imposed for the
8 following offenses. The court shall sentence the offender to
9 not less than the minimum term of imprisonment set forth in
10 this Code for the following offenses, and may order a fine or
11 restitution or both in conjunction with such term of
12 imprisonment:

13 (A) First degree murder where the death penalty is not
14 imposed.

15 (B) Attempted first degree murder.

16 (C) A Class X felony.

17 (D) A violation of Section 401.1 or 407 of the
18 Illinois Controlled Substances Act, or a violation of
19 subdivision (c)(1.5) of Section 401 of that Act which
20 relates to more than 5 grams of a substance containing
21 fentanyl or an analog thereof.

22 (D-5) A violation of subdivision (c)(1) of Section 401
23 of the Illinois Controlled Substances Act which relates to
24 3 or more grams of a substance containing heroin or an
25 analog thereof.

1 (E) (Blank).

2 (F) A Class 1 or greater felony if the offender had
3 been convicted of a Class 1 or greater felony, including
4 any state or federal conviction for an offense that
5 contained, at the time it was committed, the same elements
6 as an offense now (the date of the offense committed after
7 the prior Class 1 or greater felony) classified as a Class
8 1 or greater felony, within 10 years of the date on which
9 the offender committed the offense for which he or she is
10 being sentenced, except as otherwise provided in Section
11 40-10 of the Substance Use Disorder Act.

12 (F-3) A Class 2 or greater felony sex offense or
13 felony firearm offense if the offender had been convicted
14 of a Class 2 or greater felony, including any state or
15 federal conviction for an offense that contained, at the
16 time it was committed, the same elements as an offense now
17 (the date of the offense committed after the prior Class 2
18 or greater felony) classified as a Class 2 or greater
19 felony, within 10 years of the date on which the offender
20 committed the offense for which he or she is being
21 sentenced, except as otherwise provided in Section 40-10
22 of the Substance Use Disorder Act.

23 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6
24 of the Criminal Code of 1961 or the Criminal Code of 2012
25 for which imprisonment is prescribed in those Sections.

26 (G) Residential burglary, except as otherwise provided

1 in Section 40-10 of the Substance Use Disorder Act.

2 (H) Criminal sexual assault.

3 (I) Aggravated battery of a senior citizen as
4 described in Section 12-4.6 or subdivision (a)(4) of
5 Section 12-3.05 of the Criminal Code of 1961 or the
6 Criminal Code of 2012.

7 (J) A forcible felony if the offense was related to
8 the activities of an organized gang.

9 Before July 1, 1994, for the purposes of this
10 paragraph, "organized gang" means an association of 5 or
11 more persons, with an established hierarchy, that
12 encourages members of the association to perpetrate crimes
13 or provides support to the members of the association who
14 do commit crimes.

15 Beginning July 1, 1994, for the purposes of this
16 paragraph, "organized gang" has the meaning ascribed to it
17 in Section 10 of the Illinois Streetgang Terrorism Omnibus
18 Prevention Act.

19 (K) Vehicular hijacking.

20 (L) A second or subsequent conviction for the offense
21 of hate crime when the underlying offense upon which the
22 hate crime is based is felony aggravated assault or felony
23 mob action.

24 (M) A second or subsequent conviction for the offense
25 of institutional vandalism if the damage to the property
26 exceeds \$300.

1 (N) A Class 3 felony violation of paragraph (1) of
2 subsection (a) of Section 2 of the Firearm Owners
3 Identification Card Act.

4 (O) A violation of Section 12-6.1 or 12-6.5 of the
5 Criminal Code of 1961 or the Criminal Code of 2012.

6 (P) A violation of paragraph (1), (2), (3), (4), (5),
7 or (7) of subsection (a) of Section 11-20.1 of the
8 Criminal Code of 1961 or the Criminal Code of 2012.

9 (P-5) A violation of paragraph (6) of subsection (a)
10 of Section 11-20.1 of the Criminal Code of 1961 or the
11 Criminal Code of 2012 if the victim is a household or
12 family member of the defendant.

13 (Q) A violation of subsection (b) or (b-5) of Section
14 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
15 Code of 1961 or the Criminal Code of 2012.

16 (R) A violation of Section 24-3A of the Criminal Code
17 of 1961 or the Criminal Code of 2012.

18 (S) (Blank).

19 (T) (Blank).

20 (U) A second or subsequent violation of Section 6-303
21 of the Illinois Vehicle Code committed while his or her
22 driver's license, permit, or privilege was revoked because
23 of a violation of Section 9-3 of the Criminal Code of 1961
24 or the Criminal Code of 2012, relating to the offense of
25 reckless homicide, or a similar provision of a law of
26 another state.

1 (V) A violation of paragraph (4) of subsection (c) of
2 Section 11-20.1B or paragraph (4) of subsection (c) of
3 Section 11-20.3 of the Criminal Code of 1961, or paragraph
4 (6) of subsection (a) of Section 11-20.1 of the Criminal
5 Code of 2012 when the victim is under 13 years of age and
6 the defendant has previously been convicted under the laws
7 of this State or any other state of the offense of child
8 pornography, aggravated child pornography, aggravated
9 criminal sexual abuse, aggravated criminal sexual assault,
10 predatory criminal sexual assault of a child, or any of
11 the offenses formerly known as rape, deviate sexual
12 assault, indecent liberties with a child, or aggravated
13 indecent liberties with a child where the victim was under
14 the age of 18 years or an offense that is substantially
15 equivalent to those offenses.

16 (W) A violation of Section 24-3.5 of the Criminal Code
17 of 1961 or the Criminal Code of 2012.

18 (X) A violation of subsection (a) of Section 31-1a of
19 the Criminal Code of 1961 or the Criminal Code of 2012.

20 (Y) A conviction for unlawful possession of a firearm
21 by a street gang member when the firearm was loaded or
22 contained firearm ammunition.

23 (Z) A Class 1 felony committed while he or she was
24 serving a term of probation or conditional discharge for a
25 felony.

26 (AA) Theft of property exceeding \$500,000 and not

1 exceeding \$1,000,000 in value.

2 (BB) Laundering of criminally derived property of a
3 value exceeding \$500,000.

4 (CC) Knowingly selling, offering for sale, holding for
5 sale, or using 2,000 or more counterfeit items or
6 counterfeit items having a retail value in the aggregate
7 of \$500,000 or more.

8 (DD) A conviction for aggravated assault under
9 paragraph (6) of subsection (c) of Section 12-2 of the
10 Criminal Code of 1961 or the Criminal Code of 2012 if the
11 firearm is aimed toward the person against whom the
12 firearm is being used.

13 (EE) A conviction for a violation of paragraph (2) of
14 subsection (a) of Section 24-3B of the Criminal Code of
15 2012.

16 (3) (Blank).

17 (4) A minimum term of imprisonment of not less than 10
18 consecutive days or 30 days of community service shall be
19 imposed for a violation of paragraph (c) of Section 6-303 of
20 the Illinois Vehicle Code.

21 (4.1) (Blank).

22 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
23 this subsection (c), a minimum of 100 hours of community
24 service shall be imposed for a second violation of Section
25 6-303 of the Illinois Vehicle Code.

26 (4.3) A minimum term of imprisonment of 30 days or 300

1 hours of community service, as determined by the court, shall
2 be imposed for a second violation of subsection (c) of Section
3 6-303 of the Illinois Vehicle Code.

4 (4.4) Except as provided in paragraphs (4.5), (4.6), and
5 (4.9) of this subsection (c), a minimum term of imprisonment
6 of 30 days or 300 hours of community service, as determined by
7 the court, shall be imposed for a third or subsequent
8 violation of Section 6-303 of the Illinois Vehicle Code. The
9 court may give credit toward the fulfillment of community
10 service hours for participation in activities and treatment as
11 determined by court services.

12 (4.5) A minimum term of imprisonment of 30 days shall be
13 imposed for a third violation of subsection (c) of Section
14 6-303 of the Illinois Vehicle Code.

15 (4.6) Except as provided in paragraph (4.10) of this
16 subsection (c), a minimum term of imprisonment of 180 days
17 shall be imposed for a fourth or subsequent violation of
18 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

19 (4.7) A minimum term of imprisonment of not less than 30
20 consecutive days, or 300 hours of community service, shall be
21 imposed for a violation of subsection (a-5) of Section 6-303
22 of the Illinois Vehicle Code, as provided in subsection (b-5)
23 of that Section.

24 (4.8) A mandatory prison sentence shall be imposed for a
25 second violation of subsection (a-5) of Section 6-303 of the
26 Illinois Vehicle Code, as provided in subsection (c-5) of that

1 Section. The person's driving privileges shall be revoked for
2 a period of not less than 5 years from the date of his or her
3 release from prison.

4 (4.9) A mandatory prison sentence of not less than 4 and
5 not more than 15 years shall be imposed for a third violation
6 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
7 Code, as provided in subsection (d-2.5) of that Section. The
8 person's driving privileges shall be revoked for the remainder
9 of his or her life.

10 (4.10) A mandatory prison sentence for a Class 1 felony
11 shall be imposed, and the person shall be eligible for an
12 extended term sentence, for a fourth or subsequent violation
13 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
14 Code, as provided in subsection (d-3.5) of that Section. The
15 person's driving privileges shall be revoked for the remainder
16 of his or her life.

17 (5) The court may sentence a corporation or unincorporated
18 association convicted of any offense to:

19 (A) a period of conditional discharge;

20 (B) a fine;

21 (C) make restitution to the victim under Section 5-5-6
22 of this Code.

23 (5.1) In addition to any other penalties imposed, and
24 except as provided in paragraph (5.2) or (5.3), a person
25 convicted of violating subsection (c) of Section 11-907 of the
26 Illinois Vehicle Code shall have his or her driver's license,

1 permit, or privileges suspended for at least 90 days but not
2 more than one year, if the violation resulted in damage to the
3 property of another person.

4 (5.2) In addition to any other penalties imposed, and
5 except as provided in paragraph (5.3), a person convicted of
6 violating subsection (c) of Section 11-907 of the Illinois
7 Vehicle Code shall have his or her driver's license, permit,
8 or privileges suspended for at least 180 days but not more than
9 2 years, if the violation resulted in injury to another
10 person.

11 (5.3) In addition to any other penalties imposed, a person
12 convicted of violating subsection (c) of Section 11-907 of the
13 Illinois Vehicle Code shall have his or her driver's license,
14 permit, or privileges suspended for 2 years, if the violation
15 resulted in the death of another person.

16 (5.4) In addition to any other penalties imposed, a person
17 convicted of violating Section 3-707 of the Illinois Vehicle
18 Code shall have his or her driver's license, permit, or
19 privileges suspended for 3 months and until he or she has paid
20 a reinstatement fee of \$100.

21 (5.5) In addition to any other penalties imposed, a person
22 convicted of violating Section 3-707 of the Illinois Vehicle
23 Code during a period in which his or her driver's license,
24 permit, or privileges were suspended for a previous violation
25 of that Section shall have his or her driver's license,
26 permit, or privileges suspended for an additional 6 months

1 after the expiration of the original 3-month suspension and
2 until he or she has paid a reinstatement fee of \$100.

3 (6) (Blank).

4 (7) (Blank).

5 (8) (Blank).

6 (9) A defendant convicted of a second or subsequent
7 offense of ritualized abuse of a child may be sentenced to a
8 term of natural life imprisonment.

9 (10) (Blank).

10 (11) The court shall impose a minimum fine of \$1,000 for a
11 first offense and \$2,000 for a second or subsequent offense
12 upon a person convicted of or placed on supervision for
13 battery when the individual harmed was a sports official or
14 coach at any level of competition and the act causing harm to
15 the sports official or coach occurred within an athletic
16 facility or within the immediate vicinity of the athletic
17 facility at which the sports official or coach was an active
18 participant of the athletic contest held at the athletic
19 facility. For the purposes of this paragraph (11), "sports
20 official" means a person at an athletic contest who enforces
21 the rules of the contest, such as an umpire or referee;
22 "athletic facility" means an indoor or outdoor playing field
23 or recreational area where sports activities are conducted;
24 and "coach" means a person recognized as a coach by the
25 sanctioning authority that conducted the sporting event.

26 (12) A person may not receive a disposition of court

1 supervision for a violation of Section 5-16 of the Boat
2 Registration and Safety Act if that person has previously
3 received a disposition of court supervision for a violation of
4 that Section.

5 (13) A person convicted of or placed on court supervision
6 for an assault or aggravated assault when the victim and the
7 offender are family or household members as defined in Section
8 103 of the Illinois Domestic Violence Act of 1986 or convicted
9 of domestic battery or aggravated domestic battery may be
10 required to attend a Partner Abuse Intervention Program under
11 protocols set forth by the Illinois Department of Human
12 Services under such terms and conditions imposed by the court.
13 The costs of such classes shall be paid by the offender.

14 (d) In any case in which a sentence originally imposed is
15 vacated, the case shall be remanded to the trial court. The
16 trial court shall hold a hearing under Section 5-4-1 of this
17 Code which may include evidence of the defendant's life, moral
18 character and occupation during the time since the original
19 sentence was passed. The trial court shall then impose
20 sentence upon the defendant. The trial court may impose any
21 sentence which could have been imposed at the original trial
22 subject to Section 5-5-4 of this Code. If a sentence is vacated
23 on appeal or on collateral attack due to the failure of the
24 trier of fact at trial to determine beyond a reasonable doubt
25 the existence of a fact (other than a prior conviction)
26 necessary to increase the punishment for the offense beyond

1 the statutory maximum otherwise applicable, either the
2 defendant may be re-sentenced to a term within the range
3 otherwise provided or, if the State files notice of its
4 intention to again seek the extended sentence, the defendant
5 shall be afforded a new trial.

6 (e) In cases where prosecution for aggravated criminal
7 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
8 Code of 1961 or the Criminal Code of 2012 results in conviction
9 of a defendant who was a family member of the victim at the
10 time of the commission of the offense, the court shall
11 consider the safety and welfare of the victim and may impose a
12 sentence of probation only where:

13 (1) the court finds (A) or (B) or both are
14 appropriate:

15 (A) the defendant is willing to undergo a court
16 approved counseling program for a minimum duration of
17 2 years; or

18 (B) the defendant is willing to participate in a
19 court approved plan, including, but not limited to,
20 the defendant's:

21 (i) removal from the household;

22 (ii) restricted contact with the victim;

23 (iii) continued financial support of the
24 family;

25 (iv) restitution for harm done to the victim;

26 and

1 (v) compliance with any other measures that
2 the court may deem appropriate; and

3 (2) the court orders the defendant to pay for the
4 victim's counseling services, to the extent that the court
5 finds, after considering the defendant's income and
6 assets, that the defendant is financially capable of
7 paying for such services, if the victim was under 18 years
8 of age at the time the offense was committed and requires
9 counseling as a result of the offense.

10 Probation may be revoked or modified pursuant to Section
11 5-6-4; except where the court determines at the hearing that
12 the defendant violated a condition of his or her probation
13 restricting contact with the victim or other family members or
14 commits another offense with the victim or other family
15 members, the court shall revoke the defendant's probation and
16 impose a term of imprisonment.

17 For the purposes of this Section, "family member" and
18 "victim" shall have the meanings ascribed to them in Section
19 11-0.1 of the Criminal Code of 2012.

20 (f) (Blank).

21 (g) Whenever a defendant is convicted of an offense under
22 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
23 11-14.3, 11-14.4 except for an offense that involves keeping a
24 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
25 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
26 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, the defendant shall undergo medical
2 testing to determine whether the defendant has any sexually
3 transmissible disease, including a test for infection with
4 human immunodeficiency virus (HIV) or any other identified
5 causative agent of acquired immunodeficiency syndrome (AIDS).
6 Any such medical test shall be performed only by appropriately
7 licensed medical practitioners and may include an analysis of
8 any bodily fluids as well as an examination of the defendant's
9 person. Except as otherwise provided by law, the results of
10 such test shall be kept strictly confidential by all medical
11 personnel involved in the testing and must be personally
12 delivered in a sealed envelope to the judge of the court in
13 which the conviction was entered for the judge's inspection in
14 camera. Acting in accordance with the best interests of the
15 victim and the public, the judge shall have the discretion to
16 determine to whom, if anyone, the results of the testing may be
17 revealed. The court shall notify the defendant of the test
18 results. The court shall also notify the victim if requested
19 by the victim, and if the victim is under the age of 15 and if
20 requested by the victim's parents or legal guardian, the court
21 shall notify the victim's parents or legal guardian of the
22 test results. The court shall provide information on the
23 availability of HIV testing and counseling at Department of
24 Public Health facilities to all parties to whom the results of
25 the testing are revealed and shall direct the State's Attorney
26 to provide the information to the victim when possible. The

1 court shall order that the cost of any such test shall be paid
2 by the county and may be taxed as costs against the convicted
3 defendant.

4 (g-5) When an inmate is tested for an airborne
5 communicable disease, as determined by the Illinois Department
6 of Public Health, including, but not limited to, tuberculosis,
7 the results of the test shall be personally delivered by the
8 warden or his or her designee in a sealed envelope to the judge
9 of the court in which the inmate must appear for the judge's
10 inspection in camera if requested by the judge. Acting in
11 accordance with the best interests of those in the courtroom,
12 the judge shall have the discretion to determine what if any
13 precautions need to be taken to prevent transmission of the
14 disease in the courtroom.

15 (h) Whenever a defendant is convicted of an offense under
16 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
17 defendant shall undergo medical testing to determine whether
18 the defendant has been exposed to human immunodeficiency virus
19 (HIV) or any other identified causative agent of acquired
20 immunodeficiency syndrome (AIDS). Except as otherwise provided
21 by law, the results of such test shall be kept strictly
22 confidential by all medical personnel involved in the testing
23 and must be personally delivered in a sealed envelope to the
24 judge of the court in which the conviction was entered for the
25 judge's inspection in camera. Acting in accordance with the
26 best interests of the public, the judge shall have the

1 discretion to determine to whom, if anyone, the results of the
2 testing may be revealed. The court shall notify the defendant
3 of a positive test showing an infection with the human
4 immunodeficiency virus (HIV). The court shall provide
5 information on the availability of HIV testing and counseling
6 at Department of Public Health facilities to all parties to
7 whom the results of the testing are revealed and shall direct
8 the State's Attorney to provide the information to the victim
9 when possible. The court shall order that the cost of any such
10 test shall be paid by the county and may be taxed as costs
11 against the convicted defendant.

12 (i) All fines and penalties imposed under this Section for
13 any violation of Chapters 3, 4, 6, and 11 of the Illinois
14 Vehicle Code, or a similar provision of a local ordinance, and
15 any violation of the Child Passenger Protection Act, or a
16 similar provision of a local ordinance, shall be collected and
17 disbursed by the circuit clerk as provided under the Criminal
18 and Traffic Assessment Act.

19 (j) In cases when prosecution for any violation of Section
20 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
21 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
22 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
23 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
24 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
25 Code of 2012, any violation of the Illinois Controlled
26 Substances Act, any violation of the Cannabis Control Act, or

1 any violation of the Methamphetamine Control and Community
2 Protection Act results in conviction, a disposition of court
3 supervision, or an order of probation granted under Section 10
4 of the Cannabis Control Act, Section 410 of the Illinois
5 Controlled Substances Act, or Section 70 of the
6 Methamphetamine Control and Community Protection Act of a
7 defendant, the court shall determine whether the defendant is
8 employed by a facility or center as defined under the Child
9 Care Act of 1969, a public or private elementary or secondary
10 school, or otherwise works with children under 18 years of age
11 on a daily basis. When a defendant is so employed, the court
12 shall order the Clerk of the Court to send a copy of the
13 judgment of conviction or order of supervision or probation to
14 the defendant's employer by certified mail. If the employer of
15 the defendant is a school, the Clerk of the Court shall direct
16 the mailing of a copy of the judgment of conviction or order of
17 supervision or probation to the appropriate regional
18 superintendent of schools. The regional superintendent of
19 schools shall notify the State Board of Education of any
20 notification under this subsection.

21 (j-5) A defendant at least 17 years of age who is convicted
22 of a felony and who has not been previously convicted of a
23 misdemeanor or felony and who is sentenced to a term of
24 imprisonment in the Illinois Department of Corrections shall
25 as a condition of his or her sentence be required by the court
26 to attend educational courses designed to prepare the

1 defendant for a high school diploma and to work toward a high
2 school diploma or to work toward passing high school
3 equivalency testing or to work toward completing a vocational
4 training program offered by the Department of Corrections. If
5 a defendant fails to complete the educational training
6 required by his or her sentence during the term of
7 incarceration, the Prisoner Review Board shall, as a condition
8 of mandatory supervised release, require the defendant, at his
9 or her own expense, to pursue a course of study toward a high
10 school diploma or passage of high school equivalency testing.
11 The Prisoner Review Board shall revoke the mandatory
12 supervised release of a defendant who wilfully fails to comply
13 with this subsection (j-5) upon his or her release from
14 confinement in a penal institution while serving a mandatory
15 supervised release term; however, the inability of the
16 defendant after making a good faith effort to obtain financial
17 aid or pay for the educational training shall not be deemed a
18 wilful failure to comply. The Prisoner Review Board shall
19 recommit the defendant whose mandatory supervised release term
20 has been revoked under this subsection (j-5) as provided in
21 Section 3-3-9. This subsection (j-5) does not apply to a
22 defendant who has a high school diploma or has successfully
23 passed high school equivalency testing. This subsection (j-5)
24 does not apply to a defendant who is determined by the court to
25 be a person with a developmental disability or otherwise
26 mentally incapable of completing the educational or vocational

1 program.

2 (k) (Blank).

3 (l) (A) Except as provided in paragraph (C) of subsection
4 (1), whenever a defendant, who is not a citizen or national of
5 the United States ~~an alien as defined by the Immigration and~~
6 ~~Nationality Act~~, is convicted of any felony or misdemeanor
7 offense, the court after sentencing the defendant may, upon
8 motion of the State's Attorney, hold sentence in abeyance and
9 remand the defendant to the custody of the Attorney General of
10 the United States or his or her designated agent to be deported
11 when:

12 (1) a final order of deportation has been issued
13 against the defendant pursuant to proceedings under the
14 Immigration and Nationality Act, and

15 (2) the deportation of the defendant would not
16 deprecate the seriousness of the defendant's conduct and
17 would not be inconsistent with the ends of justice.

18 Otherwise, the defendant shall be sentenced as provided in
19 this Chapter V.

20 (B) If the defendant has already been sentenced for a
21 felony or misdemeanor offense, or has been placed on probation
22 under Section 10 of the Cannabis Control Act, Section 410 of
23 the Illinois Controlled Substances Act, or Section 70 of the
24 Methamphetamine Control and Community Protection Act, the
25 court may, upon motion of the State's Attorney to suspend the
26 sentence imposed, commit the defendant to the custody of the

1 Attorney General of the United States or his or her designated
2 agent when:

3 (1) a final order of deportation has been issued
4 against the defendant pursuant to proceedings under the
5 Immigration and Nationality Act, and

6 (2) the deportation of the defendant would not
7 deprecate the seriousness of the defendant's conduct and
8 would not be inconsistent with the ends of justice.

9 (C) This subsection (1) does not apply to offenders who
10 are subject to the provisions of paragraph (2) of subsection
11 (a) of Section 3-6-3.

12 (D) Upon motion of the State's Attorney, if a defendant
13 sentenced under this Section returns to the jurisdiction of
14 the United States, the defendant shall be recommitted to the
15 custody of the county from which he or she was sentenced.
16 Thereafter, the defendant shall be brought before the
17 sentencing court, which may impose any sentence that was
18 available under Section 5-5-3 at the time of initial
19 sentencing. In addition, the defendant shall not be eligible
20 for additional earned sentence credit as provided under
21 Section 3-6-3.

22 (m) A person convicted of criminal defacement of property
23 under Section 21-1.3 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, in which the property damage exceeds
25 \$300 and the property damaged is a school building, shall be
26 ordered to perform community service that may include cleanup,

1 removal, or painting over the defacement.

2 (n) The court may sentence a person convicted of a
3 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
4 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
5 of 1961 or the Criminal Code of 2012 (i) to an impact
6 incarceration program if the person is otherwise eligible for
7 that program under Section 5-8-1.1, (ii) to community service,
8 or (iii) if the person has a substance use disorder, as defined
9 in the Substance Use Disorder Act, to a treatment program
10 licensed under that Act.

11 (o) Whenever a person is convicted of a sex offense as
12 defined in Section 2 of the Sex Offender Registration Act, the
13 defendant's driver's license or permit shall be subject to
14 renewal on an annual basis in accordance with the provisions
15 of license renewal established by the Secretary of State.

16 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;
17 102-531, eff. 1-1-22; revised 10-12-21.)

18 Section 115. The Income Withholding for Support Act is
19 amended by changing Section 20 as follows:

20 (750 ILCS 28/20)

21 Sec. 20. Entry of order for support containing income
22 withholding provisions; income withholding notice.

23 (a) In addition to any content required under other laws,
24 every order for support entered on or after July 1, 1997,

1 shall:

2 (1) Require an income withholding notice to be
3 prepared and served immediately upon any payor of the
4 obligor by the obligee or public office, unless a written
5 agreement is reached between and signed by both parties
6 providing for an alternative arrangement, approved and
7 entered into the record by the court, which ensures
8 payment of support. In that case, the order for support
9 shall provide that an income withholding notice is to be
10 prepared and served only if the obligor becomes delinquent
11 in paying the order for support; and

12 (2) Contain a dollar amount to be paid until payment
13 in full of any delinquency that accrues after entry of the
14 order for support. The amount for payment of delinquency
15 shall not be less than 20% of the total of the current
16 support amount and the amount to be paid periodically for
17 payment of any arrearage stated in the order for support;
18 and

19 (3) Include the obligor's Social Security Number,
20 which the obligor shall disclose to the court. If the
21 obligor is not a United States citizen, the obligor shall
22 disclose to the court, and the court shall include in the
23 order for support, the obligor's alien registration
24 number, passport number, and home country's social
25 security or national health number, if applicable.

26 (b) At the time the order for support is entered, the Clerk

1 of the Circuit Court shall provide a copy of the order to the
2 obligor and shall make copies available to the obligee and
3 public office.

4 (c) The income withholding notice shall:

5 (1) be in the standard format prescribed by the
6 federal Department of Health and Human Services; and

7 (1.1) state the date of entry of the order for support
8 upon which the income withholding notice is based; and

9 (2) direct any payor to withhold the dollar amount
10 required for current support under the order for support;
11 and

12 (3) direct any payor to withhold the dollar amount
13 required to be paid periodically under the order for
14 support for payment of the amount of any arrearage stated
15 in the order for support; and

16 (4) direct any payor or labor union or trade union to
17 enroll a child as a beneficiary of a health insurance plan
18 and withhold or cause to be withheld, if applicable, any
19 required premiums; and

20 (5) state the amount of the payor income withholding
21 fee specified under this Section; and

22 (6) state that the amount actually withheld from the
23 obligor's income for support and other purposes, including
24 the payor withholding fee specified under this Section,
25 may not be in excess of the maximum amount permitted under
26 the federal Consumer Credit Protection Act; and

1 (7) in bold face type, the size of which equals the
2 largest type on the notice, state the duties of the payor
3 and the fines and penalties for failure to withhold and
4 pay over income and for discharging, disciplining,
5 refusing to hire, or otherwise penalizing the obligor
6 because of the duty to withhold and pay over income under
7 this Section; and

8 (8) state the rights, remedies, and duties of the
9 obligor under this Section; and

10 (9) include the Social Security number of the obligor;
11 and

12 (10) (blank); and

13 (11) contain the signature of the obligee or the
14 printed name and telephone number of the authorized
15 representative of the public office, except that the
16 failure to contain the signature of the obligee or the
17 printed name and telephone number of the authorized
18 representative of the public office shall not affect the
19 validity of the income withholding notice; and

20 (12) direct any payor to pay over amounts withheld for
21 payment of support to the State Disbursement Unit.

22 (d) The accrual of a delinquency as a condition for
23 service of an income withholding notice, under the exception
24 to immediate withholding in subsection (a) of this Section,
25 shall apply only to the initial service of an income
26 withholding notice on a payor of the obligor.

1 (e) Notwithstanding the exception to immediate withholding
2 contained in subsection (a) of this Section, if the court
3 finds at the time of any hearing that an arrearage has accrued,
4 the court shall order immediate service of an income
5 withholding notice upon the payor.

6 (f) If the order for support, under the exception to
7 immediate withholding contained in subsection (a) of this
8 Section, provides that an income withholding notice is to be
9 prepared and served only if the obligor becomes delinquent in
10 paying the order for support, the obligor may execute a
11 written waiver of that condition and request immediate service
12 on the payor.

13 (g) The obligee or public office may serve the income
14 withholding notice on the payor or its superintendent,
15 manager, or other agent by ordinary mail or certified mail
16 return receipt requested, by facsimile transmission or other
17 electronic means, by personal delivery, or by any method
18 provided by law for service of a summons. At the time of
19 service on the payor and as notice that withholding has
20 commenced, the obligee or public office shall serve a copy of
21 the income withholding notice on the obligor by ordinary mail
22 addressed to his or her last known address. A copy of an income
23 withholding notice and proof of service shall be filed with
24 the Clerk of the Circuit Court only when necessary in
25 connection with a petition to contest, modify, suspend,
26 terminate, or correct an income withholding notice, an action

1 to enforce income withholding against a payor, or the
2 resolution of other disputes involving an income withholding
3 notice. The changes made to this subsection by this amendatory
4 Act of the 96th General Assembly apply on and after September
5 1, 2009.

6 (h) At any time after the initial service of an income
7 withholding notice, any other payor of the obligor may be
8 served with the same income withholding notice without further
9 notice to the obligor. A copy of the income withholding notice
10 together with a proof of service on the other payor shall be
11 filed with the Clerk of the Circuit Court.

12 (i) New service of an income withholding notice is not
13 required in order to resume withholding of income in the case
14 of an obligor with respect to whom an income withholding
15 notice was previously served on the payor if withholding of
16 income was terminated because of an interruption in the
17 obligor's employment of less than 180 days.

18 (Source: P.A. 97-994, eff. 8-17-12; 98-81, eff. 7-15-13.)

19 Section 120. The Property Owned By Aliens Act is amended
20 by changing the title of the Act and Sections 0.01, 7, and 8 as
21 follows:

22 (765 ILCS 60/Act title)

23 An Act concerning the right of noncitizens ~~aliens~~ to
24 acquire and hold real and personal property.

1 (765 ILCS 60/0.01) (from Ch. 6, par. 0.01)

2 Sec. 0.01. Short title. This Act may be cited as the
3 Property Owned By Noncitizens ~~Aliens~~ Act.

4 (Source: P.A. 86-1324.)

5 (765 ILCS 60/7) (from Ch. 6, par. 7)

6 Sec. 7. All noncitizens ~~aliens~~ may acquire, hold, and
7 dispose of real and personal property in the same manner and to
8 the same extent as natural born citizens of the United States,
9 and the personal estate of a noncitizen ~~an alien~~ dying
10 intestate shall be distributed in the same manner as the
11 estates of natural born citizens, and all persons interested
12 in such estate shall be entitled to proper distributive shares
13 thereof under the laws of this state, whether they are
14 noncitizens ~~aliens~~ or not.

15 This amendatory Act of 1992 does not apply to the
16 Agricultural Foreign Investment Disclosure Act.

17 (Source: P.A. 87-1101.)

18 (765 ILCS 60/8) (from Ch. 6, par. 8)

19 Sec. 8. An act in regard to noncitizens ~~aliens~~ and to
20 restrict their right to acquire and hold real and personal
21 estate and to provide for the disposition of the lands now
22 owned by non-resident noncitizens ~~aliens~~, approved June 16,
23 1887, and in force July 1, 1887, and all other acts and parts

1 of acts in conflict with this act, are hereby repealed.

2 (Source: Laws 1897, p. 5.)

3 Section 125. The Property Taxes of Alien Landlords Act is
4 amended by changing the title of the Act and Sections 0.01 and
5 1 as follows:

6 (765 ILCS 725/Act title)

7 An Act to prevent noncitizen ~~alien~~ landlords from
8 including the payment of taxes in the rent of farm lands as a
9 part of the rental thereof.

10 (765 ILCS 725/0.01) (from Ch. 6, par. 8.9)

11 Sec. 0.01. Short title. This Act may be cited as the
12 Property Taxes Of Noncitizen ~~Alien~~ Landlords Act.

13 (Source: P.A. 86-1324.)

14 (765 ILCS 725/1) (from Ch. 6, par. 9)

15 Sec. 1. No contract, agreement or lease in writing or by
16 parol, by which any lands or tenements therein are demised or
17 leased by any noncitizen ~~alien~~ or his agents for the purpose of
18 farming, cultivation or the raising of crops thereon, shall
19 contain any provision requiring the tenant or other person for
20 him, to pay taxes on said lands or tenements, or any part
21 thereof, and all such provisions, agreements and leases so
22 made are declared void as to the taxes aforesaid. If any

1 noncitizen ~~alien~~ landlord or his agents shall receive in
2 advance or at any other time any sum of money or article of
3 value from any tenant in lieu of such taxes, directly or
4 indirectly, the same may be recovered back by such tenant
5 before any court having jurisdiction of the amount thereof,
6 and all provisions or agreements in writing or otherwise to
7 pay such taxes shall be held in all courts of this state to be
8 void.

9 (Source: P.A. 81-1509.)

10 Section 130. The Illinois Human Rights Act is amended by
11 changing Section 2-101 as follows:

12 (775 ILCS 5/2-101)

13 Sec. 2-101. Definitions. The following definitions are
14 applicable strictly in the context of this Article.

15 (A) Employee.

16 (1) "Employee" includes:

17 (a) Any individual performing services for
18 remuneration within this State for an employer;

19 (b) An apprentice;

20 (c) An applicant for any apprenticeship.

21 For purposes of subsection (D) of Section 2-102 of
22 this Act, "employee" also includes an unpaid intern. An
23 unpaid intern is a person who performs work for an
24 employer under the following circumstances:

1 (i) the employer is not committed to hiring the
2 person performing the work at the conclusion of the
3 intern's tenure;

4 (ii) the employer and the person performing the
5 work agree that the person is not entitled to wages for
6 the work performed; and

7 (iii) the work performed:

8 (I) supplements training given in an
9 educational environment that may enhance the
10 employability of the intern;

11 (II) provides experience for the benefit of
12 the person performing the work;

13 (III) does not displace regular employees;

14 (IV) is performed under the close supervision
15 of existing staff; and

16 (V) provides no immediate advantage to the
17 employer providing the training and may
18 occasionally impede the operations of the
19 employer.

20 (2) "Employee" does not include:

21 (a) (Blank);

22 (b) Individuals employed by persons who are not
23 "employers" as defined by this Act;

24 (c) Elected public officials or the members of
25 their immediate personal staffs;

26 (d) Principal administrative officers of the State

1 or of any political subdivision, municipal corporation
2 or other governmental unit or agency;

3 (e) A person in a vocational rehabilitation
4 facility certified under federal law who has been
5 designated an evaluatee, trainee, or work activity
6 client.

7 (B) Employer.

8 (1) "Employer" includes:

9 (a) Any person employing one or more employees
10 within Illinois during 20 or more calendar weeks
11 within the calendar year of or preceding the alleged
12 violation;

13 (b) Any person employing one or more employees
14 when a complainant alleges civil rights violation due
15 to unlawful discrimination based upon his or her
16 physical or mental disability unrelated to ability,
17 pregnancy, or sexual harassment;

18 (c) The State and any political subdivision,
19 municipal corporation or other governmental unit or
20 agency, without regard to the number of employees;

21 (d) Any party to a public contract without regard
22 to the number of employees;

23 (e) A joint apprenticeship or training committee
24 without regard to the number of employees.

25 (2) "Employer" does not include any place of worship,
26 religious corporation, association, educational

1 institution, society, or non-profit nursing institution
2 conducted by and for those who rely upon treatment by
3 prayer through spiritual means in accordance with the
4 tenets of a recognized church or religious denomination
5 with respect to the employment of individuals of a
6 particular religion to perform work connected with the
7 carrying on by such place of worship, corporation,
8 association, educational institution, society or
9 non-profit nursing institution of its activities.

10 (C) Employment Agency. "Employment Agency" includes both
11 public and private employment agencies and any person, labor
12 organization, or labor union having a hiring hall or hiring
13 office regularly undertaking, with or without compensation, to
14 procure opportunities to work, or to procure, recruit, refer
15 or place employees.

16 (D) Labor Organization. "Labor Organization" includes any
17 organization, labor union, craft union, or any voluntary
18 unincorporated association designed to further the cause of
19 the rights of union labor which is constituted for the
20 purpose, in whole or in part, of collective bargaining or of
21 dealing with employers concerning grievances, terms or
22 conditions of employment, or apprenticeships or applications
23 for apprenticeships, or of other mutual aid or protection in
24 connection with employment, including apprenticeships or
25 applications for apprenticeships.

26 (E) Sexual Harassment. "Sexual harassment" means any

1 unwelcome sexual advances or requests for sexual favors or any
2 conduct of a sexual nature when (1) submission to such conduct
3 is made either explicitly or implicitly a term or condition of
4 an individual's employment, (2) submission to or rejection of
5 such conduct by an individual is used as the basis for
6 employment decisions affecting such individual, or (3) such
7 conduct has the purpose or effect of substantially interfering
8 with an individual's work performance or creating an
9 intimidating, hostile or offensive working environment.

10 For purposes of this definition, the phrase "working
11 environment" is not limited to a physical location an employee
12 is assigned to perform his or her duties.

13 (E-1) Harassment. "Harassment" means any unwelcome conduct
14 on the basis of an individual's actual or perceived race,
15 color, religion, national origin, ancestry, age, sex, marital
16 status, order of protection status, disability, military
17 status, sexual orientation, pregnancy, unfavorable discharge
18 from military service, citizenship status, or work
19 authorization status that has the purpose or effect of
20 substantially interfering with the individual's work
21 performance or creating an intimidating, hostile, or offensive
22 working environment. For purposes of this definition, the
23 phrase "working environment" is not limited to a physical
24 location an employee is assigned to perform his or her duties.

25 (F) Religion. "Religion" with respect to employers
26 includes all aspects of religious observance and practice, as

1 well as belief, unless an employer demonstrates that he is
2 unable to reasonably accommodate an employee's or prospective
3 employee's religious observance or practice without undue
4 hardship on the conduct of the employer's business.

5 (G) Public Employer. "Public employer" means the State, an
6 agency or department thereof, unit of local government, school
7 district, instrumentality or political subdivision.

8 (H) Public Employee. "Public employee" means an employee
9 of the State, agency or department thereof, unit of local
10 government, school district, instrumentality or political
11 subdivision. "Public employee" does not include public
12 officers or employees of the General Assembly or agencies
13 thereof.

14 (I) Public Officer. "Public officer" means a person who is
15 elected to office pursuant to the Constitution or a statute or
16 ordinance, or who is appointed to an office which is
17 established, and the qualifications and duties of which are
18 prescribed, by the Constitution or a statute or ordinance, to
19 discharge a public duty for the State, agency or department
20 thereof, unit of local government, school district,
21 instrumentality or political subdivision.

22 (J) Eligible Bidder. "Eligible bidder" means a person who,
23 prior to contract award or prior to bid opening for State
24 contracts for construction or construction-related services,
25 has filed with the Department a properly completed, sworn and
26 currently valid employer report form, pursuant to the

1 Department's regulations. The provisions of this Article
2 relating to eligible bidders apply only to bids on contracts
3 with the State and its departments, agencies, boards, and
4 commissions, and the provisions do not apply to bids on
5 contracts with units of local government or school districts.

6 (K) Citizenship Status. "Citizenship status" means the
7 status of being:

8 (1) a born U.S. citizen;

9 (2) a naturalized U.S. citizen;

10 (3) a U.S. national; or

11 (4) a person born outside the United States and not a
12 U.S. citizen who is lawfully present ~~not an unauthorized~~
13 ~~alien~~ and who is protected from discrimination under the
14 provisions of Section 1324b of Title 8 of the United
15 States Code, as now or hereafter amended.

16 (L) Work Authorization Status. "Work authorization status"
17 means the status of being a person born outside of the United
18 States, and not a U.S. citizen, who is authorized by the
19 federal government to work in the United States.

20 (Source: P.A. 101-221, eff. 1-1-20; 101-430, eff. 7-1-20;
21 102-233, eff. 8-2-21; 102-558, eff. 8-20-21.)

22 Section 135. The Resident Alien Course Act is amended by
23 changing the title of the Act and Sections 0.01, 1, 2, and 3 as
24 follows:

1 (815 ILCS 400/Act title)

2 An Act concerning fees charged for courses offered to
3 persons seeking permanent resident ~~alien~~ status under the
4 Immigration Reform and Control Act of 1986.

5 (815 ILCS 400/0.01) (from Ch. 111, par. 8050)

6 Sec. 0.01. Short title. This Act may be cited as the
7 Resident ~~Alien~~ Course Act.

8 (Source: P.A. 86-1324.)

9 (815 ILCS 400/1) (from Ch. 111, par. 8051)

10 Sec. 1. No individual or agency, authorized by the U.S.
11 Immigration and Naturalization Service to offer a course
12 leading to a certificate of satisfactory pursuit for issuance
13 of permanent resident ~~alien~~ status, may charge a fee for such
14 course in excess of \$5 per hour per individual up to the first
15 60 hours of instruction or \$500 for up to 12 months of
16 instruction from the date of registration. As used in this
17 Section, the term "fee" includes all costs associated with the
18 course, including the costs of instruction and materials.

19 (Source: P.A. 86-831.)

20 (815 ILCS 400/2) (from Ch. 111, par. 8052)

21 Sec. 2. No individual or agency which offers any service
22 or course with the promise of preparing the recipient or
23 enrollee for the English and civics exam of the U.S.

1 Immigration and Naturalization Service for issuance of
2 permanent resident ~~alien~~ status may charge a fee for such
3 service or course in excess of \$5 per hour per individual up to
4 the first 60 hours of instruction or \$500 for up to 12 months
5 of instruction from the date of registration. As used in this
6 Section, the term "fee" includes all costs associated with the
7 service or course, including the costs of instruction and
8 materials.

9 (Source: P.A. 86-831.)

10 (815 ILCS 400/3) (from Ch. 111, par. 8053)

11 Sec. 3. Any individual or agency offering a course or
12 service described in Section 2 shall include within any
13 literature or print or electronic advertisement for such
14 service or course a statement that such service or course is
15 designed to prepare the recipient or enrollee for the English
16 and civics exam of the U.S. Immigration and Naturalization
17 Service and that the individual or agency offering the service
18 or course does not issue the certificate of satisfactory
19 pursuit required by the U.S. Immigration and Naturalization
20 Service for issuance of permanent resident ~~alien~~ status.

21 (Source: P.A. 86-831.)

22 Section 140. The Consumer Fraud and Deceptive Business
23 Practices Act is amended by changing Section 2AA as follows:

1 (815 ILCS 505/2AA)

2 Sec. 2AA. Immigration services.

3 (a) "Immigration matter" means any proceeding, filing, or
4 action affecting the nonimmigrant, immigrant or citizenship
5 status of any person that arises under immigration and
6 naturalization law, executive order or presidential
7 proclamation of the United States or any foreign country, or
8 that arises under action of the United States Citizenship and
9 Immigration Services, the United States Department of Labor,
10 or the United States Department of State.

11 "Immigration assistance service" means any information or
12 action provided or offered to customers or prospective
13 customers related to immigration matters, excluding legal
14 advice, recommending a specific course of legal action, or
15 providing any other assistance that requires legal analysis,
16 legal judgment, or interpretation of the law.

17 "Compensation" means money, property, services, promise of
18 payment, or anything else of value.

19 "Employed by" means that a person is on the payroll of the
20 employer and the employer deducts from the employee's paycheck
21 social security and withholding taxes, or receives
22 compensation from the employer on a commission basis or as an
23 independent contractor.

24 "Reasonable costs" means actual costs or, if actual costs
25 cannot be calculated, reasonably estimated costs of such
26 things as photocopying, telephone calls, document requests,

1 and filing fees for immigration forms, and other nominal costs
2 incidental to assistance in an immigration matter.

3 (a-1) The General Assembly finds and declares that private
4 individuals who assist persons with immigration matters have a
5 significant impact on the ability of their clients to reside
6 and work within the United States and to establish and
7 maintain stable families and business relationships. The
8 General Assembly further finds that that assistance and its
9 impact also have a significant effect on the cultural, social,
10 and economic life of the State of Illinois and thereby
11 substantially affect the public interest. It is the intent of
12 the General Assembly to establish rules of practice and
13 conduct for those individuals to promote honesty and fair
14 dealing with residents and to preserve public confidence.

15 (a-5) The following persons are exempt from this Section,
16 provided they prove the exemption by a preponderance of the
17 evidence:

18 (1) An attorney licensed to practice law in any state
19 or territory of the United States, or of any foreign
20 country when authorized by the Illinois Supreme Court, to
21 the extent the attorney renders immigration assistance
22 service in the course of his or her practice as an
23 attorney.

24 (2) A legal intern, as described by the rules of the
25 Illinois Supreme Court, employed by and under the direct
26 supervision of a licensed attorney and rendering

1 immigration assistance service in the course of the
2 intern's employment.

3 (3) A not-for-profit organization recognized by the
4 Board of Immigration Appeals under 8 CFR 292.2(a) and
5 employees of those organizations accredited under 8 CFR
6 292.2(d).

7 (4) Any organization employing or desiring to employ a
8 documented or undocumented immigrant or nonimmigrant
9 ~~alien~~, where the organization, its employees or its agents
10 provide advice or assistance in immigration matters to
11 documented or undocumented immigrant or nonimmigrant ~~alien~~
12 employees or potential employees without compensation from
13 the individuals to whom such advice or assistance is
14 provided.

15 Nothing in this Section shall regulate any business to the
16 extent that such regulation is prohibited or preempted by
17 State or federal law.

18 All other persons providing or offering to provide
19 immigration assistance service shall be subject to this
20 Section.

21 (b) Any person who provides or offers to provide
22 immigration assistance service may perform only the following
23 services:

24 (1) Completing a government agency form, requested by
25 the customer and appropriate to the customer's needs, only
26 if the completion of that form does not involve a legal

1 judgment for that particular matter.

2 (2) Transcribing responses to a government agency form
3 which is related to an immigration matter, but not
4 advising a customer as to his or her answers on those
5 forms.

6 (3) Translating information on forms to a customer and
7 translating the customer's answers to questions posed on
8 those forms.

9 (4) Securing for the customer supporting documents
10 currently in existence, such as birth and marriage
11 certificates, which may be needed to be submitted with
12 government agency forms.

13 (5) Translating documents from a foreign language into
14 English.

15 (6) Notarizing signatures on government agency forms,
16 if the person performing the service is a notary public of
17 the State of Illinois.

18 (7) Making referrals, without fee, to attorneys who
19 could undertake legal representation for a person in an
20 immigration matter.

21 (8) Preparing or arranging for the preparation of
22 photographs and fingerprints.

23 (9) Arranging for the performance of medical testing
24 (including X-rays and AIDS tests) and the obtaining of
25 reports of such test results.

26 (10) Conducting English language and civics courses.

1 (11) Other services that the Attorney General
2 determines by rule may be appropriately performed by such
3 persons in light of the purposes of this Section.

4 Fees for a notary public, agency, or any other person who
5 is not an attorney or an accredited representative filling out
6 immigration forms shall be limited to the maximum fees set
7 forth in subsections (a) and (b) of Section 3-104 of the
8 Illinois Notary Public Act (5 ILCS 312/3-104). The maximum fee
9 schedule set forth in subsections (a) and (b) of Section 3-104
10 of the Illinois Notary Public Act shall apply to any person
11 that provides or offers to provide immigration assistance
12 service performing the services described therein. The
13 Attorney General may promulgate rules establishing maximum
14 fees that may be charged for any services not described in that
15 subsection. The maximum fees must be reasonable in light of
16 the costs of providing those services and the degree of
17 professional skill required to provide the services.

18 No person subject to this Act shall charge fees directly
19 or indirectly for referring an individual to an attorney or
20 for any immigration matter not authorized by this Article,
21 provided that a person may charge a fee for notarizing
22 documents as permitted by the Illinois Notary Public Act.

23 (c) Any person performing such services shall register
24 with the Illinois Attorney General and submit verification of
25 malpractice insurance or of a surety bond.

26 (d) Except as provided otherwise in this subsection,

1 before providing any assistance in an immigration matter a
2 person shall provide the customer with a written contract that
3 includes the following:

4 (1) An explanation of the services to be performed.

5 (2) Identification of all compensation and costs to be
6 charged to the customer for the services to be performed.

7 (3) A statement that documents submitted in support of
8 an application for nonimmigrant, immigrant, or
9 naturalization status may not be retained by the person
10 for any purpose, including payment of compensation or
11 costs.

12 This subsection does not apply to a not-for-profit
13 organization that provides advice or assistance in immigration
14 matters to clients without charge beyond a reasonable fee to
15 reimburse the organization's or clinic's reasonable costs
16 relating to providing immigration services to that client.

17 (e) Any person who provides or offers immigration
18 assistance service and is not exempted from this Section,
19 shall post signs at his or her place of business, setting forth
20 information in English and in every other language in which
21 the person provides or offers to provide immigration
22 assistance service. Each language shall be on a separate sign.
23 Signs shall be posted in a location where the signs will be
24 visible to customers. Each sign shall be at least 11 inches by
25 17 inches, and shall contain the following:

26 (1) The statement "I AM NOT AN ATTORNEY LICENSED TO

1 PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES
2 FOR LEGAL ADVICE.".

3 (2) The statement "I AM NOT ACCREDITED TO REPRESENT
4 YOU BEFORE THE UNITED STATES IMMIGRATION AND
5 NATURALIZATION SERVICE AND THE IMMIGRATION BOARD OF
6 APPEALS.".

7 (3) The fee schedule.

8 (4) The statement that "You may cancel any contract
9 within 3 working days and get your money back for services
10 not performed.".

11 (5) Additional information the Attorney General may
12 require by rule.

13 Every person engaged in immigration assistance service who
14 is not an attorney who advertises immigration assistance
15 service in a language other than English, whether by radio,
16 television, signs, pamphlets, newspapers, or other written
17 communication, with the exception of a single desk plaque,
18 shall include in the document, advertisement, stationery,
19 letterhead, business card, or other comparable written
20 material the following notice in English and the language in
21 which the written communication appears. This notice shall be
22 of a conspicuous size, if in writing, and shall state: "I AM
23 NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS AND MAY
24 NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE.". If
25 such advertisement is by radio or television, the statement
26 may be modified but must include substantially the same

1 message.

2 Any person who provides or offers immigration assistance
3 service and is not exempted from this Section shall not, in any
4 document, advertisement, stationery, letterhead, business
5 card, or other comparable written material, literally
6 translate from English into another language terms or titles
7 including, but not limited to, notary public, notary,
8 licensed, attorney, lawyer, or any other term that implies the
9 person is an attorney. To illustrate, the words "notario" and
10 "poder notarial" are prohibited under this provision.

11 If not subject to penalties under subsection (a) of
12 Section 3-103 of the Illinois Notary Public Act (5 ILCS
13 312/3-103), violations of this subsection shall result in a
14 fine of \$1,000. Violations shall not preempt or preclude
15 additional appropriate civil or criminal penalties.

16 (f) The written contract shall be in both English and in
17 the language of the customer.

18 (g) A copy of the contract shall be provided to the
19 customer upon the customer's execution of the contract.

20 (h) A customer has the right to rescind a contract within
21 72 hours after his or her signing of the contract.

22 (i) Any documents identified in paragraph (3) of
23 subsection (c) shall be returned upon demand of the customer.

24 (j) No person engaged in providing immigration services
25 who is not exempted under this Section shall do any of the
26 following:

1 (1) Make any statement that the person can or will
2 obtain special favors from or has special influence with
3 the United States Immigration and Naturalization Service
4 or any other government agency.

5 (2) Retain any compensation for service not performed.

6 (2.5) Accept payment in exchange for providing legal
7 advice or any other assistance that requires legal
8 analysis, legal judgment, or interpretation of the law.

9 (3) Refuse to return documents supplied by, prepared
10 on behalf of, or paid for by the customer upon the request
11 of the customer. These documents must be returned upon
12 request even if there is a fee dispute between the
13 immigration assistant and the customer.

14 (4) Represent or advertise, in connection with the
15 provision of assistance in immigration matters, other
16 titles of credentials, including but not limited to
17 "notary public" or "immigration consultant," that could
18 cause a customer to believe that the person possesses
19 special professional skills or is authorized to provide
20 advice on an immigration matter; provided that a notary
21 public appointed by the Illinois Secretary of State may
22 use the term "notary public" if the use is accompanied by
23 the statement that the person is not an attorney; the term
24 "notary public" may not be translated to another language;
25 for example "notario" is prohibited.

26 (5) Provide legal advice, recommend a specific course

1 of legal action, or provide any other assistance that
2 requires legal analysis, legal judgment, or interpretation
3 of the law.

4 (6) Make any misrepresentation of false statement,
5 directly or indirectly, to influence, persuade, or induce
6 patronage.

7 (k) (Blank).

8 (l) (Blank).

9 (m) Any person who violates any provision of this Section,
10 or the rules and regulations issued under this Section, shall
11 be guilty of a Class A misdemeanor for a first offense and a
12 Class 3 felony for a second or subsequent offense committed
13 within 5 years of a previous conviction for the same offense.

14 Upon his own information or upon the complaint of any
15 person, the Attorney General or any State's Attorney, or a
16 municipality with a population of more than 1,000,000, may
17 maintain an action for injunctive relief and also seek a civil
18 penalty not exceeding \$50,000 in the circuit court against any
19 person who violates any provision of this Section. These
20 remedies are in addition to, and not in substitution for,
21 other available remedies.

22 If the Attorney General or any State's Attorney or a
23 municipality with a population of more than 1,000,000 fails to
24 bring an action as provided under this Section any person may
25 file a civil action to enforce the provisions of this Article
26 and maintain an action for injunctive relief, for compensatory

1 damages to recover prohibited fees, or for such additional
2 relief as may be appropriate to deter, prevent, or compensate
3 for the violation. In order to deter violations of this
4 Section, courts shall not require a showing of the traditional
5 elements for equitable relief. A prevailing plaintiff may be
6 awarded 3 times the prohibited fees or a minimum of \$1,000 in
7 punitive damages, attorney's fees, and costs of bringing an
8 action under this Section. It is the express intention of the
9 General Assembly that remedies for violation of this Section
10 be cumulative.

11 (n) No unit of local government, including any home rule
12 unit, shall have the authority to regulate immigration
13 assistance services unless such regulations are at least as
14 stringent as those contained in Public Act 87-1211. It is
15 declared to be the law of this State, pursuant to paragraph (i)
16 of Section 6 of Article VII of the Illinois Constitution of
17 1970, that Public Act 87-1211 is a limitation on the authority
18 of a home rule unit to exercise powers concurrently with the
19 State. The limitations of this Section do not apply to a home
20 rule unit that has, prior to January 1, 1993 (the effective
21 date of Public Act 87-1211), adopted an ordinance regulating
22 immigration assistance services.

23 (o) This Section is severable under Section 1.31 of the
24 Statute on Statutes.

25 (p) The Attorney General shall issue rules not
26 inconsistent with this Section for the implementation,

1 administration, and enforcement of this Section. The rules may
2 provide for the following:

3 (1) The content, print size, and print style of the
4 signs required under subsection (e). Print sizes and
5 styles may vary from language to language.

6 (2) Standard forms for use in the administration of
7 this Section.

8 (3) Any additional requirements deemed necessary.

9 (Source: P.A. 99-679, eff. 1-1-17; 100-863, eff. 8-14-18.)

10 Section 145. The Workers' Compensation Act is amended by
11 changing Sections 1 and 7 as follows:

12 (820 ILCS 305/1) (from Ch. 48, par. 138.1)

13 Sec. 1. This Act may be cited as the Workers' Compensation
14 Act.

15 (a) The term "employer" as used in this Act means:

16 1. The State and each county, city, town, township,
17 incorporated village, school district, body politic, or
18 municipal corporation therein.

19 2. Every person, firm, public or private corporation,
20 including hospitals, public service, eleemosynary, religious
21 or charitable corporations or associations who has any person
22 in service or under any contract for hire, express or implied,
23 oral or written, and who is engaged in any of the enterprises
24 or businesses enumerated in Section 3 of this Act, or who at or

1 prior to the time of the accident to the employee for which
2 compensation under this Act may be claimed, has in the manner
3 provided in this Act elected to become subject to the
4 provisions of this Act, and who has not, prior to such
5 accident, effected a withdrawal of such election in the manner
6 provided in this Act.

7 3. Any one engaging in any business or enterprise referred
8 to in subsections 1 and 2 of Section 3 of this Act who
9 undertakes to do any work enumerated therein, is liable to pay
10 compensation to his own immediate employees in accordance with
11 the provisions of this Act, and in addition thereto if he
12 directly or indirectly engages any contractor whether
13 principal or sub-contractor to do any such work, he is liable
14 to pay compensation to the employees of any such contractor or
15 sub-contractor unless such contractor or sub-contractor has
16 insured, in any company or association authorized under the
17 laws of this State to insure the liability to pay compensation
18 under this Act, or guaranteed his liability to pay such
19 compensation. With respect to any time limitation on the
20 filing of claims provided by this Act, the timely filing of a
21 claim against a contractor or subcontractor, as the case may
22 be, shall be deemed to be a timely filing with respect to all
23 persons upon whom liability is imposed by this paragraph.

24 In the event any such person pays compensation under this
25 subsection he may recover the amount thereof from the
26 contractor or sub-contractor, if any, and in the event the

1 contractor pays compensation under this subsection he may
2 recover the amount thereof from the sub-contractor, if any.

3 This subsection does not apply in any case where the
4 accident occurs elsewhere than on, in or about the immediate
5 premises on which the principal has contracted that the work
6 be done.

7 4. Where an employer operating under and subject to the
8 provisions of this Act loans an employee to another such
9 employer and such loaned employee sustains a compensable
10 accidental injury in the employment of such borrowing employer
11 and where such borrowing employer does not provide or pay the
12 benefits or payments due such injured employee, such loaning
13 employer is liable to provide or pay all benefits or payments
14 due such employee under this Act and as to such employee the
15 liability of such loaning and borrowing employers is joint and
16 several, provided that such loaning employer is in the absence
17 of agreement to the contrary entitled to receive from such
18 borrowing employer full reimbursement for all sums paid or
19 incurred pursuant to this paragraph together with reasonable
20 attorneys' fees and expenses in any hearings before the
21 Illinois Workers' Compensation Commission or in any action to
22 secure such reimbursement. Where any benefit is provided or
23 paid by such loaning employer the employee has the duty of
24 rendering reasonable cooperation in any hearings, trials or
25 proceedings in the case, including such proceedings for
26 reimbursement.

1 Where an employee files an Application for Adjustment of
2 Claim with the Illinois Workers' Compensation Commission
3 alleging that his claim is covered by the provisions of the
4 preceding paragraph, and joining both the alleged loaning and
5 borrowing employers, they and each of them, upon written
6 demand by the employee and within 7 days after receipt of such
7 demand, shall have the duty of filing with the Illinois
8 Workers' Compensation Commission a written admission or denial
9 of the allegation that the claim is covered by the provisions
10 of the preceding paragraph and in default of such filing or if
11 any such denial be ultimately determined not to have been bona
12 fide then the provisions of Paragraph K of Section 19 of this
13 Act shall apply.

14 An employer whose business or enterprise or a substantial
15 part thereof consists of hiring, procuring or furnishing
16 employees to or for other employers operating under and
17 subject to the provisions of this Act for the performance of
18 the work of such other employers and who pays such employees
19 their salary or wages notwithstanding that they are doing the
20 work of such other employers shall be deemed a loaning
21 employer within the meaning and provisions of this Section.

22 (b) The term "employee" as used in this Act means:

23 1. Every person in the service of the State, including
24 members of the General Assembly, members of the Commerce
25 Commission, members of the Illinois Workers' Compensation
26 Commission, and all persons in the service of the University

1 of Illinois, county, including deputy sheriffs and assistant
2 state's attorneys, city, town, township, incorporated village
3 or school district, body politic, or municipal corporation
4 therein, whether by election, under appointment or contract of
5 hire, express or implied, oral or written, including all
6 members of the Illinois National Guard while on active duty in
7 the service of the State, and all probation personnel of the
8 Juvenile Court appointed pursuant to Article VI of the
9 Juvenile Court Act of 1987, and including any official of the
10 State, any county, city, town, township, incorporated village,
11 school district, body politic or municipal corporation therein
12 except any duly appointed member of a police department in any
13 city whose population exceeds 500,000 according to the last
14 Federal or State census, and except any member of a fire
15 insurance patrol maintained by a board of underwriters in this
16 State. A duly appointed member of a fire department in any
17 city, the population of which exceeds 500,000 according to the
18 last federal or State census, is an employee under this Act
19 only with respect to claims brought under paragraph (c) of
20 Section 8.

21 One employed by a contractor who has contracted with the
22 State, or a county, city, town, township, incorporated
23 village, school district, body politic or municipal
24 corporation therein, through its representatives, is not
25 considered as an employee of the State, county, city, town,
26 township, incorporated village, school district, body politic

1 or municipal corporation which made the contract.

2 2. Every person in the service of another under any
3 contract of hire, express or implied, oral or written,
4 including persons whose employment is outside of the State of
5 Illinois where the contract of hire is made within the State of
6 Illinois, persons whose employment results in fatal or
7 non-fatal injuries within the State of Illinois where the
8 contract of hire is made outside of the State of Illinois, and
9 persons whose employment is principally localized within the
10 State of Illinois, regardless of the place of the accident or
11 the place where the contract of hire was made, and including
12 noncitizens ~~aliens~~, and minors who, for the purpose of this
13 Act are considered the same and have the same power to
14 contract, receive payments and give quittances therefor, as
15 adult employees.

16 3. Every sole proprietor and every partner of a business
17 may elect to be covered by this Act.

18 An employee or his dependents under this Act who shall
19 have a cause of action by reason of any injury, disablement or
20 death arising out of and in the course of his employment may
21 elect to pursue his remedy in the State where injured or
22 disabled, or in the State where the contract of hire is made,
23 or in the State where the employment is principally localized.

24 However, any employer may elect to provide and pay
25 compensation to any employee other than those engaged in the
26 usual course of the trade, business, profession or occupation

1 of the employer by complying with Sections 2 and 4 of this Act.
2 Employees are not included within the provisions of this Act
3 when excluded by the laws of the United States relating to
4 liability of employers to their employees for personal
5 injuries where such laws are held to be exclusive.

6 The term "employee" does not include persons performing
7 services as real estate broker, broker-salesman, or salesman
8 when such persons are paid by commission only.

9 (c) "Commission" means the Industrial Commission created
10 by Section 5 of "The Civil Administrative Code of Illinois",
11 approved March 7, 1917, as amended, or the Illinois Workers'
12 Compensation Commission created by Section 13 of this Act.

13 (d) To obtain compensation under this Act, an employee
14 bears the burden of showing, by a preponderance of the
15 evidence, that he or she has sustained accidental injuries
16 arising out of and in the course of the employment.

17 (Source: P.A. 97-18, eff. 6-28-11; 97-268, eff. 8-8-11;
18 97-813, eff. 7-13-12.)

19 (820 ILCS 305/7) (from Ch. 48, par. 138.7)

20 Sec. 7. The amount of compensation which shall be paid for
21 an accidental injury to the employee resulting in death is:

22 (a) If the employee leaves surviving a widow, widower,
23 child or children, the applicable weekly compensation rate
24 computed in accordance with subparagraph 2 of paragraph (b) of
25 Section 8, shall be payable during the life of the widow or

1 widower and if any surviving child or children shall not be
2 physically or mentally incapacitated then until the death of
3 the widow or widower or until the youngest child shall reach
4 the age of 18, whichever shall come later; provided that if
5 such child or children shall be enrolled as a full time student
6 in any accredited educational institution, the payments shall
7 continue until such child has attained the age of 25. In the
8 event any surviving child or children shall be physically or
9 mentally incapacitated, the payments shall continue for the
10 duration of such incapacity.

11 The term "child" means a child whom the deceased employee
12 left surviving, including a posthumous child, a child legally
13 adopted, a child whom the deceased employee was legally
14 obligated to support or a child to whom the deceased employee
15 stood in loco parentis. The term "children" means the plural
16 of "child".

17 The term "physically or mentally incapacitated child or
18 children" means a child or children incapable of engaging in
19 regular and substantial gainful employment.

20 In the event of the remarriage of a widow or widower, where
21 the decedent did not leave surviving any child or children
22 who, at the time of such remarriage, are entitled to
23 compensation benefits under this Act, the surviving spouse
24 shall be paid a lump sum equal to 2 years compensation benefits
25 and all further rights of such widow or widower shall be
26 extinguished.

1 If the employee leaves surviving any child or children
2 under 18 years of age who at the time of death shall be
3 entitled to compensation under this paragraph (a) of this
4 Section, the weekly compensation payments herein provided for
5 such child or children shall in any event continue for a period
6 of not less than 6 years.

7 Any beneficiary entitled to compensation under this
8 paragraph (a) of this Section shall receive from the special
9 fund provided in paragraph (f) of this Section, in addition to
10 the compensation herein provided, supplemental benefits in
11 accordance with paragraph (g) of Section 8.

12 (b) If no compensation is payable under paragraph (a) of
13 this Section and the employee leaves surviving a parent or
14 parents who at the time of the accident were totally dependent
15 upon the earnings of the employee then weekly payments equal
16 to the compensation rate payable in the case where the
17 employee leaves surviving a widow or widower, shall be paid to
18 such parent or parents for the duration of their lives, and in
19 the event of the death of either, for the life of the survivor.

20 (c) If no compensation is payable under paragraphs (a) or
21 (b) of this Section and the employee leaves surviving any
22 child or children who are not entitled to compensation under
23 the foregoing paragraph (a) but who at the time of the accident
24 were nevertheless in any manner dependent upon the earnings of
25 the employee, or leaves surviving a parent or parents who at
26 the time of the accident were partially dependent upon the

1 earnings of the employee, then there shall be paid to such
2 dependent or dependents for a period of 8 years weekly
3 compensation payments at such proportion of the applicable
4 rate if the employee had left surviving a widow or widower as
5 such dependency bears to total dependency. In the event of the
6 death of any such beneficiary the share of such beneficiary
7 shall be divided equally among the surviving beneficiaries and
8 in the event of the death of the last such beneficiary all the
9 rights under this paragraph shall be extinguished.

10 (d) If no compensation is payable under paragraphs (a),
11 (b) or (c) of this Section and the employee leaves surviving
12 any grandparent, grandparents, grandchild or grandchildren or
13 collateral heirs dependent upon the employee's earnings to the
14 extent of 50% or more of total dependency, then there shall be
15 paid to such dependent or dependents for a period of 5 years
16 weekly compensation payments at such proportion of the
17 applicable rate if the employee had left surviving a widow or
18 widower as such dependency bears to total dependency. In the
19 event of the death of any such beneficiary the share of such
20 beneficiary shall be divided equally among the surviving
21 beneficiaries and in the event of the death of the last such
22 beneficiary all rights hereunder shall be extinguished.

23 (e) The compensation to be paid for accidental injury
24 which results in death, as provided in this Section, shall be
25 paid to the persons who form the basis for determining the
26 amount of compensation to be paid by the employer, the

1 respective shares to be in the proportion of their respective
2 dependency at the time of the accident on the earnings of the
3 deceased. The Commission or an Arbitrator thereof may, in its
4 or his discretion, order or award the payment to the parent or
5 grandparent of a child for the latter's support the amount of
6 compensation which but for such order or award would have been
7 paid to such child as its share of the compensation payable,
8 which order or award may be modified from time to time by the
9 Commission in its discretion with respect to the person to
10 whom shall be paid the amount of the order or award remaining
11 unpaid at the time of the modification.

12 The payments of compensation by the employer in accordance
13 with the order or award of the Commission discharges such
14 employer from all further obligation as to such compensation.

15 (f) The sum of \$8,000 for burial expenses shall be paid by
16 the employer to the widow or widower, other dependent, next of
17 kin or to the person or persons incurring the expense of
18 burial.

19 In the event the employer failed to provide necessary
20 first aid, medical, surgical or hospital service, he shall pay
21 the cost thereof to the person or persons entitled to
22 compensation under paragraphs (a), (b), (c) or (d) of this
23 Section, or to the person or persons incurring the obligation
24 therefore, or providing the same.

25 On January 15 and July 15, 1981, and on January 15 and July
26 15 of each year thereafter the employer shall within 60 days

1 pay a sum equal to 1/8 of 1% of all compensation payments made
2 by him after July 1, 1980, either under this Act or the
3 Workers' Occupational Diseases Act, whether by lump sum
4 settlement or weekly compensation payments, but not including
5 hospital, surgical or rehabilitation payments, made during the
6 first 6 months and during the second 6 months respectively of
7 the fiscal year next preceding the date of the payments, into a
8 special fund which shall be designated the "Second Injury
9 Fund", of which the State Treasurer is ex-officio custodian,
10 such special fund to be held and disbursed for the purposes
11 hereinafter stated in paragraphs (f) and (g) of Section 8,
12 either upon the order of the Commission or of a competent
13 court. Said special fund shall be deposited the same as are
14 State funds and any interest accruing thereon shall be added
15 thereto every 6 months. It is subject to audit the same as
16 State funds and accounts and is protected by the General bond
17 given by the State Treasurer. It is considered always
18 appropriated for the purposes of disbursements as provided in
19 Section 8, paragraph (f), of this Act, and shall be paid out
20 and disbursed as therein provided and shall not at any time be
21 appropriated or diverted to any other use or purpose.

22 On January 15, 1991, the employer shall further pay a sum
23 equal to one half of 1% of all compensation payments made by
24 him from January 1, 1990 through June 30, 1990 either under
25 this Act or under the Workers' Occupational Diseases Act,
26 whether by lump sum settlement or weekly compensation

1 payments, but not including hospital, surgical or
2 rehabilitation payments, into an additional Special Fund which
3 shall be designated as the "Rate Adjustment Fund". On March
4 15, 1991, the employer shall pay into the Rate Adjustment Fund
5 a sum equal to one half of 1% of all such compensation payments
6 made from July 1, 1990 through December 31, 1990. Within 60
7 days after July 15, 1991, the employer shall pay into the Rate
8 Adjustment Fund a sum equal to one half of 1% of all such
9 compensation payments made from January 1, 1991 through June
10 30, 1991. Within 60 days after January 15 of 1992 and each
11 subsequent year through 1996, the employer shall pay into the
12 Rate Adjustment Fund a sum equal to one half of 1% of all such
13 compensation payments made in the last 6 months of the
14 preceding calendar year. Within 60 days after July 15 of 1992
15 and each subsequent year through 1995, the employer shall pay
16 into the Rate Adjustment Fund a sum equal to one half of 1% of
17 all such compensation payments made in the first 6 months of
18 the same calendar year. Within 60 days after January 15 of 1997
19 and each subsequent year through 2005, the employer shall pay
20 into the Rate Adjustment Fund a sum equal to three-fourths of
21 1% of all such compensation payments made in the last 6 months
22 of the preceding calendar year. Within 60 days after July 15 of
23 1996 and each subsequent year through 2004, the employer shall
24 pay into the Rate Adjustment Fund a sum equal to three-fourths
25 of 1% of all such compensation payments made in the first 6
26 months of the same calendar year. Within 60 days after July 15

1 of 2005, the employer shall pay into the Rate Adjustment Fund a
2 sum equal to 1% of such compensation payments made in the first
3 6 months of the same calendar year. Within 60 days after
4 January 15 of 2006 and each subsequent year, the employer
5 shall pay into the Rate Adjustment Fund a sum equal to 1.25% of
6 such compensation payments made in the last 6 months of the
7 preceding calendar year. Within 60 days after July 15 of 2006
8 and each subsequent year, the employer shall pay into the Rate
9 Adjustment Fund a sum equal to 1.25% of such compensation
10 payments made in the first 6 months of the same calendar year.
11 The administrative costs of collecting assessments from
12 employers for the Rate Adjustment Fund shall be paid from the
13 Rate Adjustment Fund. The cost of an actuarial audit of the
14 Fund shall be paid from the Rate Adjustment Fund. The State
15 Treasurer is ex officio custodian of such Special Fund and the
16 same shall be held and disbursed for the purposes hereinafter
17 stated in paragraphs (f) and (g) of Section 8 upon the order of
18 the Commission or of a competent court. The Rate Adjustment
19 Fund shall be deposited the same as are State funds and any
20 interest accruing thereon shall be added thereto every 6
21 months. It shall be subject to audit the same as State funds
22 and accounts and shall be protected by the general bond given
23 by the State Treasurer. It is considered always appropriated
24 for the purposes of disbursements as provided in paragraphs
25 (f) and (g) of Section 8 of this Act and shall be paid out and
26 disbursed as therein provided and shall not at any time be

1 appropriated or diverted to any other use or purpose. Within 5
2 days after the effective date of this amendatory Act of 1990,
3 the Comptroller and the State Treasurer shall transfer
4 \$1,000,000 from the General Revenue Fund to the Rate
5 Adjustment Fund. By February 15, 1991, the Comptroller and the
6 State Treasurer shall transfer \$1,000,000 from the Rate
7 Adjustment Fund to the General Revenue Fund. The Comptroller
8 and Treasurer are authorized to make transfers at the request
9 of the Chairman up to a total of \$19,000,000 from the Second
10 Injury Fund, the General Revenue Fund, and the Workers'
11 Compensation Benefit Trust Fund to the Rate Adjustment Fund to
12 the extent that there is insufficient money in the Rate
13 Adjustment Fund to pay claims and obligations. Amounts may be
14 transferred from the General Revenue Fund only if the funds in
15 the Second Injury Fund or the Workers' Compensation Benefit
16 Trust Fund are insufficient to pay claims and obligations of
17 the Rate Adjustment Fund. All amounts transferred from the
18 Second Injury Fund, the General Revenue Fund, and the Workers'
19 Compensation Benefit Trust Fund shall be repaid from the Rate
20 Adjustment Fund within 270 days of a transfer, together with
21 interest at the rate earned by moneys on deposit in the Fund or
22 Funds from which the moneys were transferred.

23 Upon a finding by the Commission, after reasonable notice
24 and hearing, that any employer has willfully and knowingly
25 failed to pay the proper amounts into the Second Injury Fund or
26 the Rate Adjustment Fund required by this Section or if such

1 payments are not made within the time periods prescribed by
2 this Section, the employer shall, in addition to such
3 payments, pay a penalty of 20% of the amount required to be
4 paid or \$2,500, whichever is greater, for each year or part
5 thereof of such failure to pay. This penalty shall only apply
6 to obligations of an employer to the Second Injury Fund or the
7 Rate Adjustment Fund accruing after the effective date of this
8 amendatory Act of 1989. All or part of such a penalty may be
9 waived by the Commission for good cause shown.

10 Any obligations of an employer to the Second Injury Fund
11 and Rate Adjustment Fund accruing prior to the effective date
12 of this amendatory Act of 1989 shall be paid in full by such
13 employer within 5 years of the effective date of this
14 amendatory Act of 1989, with at least one-fifth of such
15 obligation to be paid during each year following the effective
16 date of this amendatory Act of 1989. If the Commission finds,
17 following reasonable notice and hearing, that an employer has
18 failed to make timely payment of any obligation accruing under
19 the preceding sentence, the employer shall, in addition to all
20 other payments required by this Section, be liable for a
21 penalty equal to 20% of the overdue obligation or \$2,500,
22 whichever is greater, for each year or part thereof that
23 obligation is overdue. All or part of such a penalty may be
24 waived by the Commission for good cause shown.

25 The Chairman of the Illinois Workers' Compensation
26 Commission shall, annually, furnish to the Director of the

1 Department of Insurance a list of the amounts paid into the
2 Second Injury Fund and the Rate Adjustment Fund by each
3 insurance company on behalf of their insured employers. The
4 Director shall verify to the Chairman that the amounts paid by
5 each insurance company are accurate as best as the Director
6 can determine from the records available to the Director. The
7 Chairman shall verify that the amounts paid by each
8 self-insurer are accurate as best as the Chairman can
9 determine from records available to the Chairman. The Chairman
10 may require each self-insurer to provide information
11 concerning the total compensation payments made upon which
12 contributions to the Second Injury Fund and the Rate
13 Adjustment Fund are predicated and any additional information
14 establishing that such payments have been made into these
15 funds. Any deficiencies in payments noted by the Director or
16 Chairman shall be subject to the penalty provisions of this
17 Act.

18 The State Treasurer, or his duly authorized
19 representative, shall be named as a party to all proceedings
20 in all cases involving claim for the loss of, or the permanent
21 and complete loss of the use of one eye, one foot, one leg, one
22 arm or one hand.

23 The State Treasurer or his duly authorized agent shall
24 have the same rights as any other party to the proceeding,
25 including the right to petition for review of any award. The
26 reasonable expenses of litigation, such as medical

1 examinations, testimony, and transcript of evidence, incurred
2 by the State Treasurer or his duly authorized representative,
3 shall be borne by the Second Injury Fund.

4 If the award is not paid within 30 days after the date the
5 award has become final, the Commission shall proceed to take
6 judgment thereon in its own name as is provided for other
7 awards by paragraph (g) of Section 19 of this Act and take the
8 necessary steps to collect the award.

9 Any person, corporation or organization who has paid or
10 become liable for the payment of burial expenses of the
11 deceased employee may in his or its own name institute
12 proceedings before the Commission for the collection thereof.

13 For the purpose of administration, receipts and
14 disbursements, the Special Fund provided for in paragraph (f)
15 of this Section shall be administered jointly with the Special
16 Fund provided for in Section 7, paragraph (f) of the Workers'
17 Occupational Diseases Act.

18 (g) All compensation, except for burial expenses provided
19 in this Section to be paid in case accident results in death,
20 shall be paid in installments equal to the percentage of the
21 average earnings as provided for in Section 8, paragraph (b)
22 of this Act, at the same intervals at which the wages or
23 earnings of the employees were paid. If this is not feasible,
24 then the installments shall be paid weekly. Such compensation
25 may be paid in a lump sum upon petition as provided in Section
26 9 of this Act. However, in addition to the benefits provided by

1 Section 9 of this Act where compensation for death is payable
2 to the deceased's widow, widower or to the deceased's widow,
3 widower and one or more children, and where a partial lump sum
4 is applied for by such beneficiary or beneficiaries within 18
5 months after the deceased's death, the Commission may, in its
6 discretion, grant a partial lump sum of not to exceed 100 weeks
7 of the compensation capitalized at their present value upon
8 the basis of interest calculated at 3% per annum with annual
9 rests, upon a showing that such partial lump sum is for the
10 best interest of such beneficiary or beneficiaries.

11 (h) In case the injured employee is under 16 years of age
12 at the time of the accident and is illegally employed, the
13 amount of compensation payable under paragraphs (a), (b), (c),
14 (d) and (f) of this Section shall be increased 50%.

15 Nothing herein contained repeals or amends the provisions
16 of the Child Labor Law relating to the employment of minors
17 under the age of 16 years.

18 However, where an employer has on file an employment
19 certificate issued pursuant to the Child Labor Law or work
20 permit issued pursuant to the Federal Fair Labor Standards
21 Act, as amended, or a birth certificate properly and duly
22 issued, such certificate, permit or birth certificate is
23 conclusive evidence as to the age of the injured minor
24 employee for the purposes of this Section only.

25 (i) Whenever the dependents of a deceased employee are
26 noncitizens ~~aliens~~ not residing in the United States, Mexico

1 or Canada, the amount of compensation payable is limited to
2 the beneficiaries described in paragraphs (a), (b) and (c) of
3 this Section and is 50% of the compensation provided in
4 paragraphs (a), (b) and (c) of this Section, except as
5 otherwise provided by treaty.

6 In a case where any of the persons who would be entitled to
7 compensation is living at any place outside of the United
8 States, then payment shall be made to the personal
9 representative of the deceased employee. The distribution by
10 such personal representative to the persons entitled shall be
11 made to such persons and in such manner as the Commission
12 orders.

13 (Source: P.A. 93-721, eff. 1-1-05; 94-277, eff. 7-20-05;
14 94-695, eff. 11-16-05.)

15 Section 150. The Workers' Occupational Diseases Act is
16 amended by changing Section 1 as follows:

17 (820 ILCS 310/1) (from Ch. 48, par. 172.36)

18 Sec. 1. This Act shall be known and may be cited as the
19 "Workers' Occupational Diseases Act".

20 (a) The term "employer" as used in this Act shall be
21 construed to be:

22 1. The State and each county, city, town, township,
23 incorporated village, school district, body politic, or
24 municipal corporation therein.

1 2. Every person, firm, public or private corporation,
2 including hospitals, public service, eleemosynary,
3 religious or charitable corporations or associations, who
4 has any person in service or under any contract for hire,
5 express or implied, oral or written.

6 3. Where an employer operating under and subject to
7 the provisions of this Act loans an employee to another
8 such employer and such loaned employee sustains a
9 compensable occupational disease in the employment of such
10 borrowing employer and where such borrowing employer does
11 not provide or pay the benefits or payments due such
12 employee, such loaning employer shall be liable to provide
13 or pay all benefits or payments due such employee under
14 this Act and as to such employee the liability of such
15 loaning and borrowing employers shall be joint and
16 several, provided that such loaning employer shall in the
17 absence of agreement to the contrary be entitled to
18 receive from such borrowing employer full reimbursement
19 for all sums paid or incurred pursuant to this paragraph
20 together with reasonable attorneys' fees and expenses in
21 any hearings before the Illinois Workers' Compensation
22 Commission or in any action to secure such reimbursement.
23 Where any benefit is provided or paid by such loaning
24 employer, the employee shall have the duty of rendering
25 reasonable co-operation in any hearings, trials or
26 proceedings in the case, including such proceedings for

1 reimbursement.

2 Where an employee files an Application for Adjustment
3 of Claim with the Illinois Workers' Compensation
4 Commission alleging that his or her claim is covered by
5 the provisions of the preceding paragraph, and joining
6 both the alleged loaning and borrowing employers, they and
7 each of them, upon written demand by the employee and
8 within 7 days after receipt of such demand, shall have the
9 duty of filing with the Illinois Workers' Compensation
10 Commission a written admission or denial of the allegation
11 that the claim is covered by the provisions of the
12 preceding paragraph and in default of such filing or if
13 any such denial be ultimately determined not to have been
14 bona fide then the provisions of Paragraph K of Section 19
15 of this Act shall apply.

16 An employer whose business or enterprise or a
17 substantial part thereof consists of hiring, procuring or
18 furnishing employees to or for other employers operating
19 under and subject to the provisions of this Act for the
20 performance of the work of such other employers and who
21 pays such employees their salary or wage notwithstanding
22 that they are doing the work of such other employers shall
23 be deemed a loaning employer within the meaning and
24 provisions of this Section.

25 (b) The term "employee" as used in this Act, shall be
26 construed to mean:

1 1. Every person in the service of the State, county,
2 city, town, township, incorporated village or school
3 district, body politic or municipal corporation therein,
4 whether by election, appointment or contract of hire,
5 express or implied, oral or written, including any
6 official of the State, or of any county, city, town,
7 township, incorporated village, school district, body
8 politic or municipal corporation therein and except any
9 duly appointed member of the fire department in any city
10 whose population exceeds 500,000 according to the last
11 Federal or State census, and except any member of a fire
12 insurance patrol maintained by a board of underwriters in
13 this State. One employed by a contractor who has
14 contracted with the State, or a county, city, town,
15 township, incorporated village, school district, body
16 politic or municipal corporation therein, through its
17 representatives, shall not be considered as an employee of
18 the State, county, city, town, township, incorporated
19 village, school district, body politic or municipal
20 corporation which made the contract.

21 2. Every person in the service of another under any
22 contract of hire, express or implied, oral or written, who
23 contracts an occupational disease while working in the
24 State of Illinois, or who contracts an occupational
25 disease while working outside of the State of Illinois but
26 where the contract of hire is made within the State of

1 Illinois, and any person whose employment is principally
2 localized within the State of Illinois, regardless of the
3 place where the disease was contracted or place where the
4 contract of hire was made, including noncitizens ~~aliens~~,
5 and minors who, for the purpose of this Act, except
6 Section 3 hereof, shall be considered the same and have
7 the same power to contract, receive payments and give
8 quittances therefor, as adult employees. An employee or
9 his or her dependents under this Act who shall have a cause
10 of action by reason of an occupational disease,
11 disablement or death arising out of and in the course of
12 his or her employment may elect or pursue his or her remedy
13 in the State where the disease was contracted, or in the
14 State where the contract of hire is made, or in the State
15 where the employment is principally localized.

16 (c) "Commission" means the Illinois Workers' Compensation
17 Commission created by the Workers' Compensation Act, approved
18 July 9, 1951, as amended.

19 (d) In this Act the term "Occupational Disease" means a
20 disease arising out of and in the course of the employment or
21 which has become aggravated and rendered disabling as a result
22 of the exposure of the employment. Such aggravation shall
23 arise out of a risk peculiar to or increased by the employment
24 and not common to the general public.

25 A disease shall be deemed to arise out of the employment if
26 there is apparent to the rational mind, upon consideration of

1 all the circumstances, a causal connection between the
2 conditions under which the work is performed and the
3 occupational disease. The disease need not to have been
4 foreseen or expected but after its contraction it must appear
5 to have had its origin or aggravation in a risk connected with
6 the employment and to have flowed from that source as a
7 rational consequence.

8 An employee shall be conclusively deemed to have been
9 exposed to the hazards of an occupational disease when, for
10 any length of time however short, he or she is employed in an
11 occupation or process in which the hazard of the disease
12 exists; provided however, that in a claim of exposure to
13 atomic radiation, the fact of such exposure must be verified
14 by the records of the central registry of radiation exposure
15 maintained by the Department of Public Health or by some other
16 recognized governmental agency maintaining records of such
17 exposures whenever and to the extent that the records are on
18 file with the Department of Public Health or the agency.

19 Any injury to or disease or death of an employee arising
20 from the administration of a vaccine, including without
21 limitation smallpox vaccine, to prepare for, or as a response
22 to, a threatened or potential bioterrorist incident to the
23 employee as part of a voluntary inoculation program in
24 connection with the person's employment or in connection with
25 any governmental program or recommendation for the inoculation
26 of workers in the employee's occupation, geographical area, or

1 other category that includes the employee is deemed to arise
2 out of and in the course of the employment for all purposes
3 under this Act. This paragraph added by Public Act 93-829 is
4 declarative of existing law and is not a new enactment.

5 The employer liable for the compensation in this Act
6 provided shall be the employer in whose employment the
7 employee was last exposed to the hazard of the occupational
8 disease claimed upon regardless of the length of time of such
9 last exposure, except, in cases of silicosis or asbestosis,
10 the only employer liable shall be the last employer in whose
11 employment the employee was last exposed during a period of 60
12 days or more after the effective date of this Act, to the
13 hazard of such occupational disease, and, in such cases, an
14 exposure during a period of less than 60 days, after the
15 effective date of this Act, shall not be deemed a last
16 exposure. If a miner who is suffering or suffered from
17 pneumoconiosis was employed for 10 years or more in one or more
18 coal mines there shall, effective July 1, 1973 be a rebuttable
19 presumption that his or her pneumoconiosis arose out of such
20 employment.

21 If a deceased miner was employed for 10 years or more in
22 one or more coal mines and died from a respirable disease there
23 shall, effective July 1, 1973, be a rebuttable presumption
24 that his or her death was due to pneumoconiosis.

25 Any condition or impairment of health of an employee
26 employed as a firefighter, emergency medical technician (EMT),

1 emergency medical technician-intermediate (EMT-I), advanced
2 emergency medical technician (A-EMT), or paramedic which
3 results directly or indirectly from any bloodborne pathogen,
4 lung or respiratory disease or condition, heart or vascular
5 disease or condition, hypertension, tuberculosis, or cancer
6 resulting in any disability (temporary, permanent, total, or
7 partial) to the employee shall be rebuttably presumed to arise
8 out of and in the course of the employee's firefighting, EMT,
9 EMT-I, A-EMT, or paramedic employment and, further, shall be
10 rebuttably presumed to be causally connected to the hazards or
11 exposures of the employment. This presumption shall also apply
12 to any hernia or hearing loss suffered by an employee employed
13 as a firefighter, EMT, EMT-I, A-EMT, or paramedic. However,
14 this presumption shall not apply to any employee who has been
15 employed as a firefighter, EMT, EMT-I, A-EMT, or paramedic for
16 less than 5 years at the time he or she files an Application
17 for Adjustment of Claim concerning this condition or
18 impairment with the Illinois Workers' Compensation Commission.
19 The rebuttable presumption established under this subsection,
20 however, does not apply to an emergency medical technician
21 (EMT), emergency medical technician-intermediate (EMT-I),
22 advanced emergency medical technician (A-EMT), or paramedic
23 employed by a private employer if the employee spends the
24 preponderance of his or her work time for that employer
25 engaged in medical transfers between medical care facilities
26 or non-emergency medical transfers to or from medical care

1 facilities. The changes made to this subsection by this
2 amendatory Act of the 98th General Assembly shall be narrowly
3 construed. The Finding and Decision of the Illinois Workers'
4 Compensation Commission under only the rebuttable presumption
5 provision of this paragraph shall not be admissible or be
6 deemed res judicata in any disability claim under the Illinois
7 Pension Code arising out of the same medical condition;
8 however, this sentence makes no change to the law set forth in
9 Krohe v. City of Bloomington, 204 Ill.2d 392.

10 The insurance carrier liable shall be the carrier whose
11 policy was in effect covering the employer liable on the last
12 day of the exposure rendering such employer liable in
13 accordance with the provisions of this Act.

14 (e) "Disablement" means an impairment or partial
15 impairment, temporary or permanent, in the function of the
16 body or any of the members of the body, or the event of
17 becoming disabled from earning full wages at the work in which
18 the employee was engaged when last exposed to the hazards of
19 the occupational disease by the employer from whom he or she
20 claims compensation, or equal wages in other suitable
21 employment; and "disability" means the state of being so
22 incapacitated.

23 (f) No compensation shall be payable for or on account of
24 any occupational disease unless disablement, as herein
25 defined, occurs within two years after the last day of the last
26 exposure to the hazards of the disease, except in cases of

1 occupational disease caused by berylliosis or by the
2 inhalation of silica dust or asbestos dust and, in such cases,
3 within 3 years after the last day of the last exposure to the
4 hazards of such disease and except in the case of occupational
5 disease caused by exposure to radiological materials or
6 equipment, and in such case, within 25 years after the last day
7 of last exposure to the hazards of such disease.

8 (g) (1) In any proceeding before the Commission in which
9 the employee is a COVID-19 first responder or front-line
10 worker as defined in this subsection, if the employee's injury
11 or occupational disease resulted from exposure to and
12 contraction of COVID-19, the exposure and contraction shall be
13 rebuttably presumed to have arisen out of and in the course of
14 the employee's first responder or front-line worker employment
15 and the injury or occupational disease shall be rebuttably
16 presumed to be causally connected to the hazards or exposures
17 of the employee's first responder or front-line worker
18 employment.

19 (2) The term "COVID-19 first responder or front-line
20 worker" means: all individuals employed as police, fire
21 personnel, emergency medical technicians, or paramedics; all
22 individuals employed and considered as first responders; all
23 workers for health care providers, including nursing homes and
24 rehabilitation facilities and home care workers; corrections
25 officers; and any individuals employed by essential businesses
26 and operations as defined in Executive Order 2020-10 dated

1 March 20, 2020, as long as individuals employed by essential
2 businesses and operations are required by their employment to
3 encounter members of the general public or to work in
4 employment locations of more than 15 employees. For purposes
5 of this subsection only, an employee's home or place of
6 residence is not a place of employment, except for home care
7 workers.

8 (3) The presumption created in this subsection may be
9 rebutted by evidence, including, but not limited to, the
10 following:

11 (A) the employee was working from his or her home, on
12 leave from his or her employment, or some combination
13 thereof, for a period of 14 or more consecutive days
14 immediately prior to the employee's injury, occupational
15 disease, or period of incapacity resulted from exposure to
16 COVID-19; or

17 (B) the employer was engaging in and applying to the
18 fullest extent possible or enforcing to the best of its
19 ability industry-specific workplace sanitation, social
20 distancing, and health and safety practices based on
21 updated guidance issued by the Centers for Disease Control
22 and Prevention or Illinois Department of Public Health or
23 was using a combination of administrative controls,
24 engineering controls, or personal protective equipment to
25 reduce the transmission of COVID-19 to all employees for
26 at least 14 consecutive days prior to the employee's

1 injury, occupational disease, or period of incapacity
2 resulting from exposure to COVID-19. For purposes of this
3 subsection, "updated" means the guidance in effect at
4 least 14 days prior to the COVID-19 diagnosis. For
5 purposes of this subsection, "personal protective
6 equipment" means industry-specific equipment worn to
7 minimize exposure to hazards that cause illnesses or
8 serious injuries, which may result from contact with
9 biological, chemical, radiological, physical, electrical,
10 mechanical, or other workplace hazards. "Personal
11 protective equipment" includes, but is not limited to,
12 items such as face coverings, gloves, safety glasses,
13 safety face shields, barriers, shoes, earplugs or muffs,
14 hard hats, respirators, coveralls, vests, and full body
15 suits; or

16 (C) the employee was exposed to COVID-19 by an
17 alternate source.

18 (4) The rebuttable presumption created in this subsection
19 applies to all cases tried after June 5, 2020 (the effective
20 date of Public Act 101-633) and in which the diagnosis of
21 COVID-19 was made on or after March 9, 2020 and on or before
22 June 30, 2021 (including the period between December 31, 2020
23 and the effective date of this amendatory Act of the 101st
24 General Assembly).

25 (5) Under no circumstances shall any COVID-19 case
26 increase or affect any employer's workers' compensation

1 insurance experience rating or modification, but COVID-19
2 costs may be included in determining overall State loss costs.

3 (6) In order for the presumption created in this
4 subsection to apply at trial, for COVID-19 diagnoses occurring
5 on or before June 15, 2020, an employee must provide a
6 confirmed medical diagnosis by a licensed medical practitioner
7 or a positive laboratory test for COVID-19 or for COVID-19
8 antibodies; for COVID-19 diagnoses occurring after June 15,
9 2020, an employee must provide a positive laboratory test for
10 COVID-19 or for COVID-19 antibodies.

11 (7) The presumption created in this subsection does not
12 apply if the employee's place of employment was solely the
13 employee's home or residence for a period of 14 or more
14 consecutive days immediately prior to the employee's injury,
15 occupational disease, or period of incapacity resulted from
16 exposure to COVID-19.

17 (8) The date of injury or the beginning of the employee's
18 occupational disease or period of disability is either the
19 date that the employee was unable to work due to contraction of
20 COVID-19 or was unable to work due to symptoms that were later
21 diagnosed as COVID-19, whichever came first.

22 (9) An employee who contracts COVID-19, but fails to
23 establish the rebuttable presumption is not precluded from
24 filing for compensation under this Act or under the Workers'
25 Compensation Act.

26 (10) To qualify for temporary total disability benefits

1 under the presumption created in this subsection, the employee
2 must be certified for or recertified for temporary disability.

3 (11) An employer is entitled to a credit against any
4 liability for temporary total disability due to an employee as
5 a result of the employee contracting COVID-19 for (A) any sick
6 leave benefits or extended salary benefits paid to the
7 employee by the employer under Emergency Family Medical Leave
8 Expansion Act, Emergency Paid Sick Leave Act of the Families
9 First Coronavirus Response Act, or any other federal law, or
10 (B) any other credit to which an employer is entitled under the
11 Workers' Compensation Act.

12 (Source: P.A. 101-633, eff. 6-5-20; 101-653, eff. 2-28-21.)

13 Section 155. The Unemployment Insurance Act is amended by
14 changing Sections 211.4 and 614 as follows:

15 (820 ILCS 405/211.4) (from Ch. 48, par. 321.4)

16 Sec. 211.4. A. Notwithstanding any other provision of this
17 Act, the term "employment" shall include service performed
18 after December 31, 1977, by an individual in agricultural
19 labor as defined in Section 214 when:

20 1. Such service is performed for an employing unit
21 which (a) paid cash wages of \$20,000 or more during any
22 calendar quarter in either the current or preceding
23 calendar year to an individual or individuals employed in
24 agricultural labor (not taking into account service in

1 agricultural labor performed before January 1, 1980, by a
2 noncitizen ~~an alien~~ referred to in paragraph 2); or (b)
3 employed in agricultural labor (not taking into account
4 service in agricultural labor performed before January 1,
5 1980, by a noncitizen ~~an alien~~ referred to in paragraph 2)
6 10 or more individuals within each of 20 or more calendar
7 weeks (but not necessarily simultaneously and irrespective
8 of whether the same individuals are or were employed in
9 each such week), whether or not such weeks are or were
10 consecutive, within either the current or preceding
11 calendar year.

12 2. Such service is not performed in agricultural labor
13 if performed before January 1, 1980 or on or after the
14 effective date of this amendatory Act of the 96th General
15 Assembly, by an individual who is a noncitizen ~~an alien~~
16 admitted to the United States to perform service in
17 agricultural labor pursuant to Sections 214(c) and
18 101(a)(15)(H) of the Immigration and Nationality Act.

19 B. For the purposes of this Section, any individual who is
20 a member of a crew furnished by a crew leader to perform
21 service in agricultural labor for any other employing unit
22 shall be treated as performing service in the employ of such
23 crew leader if (1) the leader holds a valid certificate of
24 registration under the Farm Labor Contractor Registration Act
25 of 1963, or substantially all the members of such crew operate
26 or maintain tractors, mechanized harvesting or crop dusting

1 equipment, or any other mechanized equipment, which is
2 provided by the crew leader; and (2) the service of such
3 individual is not in employment for such other employing unit
4 within the meaning of subsections A and C of Section 212, and
5 of Section 213.

6 C. For the purposes of this Section, any individual who is
7 furnished by a crew leader to perform service in agricultural
8 labor for any other employing unit, and who is not treated as
9 performing service in the employ of such crew leader under
10 subsection B, shall be treated as performing service in the
11 employ of such other employing unit, and such employing unit
12 shall be treated as having paid cash wages to such individual
13 in an amount equal to the amount of cash wages paid to the
14 individual by the crew leader (either on his own behalf or on
15 behalf of such other employing unit) for the service in
16 agricultural labor performed for such other employing unit.

17 D. For the purposes of this Section, the term "crew
18 leader" means an individual who (1) furnishes individuals to
19 perform service in agricultural labor for any other employing
20 unit; (2) pays (either on his own behalf or on behalf of such
21 other employing unit) the individuals so furnished by him for
22 the service in agricultural labor performed by them; and (3)
23 has not entered into a written agreement with such other
24 employing unit under which an individual so furnished by him
25 is designated as performing services in the employ of such
26 other employing unit.

1 (Source: P.A. 96-1208, eff. 1-1-11.)

2 (820 ILCS 405/614) (from Ch. 48, par. 444)

3 Sec. 614. Noncitizens ~~Non-resident aliens~~ - ineligibility.
4 A noncitizen ~~An alien~~ shall be ineligible for benefits for any
5 week which begins after December 31, 1977, on the basis of
6 wages for services performed by such noncitizen ~~alien~~, unless
7 the noncitizen ~~alien~~ was an individual who was lawfully
8 admitted for permanent residence at the time such services
9 were performed or otherwise was permanently residing in the
10 United States under color of law at the time such services were
11 performed (including a noncitizen ~~an alien~~ who was lawfully
12 present in the United States as a result of the application of
13 the provisions of Section 212(d) (5) of the Immigration and
14 Nationality Act); provided, that any modifications of the
15 provisions of Section 3304(a) (14) of the Federal Unemployment
16 Tax Act which

17 A. Specify other conditions or another effective date
18 than stated herein for ineligibility for benefits based on
19 wages for services performed by noncitizens ~~aliens~~, and

20 B. Are required to be implemented under this Act as a
21 condition for the Federal approval of this Act requisite
22 to the full tax credit against the tax imposed by the
23 Federal Act for contributions paid by employers pursuant
24 to this Act, shall be applicable under the provisions of
25 this Section.

1 Any data or information required of individuals who claim
2 benefits for the purpose of determining whether benefits are
3 not payable to them pursuant to this Section shall be
4 uniformly required of all individuals who claim benefits.

5 If an individual would otherwise be eligible for benefits,
6 no determination shall be made that such individual is
7 ineligible for benefits pursuant to this Section because of
8 the individual's noncitizen ~~alien~~ status, except upon a
9 preponderance of the evidence.

10 (Source: P.A. 86-3; 87-122.)

11 Section 995. No acceleration or delay. Where this Act
12 makes changes in a statute that is represented in this Act by
13 text that is not yet or no longer in effect (for example, a
14 Section represented by multiple versions), the use of that
15 text does not accelerate or delay the taking effect of (i) the
16 changes made by this Act or (ii) provisions derived from any
17 other Public Act.

18 Section 999. Effective date. This Act takes effect upon
19 becoming law.

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2

Statutes amended in order of appearance

3 5 ILCS 312/2-102 from Ch. 102, par. 202-102
4 5 ILCS 805/10
5 20 ILCS 605/605-800 was 20 ILCS 605/46.19a in part
6 20 ILCS 1510/25
7 35 ILCS 5/1501 from Ch. 120, par. 15-1501
8 55 ILCS 5/3-12007 from Ch. 34, par. 3-12007
9 70 ILCS 2605/11.15 from Ch. 42, par. 331.15
10 110 ILCS 205/9.16 from Ch. 144, par. 189.16
11 110 ILCS 925/3.06 from Ch. 144, par. 1503.06
12 110 ILCS 930/2 from Ch. 144, par. 2302
13 110 ILCS 930/7 from Ch. 144, par. 2307
14 110 ILCS 947/65.50
15 110 ILCS 947/65.110
16 110 ILCS 952/20
17 110 ILCS 975/5 from Ch. 144, par. 2755
18 110 ILCS 975/6.5
19 215 ILCS 105/7 from Ch. 73, par. 1307
20 225 ILCS 50/8 from Ch. 111, par. 7408
21 305 ILCS 5/5-3 from Ch. 23, par. 5-3
22 330 ILCS 61/1-10
23 430 ILCS 65/4 from Ch. 38, par. 83-4
24 430 ILCS 65/8 from Ch. 38, par. 83-8
25 720 ILCS 5/17-6.5

1	720 ILCS 678/2	
2	725 ILCS 5/113-8	
3	730 ILCS 5/3-2-2	from Ch. 38, par. 1003-2-2
4	730 ILCS 5/5-5-3	
5	750 ILCS 28/20	
6	765 ILCS 60/Act title	
7	765 ILCS 60/0.01	from Ch. 6, par. 0.01
8	765 ILCS 60/7	from Ch. 6, par. 7
9	765 ILCS 60/8	from Ch. 6, par. 8
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11	765 ILCS 725/0.01	from Ch. 6, par. 8.9
12	765 ILCS 725/1	from Ch. 6, par. 9
13	775 ILCS 5/2-101	
14	815 ILCS 400/Act title	
15	815 ILCS 400/0.01	from Ch. 111, par. 8050
16	815 ILCS 400/1	from Ch. 111, par. 8051
17	815 ILCS 400/2	from Ch. 111, par. 8052
18	815 ILCS 400/3	from Ch. 111, par. 8053
19	815 ILCS 505/2AA	
20	820 ILCS 305/1	from Ch. 48, par. 138.1
21	820 ILCS 305/7	from Ch. 48, par. 138.7
22	820 ILCS 310/1	from Ch. 48, par. 172.36
23	820 ILCS 405/211.4	from Ch. 48, par. 321.4
24	820 ILCS 405/614	from Ch. 48, par. 444