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1 AMENDMENT TO SENATE BILL 3865

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3865 by replacing  
3 everything after the enacting clause with the following:

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:

1 (5 ILCS 312/2-102) (from Ch. 102, par. 202-102)

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

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

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

10 (b) the county in which the applicant resides or, if  
11 the applicant is a resident of a state bordering Illinois,  
12 the county in Illinois in which that person's principal  
13 place of work or principal place of business is located;

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

17 (c-5) the applicant's business address if different  
18 than the applicant's residence address, if performing  
19 notarial acts constitutes any portion of the applicant's  
20 job duties;

21 (d) that the applicant has resided in the State of  
22 Illinois for 30 days preceding the application or that the  
23 applicant who is a resident of a state bordering Illinois  
24 has worked or maintained a business in Illinois for 30  
25 days preceding the application;

26 (e) that the applicant is a citizen of the United

1 States or a person ~~an alien~~ lawfully admitted for  
2 permanent residence in the United States;

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

4 (g) that the applicant is able to read and write the  
5 English language;

6 (h) that the applicant has never been the holder of a  
7 notary public appointment that was revoked or suspended  
8 during the past 10 years;

9 (i) that the applicant has not been convicted of a  
10 felony;

11 (i-5) that the applicant's signature authorizes the  
12 Office of the Secretary of State to conduct a verification  
13 to confirm the information provided in the application,  
14 including a criminal background check of the applicant, if  
15 necessary; and

16 (j) any other information the Secretary of State deems  
17 necessary.

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

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

20 Sec. 2-102. Application.

21 (a) Application for notary public commission. Every  
22 applicant for appointment and commission as a notary shall  
23 complete an application in a format prescribed by the  
24 Secretary of State to be filed with the Secretary of State,  
25 stating:

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

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

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

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

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

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

21           (7) that the applicant is a citizen of the United  
22 States or lawfully admitted for permanent residence in the  
23 United States;

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

25           (9) that the applicant is proficient in the ~~the~~  
26 English language;

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

4           (11) that the applicant has not been convicted of a  
5 felony;

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

11           (13) that the applicant has provided satisfactory  
12 proof to the Secretary of State that the applicant has  
13 successfully completed any required course of study on  
14 notarization; and

15           (14) any other information the Secretary of State  
16 deems necessary.

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

19           (c) Application for electronic notary public commission.  
20 An application for an electronic notary public commission must  
21 be filed with the Secretary of State in a manner prescribed by  
22 the Secretary of State. Every applicant for appointment and  
23 commission as an electronic notary public shall complete an  
24 application to be filed with the Secretary of State, stating:

25           (1) all information required to be included in an  
26 application for appointment as an electronic notary

1 public, as provided under subsection (a);

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

4 (3) the applicant's email address;

5 (4) that the applicant has provided satisfactory proof  
6 to the Secretary of State that the applicant has  
7 successfully completed any required course of study on  
8 electronic notarization and passed a qualifying  
9 examination;

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

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

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

16 (d) Electronic notarial acts. Before an electronic notary  
17 public performs an electronic notarial act using audio-video  
18 communication, he or she must be granted an electronic notary  
19 public commission by the Secretary of State under this  
20 Section, and identify the technology that the electronic  
21 notary public intends to use, which must be approved by the  
22 Secretary of State.

23 (e) Approval of commission. Upon the applicant's  
24 fulfillment of the requirements for a notarial commission or  
25 an electronic notary public commission, the Secretary of State  
26 shall approve the commission and issue to the applicant a

1 unique commission number.

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

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

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

11 (20 ILCS 605/605-800) (was 20 ILCS 605/46.19a in part)

12 Sec. 605-800. Training grants for skills in critical  
13 demand.

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

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

24 (c) The Director may accept applications for training

1 grant funds and grant requests from: (i) entities sponsoring  
2 multi-company eligible employee training projects as defined  
3 in subsection (d), including business associations, strategic  
4 business partnerships, institutions of secondary or higher  
5 education, large manufacturers for supplier network companies,  
6 federal Job Training Partnership Act administrative entities  
7 or grant recipients, and labor organizations when those  
8 projects will address common training needs identified by  
9 participating companies; and (ii) individual employers that  
10 are undertaking eligible employee training projects as defined  
11 in subsection (d), including intermediaries and training  
12 agents.

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

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

19 (2) Job-linked training that offers special skills for  
20 career advancement or that is preparatory for, and leads  
21 directly to, jobs with definite career potential and  
22 long-term job security.

23 (3) Training necessary to implement total quality  
24 management or improvement or both management and  
25 improvement systems within the workplace.

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



1           (5) Training of employees of companies that are  
2 expanding into new markets or expanding exports from  
3 Illinois.

4           (6) Basic, remedial, or both basic and remedial  
5 training of employees as a prerequisite for other  
6 vocational or technical skills training or as a condition  
7 for sustained employment.

8           (7) Self-employment training of the unemployed and  
9 underemployed with comprehensive, competency-based  
10 instructional programs and services, entrepreneurial  
11 education and training initiatives for youth and adult  
12 learners in cooperation with the Illinois Institute for  
13 Entrepreneurial Education, training and education,  
14 conferences, workshops, and best practice information for  
15 local program operators of entrepreneurial education and  
16 self-employment training programs.

17           (8) Other training activities or projects, or both  
18 training activities and projects, related to the support,  
19 development, or evaluation of job training programs,  
20 activities, and delivery systems, including training needs  
21 assessment and design.

22           (e) Grants shall be made on the terms and conditions that  
23 the Department shall determine. No grant made under subsection  
24 (d), however, shall exceed 50% of the direct costs of all  
25 approved training programs provided by the employer or the  
26 employer's training agent or other entity as defined in

1 subsection (c). Under this Section, allowable costs include,  
2 but are not limited to:

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

5 (2) Curriculum development.

6 (3) Wages and fringe benefits of employees.

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

8 (5) Trainee travel expenses.

9 (6) Instructor costs, including wages, fringe  
10 benefits, tuition, and travel expenses.

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

12 (8) Other usual and customary training costs.

13 (f) The Department may conduct on-site grant monitoring  
14 visits to verify trainee employment dates and wages and to  
15 ensure that the grantee's financial management system is  
16 structured to provide for accurate, current, and complete  
17 disclosure of the financial results of the grant program in  
18 accordance with all provisions, terms, and conditions  
19 contained in the grant contract. Each applicant must, on  
20 request by the Department, provide to the Department a  
21 notarized certification signed and dated by a duly authorized  
22 representative of the applicant, or that representative's  
23 authorized designee, certifying that all participating  
24 employees are employed at an Illinois facility and, for each  
25 participating employee, stating the employee's name and  
26 providing either (i) the employee's social security number or

1 (ii) a statement that the applicant has adequate written  
2 verification that the employee is employed at an Illinois  
3 facility. The Department may audit the accuracy of  
4 submissions. Applicants sponsoring multi-company training  
5 grant programs shall obtain information meeting the  
6 requirement of this subsection from each participating company  
7 and provide it to the Department upon request.

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

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

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

23 (20 ILCS 1510/25)

24 Sec. 25. Program eligibility.

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

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

4 (2) has resided in the eligible area for at least 30  
5 days;

6 (3) has been unemployed for 35 days prior to the  
7 determination of employment for job projects assisted  
8 under this Act;

9 (4) is a citizen of the United States, is a national of  
10 the United States, is a lawfully admitted permanent  
11 resident ~~alien~~, is a lawfully admitted refugee or parolee,  
12 or is otherwise authorized by the United States Attorney  
13 General to work in the United States; and

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

16 (b) Limitations.

17 (1) (Blank).

18 (2) (Blank).

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

23 (4) Individuals participating under this Act shall  
24 seek employment during the period of employment assisted  
25 under this Act.

26 (5) Any individual eligible for retirement benefits

1 under the Social Security Act, under any retirement system  
2 for Federal Government employees, under the railroad  
3 retirement system, under the military retirement system,  
4 under a State or local government pension plan or  
5 retirement system, or any private pension program is not  
6 eligible to receive a job under a job project assisted  
7 under this Act.

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

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

11 (35 ILCS 5/1501) (from Ch. 120, par. 15-1501)

12 Sec. 1501. Definitions.

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

16 (1) Business income. The term "business income" means  
17 all income that may be treated as apportionable business  
18 income under the Constitution of the United States.  
19 Business income is net of the deductions allocable  
20 thereto. Such term does not include compensation or the  
21 deductions allocable thereto. For each taxable year  
22 beginning on or after January 1, 2003, a taxpayer may  
23 elect to treat all income other than compensation as  
24 business income. This election shall be made in accordance

1 with rules adopted by the Department and, once made, shall  
2 be irrevocable.

3 (1.5) Captive real estate investment trust:

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

6 (i) that is considered a real estate  
7 investment trust for the taxable year under  
8 Section 856 of the Internal Revenue Code;

9 (ii) the certificates of beneficial interest  
10 or shares of which are not regularly traded on an  
11 established securities market; and

12 (iii) of which more than 50% of the voting  
13 power or value of the beneficial interest or  
14 shares, at any time during the last half of the  
15 taxable year, is owned or controlled, directly,  
16 indirectly, or constructively, by a single  
17 corporation.

18 (B) The term "captive real estate investment  
19 trust" does not include:

20 (i) a real estate investment trust of which  
21 more than 50% of the voting power or value of the  
22 beneficial interest or shares is owned or  
23 controlled, directly, indirectly, or  
24 constructively, by:

25 (a) a real estate investment trust, other  
26 than a captive real estate investment trust;

1 (b) a person who is exempt from taxation  
2 under Section 501 of the Internal Revenue  
3 Code, and who is not required to treat income  
4 received from the real estate investment trust  
5 as unrelated business taxable income under  
6 Section 512 of the Internal Revenue Code;

7 (c) a listed Australian property trust, if  
8 no more than 50% of the voting power or value  
9 of the beneficial interest or shares of that  
10 trust, at any time during the last half of the  
11 taxable year, is owned or controlled, directly  
12 or indirectly, by a single person;

13 (d) an entity organized as a trust,  
14 provided a listed Australian property trust  
15 described in subparagraph (c) owns or  
16 controls, directly or indirectly, or  
17 constructively, 75% or more of the voting  
18 power or value of the beneficial interests or  
19 shares of such entity; or

20 (e) an entity that is organized outside of  
21 the laws of the United States and that  
22 satisfies all of the following criteria:

23 (1) at least 75% of the entity's total  
24 asset value at the close of its taxable  
25 year is represented by real estate assets  
26 (as defined in Section 856(c)(5)(B) of the

1 Internal Revenue Code, thereby including  
2 shares or certificates of beneficial  
3 interest in any real estate investment  
4 trust), cash and cash equivalents, and  
5 U.S. Government securities;

6 (2) the entity is not subject to tax  
7 on amounts that are distributed to its  
8 beneficial owners or is exempt from  
9 entity-level taxation;

10 (3) the entity distributes at least  
11 85% of its taxable income (as computed in  
12 the jurisdiction in which it is organized)  
13 to the holders of its shares or  
14 certificates of beneficial interest on an  
15 annual basis;

16 (4) either (i) the shares or  
17 beneficial interests of the entity are  
18 regularly traded on an established  
19 securities market or (ii) not more than  
20 10% of the voting power or value in the  
21 entity is held, directly, indirectly, or  
22 constructively, by a single entity or  
23 individual; and

24 (5) the entity is organized in a  
25 country that has entered into a tax treaty  
26 with the United States; or



1           (ii) during its first taxable year for which  
2           it elects to be treated as a real estate  
3           investment trust under Section 856(c)(1) of the  
4           Internal Revenue Code, a real estate investment  
5           trust the certificates of beneficial interest or  
6           shares of which are not regularly traded on an  
7           established securities market, but only if the  
8           certificates of beneficial interest or shares of  
9           the real estate investment trust are regularly  
10          traded on an established securities market prior  
11          to the earlier of the due date (including  
12          extensions) for filing its return under this Act  
13          for that first taxable year or the date it  
14          actually files that return.

15          (C) For the purposes of this subsection (1.5), the  
16          constructive ownership rules prescribed under Section  
17          318(a) of the Internal Revenue Code, as modified by  
18          Section 856(d)(5) of the Internal Revenue Code, apply  
19          in determining the ownership of stock, assets, or net  
20          profits of any person.

21          (D) For the purposes of this item (1.5), for  
22          taxable years ending on or after August 16, 2007, the  
23          voting power or value of the beneficial interest or  
24          shares of a real estate investment trust does not  
25          include any voting power or value of beneficial  
26          interest or shares in a real estate investment trust

1 held directly or indirectly in a segregated asset  
2 account by a life insurance company (as described in  
3 Section 817 of the Internal Revenue Code) to the  
4 extent such voting power or value is for the benefit of  
5 entities or persons who are either immune from  
6 taxation or exempt from taxation under subtitle A of  
7 the Internal Revenue Code.

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

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

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

20 (5) Department. The term "Department" means the  
21 Department of Revenue of this State.

22 (6) Director. The term "Director" means the Director  
23 of Revenue of this State.

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

1 (8) Financial organization.

2 (A) The term "financial organization" means any  
3 bank, bank holding company, trust company, savings  
4 bank, industrial bank, land bank, safe deposit  
5 company, private banker, savings and loan association,  
6 building and loan association, credit union, currency  
7 exchange, cooperative bank, small loan company, sales  
8 finance company, investment company, or any person  
9 which is owned by a bank or bank holding company. For  
10 the purpose of this Section a "person" will include  
11 only those persons which a bank holding company may  
12 acquire and hold an interest in, directly or  
13 indirectly, under the provisions of the Bank Holding  
14 Company Act of 1956 (12 U.S.C. 1841, et seq.), except  
15 where interests in any person must be disposed of  
16 within certain required time limits under the Bank  
17 Holding Company Act of 1956.

18 (B) For purposes of subparagraph (A) of this  
19 paragraph, the term "bank" includes (i) any entity  
20 that is regulated by the Comptroller of the Currency  
21 under the National Bank Act, or by the Federal Reserve  
22 Board, or by the Federal Deposit Insurance Corporation  
23 and (ii) any federally or State chartered bank  
24 operating as a credit card bank.

25 (C) For purposes of subparagraph (A) of this  
26 paragraph, the term "sales finance company" has the

1 meaning provided in the following item (i) or (ii):

2 (i) A person primarily engaged in one or more  
3 of the following businesses: the business of  
4 purchasing customer receivables, the business of  
5 making loans upon the security of customer  
6 receivables, the business of making loans for the  
7 express purpose of funding purchases of tangible  
8 personal property or services by the borrower, or  
9 the business of finance leasing. For purposes of  
10 this item (i), "customer receivable" means:

11 (a) a retail installment contract or  
12 retail charge agreement within the meaning of  
13 the Sales Finance Agency Act, the Retail  
14 Installment Sales Act, or the Motor Vehicle  
15 Retail Installment Sales Act;

16 (b) an installment, charge, credit, or  
17 similar contract or agreement arising from the  
18 sale of tangible personal property or services  
19 in a transaction involving a deferred payment  
20 price payable in one or more installments  
21 subsequent to the sale; or

22 (c) the outstanding balance of a contract  
23 or agreement described in provisions (a) or  
24 (b) of this item (i).

25 A customer receivable need not provide for  
26 payment of interest on deferred payments. A sales

1 finance company may purchase a customer receivable  
2 from, or make a loan secured by a customer  
3 receivable to, the seller in the original  
4 transaction or to a person who purchased the  
5 customer receivable directly or indirectly from  
6 that seller.

7 (ii) A corporation meeting each of the  
8 following criteria:

9 (a) the corporation must be a member of an  
10 "affiliated group" within the meaning of  
11 Section 1504(a) of the Internal Revenue Code,  
12 determined without regard to Section 1504(b)  
13 of the Internal Revenue Code;

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

1 corporation. The "limitation amount" for a  
2 corporation is the average outstanding  
3 balances during the taxable year of customer  
4 receivables (within the meaning of item (i))  
5 originated by all members of the affiliated  
6 group. If the average outstanding balances of  
7 the loans made by a corporation to members of  
8 its affiliated group exceed the limitation  
9 amount, the interest income of that  
10 corporation from qualifying loans shall be  
11 equal to its interest income from loans to  
12 members of its affiliated groups times a  
13 fraction equal to the limitation amount  
14 divided by the average outstanding balances of  
15 the loans made by that corporation to members  
16 of its affiliated group;

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

26 (d) more than 50% of all interest-bearing

1 obligations of the affiliated group payable to  
2 persons outside the group determined in  
3 accordance with generally accepted accounting  
4 principles must be obligations of the  
5 corporation.

6 This amendatory Act of the 91st General Assembly  
7 is declaratory of existing law.

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

21 (E) For all tax years beginning on or before  
22 December 31, 1996, a taxpayer that falls within the  
23 definition of a "financial organization" under  
24 subparagraphs (B) or (C) of this paragraph, but who  
25 does not fall within the definition of a "financial  
26 organization" under the Proposed Regulations issued by

1           the Department of Revenue on July 19, 1996, may  
2           irrevocably elect to apply the Proposed Regulations  
3           for all of those years as though the Proposed  
4           Regulations had been lawfully promulgated, adopted,  
5           and in effect for all of those years. For purposes of  
6           applying subparagraphs (B) or (C) of this paragraph to  
7           all of those years, the election allowed by this  
8           subparagraph applies only to the taxpayer making the  
9           election and to those members of the taxpayer's  
10          unitary business group who are ordinarily required to  
11          apportion business income under the same subsection of  
12          Section 304 of this Act as the taxpayer making the  
13          election. No election allowed by this subparagraph  
14          shall be made under a claim filed under subsection (d)  
15          of Section 909 more than 30 days after the effective  
16          date of this amendatory Act of 1996.

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



1 Revenue Code.

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

5 (9.5) Fixed place of business. The term "fixed place  
6 of business" has the same meaning as that term is given in  
7 Section 864 of the Internal Revenue Code and the related  
8 Treasury regulations.

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

13 (11) Internal Revenue Code. The term "Internal Revenue  
14 Code" means the United States Internal Revenue Code of  
15 1954 or any successor law or laws relating to federal  
16 income taxes in effect for the taxable year.

17 (11.5) Investment partnership.

18 (A) The term "investment partnership" means any  
19 entity that is treated as a partnership for federal  
20 income tax purposes that meets the following  
21 requirements:

22 (i) no less than 90% of the partnership's cost  
23 of its total assets consists of qualifying  
24 investment securities, deposits at banks or other  
25 financial institutions, and office space and  
26 equipment reasonably necessary to carry on its

1 activities as an investment partnership;

2 (ii) no less than 90% of its gross income  
3 consists of interest, dividends, and gains from  
4 the sale or exchange of qualifying investment  
5 securities; and

6 (iii) the partnership is not a dealer in  
7 qualifying investment securities.

8 (B) For purposes of this paragraph (11.5), the  
9 term "qualifying investment securities" includes all  
10 of the following:

11 (i) common stock, including preferred or debt  
12 securities convertible into common stock, and  
13 preferred stock;

14 (ii) bonds, debentures, and other debt  
15 securities;

16 (iii) foreign and domestic currency deposits  
17 secured by federal, state, or local governmental  
18 agencies;

19 (iv) mortgage or asset-backed securities  
20 secured by federal, state, or local governmental  
21 agencies;

22 (v) repurchase agreements and loan  
23 participations;

24 (vi) foreign currency exchange contracts and  
25 forward and futures contracts on foreign  
26 currencies;

1 (vii) stock and bond index securities and  
2 futures contracts and other similar financial  
3 securities and futures contracts on those  
4 securities;

5 (viii) options for the purchase or sale of any  
6 of the securities, currencies, contracts, or  
7 financial instruments described in items (i) to  
8 (vii), inclusive;

9 (ix) regulated futures contracts;

10 (x) commodities (not described in Section  
11 1221(a)(1) of the Internal Revenue Code) or  
12 futures, forwards, and options with respect to  
13 such commodities, provided, however, that any item  
14 of a physical commodity to which title is actually  
15 acquired in the partnership's capacity as a dealer  
16 in such commodity shall not be a qualifying  
17 investment security;

18 (xi) derivatives; and

19 (xii) a partnership interest in another  
20 partnership that is an investment partnership.

21 (12) Mathematical error. The term "mathematical error"  
22 includes the following types of errors, omissions, or  
23 defects in a return filed by a taxpayer which prevents  
24 acceptance of the return as filed for processing:

25 (A) arithmetic errors or incorrect computations on  
26 the return or supporting schedules;

1 (B) entries on the wrong lines;

2 (C) omission of required supporting forms or  
3 schedules or the omission of the information in whole  
4 or in part called for thereon; and

5 (D) an attempt to claim, exclude, deduct, or  
6 improperly report, in a manner directly contrary to  
7 the provisions of the Act and regulations thereunder  
8 any item of income, exemption, deduction, or credit.

9 (13) Nonbusiness income. The term "nonbusiness income"  
10 means all income other than business income or  
11 compensation.

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

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

18 (16) Partnership and partner. The term "partnership"  
19 includes a syndicate, group, pool, joint venture or other  
20 unincorporated organization, through or by means of which  
21 any business, financial operation, or venture is carried  
22 on, and which is not, within the meaning of this Act, a  
23 trust or estate or a corporation; and the term "partner"  
24 includes a member in such syndicate, group, pool, joint  
25 venture or organization.

26 The term "partnership" includes any entity, including

1 a limited liability company formed under the Illinois  
2 Limited Liability Company Act, classified as a partnership  
3 for federal income tax purposes.

4 The term "partnership" does not include a syndicate,  
5 group, pool, joint venture, or other unincorporated  
6 organization established for the sole purpose of playing  
7 the Illinois State Lottery.

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

18 (18) Person. The term "person" shall be construed to  
19 mean and include an individual, a trust, estate,  
20 partnership, association, firm, company, corporation,  
21 limited liability company, or fiduciary. For purposes of  
22 Section 1301 and 1302 of this Act, a "person" means (i) an  
23 individual, (ii) a corporation, (iii) an officer, agent,  
24 or employee of a corporation, (iv) a member, agent or  
25 employee of a partnership, or (v) a member, manager,  
26 employee, officer, director, or agent of a limited

1 liability company who in such capacity commits an offense  
2 specified in Section 1301 and 1302.

3 (18A) Records. The term "records" includes all data  
4 maintained by the taxpayer, whether on paper, microfilm,  
5 microfiche, or any type of machine-sensible data  
6 compilation.

7 (19) Regulations. The term "regulations" includes  
8 rules promulgated and forms prescribed by the Department.

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

10 (A) an individual (i) who is in this State for  
11 other than a temporary or transitory purpose during  
12 the taxable year; or (ii) who is domiciled in this  
13 State but is absent from the State for a temporary or  
14 transitory purpose during the taxable year;

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

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

19 (D) An irrevocable trust, the grantor of which was  
20 domiciled in this State at the time such trust became  
21 irrevocable. For purpose of this subparagraph, a trust  
22 shall be considered irrevocable to the extent that the  
23 grantor is not treated as the owner thereof under  
24 Sections 671 through 678 of the Internal Revenue Code.

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

1 303.

2 (22) State. The term "state" when applied to a  
3 jurisdiction other than this State means any state of the  
4 United States, the District of Columbia, the Commonwealth  
5 of Puerto Rico, any Territory or Possession of the United  
6 States, and any foreign country, or any political  
7 subdivision of any of the foregoing. For purposes of the  
8 foreign tax credit under Section 601, the term "state"  
9 means any state of the United States, the District of  
10 Columbia, the Commonwealth of Puerto Rico, and any  
11 territory or possession of the United States, or any  
12 political subdivision of any of the foregoing, effective  
13 for tax years ending on or after December 31, 1989.

14 (23) Taxable year. The term "taxable year" means the  
15 calendar year, or the fiscal year ending during such  
16 calendar year, upon the basis of which the base income is  
17 computed under this Act. "Taxable year" means, in the case  
18 of a return made for a fractional part of a year under the  
19 provisions of this Act, the period for which such return  
20 is made.

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

23 (25) International banking facility. The term  
24 international banking facility shall have the same meaning  
25 as is set forth in the Illinois Banking Act or as is set  
26 forth in the laws of the United States or regulations of

1 the Board of Governors of the Federal Reserve System.

2 (26) Income Tax Return Preparer.

3 (A) The term "income tax return preparer" means  
4 any person who prepares for compensation, or who  
5 employs one or more persons to prepare for  
6 compensation, any return of tax imposed by this Act or  
7 any claim for refund of tax imposed by this Act. The  
8 preparation of a substantial portion of a return or  
9 claim for refund shall be treated as the preparation  
10 of that return or claim for refund.

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

13 (i) furnish typing, reproducing, or other  
14 mechanical assistance;

15 (ii) prepare returns or claims for refunds for  
16 the employer by whom he or she is regularly and  
17 continuously employed;

18 (iii) prepare as a fiduciary returns or claims  
19 for refunds for any person; or

20 (iv) prepare claims for refunds for a taxpayer  
21 in response to any notice of deficiency issued to  
22 that taxpayer or in response to any waiver of  
23 restriction after the commencement of an audit of  
24 that taxpayer or of another taxpayer if a  
25 determination in the audit of the other taxpayer  
26 directly or indirectly affects the tax liability



1           of the taxpayer whose claims he or she is  
2           preparing.

3           (27) Unitary business group.

4           (A) The term "unitary business group" means a  
5           group of persons related through common ownership  
6           whose business activities are integrated with,  
7           dependent upon and contribute to each other. The group  
8           will not include those members whose business activity  
9           outside the United States is 80% or more of any such  
10          member's total business activity; for purposes of this  
11          paragraph and clause (a)(3)(B)(ii) of Section 304,  
12          business activity within the United States shall be  
13          measured by means of the factors ordinarily applicable  
14          under subsections (a), (b), (c), (d), or (h) of  
15          Section 304 except that, in the case of members  
16          ordinarily required to apportion business income by  
17          means of the 3 factor formula of property, payroll and  
18          sales specified in subsection (a) of Section 304,  
19          including the formula as weighted in subsection (h) of  
20          Section 304, such members shall not use the sales  
21          factor in the computation and the results of the  
22          property and payroll factor computations of subsection  
23          (a) of Section 304 shall be divided by 2 (by one if  
24          either the property or payroll factor has a  
25          denominator of zero). The computation required by the  
26          preceding sentence shall, in each case, involve the

1 division of the member's property, payroll, or revenue  
2 miles in the United States, insurance premiums on  
3 property or risk in the United States, or financial  
4 organization business income from sources within the  
5 United States, as the case may be, by the respective  
6 worldwide figures for such items. Common ownership in  
7 the case of corporations is the direct or indirect  
8 control or ownership of more than 50% of the  
9 outstanding voting stock of the persons carrying on  
10 unitary business activity. Unitary business activity  
11 can ordinarily be illustrated where the activities of  
12 the members are: (1) in the same general line (such as  
13 manufacturing, wholesaling, retailing of tangible  
14 personal property, insurance, transportation or  
15 finance); or (2) are steps in a vertically structured  
16 enterprise or process (such as the steps involved in  
17 the production of natural resources, which might  
18 include exploration, mining, refining, and marketing);  
19 and, in either instance, the members are functionally  
20 integrated through the exercise of strong centralized  
21 management (where, for example, authority over such  
22 matters as purchasing, financing, tax compliance,  
23 product line, personnel, marketing and capital  
24 investment is not left to each member).

25 (B) In no event, for taxable years ending prior to  
26 December 31, 2017, shall any unitary business group

1 include members which are ordinarily required to  
2 apportion business income under different subsections  
3 of Section 304 except that for tax years ending on or  
4 after December 31, 1987 this prohibition shall not  
5 apply to a holding company that would otherwise be a  
6 member of a unitary business group with taxpayers that  
7 apportion business income under any of subsections  
8 (b), (c), (c-1), or (d) of Section 304. If a unitary  
9 business group would, but for the preceding sentence,  
10 include members that are ordinarily required to  
11 apportion business income under different subsections  
12 of Section 304, then for each subsection of Section  
13 304 for which there are two or more members, there  
14 shall be a separate unitary business group composed of  
15 such members. For purposes of the preceding two  
16 sentences, a member is "ordinarily required to  
17 apportion business income" under a particular  
18 subsection of Section 304 if it would be required to  
19 use the apportionment method prescribed by such  
20 subsection except for the fact that it derives  
21 business income solely from Illinois. As used in this  
22 paragraph, for taxable years ending before December  
23 31, 2017, the phrase "United States" means only the 50  
24 states and the District of Columbia, but does not  
25 include any territory or possession of the United  
26 States or any area over which the United States has

1           asserted jurisdiction or claimed exclusive rights with  
2           respect to the exploration for or exploitation of  
3           natural resources. For taxable years ending on or  
4           after December 31, 2017, the phrase "United States",  
5           as used in this paragraph, means only the 50 states,  
6           the District of Columbia, and any area over which the  
7           United States has asserted jurisdiction or claimed  
8           exclusive rights with respect to the exploration for  
9           or exploitation of natural resources, but does not  
10          include any territory or possession of the United  
11          States.

12           (C) Holding companies.

13           (i) For purposes of this subparagraph, a  
14           "holding company" is a corporation (other than a  
15           corporation that is a financial organization under  
16           paragraph (8) of this subsection (a) of Section  
17           1501 because it is a bank holding company under  
18           the provisions of the Bank Holding Company Act of  
19           1956 (12 U.S.C. 1841, et seq.) or because it is  
20           owned by a bank or a bank holding company) that  
21           owns a controlling interest in one or more other  
22           taxpayers ("controlled taxpayers"); that, during  
23           the period that includes the taxable year and the  
24           2 immediately preceding taxable years or, if the  
25           corporation was formed during the current or  
26           immediately preceding taxable year, the taxable

1 years in which the corporation has been in  
2 existence, derived substantially all its gross  
3 income from dividends, interest, rents, royalties,  
4 fees or other charges received from controlled  
5 taxpayers for the provision of services, and gains  
6 on the sale or other disposition of interests in  
7 controlled taxpayers or in property leased or  
8 licensed to controlled taxpayers or used by the  
9 taxpayer in providing services to controlled  
10 taxpayers; and that incurs no substantial expenses  
11 other than expenses (including interest and other  
12 costs of borrowing) incurred in connection with  
13 the acquisition and holding of interests in  
14 controlled taxpayers and in the provision of  
15 services to controlled taxpayers or in the leasing  
16 or licensing of property to controlled taxpayers.

17 (ii) The income of a holding company which is  
18 a member of more than one unitary business group  
19 shall be included in each unitary business group  
20 of which it is a member on a pro rata basis, by  
21 including in each unitary business group that  
22 portion of the base income of the holding company  
23 that bears the same proportion to the total base  
24 income of the holding company as the gross  
25 receipts of the unitary business group bears to  
26 the combined gross receipts of all unitary

1 business groups (in both cases without regard to  
2 the holding company) or on any other reasonable  
3 basis, consistently applied.

4 (iii) A holding company shall apportion its  
5 business income under the subsection of Section  
6 304 used by the other members of its unitary  
7 business group. The apportionment factors of a  
8 holding company which would be a member of more  
9 than one unitary business group shall be included  
10 with the apportionment factors of each unitary  
11 business group of which it is a member on a pro  
12 rata basis using the same method used in clause  
13 (ii).

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

16 (D) If including the base income and factors of a  
17 holding company in more than one unitary business  
18 group under subparagraph (C) does not fairly reflect  
19 the degree of integration between the holding company  
20 and one or more of the unitary business groups, the  
21 dependence of the holding company and one or more of  
22 the unitary business groups upon each other, or the  
23 contributions between the holding company and one or  
24 more of the unitary business groups, the holding  
25 company may petition the Director, under the  
26 procedures provided under Section 304(f), for

1 permission to include all base income and factors of  
2 the holding company only with members of a unitary  
3 business group apportioning their business income  
4 under one subsection of subsections (a), (b), (c), or  
5 (d) of Section 304. If the petition is granted, the  
6 holding company shall be included in a unitary  
7 business group only with persons apportioning their  
8 business income under the selected subsection of  
9 Section 304 until the Director grants a petition of  
10 the holding company either to be included in more than  
11 one unitary business group under subparagraph (C) or  
12 to include its base income and factors only with  
13 members of a unitary business group apportioning their  
14 business income under a different subsection of  
15 Section 304.

16 (E) If the unitary business group members'  
17 accounting periods differ, the common parent's  
18 accounting period or, if there is no common parent,  
19 the accounting period of the member that is expected  
20 to have, on a recurring basis, the greatest Illinois  
21 income tax liability must be used to determine whether  
22 to use the apportionment method provided in subsection  
23 (a) or subsection (h) of Section 304. The prohibition  
24 against membership in a unitary business group for  
25 taxpayers ordinarily required to apportion income  
26 under different subsections of Section 304 does not

1           apply to taxpayers required to apportion income under  
2           subsection (a) and subsection (h) of Section 304. The  
3           provisions of this amendatory Act of 1998 apply to tax  
4           years ending on or after December 31, 1998.

5           (28) Subchapter S corporation. The term "Subchapter S  
6           corporation" means a corporation for which there is in  
7           effect an election under Section 1362 of the Internal  
8           Revenue Code, or for which there is a federal election to  
9           opt out of the provisions of the Subchapter S Revision Act  
10          of 1982 and have applied instead the prior federal  
11          Subchapter S rules as in effect on July 1, 1982.

12          (30) Foreign person. The term "foreign person" means  
13          any person who is a nonresident individual who is a  
14          national or citizen of a country other than the United  
15          States ~~alien individual~~ and any nonindividual entity,  
16          regardless of where created or organized, whose business  
17          activity outside the United States is 80% or more of the  
18          entity's total business activity.

19          (b) Other definitions.

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

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

25                  (B) Words importing the plural include the  
26                  singular; and



1 (C) Words importing the masculine gender include  
2 the feminine as well.

3 (2) "Company" or "association" as including successors  
4 and assigns. The word "company" or "association", when  
5 used in reference to a corporation, shall be deemed to  
6 embrace the words "successors and assigns of such company  
7 or association", and in like manner as if these last-named  
8 words, or words of similar import, were expressed.

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

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

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

16 (55 ILCS 5/3-12007) (from Ch. 34, par. 3-12007)

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

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

3 (1) preparation, maintenance and revision of a position  
4 classification plan for all positions in the classified  
5 service, based upon the similarity of duties performed and  
6 responsibilities assumed, so that the same qualifications may  
7 reasonably be required and the same schedule of pay may be  
8 applied to all positions in the same class. Each position  
9 authorized by the Board shall be allocated by the director to  
10 the proper class and assigned to the appropriate pay range for  
11 that class.

12 (2) promotion which shall give appropriate consideration  
13 to the applicant's qualifications, record of performance,  
14 seniority, and conduct. Vacancies shall be filled by promotion  
15 whenever practicable and in the best interest of the county  
16 service, and preference may be given to employees within the  
17 department in which the vacancy occurs.

18 (3) open competitive examinations to determine the  
19 relative fitness of applicants for the respective competitive  
20 positions.

21 (4) competitive selection of employees for all classes in  
22 the classified service.

23 (5) establishment of lists of eligibles for appointment  
24 and promotion, upon which lists shall be placed the names of  
25 successful candidates in the order of their relative  
26 excellence in the respective examinations. The duration of

1 eligible lists for initial appointment shall be for no more  
2 than one year unless extended by the director for not more than  
3 one additional year; lists of eligibles for promotion shall be  
4 maintained for as long as the tests on which they are based are  
5 considered valid by the director.

6 (6) certification by the director to the appointing  
7 authorities of not more than the top 5 names from the list of  
8 eligibles for a single vacancy.

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

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

25 (9) provisional employment without competitive  
26 examinations when there is no appropriate eligible list

1 available. No person hired as a provisional employee shall  
2 continue on the county payroll longer than 6 months per  
3 calendar year nor shall successive provisional appointments be  
4 allowed.

5 (10) transfer from a position in one department to a  
6 position in another department involving similar  
7 qualifications, duties, responsibilities and salary.

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

10 (12) layoff by reason of lack of funds or work or abolition  
11 of the position, or material changes in duties or  
12 organization, and for the layoff of nontenured employees  
13 first, and for the reemployment of permanent employees so laid  
14 off, giving consideration in both layoff and reemployment to  
15 performance record and seniority in service.

16 (13) keeping records of performance of all employees in  
17 the classified service.

18 (14) suspension, demotion or dismissal of an employee for  
19 misconduct, inefficiency, incompetence, insubordination,  
20 malfeasance or other unfitness to render effective service and  
21 for the investigation and hearing of appeals of any employee  
22 recommended for suspension, demotion or dismissal by a  
23 department head for any of the foregoing reasons.

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

26 (16) hours of work, holidays and attendance regulations,

1 and for annual, sick and special leaves of absence, with or  
2 without pay, or at reduced pay.

3 (17) development of employee morale, safety and training  
4 programs.

5 (18) establishment of a period of probation, the length of  
6 which shall be determined by the complexity of the work  
7 involved, but which shall not exceed one year without special  
8 written approval from the commission.

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

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

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

14 (70 ILCS 2605/11.15) (from Ch. 42, par. 331.15)

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

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

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

3           (110 ILCS 205/9.16) (from Ch. 144, par. 189.16)

4           Sec. 9.16. Underrepresentation of certain groups in higher  
5 education. To require public institutions of higher education  
6 to develop and implement methods and strategies to increase  
7 the participation of minorities, women and individuals with  
8 disabilities who are traditionally underrepresented in  
9 education programs and activities. For the purpose of this  
10 Section, minorities shall mean persons who are citizens of the  
11 United States or lawful permanent residents ~~resident aliens~~ of  
12 the United States and who are 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,

1 Puerto Rican, South or Central American, or other Spanish  
2 culture or origin, regardless of race).

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

6 The Board shall adopt any rules necessary to administer  
7 this Section. The Board shall also do the following:

8 (a) require all public institutions of higher education to  
9 develop and submit plans for the implementation of this  
10 Section;

11 (b) conduct periodic review of public institutions of  
12 higher education to determine compliance with this Section;  
13 and if the Board finds that a public institution of higher  
14 education is not in compliance with this Section, it shall  
15 notify the institution of steps to take to attain compliance;

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

17 (d) conduct studies of the effectiveness of methods and  
18 strategies designed to increase participation of students in  
19 education programs and activities in which minorities, women  
20 and individuals with disabilities are traditionally  
21 underrepresented, and monitor the success of students in such  
22 education programs and activities;

23 (e) encourage minority student recruitment and retention  
24 in colleges and universities. In implementing this paragraph,  
25 the Board shall undertake but need not be limited to the  
26 following: the establishment of guidelines and plans for

1 public institutions of higher education for minority student  
2 recruitment and retention, the review and monitoring of  
3 minority student programs implemented at public institutions  
4 of higher education to determine their compliance with any  
5 guidelines and plans so established, the determination of the  
6 effectiveness and funding requirements of minority student  
7 programs at public institutions of higher education, the  
8 dissemination of successful programs as models, and the  
9 encouragement of cooperative partnerships between community  
10 colleges and local school attendance centers which are  
11 experiencing difficulties in enrolling minority students in  
12 four-year colleges and universities;

13 (f) mandate all public institutions of higher education to  
14 submit data and information essential to determine compliance  
15 with this Section. The Board shall prescribe the format and  
16 the date for submission of this data and any other education  
17 equity data; and

18 (g) report to the General Assembly and the Governor  
19 annually with a description of the plans submitted by each  
20 public institution of higher education for implementation of  
21 this Section, including financial data relating to the most  
22 recent fiscal year expenditures for specific minority  
23 programs, the effectiveness of such plans and programs and the  
24 effectiveness of the methods and strategies developed by the  
25 Board in meeting the purposes of this Section, the degree of  
26 compliance with this Section by each public institution of



1 higher education as determined by the Board pursuant to its  
2 periodic review responsibilities, and the findings made by the  
3 Board in conducting its studies and monitoring student success  
4 as required by paragraph d) of this Section. With respect to  
5 each public institution of higher education such report also  
6 shall include, but need not be limited to, information with  
7 respect to each institution's minority program budget  
8 allocations; minority student admission, retention and  
9 graduation statistics; admission, retention, and graduation  
10 statistics of all students who are the first in their  
11 immediate family to attend an institution of higher education;  
12 number of financial assistance awards to undergraduate and  
13 graduate minority students; and minority faculty  
14 representation. This paragraph shall not be construed to  
15 prohibit the Board from making, preparing or issuing  
16 additional surveys or studies with respect to minority  
17 education in Illinois.

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

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

21 (110 ILCS 925/3.06) (from Ch. 144, par. 1503.06)

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

24 (a) That the individual is a resident of this State and a

1 citizen or lawful permanent resident ~~alien~~ of the United  
2 States;

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

5 (c) That the individual exhibits financial need as  
6 determined by the Department;

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

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

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

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

16 Section 50. The Diversifying Higher Education Faculty in  
17 Illinois Act is amended by changing Sections 2 and 7 as  
18 follows:

19 (110 ILCS 930/2) (from Ch. 144, par. 2302)

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

22 "Board" means the Board of Higher Education.

23 "DFI" means the Diversifying Higher Education Faculty in  
24 Illinois Program of financial assistance to minorities who are

1 traditionally underrepresented as participants in  
2 postsecondary education. The program shall assist them in  
3 pursuing a graduate or professional degree and shall also  
4 assist program graduates to find employment at an Illinois  
5 institution of higher education, including a community  
6 college, in a faculty or staff position.

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

9 "Qualified institution of higher education" means a  
10 qualifying publicly or privately operated educational  
11 institution located within Illinois (i) that offers  
12 instruction leading toward or prerequisite to an academic or  
13 professional degree beyond the baccalaureate degree, excluding  
14 theological schools, and (ii) that is authorized to operate in  
15 the State of Illinois.

16 "Racial minority" means a person who is a citizen of the  
17 United States or a lawful permanent resident ~~alien~~ of the  
18 United States and who is any of the following:

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

23 (2) Asian (a person having origins in any of the  
24 original peoples of the Far East, Southeast Asia, or the  
25 Indian subcontinent, including, but not limited to,  
26 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,

1 the Philippine Islands, Thailand, and Vietnam).

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

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

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

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

11 (110 ILCS 930/7) (from Ch. 144, par. 2307)

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

15 (a) That the individual is a resident of this State  
16 and a citizen or lawful permanent resident ~~alien~~ of the  
17 United States;

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

20 (c) That the individual has earned any educational  
21 diploma at an institution of education located in this  
22 State, or is a resident of the State for no less than three  
23 years prior to applying for the grant, and the individual  
24 must hold a baccalaureate degree from an institution of  
25 higher learning;

1 (d) That the individual's financial resources are such  
2 that, in the absence of a DFI grant, the individual will be  
3 prevented from pursuing a graduate or professional degree  
4 at a qualified institution of higher education of his or  
5 her choice;

6 (e) That the individual has above average academic  
7 ability to pursue a graduate or professional degree; and

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

10 Grant funds shall be awarded only to those persons  
11 pursuing a graduate or professional degree program at a  
12 qualified institution of higher education.

13 The Board shall by rule promulgate, pursuant to the  
14 Illinois Administrative Procedure Act, precise standards to be  
15 used by the Program Board to determine whether a program  
16 applicant has above average academic ability to pursue a  
17 graduate or professional degree.

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

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

21 (110 ILCS 947/65.50)

22 Sec. 65.50. Teacher training full-time undergraduate  
23 scholarships.

24 (a) Five hundred new scholarships shall be provided each

1 year for qualified high school students or high school  
2 graduates who desire to pursue full-time undergraduate studies  
3 in teacher education at public or private universities or  
4 colleges and community colleges in this State. The Commission,  
5 in accordance with rules and regulations promulgated for this  
6 program, shall provide funding and shall designate each year's  
7 new recipients from among those applicants who qualify for  
8 consideration by showing:

9 (1) that he or she is a resident of this State and a  
10 citizen or a lawful permanent resident ~~alien~~ of the United  
11 States;

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

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

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

23 No rule or regulation promulgated by the State Board of  
24 Education prior to the effective date of this amendatory Act  
25 of 1993 pursuant to the exercise of any right, power, duty,  
26 responsibility or matter of pending business transferred from

1 the State Board of Education to the Commission under this  
2 Section shall be affected thereby, and all such rules and  
3 regulations shall become the rules and regulations of the  
4 Commission until modified or changed by the Commission in  
5 accordance with law.

6 If in any year the number of qualified applicants exceeds  
7 the number of scholarships to be awarded, the Commission shall  
8 give priority in awarding scholarships to students in  
9 financial need. The Commission shall consider factors such as  
10 the applicant's family income, the size of the applicant's  
11 family and the number of other children in the applicant's  
12 family attending college in determining the financial need of  
13 the individual.

14 Unless otherwise indicated, these scholarships shall be  
15 good for a period of up to 4 years while the recipient is  
16 enrolled for residence credit at a public or private  
17 university or college or at a community college. The  
18 scholarship shall cover tuition, fees and a stipend of \$1,500  
19 per year. For purposes of calculating scholarship awards for  
20 recipients attending private universities or colleges, tuition  
21 and fees for students at private colleges and universities  
22 shall not exceed the average tuition and fees for students at  
23 4-year public colleges and universities for the academic year  
24 in which the scholarship is made.

25 (b) Upon graduation from or termination of enrollment in a  
26 teacher education program, any person who accepted a

1 scholarship under the undergraduate scholarship program  
2 continued by this Section, including persons whose graduation  
3 or termination of enrollment occurred prior to the effective  
4 date of this amendatory Act of 1993, shall teach in any school  
5 in this State for at least 4 of the 7 years immediately  
6 following his or her graduation or termination. If the  
7 recipient spends up to 4 years in military service before or  
8 after he or she graduates, the period of military service  
9 shall be excluded from the computation of that 7 year period. A  
10 recipient who is enrolled full-time in an academic program  
11 leading to a graduate degree in education shall have the  
12 period of graduate study excluded from the computation of that  
13 7 year period.

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



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

4           (c) This Section is substantially the same as Sections  
5 30-14.5 and 30-14.6 of the School Code, which are repealed by  
6 this amendatory Act of 1993, and shall be construed as a  
7 continuation of the teacher training undergraduate scholarship  
8 program established by that prior law, and not as a new or  
9 different teacher training undergraduate scholarship program.  
10 The State Board of Education shall transfer to the Commission,  
11 as the successor to the State Board of Education for all  
12 purposes of administering and implementing the provisions of  
13 this Section, all books, accounts, records, papers, documents,  
14 contracts, agreements, and pending business in any way  
15 relating to the teacher training undergraduate scholarship  
16 program continued under this Section, and all scholarships at  
17 any time awarded under that program by, and all applications  
18 for any such scholarship at any time made to, the State Board  
19 of Education shall be unaffected by the transfer to the  
20 Commission of all responsibility for the administration and  
21 implementation of the teacher training undergraduate  
22 scholarship program continued under this Section. The State  
23 Board of Education shall furnish to the Commission such other  
24 information as the Commission may request to assist it in  
25 administering this Section.

26           (Source: P.A. 88-228.)

1 (110 ILCS 947/65.110)

2 Sec. 65.110. Post-Master of Social Work School Social Work  
3 Professional Educator License scholarship.

4 (a) Subject to appropriation, beginning with awards for  
5 the 2022-2023 academic year, the Commission shall award  
6 annually up to 250 Post-Master of Social Work School Social  
7 Work Professional Educator License scholarships to a person  
8 who:

9 (1) holds a valid Illinois-licensed clinical social  
10 work license or social work license;

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

13 (3) is a United States citizen or eligible noncitizen;  
14 and

15 (4) submits an application to the Commission for such  
16 scholarship and agrees to take courses to obtain an  
17 Illinois Professional Educator License with an endorsement  
18 in School Social Work.

19 (b) If an appropriation for this Section for a given  
20 fiscal year is insufficient to provide scholarships to all  
21 qualified applicants, the Commission shall allocate the  
22 appropriation in accordance with this subsection (b). If funds  
23 are insufficient to provide all qualified applicants with a  
24 scholarship as authorized by this Section, the Commission  
25 shall allocate the available scholarship funds for that fiscal

1 year to qualified applicants who submit a complete application  
2 on or before a date specified by the Commission, based on the  
3 following order of priority:

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

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

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

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

1 subsection (c), "racial minority" means a person who is a  
2 citizen of the United States or a lawful permanent resident  
3 ~~alien~~ of the United States and who is:

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

6 (2) Hispanic (a person of Spanish or Portuguese  
7 culture with origins in Mexico, South or Central America,  
8 or the Caribbean Islands, regardless of race);

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

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

14 (d) Each scholarship shall be applied to the payment of  
15 tuition and mandatory fees at the University of Illinois,  
16 Southern Illinois University, Chicago State University,  
17 Eastern Illinois University, Governors State University,  
18 Illinois State University, Northeastern Illinois University,  
19 Northern Illinois University, and Western Illinois University.  
20 Each scholarship may be applied to pay tuition and mandatory  
21 fees required to obtain an Illinois Professional Educator  
22 License with an endorsement in School Social Work.

23 (e) The Commission shall make tuition and fee payments  
24 directly to the qualified institution of higher learning that  
25 the applicant attends.

26 (f) Any person who has accepted a scholarship under this

1 Section must, within one year after graduation or termination  
2 of enrollment in a Post-Master of Social Work Professional  
3 Education License with an endorsement in School Social Work  
4 program, begin working as a school social worker at a public or  
5 nonpublic not-for-profit preschool, elementary school, or  
6 secondary school located in this State for at least 2 of the 5  
7 years immediately following that graduation or termination,  
8 excluding, however, from the computation of that 5-year  
9 period: (i) any time up to 3 years spent in the military  
10 service, whether such service occurs before or after the  
11 person graduates; (ii) the time that person is a person with a  
12 temporary total disability for a period of time not to exceed 3  
13 years, as established by the sworn affidavit of a qualified  
14 physician; and (iii) the time that person is seeking and  
15 unable to find full-time employment as a school social worker  
16 at a State public or nonpublic not-for-profit preschool,  
17 elementary school, or secondary school.

18 (g) If a recipient of a scholarship under this Section  
19 fails to fulfill the work obligation set forth in subsection  
20 (f), the Commission shall require the recipient to repay the  
21 amount of the scholarships received, prorated according to the  
22 fraction of the obligation not completed, at a rate of  
23 interest equal to 5%, and, if applicable, reasonable  
24 collection fees. The Commission is authorized to establish  
25 rules relating to its collection activities for repayment of  
26 scholarships under this Section. All repayments collected

1 under this Section shall be forwarded to the State Comptroller  
2 for deposit into this State's General Revenue Fund.

3 A recipient of a scholarship under this Section is not  
4 considered to be in violation of the failure to fulfill the  
5 work obligation under subsection (f) if the recipient (i)  
6 enrolls on a full-time basis as a graduate student in a course  
7 of study related to the field of social work at a qualified  
8 Illinois institution of higher learning; (ii) is serving, not  
9 in excess of 3 years, as a member of the armed services of the  
10 United States; (iii) is a person with a temporary total  
11 disability for a period of time not to exceed 3 years, as  
12 established by the sworn affidavit of a qualified physician;  
13 (iv) is seeking and unable to find full-time employment as a  
14 school social worker at an Illinois public or nonpublic  
15 not-for-profit preschool, elementary school, or secondary  
16 school that satisfies the criteria set forth in subsection (f)  
17 and is able to provide evidence of that fact; or (v) becomes a  
18 person with a permanent total disability, as established by  
19 the sworn affidavit of a qualified physician.

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

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

23 (110 ILCS 952/20)

24 Sec. 20. Scholarships.

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

6 (1) That the individual has been a resident of this  
7 State for at least one year prior to application and is a  
8 citizen or a lawful permanent resident ~~alien~~ of the United  
9 States.

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

12 (3) That the individual agrees to meet the mental  
13 health employment obligation.

14 (b) If in any year the number of qualified applicants  
15 exceeds the number of scholarships to be awarded, the  
16 Department shall, in consultation with the Advisory Council,  
17 consider the following factors in granting priority in  
18 awarding scholarships:

19 (1) Financial need, as shown on a standardized  
20 financial needs assessment form used by an approved  
21 institution.

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

25 The Department may add to and further define these merit  
26 criteria by rule.

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

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

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

9 (110 ILCS 975/5) (from Ch. 144, par. 2755)

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

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

20 (2) that he or she is enrolled in or accepted for  
21 admission to an associate degree in nursing program,  
22 hospital-based diploma in nursing program, baccalaureate  
23 degree in nursing program, graduate degree in nursing  
24 program, or practical nursing program at an approved



1 institution; and

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

4 If in any year the number of qualified applicants exceeds  
5 the number of scholarships to be awarded, the Department  
6 shall, in consultation with the Illinois Nursing Workforce  
7 Center Advisory Board, consider the following factors in  
8 granting priority in awarding scholarships:

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

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

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

25 Unless otherwise indicated, scholarships shall be awarded  
26 to recipients at approved institutions for a period of up to 2

1 years if the recipient is enrolled in an associate degree in  
2 nursing program, up to 3 years if the recipient is enrolled in  
3 a hospital-based diploma in nursing program, up to 4 years if  
4 the recipient is enrolled in a baccalaureate degree in nursing  
5 program, up to 5 years if the recipient is enrolled in a  
6 graduate degree in nursing program, and up to one year if the  
7 recipient is enrolled in a certificate in practical nursing  
8 program. At least 40% of the scholarships awarded shall be for  
9 recipients who are pursuing baccalaureate degrees in nursing,  
10 30% of the scholarships awarded shall be for recipients who  
11 are pursuing associate degrees in nursing or a diploma in  
12 nursing, 10% of the scholarships awarded shall be for  
13 recipients who are pursuing a certificate in practical  
14 nursing, and 20% of the scholarships awarded shall be for  
15 recipients who are pursuing a graduate degree in nursing.

16 Beginning with the fall term of the 2021-2022 academic  
17 year and continuing through the 2024-2025 academic year,  
18 subject to appropriation from the Hospital Licensure Fund, in  
19 addition to any other funds available to the Department for  
20 such scholarships, the Department may award a total of  
21 \$500,000 annually in scholarships under this Section.

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

23 (110 ILCS 975/6.5)

24 Sec. 6.5. Nurse educator scholarships.

25 (a) Beginning with the fall term of the 2009-2010 academic

1 year, the Department shall provide scholarships to individuals  
2 selected from among those applicants who qualify for  
3 consideration by showing the following:

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

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

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

12 (b) If in any year the number of qualified applicants  
13 exceeds the number of scholarships to be awarded under this  
14 Section, the Department shall, in consultation with the  
15 Illinois Nursing Workforce Center Advisory Board, consider the  
16 following factors in granting priority in awarding  
17 scholarships:

18 (1) Financial need, as shown on a standardized  
19 financial needs assessment form used by an approved  
20 institution, of students who will pursue their education  
21 on a full-time or close to full-time basis and who already  
22 have a diploma in nursing and are pursuing a higher  
23 degree.

24 (2) A student's status as a registered nurse who is  
25 pursuing a graduate degree in nursing to pursue employment  
26 in an approved institution that educates licensed

1 practical nurses and that educates registered nurses in  
2 undergraduate and graduate nursing programs.

3 (3) A student's merit, as shown through his or her  
4 grade point average, class rank, experience as a nurse,  
5 including supervisory experience, experience as a nurse in  
6 the United States military, and other academic and  
7 extracurricular activities.

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

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

26 Any person who fails to fulfill the nurse educator

1 employment obligation shall pay to the Department an amount  
2 equal to the amount of scholarship funds received per year for  
3 each unfulfilled year of the nurse educator employment  
4 obligation, together with interest at 7% per year on the  
5 unpaid balance. Payment must begin within 6 months following  
6 the date of the occurrence initiating the repayment. All  
7 repayments must be completed within 6 years from the date of  
8 the occurrence initiating the repayment. However, this  
9 repayment obligation may be deferred and re-evaluated every 6  
10 months when the failure to fulfill the nurse educator  
11 employment obligation results from involuntarily leaving the  
12 profession due to a decrease in the number of nurses employed  
13 in this State or when the failure to fulfill the nurse educator  
14 employment obligation results from total and permanent  
15 disability. The repayment obligation shall be excused if the  
16 failure to fulfill the nurse educator employment obligation  
17 results from the death or adjudication as incompetent of the  
18 person holding the scholarship. No claim for repayment may be  
19 filed against the estate of such a decedent or incompetent.

20 The Department may allow a nurse educator employment  
21 obligation fulfillment alternative if the nurse educator  
22 scholarship recipient is unsuccessful in finding work as a  
23 nurse educator. The Department shall maintain a database of  
24 all available nurse educator positions in this State.

25 (e) Each person applying for a scholarship under this  
26 Section must be provided with a copy of this Section at the

1 time of application for the benefits of this scholarship.

2 (f) Rulemaking authority to implement this amendatory Act  
3 of the 96th General Assembly, if any, is conditioned on the  
4 rules being adopted in accordance with all provisions of the  
5 Illinois Administrative Procedure Act and all rules and  
6 procedures of the Joint Committee on Administrative Rules; any  
7 purported rule not so adopted, for whatever reason, is  
8 unauthorized.

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

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

12 (215 ILCS 105/7) (from Ch. 73, par. 1307)

13 Sec. 7. Eligibility.

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

21 (1) A notice of rejection or refusal to issue  
22 substantially similar individual health insurance coverage  
23 for health reasons by a health insurance issuer;

24 (2) A refusal by a health insurance issuer to issue

1 individual health insurance coverage except at a rate  
2 exceeding the applicable Plan rate for which the person is  
3 responsible; or

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

6 A rejection or refusal by a group health plan or health  
7 insurance issuer offering only stop-loss or excess of loss  
8 insurance or contracts, agreements, or other arrangements for  
9 reinsurance coverage with respect to the applicant shall not  
10 be sufficient evidence under this subsection.

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

23 c. Family members of the same household who each are  
24 covered persons are eligible for optional family coverage  
25 under the Plan.

26 d. For persons qualifying for coverage in accordance with

1 Section 7 of this Act, the Board shall, if it determines that  
2 such appropriations as are made pursuant to Section 12 of this  
3 Act are insufficient to allow the Board to accept all of the  
4 eligible persons which it projects will apply for enrollment  
5 under the Plan, limit or close enrollment to ensure that the  
6 Plan is not over-subscribed and that it has sufficient  
7 resources to meet its obligations to existing enrollees. The  
8 Board shall not limit or close enrollment for federally  
9 eligible individuals.

10 e. A person shall not be eligible for coverage under the  
11 Plan if:

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

23 (1.1) His or her prior coverage under a group health  
24 plan or health insurance coverage, provided or arranged by  
25 an employer of more than 10 employees was discontinued for  
26 any reason without the entire group or plan being



1 discontinued and not replaced, provided he or she remains  
2 an employee, or dependent thereof, of the same employer.

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

23 (3) Except as provided in Section 15, the person has  
24 previously participated in the Plan and voluntarily  
25 terminated Plan coverage, unless 12 months have elapsed  
26 since the person's latest voluntary termination of

1 coverage.

2 (4) The person fails to pay the required premium under  
3 the covered person's terms of enrollment and  
4 participation, in which event the liability of the Plan  
5 shall be limited to benefits incurred under the Plan for  
6 the time period for which premiums had been paid and the  
7 covered person remained eligible for Plan coverage.

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

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

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

19 (8) The person has or later receives other benefits or  
20 funds from any settlement, judgement, or award resulting  
21 from any accident or injury, regardless of the date of the  
22 accident or injury, or any other circumstances creating a  
23 legal liability for damages due that person by a third  
24 party, whether the settlement, judgment, or award is in  
25 the form of a contract, agreement, or trust on behalf of a  
26 minor or otherwise and whether the settlement, judgment,

1 or award is payable to the person, his or her dependent,  
2 estate, personal representative, or guardian in a lump sum  
3 or over time, so long as there continues to be benefits or  
4 assets remaining from those sources in an amount in excess  
5 of \$300,000.

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

19 f. The Board or the administrator shall require  
20 verification of residency and may require any additional  
21 information or documentation, or statements under oath, when  
22 necessary to determine residency upon initial application and  
23 for the entire term of the policy.

24 g. Coverage shall cease (i) on the date a person is no  
25 longer a resident of Illinois, (ii) on the date a person  
26 requests coverage to end, (iii) upon the death of the covered

1 person, (iv) on the date State law requires cancellation of  
2 the policy, or (v) at the Plan's option, 30 days after the Plan  
3 makes any inquiry concerning a person's eligibility or place  
4 of residence to which the person does not reply.

5 h. Except under the conditions set forth in subsection g  
6 of this Section, the coverage of any person who ceases to meet  
7 the eligibility requirements of this Section shall be  
8 terminated at the end of the current policy period for which  
9 the necessary premiums have been paid.

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

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

13 (225 ILCS 50/8) (from Ch. 111, par. 7408)

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

15 Sec. 8. Applicant qualifications; examination.

16 (a) In order to protect persons who are deaf or hard of  
17 hearing, the Department shall authorize or shall conduct an  
18 appropriate examination, which may be the International  
19 Hearing Society's licensure examination, for persons who  
20 dispense, test, select, recommend, fit, or service hearing  
21 instruments. The frequency of holding these examinations shall  
22 be determined by the Department by rule. Those who  
23 successfully pass such an examination shall be issued a  
24 license as a hearing instrument dispenser, which shall be

1 effective for a 2-year period.

2 (b) Applicants shall be:

3 (1) at least 18 years of age;

4 (2) of good moral character;

5 (3) the holder of an associate's degree or the  
6 equivalent;

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

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

10 Felony convictions of the applicant and findings against  
11 the applicant involving matters set forth in Sections 17 and  
12 18 shall be considered in determining moral character, but  
13 such a conviction or finding shall not make an applicant  
14 ineligible to register for examination.

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

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

1 (d) Proof of having met the minimum requirements of  
2 continuing education as determined by the Board shall be  
3 required of all license renewals. Pursuant to rule, the  
4 continuing education requirements may, upon petition to the  
5 Board, be waived in whole or in part if the hearing instrument  
6 dispenser can demonstrate that he or she served in the Coast  
7 Guard or Armed Forces, had an extreme hardship, or obtained  
8 his or her license by examination or endorsement within the  
9 preceding renewal period.

10 (e) Persons applying for an initial license must  
11 demonstrate having earned, at a minimum, an associate degree  
12 or its equivalent from an accredited institution of higher  
13 education that is recognized by the U.S. Department of  
14 Education or that meets the U.S. Department of Education  
15 equivalency as determined through a National Association of  
16 Credential Evaluation Services (NACES) member, and meet the  
17 other requirements of this Section. In addition, the applicant  
18 must demonstrate the successful completion of (1) 12 semester  
19 hours or 18 quarter hours of academic undergraduate course  
20 work in an accredited institution consisting of 3 semester  
21 hours of anatomy and physiology of the hearing mechanism, 3  
22 semester hours of hearing science, 3 semester hours of  
23 introduction to audiology, and 3 semester hours of aural  
24 rehabilitation, or the quarter hour equivalent or (2) an  
25 equivalent program as determined by the Department that is  
26 consistent with the scope of practice of a hearing instrument

1 dispenser as defined in Section 3 of this Act. Persons  
2 licensed before January 1, 2003 who have a valid license on  
3 that date may have their license renewed without meeting the  
4 requirements of this subsection.

5 (Source: P.A. 98-827, eff. 1-1-15; 99-204, eff. 7-30-15;  
6 99-847, eff. 8-19-16.)

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

9 (305 ILCS 5/5-3) (from Ch. 23, par. 5-3)

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

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

18 As used in this Section, "migrant worker" means any person  
19 residing temporarily and employed in Illinois who moves  
20 seasonally from one place to another for the purpose of  
21 employment in agricultural activities, including the planting,  
22 raising or harvesting of any agricultural or horticultural  
23 commodities and the handling, packing or processing of such  
24 commodities on the farm where produced or at the point of first

1 processing, in animal husbandry, or in other activities  
2 connected with the care of animals. Dependents of such person  
3 shall be considered eligible if they are living with the  
4 person during his or her temporary residence and employment in  
5 Illinois.

6 In order to be eligible for medical assistance under this  
7 section, each migrant worker shall show proof of citizenship  
8 or legal immigration ~~alien~~ status.

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

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

12 (330 ILCS 61/1-10)

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

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

16 "Active duty" means any full-time military service  
17 regardless of length or voluntariness including, but not  
18 limited to, annual training, full-time National Guard duty,  
19 and State active duty. "Active duty" does not include any form  
20 of inactive duty service such as drill duty or muster duty.  
21 "Active duty", unless provided otherwise, includes active duty  
22 without pay.

23 "Active service" means all forms of active and inactive  
24 duty regardless of voluntariness including, but not limited



1 to, annual training, active duty for training, initial active  
2 duty training, overseas training duty, full-time National  
3 Guard duty, active duty other than training, State active  
4 duty, mobilizations, and muster duty. "Active service", unless  
5 provided otherwise, includes active service without pay.

6 "Active service" includes:

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

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

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

13 (C) funeral honors under 10 U.S.C. 12503 or 32  
14 U.S.C. 115;

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

17 (E) unsatisfactory participation under 10 U.S.C.  
18 10148 or 10 U.S.C. 12303;

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

20 (G) extended active duty under 10 U.S.C. 12311;

21 and

22 (H) reserve program administrator under 10 U.S.C.  
23 10211.

24 (2) Reserve component involuntary active service  
25 includes, but is not limited to, service under one of the  
26 following authorities:

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

3 (B) additional training duty or other duty under  
4 32 U.S.C. 502(f)(1)(A);

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

7 (D) mobilization under 10 U.S.C. 12301(a) or 10  
8 U.S.C. 12302;

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

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

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

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

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

16 (J) insurrection under 10 U.S.C. 331, 10 U.S.C.  
17 332, or 10 U.S.C. 12406;

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

20 (L) initial active duty for training under 10  
21 U.S.C. 671.

22 Reserve component active service not listed in paragraph  
23 (1) or (2) shall be considered involuntary active service  
24 under paragraph (2).

25 "Active service without pay" means active service  
26 performed under any authority in which base pay is not

1 received regardless of other allowances.

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

5 "Base pay" means the main component of military pay,  
6 whether active or inactive, based on rank and time in service.  
7 It does not include the addition of conditional funds for  
8 specific purposes such as allowances, incentive and special  
9 pay. Base pay, also known as basic pay, can be determined by  
10 referencing the appropriate military pay chart covering the  
11 time period in question located on the federal Defense Finance  
12 and Accounting Services website or as reflected on a federal  
13 Military Leave and Earnings Statement.

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

25 "Differential compensation" means pay due when the  
26 employee's daily rate of compensation for military service is

1 less than his or her daily rate of compensation as a public  
2 employee.

3 "Employee" means anyone employed by an employer.  
4 "Employee" includes any person who is a citizen, national, or  
5 permanent resident ~~alien~~ of the United States employed in a  
6 workplace that the State has legal authority to regulate  
7 business and employment. "Employee" does not include an  
8 independent contractor.

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

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

15 (2) an employer of a public employee;

16 (3) any successor in interest to a person,  
17 institution, organization, or other entity referred to  
18 under this definition; and

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

22 "Inactive duty" means inactive duty training, including  
23 drills, consisting of regularly scheduled unit training  
24 assemblies, additional training assemblies, periods of  
25 appropriate duty or equivalent training, and any special  
26 additional duties authorized for reserve component personnel

1 by appropriate military authority. "Inactive duty" does not  
2 include active duty.

3 "Military leave" means a furlough or leave of absence  
4 while performing active service. It cannot be substituted for  
5 accrued vacation, annual, or similar leave with pay except at  
6 the sole discretion of the service member employee. It is not a  
7 benefit of employment that is requested but a legal  
8 requirement upon receiving notice of pending military service.

9 "Military service" means:

10 (1) Service in the Armed Forces of the United States,  
11 the National Guard of any state or territory regardless of  
12 status, and the State Guard as defined in the State Guard  
13 Act. "Military service", whether active or reserve,  
14 includes service under the authority of U.S.C. Titles 10,  
15 14, or 32, or State active duty.

16 (2) Service in a federally recognized auxiliary of the  
17 United States Armed Forces when performing official duties  
18 in support of military or civilian authorities as a result  
19 of an emergency.

20 (3) A period for which an employee is absent from a  
21 position of employment for the purpose of medical or  
22 dental treatment for a condition, illness, or injury  
23 sustained or aggravated during a period of active service  
24 in which treatment is paid by the United States Department  
25 of Defense Military Health System.

26 "Public employee" means any person classified as a

1 full-time employee of the State of Illinois, a unit of local  
2 government, a public institution of higher education as  
3 defined in Section 1 of the Board of Higher Education Act, or a  
4 school district, other than an independent contractor.

5 "Reserve component" means the reserve components of  
6 Illinois and the United States Armed Forces regardless of  
7 status.

8 "Service member" means any person who is a member of a  
9 military service.

10 "State active duty" means full-time State-funded military  
11 duty under the command and control of the Governor and subject  
12 to the Military Code of Illinois.

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

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

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

18 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

19 Sec. 1.1. For purposes of this Act:

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

21 (1) convicted of an offense involving the use or  
22 possession of cannabis, a controlled substance, or  
23 methamphetamine within the past year; or

24 (2) determined by the Illinois State Police to be

1           addicted to narcotics based upon federal law or federal  
2           guidelines.

3           "Addicted to narcotics" does not include possession or use  
4           of a prescribed controlled substance under the direction and  
5           authority of a physician or other person authorized to  
6           prescribe the controlled substance when the controlled  
7           substance is used in the prescribed manner.

8           "Adjudicated as a person with a mental disability" means  
9           the person is the subject of a determination by a court, board,  
10          commission or other lawful authority that the person, as a  
11          result of marked subnormal intelligence, or mental illness,  
12          mental impairment, incompetency, condition, or disease:

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

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

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

20                 (3.5) is guilty but mentally ill, as provided in  
21                 Section 5-2-6 of the Unified Code of Corrections;

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

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

26                 (6) is a sexually violent person under subsection (f)

1 of Section 5 of the Sexually Violent Persons Commitment  
2 Act;

3 (7) is a sexually dangerous person under the Sexually  
4 Dangerous Persons Act;

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

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

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

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

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

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

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

21 (1) communicates a serious threat of physical violence  
22 against a reasonably identifiable victim or poses a clear  
23 and imminent risk of serious physical injury to himself,  
24 herself, or another person as determined by a physician,  
25 clinical psychologist, or qualified examiner; or

26 (2) demonstrates threatening physical or verbal



1 behavior, such as violent, suicidal, or assaultive  
2 threats, actions, or other behavior, as determined by a  
3 physician, clinical psychologist, qualified examiner,  
4 school administrator, or law enforcement official.

5 "Clinical psychologist" has the meaning provided in  
6 Section 1-103 of the Mental Health and Developmental  
7 Disabilities Code.

8 "Controlled substance" means a controlled substance or  
9 controlled substance analog as defined in the Illinois  
10 Controlled Substances Act.

11 "Counterfeit" means to copy or imitate, without legal  
12 authority, with intent to deceive.

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

16 "Firearm" means any device, by whatever name known, which  
17 is designed to expel a projectile or projectiles by the action  
18 of an explosion, expansion of gas or escape of gas; excluding,  
19 however:

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

24 (1.1) any pneumatic gun, spring gun, paint ball gun,  
25 or B-B gun which expels breakable paint balls containing  
26 washable marking colors;

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

4           (3) any device used exclusively for the firing of stud  
5 cartridges, explosive rivets or similar industrial  
6 ammunition; and

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

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

15           (1) any ammunition exclusively designed for use with a  
16 device used exclusively for signaling ~~signalling~~ or safety  
17 and required or recommended by the United States Coast  
18 Guard or the Interstate Commerce Commission; and

19           (2) any ammunition designed exclusively for use with a  
20 stud or rivet driver or other similar industrial  
21 ammunition.

22           "Gun show" means an event or function:

23           (1) at which the sale and transfer of firearms is the  
24 regular and normal course of business and where 50 or more  
25 firearms are displayed, offered, or exhibited for sale,  
26 transfer, or exchange; or

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

4           "Gun show" includes the entire premises provided for an  
5           event or function, including parking areas for the event or  
6           function, that is sponsored to facilitate the purchase, sale,  
7           transfer, or exchange of firearms as described in this  
8           Section. Nothing in this definition shall be construed to  
9           exclude a gun show held in conjunction with competitive  
10          shooting events at the World Shooting Complex sanctioned by a  
11          national governing body in which the sale or transfer of  
12          firearms is authorized under subparagraph (5) of paragraph (g)  
13          of subsection (A) of Section 24-3 of the Criminal Code of 2012.

14          Unless otherwise expressly stated, "gun show" does not  
15          include training or safety classes, competitive shooting  
16          events, such as rifle, shotgun, or handgun matches, trap,  
17          skeet, or sporting clays shoots, dinners, banquets, raffles,  
18          or any other event where the sale or transfer of firearms is  
19          not the primary course of business.

20          "Gun show promoter" means a person who organizes or  
21          operates a gun show.

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

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

4 "Mental health facility" means any licensed private  
5 hospital or hospital affiliate, institution, or facility, or  
6 part thereof, and any facility, or part thereof, operated by  
7 the State or a political subdivision thereof which provides  
8 ~~provide~~ treatment of persons with mental illness and includes  
9 all hospitals, institutions, clinics, evaluation facilities,  
10 mental health centers, colleges, universities, long-term care  
11 facilities, and nursing homes, or parts thereof, which provide  
12 treatment of persons with mental illness whether or not the  
13 primary purpose is to provide treatment of persons with mental  
14 illness.

15 "National governing body" means a group of persons who  
16 adopt rules and formulate policy on behalf of a national  
17 firearm sporting organization.

18 "Noncitizen" means a person who is not a citizen of the  
19 United States, but is a person who is a foreign-born person who  
20 lives in the United States, has not been naturalized, and is  
21 still a citizen of a foreign country.

22 "Patient" means:

23 (1) a person who is admitted as an inpatient or  
24 resident of a public or private mental health facility for  
25 mental health treatment under Chapter III of the Mental  
26 Health and Developmental Disabilities Code as an informal

1 admission, a voluntary admission, a minor admission, an  
2 emergency admission, or an involuntary admission, unless  
3 the treatment was solely for an alcohol abuse disorder; or

4 (2) a person who voluntarily or involuntarily receives  
5 mental health treatment as an out-patient or is otherwise  
6 provided services by a public or private mental health  
7 facility, and who poses a clear and present danger to  
8 himself, herself, or ~~to~~ others.

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

- 20 (i) self-care;  
21 (ii) receptive and expressive language;  
22 (iii) learning;  
23 (iv) mobility; or  
24 (v) self-direction.

25 "Person with an intellectual disability" means a person  
26 with a significantly subaverage general intellectual

1 functioning which exists concurrently with impairment in  
2 adaptive behavior and which originates before the age of 18  
3 years.

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

6 "Protective order" means any orders of protection issued  
7 under the Illinois Domestic Violence Act of 1986, stalking no  
8 contact orders issued under the Stalking No Contact Order Act,  
9 civil no contact orders issued under the Civil No Contact  
10 Order Act, and firearms restraining orders issued under the  
11 Firearms Restraining Order Act.

12 "Qualified examiner" has the meaning provided in Section  
13 1-122 of the Mental Health and Developmental Disabilities  
14 Code.

15 "Sanctioned competitive shooting event" means a shooting  
16 contest officially recognized by a national or state shooting  
17 sport association, and includes any sight-in or practice  
18 conducted in conjunction with the event.

19 "School administrator" means the person required to report  
20 under the School Administrator Reporting of Mental Health  
21 Clear and Present Danger Determinations Law.

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

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

1 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

2 Sec. 4. Application for Firearm Owner's Identification  
3 Cards.

4 (a) Each applicant for a Firearm Owner's Identification  
5 Card must:

6 (1) Submit an application as made available by the  
7 Illinois State Police; and

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

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

25 (i-5) This subparagraph (i-5) applies on and after  
26 the 181st day following July 12, 2019 (the effective

1 date of Public Act 101-80) ~~this amendatory Act of the~~  
2 ~~101st General Assembly~~. He or she is 21 years of age or  
3 over, or if he or she is under 21 years of age that he  
4 or she has never been convicted of a misdemeanor other  
5 than a traffic offense or adjudged delinquent and is  
6 an active duty member of the United States Armed  
7 Forces or has the written consent of his or her parent  
8 or legal guardian to possess and acquire firearms and  
9 firearm ammunition, provided, however, that such  
10 parent or legal guardian is not an individual  
11 prohibited from having a Firearm Owner's  
12 Identification Card and files an affidavit with the  
13 Illinois State Police Department as prescribed by the  
14 Illinois State Police Department stating that he or  
15 she is not an individual prohibited from having a Card  
16 or the active duty member of the United States Armed  
17 Forces under 21 years of age annually submits proof to  
18 the Illinois State Police, in a manner prescribed by  
19 the Illinois State Police Department;

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

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

23 (iv) He or she has not been a patient in a mental  
24 health facility within the past 5 years or, if he or  
25 she has been a patient in a mental health facility more  
26 than 5 years ago submit the certification required



1 under subsection (u) of Section 8 of this Act;

2 (v) He or she is not a person with an intellectual  
3 disability;

4 (vi) He or she is not a noncitizen ~~an alien~~ who is  
5 unlawfully present in the United States under the laws  
6 of the United States;

7 (vii) He or she is not subject to an existing order  
8 of protection prohibiting him or her from possessing a  
9 firearm;

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

15 (ix) He or she has not been convicted of domestic  
16 battery, aggravated domestic battery, or a  
17 substantially similar offense in another jurisdiction  
18 committed before, on or after January 1, 2012 (the  
19 effective date of Public Act 97-158). If the applicant  
20 knowingly and intelligently waives the right to have  
21 an offense described in this clause (ix) tried by a  
22 jury, and by guilty plea or otherwise, results in a  
23 conviction for an offense in which a domestic  
24 relationship is not a required element of the offense  
25 but in which a determination of the applicability of  
26 18 U.S.C. 922(g) (9) is made under Section 112A-11.1 of

1 the Code of Criminal Procedure of 1963, an entry by the  
2 court of a judgment of conviction for that offense  
3 shall be grounds for denying the issuance of a Firearm  
4 Owner's Identification Card under this Section;

5 (x) (Blank);

6 (xi) He or she is not a noncitizen ~~an alien~~ who has  
7 been admitted to the United States under a  
8 non-immigrant visa (as that term is defined in Section  
9 101(a)(26) of the Immigration and Nationality Act (8  
10 U.S.C. 1101(a)(26))), or that he or she is a  
11 noncitizen ~~an alien~~ who has been lawfully admitted to  
12 the United States under a non-immigrant visa if that  
13 noncitizen ~~alien~~ is:

14 (1) admitted to the United States for lawful  
15 hunting or sporting purposes;

16 (2) an official representative of a foreign  
17 government who is:

18 (A) accredited to the United States  
19 Government or the Government's mission to an  
20 international organization having its  
21 headquarters in the United States; or

22 (B) en route to or from another country to  
23 which that noncitizen ~~alien~~ is accredited;

24 (3) an official of a foreign government or  
25 distinguished foreign visitor who has been so  
26 designated by the Department of State;

1           (4) a foreign law enforcement officer of a  
2           friendly foreign government entering the United  
3           States on official business; or

4           (5) one who has received a waiver from the  
5           Attorney General of the United States pursuant to  
6           18 U.S.C. 922(y)(3);

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

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

16          (xiv) He or she is a resident of the State of  
17          Illinois;

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

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

22          (xvii) He or she is not a person with a  
23          developmental disability; and

24          (3) Upon request by the Illinois State Police, sign a  
25          release on a form prescribed by the Illinois State Police  
26          waiving any right to confidentiality and requesting the

1 disclosure to the Illinois State Police of limited mental  
2 health institution admission information from another  
3 state, the District of Columbia, any other territory of  
4 the United States, or a foreign nation concerning the  
5 applicant for the sole purpose of determining whether the  
6 applicant is or was a patient in a mental health  
7 institution and disqualified because of that status from  
8 receiving a Firearm Owner's Identification Card. No mental  
9 health care or treatment records may be requested. The  
10 information received shall be destroyed within one year of  
11 receipt.

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

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

26 (a-15) If an applicant applying for a Firearm Owner's

1 Identification Card moves from the residence address named in  
2 the application, he or she shall immediately notify in a form  
3 and manner prescribed by the Illinois State Police of that  
4 change of address.

5 (a-20) Each applicant for a Firearm Owner's Identification  
6 Card shall furnish to the Illinois State Police his or her  
7 photograph. An applicant who is 21 years of age or older  
8 seeking a religious exemption to the photograph requirement  
9 must furnish with the application an approved copy of United  
10 States Department of the Treasury Internal Revenue Service  
11 Form 4029. In lieu of a photograph, an applicant regardless of  
12 age seeking a religious exemption to the photograph  
13 requirement shall submit fingerprints on a form and manner  
14 prescribed by the Illinois State Police ~~Department~~ with his or  
15 her application.

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

23 The fingerprints must be transmitted through a live scan  
24 fingerprint vendor licensed by the Department of Financial and  
25 Professional Regulation. The fingerprints shall be checked  
26 against the fingerprint records now and hereafter filed in the

1 Illinois State Police and Federal Bureau of Investigation  
2 criminal history records databases, including all available  
3 State and local criminal history record information files.

4 The Illinois State Police shall charge applicants a  
5 one-time fee for conducting the criminal history record check,  
6 which shall be deposited into the State Police Services Fund  
7 and shall not exceed the actual cost of the State and national  
8 criminal history record check.

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

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

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

25 (Source: P.A. 101-80, eff. 7-12-19; 102-237, eff. 1-1-22;  
26 102-538, eff. 8-20-21; revised 10-12-21.)

1 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

2 Sec. 8. Grounds for denial and revocation. The Illinois  
3 State Police has authority to deny an application for or to  
4 revoke and seize a Firearm Owner's Identification Card  
5 previously issued under this Act only if the Illinois State  
6 Police Department finds that the applicant or the person to  
7 whom such card was issued is or was at the time of issuance:

8 (a) A person under 21 years of age who has been  
9 convicted of a misdemeanor other than a traffic offense or  
10 adjudged delinquent;

11 (b) This subsection (b) applies through the 180th day  
12 following July 12, 2019 (the effective date of Public Act  
13 101-80) ~~this amendatory Act of the 101st General Assembly.~~

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

20 (b-5) This subsection (b-5) applies on and after the  
21 181st day following July 12, 2019 (the effective date of  
22 Public Act 101-80) ~~this amendatory Act of the 101st~~  
23 ~~General Assembly.~~ A person under 21 years of age who is not  
24 an active duty member of the United States Armed Forces  
25 and does not have the written consent of his or her parent

1 or guardian to acquire and possess firearms and firearm  
2 ammunition, or whose parent or guardian has revoked such  
3 written consent, or where such parent or guardian does not  
4 qualify to have a Firearm Owner's Identification Card;

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

7 (d) A person addicted to narcotics;

8 (e) A person who has been a patient of a mental health  
9 facility within the past 5 years or a person who has been a  
10 patient in a mental health facility more than 5 years ago  
11 who has not received the certification required under  
12 subsection (u) of this Section. An active law enforcement  
13 officer employed by a unit of government or a Department  
14 of Corrections employee authorized to possess firearms who  
15 is denied, revoked, or has his or her Firearm Owner's  
16 Identification Card seized under this subsection (e) may  
17 obtain relief as described in subsection (c-5) of Section  
18 10 of this Act if the officer or employee did not act in a  
19 manner threatening to the officer or employee, another  
20 person, or the public as determined by the treating  
21 clinical psychologist or physician, and the officer or  
22 employee seeks mental health treatment;

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

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



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

3 (i) A noncitizen ~~An alien~~ who is unlawfully present in  
4 the United States under the laws of the United States;

5 (i-5) A noncitizen ~~An alien~~ who has been admitted to  
6 the United States under a non-immigrant visa (as that term  
7 is defined in Section 101(a)(26) of the Immigration and  
8 Nationality Act (8 U.S.C. 1101(a)(26))), except that this  
9 subsection (i-5) does not apply to any noncitizen ~~alien~~  
10 who has been lawfully admitted to the United States under  
11 a non-immigrant visa if that noncitizen ~~alien~~ is:

12 (1) admitted to the United States for lawful  
13 hunting or sporting purposes;

14 (2) an official representative of a foreign  
15 government who is:

16 (A) accredited to the United States Government  
17 or the Government's mission to an international  
18 organization having its headquarters in the United  
19 States; or

20 (B) en route to or from another country to  
21 which that noncitizen ~~alien~~ is accredited;

22 (3) an official of a foreign government or  
23 distinguished foreign visitor who has been so  
24 designated by the Department of State;

25 (4) a foreign law enforcement officer of a  
26 friendly foreign government entering the United States

1 on official business; or

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

5 (j) (Blank);

6 (k) A person who has been convicted within the past 5  
7 years of battery, assault, aggravated assault, violation  
8 of an order of protection, or a substantially similar  
9 offense in another jurisdiction, in which a firearm was  
10 used or possessed;

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

1           seizing a Firearm Owner's Identification Card previously  
2           issued to the person under this Act;

3           (m) (Blank);

4           (n) A person who is prohibited from acquiring or  
5           possessing firearms or firearm ammunition by any Illinois  
6           State statute or by federal law;

7           (o) A minor subject to a petition filed under Section  
8           5-520 of the Juvenile Court Act of 1987 alleging that the  
9           minor is a delinquent minor for the commission of an  
10          offense that if committed by an adult would be a felony;

11          (p) An adult who had been adjudicated a delinquent  
12          minor under the Juvenile Court Act of 1987 for the  
13          commission of an offense that if committed by an adult  
14          would be a felony;

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

18          (r) A person who has been adjudicated as a person with  
19          a mental disability;

20          (s) A person who has been found to have a  
21          developmental disability;

22          (t) A person involuntarily admitted into a mental  
23          health facility; or

24          (u) A person who has had his or her Firearm Owner's  
25          Identification Card revoked or denied under subsection (e)  
26          of this Section or item (iv) of paragraph (2) of

1 subsection (a) of Section 4 of this Act because he or she  
2 was a patient in a mental health facility as provided in  
3 subsection (e) of this Section, shall not be permitted to  
4 obtain a Firearm Owner's Identification Card, after the  
5 5-year period has lapsed, unless he or she has received a  
6 mental health evaluation by a physician, clinical  
7 psychologist, or qualified examiner as those terms are  
8 defined in the Mental Health and Developmental  
9 Disabilities Code, and has received a certification that  
10 he or she is not a clear and present danger to himself,  
11 herself, or others. The physician, clinical psychologist,  
12 or qualified examiner making the certification and his or  
13 her employer shall not be held criminally, civilly, or  
14 professionally liable for making or not making the  
15 certification required under this subsection, except for  
16 willful or wanton misconduct. This subsection does not  
17 apply to a person whose firearm possession rights have  
18 been restored through administrative or judicial action  
19 under Section 10 or 11 of this Act.

20 Upon revocation of a person's Firearm Owner's  
21 Identification Card, the Illinois State Police shall provide  
22 notice to the person and the person shall comply with Section  
23 9.5 of this Act.

24 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;  
25 102-645, eff. 1-1-22; revised 10-14-21.)

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

3 (720 ILCS 5/17-6.5)

4 Sec. 17-6.5. Persons under deportation order;  
5 ineligibility for benefits.

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

16 (1) The homestead exemptions and homestead improvement  
17 exemption under Sections 15-170, 15-175, 15-176, and  
18 15-180 of the Property Tax Code.

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

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

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

25 (5) Reductions in vehicle registration fees under

1 Section 3-806.3 of the Illinois Vehicle Code.

2 (6) Free fishing and reduced fishing license fees  
3 under Sections 20-5 and 20-40 of the Fish and Aquatic Life  
4 Code.

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

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

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

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

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

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

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

26 (5) the total monetary value of the benefits received

1 is \$10,000 or more, the person is guilty of a Class 1  
2 felony.

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

7 (d) Any grants awarded to persons described in subsection  
8 (a) may be recovered by the State of Illinois in a civil action  
9 commenced by the Attorney General in the circuit court of  
10 Sangamon County or the State's Attorney of the county of  
11 residence of the person described in subsection (a).

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

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

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

4           (720 ILCS 678/2)

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

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

12           "Clear and conspicuous statement" means the statement is  
13 of sufficient type size to be clearly readable by the  
14 recipient of the communication.

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

17           "Delivery sale" means any sale of cigarettes or electronic  
18 cigarettes to a consumer if:

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



1 (b) the cigarettes or electronic cigarettes are  
2 delivered by use of a common carrier, private delivery  
3 service, or the mails, or the seller is not in the physical  
4 presence of the buyer when the buyer obtains possession of  
5 the cigarettes or electronic cigarettes.

6 "Delivery service" means any person (other than a person  
7 that makes a delivery sale) who delivers to the consumer the  
8 cigarettes or electronic cigarettes sold in a delivery sale.

9 "Department" means the Department of Revenue.

10 "Electronic cigarette" means:

11 (1) any device that employs a battery or other  
12 mechanism to heat a solution or substance to produce a  
13 vapor or aerosol intended for inhalation;

14 (2) any cartridge or container of a solution or  
15 substance intended to be used with or in the device or to  
16 refill the device; or

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

19 "Electronic cigarette" includes, but is not limited to,  
20 any electronic nicotine delivery system, electronic cigar,  
21 electronic cigarillo, electronic pipe, electronic hookah, vape  
22 pen, or similar product or device, and any component, part, or  
23 accessory of a device used during the operation of the device,  
24 even if the part or accessory was sold separately. "Electronic  
25 cigarette" does not include: cigarettes, as defined in Section  
26 1 of the Cigarette Tax Act; any product approved by the United

1 States Food and Drug Administration for sale as a tobacco  
2 cessation product, a tobacco dependence product, or for other  
3 medical purposes that is marketed and sold solely for that  
4 approved purpose; any asthma inhaler prescribed by a physician  
5 for that condition that is marketed and sold solely for that  
6 approved purpose; any device that meets the definition of  
7 cannabis paraphernalia under Section 1-10 of the Cannabis  
8 Regulation and Tax Act; or any cannabis product sold by a  
9 dispensing organization pursuant to the Cannabis Regulation  
10 and Tax Act or the Compassionate Use of Medical Cannabis  
11 Program Act.

12 "Government-issued identification" means a State driver's  
13 license, State identification card, passport, a military  
14 identification or an official naturalization or immigration  
15 document, such as a permanent resident card ~~an alien~~  
16 ~~registration recipient card~~ (commonly known as a "green card")  
17 or an immigrant visa.

18 "Mails" or "mailing" mean the shipment of cigarettes or  
19 electronic cigarettes through the United States Postal  
20 Service.

21 "Out-of-state sale" means a sale of cigarettes or  
22 electronic cigarettes to a consumer located outside of this  
23 State where the consumer submits the order for such sale by  
24 means of a telephonic or other method of voice transmission,  
25 the mails or any other delivery service, facsimile  
26 transmission, or the Internet or other online service and

1 where the cigarettes or electronic cigarettes are delivered by  
2 use of the mails or other delivery service.

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

6 "Shipping package" means a container in which packs or  
7 cartons of cigarettes or electronic cigarettes are shipped in  
8 connection with a delivery sale.

9 "Shipping documents" means bills of lading, air bills, or  
10 any other documents used to evidence the undertaking by a  
11 delivery service to deliver letters, packages, or other  
12 containers.

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

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

16 (725 ILCS 5/113-8)

17 Sec. 113-8. Advisement concerning status as a noncitizen  
18 ~~an alien~~.

19 (a) Before the acceptance of a plea of guilty, guilty but  
20 mentally ill, or nolo contendere to a misdemeanor or felony  
21 offense, the court shall give the following advisement to the  
22 defendant in open court:

23 "If you are not a citizen of the United States, you are  
24 hereby advised that conviction of the offense for which you

1 have been charged may have the consequence of deportation,  
2 exclusion from admission to the United States, or denial of  
3 naturalization under the laws of the United States.".

4 (b) If the defendant is arraigned on or after the  
5 effective date of this amendatory Act of the 101st General  
6 Assembly, and the court fails to advise the defendant as  
7 required by subsection (a) of this Section, and the defendant  
8 shows that conviction of the offense to which the defendant  
9 pleaded guilty, guilty but mentally ill, or nolo contendere  
10 may have the consequence for the defendant of deportation,  
11 exclusion from admission to the United States, or denial of  
12 naturalization under the laws of the United States, the court,  
13 upon the defendant's motion, shall vacate the judgment and  
14 permit the defendant to withdraw the plea of guilty, guilty  
15 but mentally ill, or nolo contendere and enter a plea of not  
16 guilty. The motion shall be filed within 2 years of the date of  
17 the defendant's conviction.

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

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

21 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

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

23 (1) In addition to the powers, duties, and  
24 responsibilities which are otherwise provided by law, the

1 Department shall have the following powers:

2 (a) To accept persons committed to it by the courts of  
3 this State for care, custody, treatment, and  
4 rehabilitation, and to accept federal prisoners and  
5 noncitizens ~~aliens~~ over whom the Office of the Federal  
6 Detention Trustee is authorized to exercise the federal  
7 detention function for limited purposes and periods of  
8 time.

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

24 (b-1) To create and implement, on January 1, 2002, a  
25 pilot program to establish the effectiveness of  
26 pupillometer technology (the measurement of the pupil's

1 reaction to light) as an alternative to a urine test for  
2 purposes of screening and evaluating persons committed to  
3 its custody who have alcohol or drug problems. The pilot  
4 program shall require the pupillometer technology to be  
5 used in at least one Department of Corrections facility.  
6 The Director may expand the pilot program to include an  
7 additional facility or facilities as he or she deems  
8 appropriate. A minimum of 4,000 tests shall be included in  
9 the pilot program. The Department must report to the  
10 General Assembly on the effectiveness of the program by  
11 January 1, 2003.

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

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

1 and administer all State youth centers pursuant to  
2 subsection (d) of Section 3-2.5-20.

3 Pursuant to its power to establish new institutions  
4 and facilities, the Department may authorize the  
5 Department of Central Management Services to accept bids  
6 from counties and municipalities for the construction,  
7 remodeling, or conversion of a structure to be leased to  
8 the Department of Corrections for the purposes of its  
9 serving as a correctional institution or facility. Such  
10 construction, remodeling, or conversion may be financed  
11 with revenue bonds issued pursuant to the Industrial  
12 Building Revenue Bond Act by the municipality or county.  
13 The lease specified in a bid shall be for a term of not  
14 less than the time needed to retire any revenue bonds used  
15 to finance the project, but not to exceed 40 years. The  
16 lease may grant to the State the option to purchase the  
17 structure outright.

18 Upon receipt of the bids, the Department may certify  
19 one or more of the bids and shall submit any such bids to  
20 the General Assembly for approval. Upon approval of a bid  
21 by a constitutional majority of both houses of the General  
22 Assembly, pursuant to joint resolution, the Department of  
23 Central Management Services may enter into an agreement  
24 with the county or municipality pursuant to such bid.

25 (c-5) To build and maintain regional juvenile  
26 detention centers and to charge a per diem to the counties

1 as established by the Department to defray the costs of  
2 housing each minor in a center. In this subsection (c-5),  
3 "juvenile detention center" means a facility to house  
4 minors during pendency of trial who have been transferred  
5 from proceedings under the Juvenile Court Act of 1987 to  
6 prosecutions under the criminal laws of this State in  
7 accordance with Section 5-805 of the Juvenile Court Act of  
8 1987, whether the transfer was by operation of law or  
9 permissive under that Section. The Department shall  
10 designate the counties to be served by each regional  
11 juvenile detention center.

12 (d) To develop and maintain programs of control,  
13 rehabilitation, and employment of committed persons within  
14 its institutions.

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

17 (d-10) To provide educational and visitation  
18 opportunities to committed persons within its institutions  
19 through temporary access to content-controlled tablets  
20 that may be provided as a privilege to committed persons  
21 to induce or reward compliance.

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

24 (f) To establish in cooperation with the Department of  
25 Transportation to supply a sufficient number of prisoners  
26 for use by the Department of Transportation to clean up



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

1 regular employee with a prisoner.

2 (g) To maintain records of persons committed to it and  
3 to establish programs of research, statistics, and  
4 planning.

5 (h) To investigate the grievances of any person  
6 committed to the Department and to inquire into any  
7 alleged misconduct by employees or committed persons; and  
8 for these purposes it may issue subpoenas and compel the  
9 attendance of witnesses and the production of writings and  
10 papers, and may examine under oath any witnesses who may  
11 appear before it; to also investigate alleged violations  
12 of a parolee's or releasee's conditions of parole or  
13 release; and for this purpose it may issue subpoenas and  
14 compel the attendance of witnesses and the production of  
15 documents only if there is reason to believe that such  
16 procedures would provide evidence that such violations  
17 have occurred.

18 If any person fails to obey a subpoena issued under  
19 this subsection, the Director may apply to any circuit  
20 court to secure compliance with the subpoena. The failure  
21 to comply with the order of the court issued in response  
22 thereto shall be punishable as contempt of court.

23 (i) To appoint and remove the chief administrative  
24 officers, and administer programs of training and  
25 development of personnel of the Department. Personnel  
26 assigned by the Department to be responsible for the

1 custody and control of committed persons or to investigate  
2 the alleged misconduct of committed persons or employees  
3 or alleged violations of a parolee's or releasee's  
4 conditions of parole shall be conservators of the peace  
5 for those purposes, and shall have the full power of peace  
6 officers outside of the facilities of the Department in  
7 the protection, arrest, retaking, and reconfining of  
8 committed persons or where the exercise of such power is  
9 necessary to the investigation of such misconduct or  
10 violations. This subsection shall not apply to persons  
11 committed to the Department of Juvenile Justice under the  
12 Juvenile Court Act of 1987 on aftercare release.

13 (j) To cooperate with other departments and agencies  
14 and with local communities for the development of  
15 standards and programs for better correctional services in  
16 this State.

17 (k) To administer all moneys and properties of the  
18 Department.

19 (l) To report annually to the Governor on the  
20 committed persons, institutions, and programs of the  
21 Department.

22 (1-5) (Blank).

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

25 (n) To establish rules and regulations for  
26 administering a system of sentence credits, established in

1           accordance with Section 3-6-3, subject to review by the  
2           Prisoner Review Board.

3           (o) To administer the distribution of funds from the  
4           State Treasury to reimburse counties where State penal  
5           institutions are located for the payment of assistant  
6           state's attorneys' salaries under Section 4-2001 of the  
7           Counties Code.

8           (p) To exchange information with the Department of  
9           Human Services and the Department of Healthcare and Family  
10          Services for the purpose of verifying living arrangements  
11          and for other purposes directly connected with the  
12          administration of this Code and the Illinois Public Aid  
13          Code.

14          (q) To establish a diversion program.

15          The program shall provide a structured environment for  
16          selected technical parole or mandatory supervised release  
17          violators and committed persons who have violated the  
18          rules governing their conduct while in work release. This  
19          program shall not apply to those persons who have  
20          committed a new offense while serving on parole or  
21          mandatory supervised release or while committed to work  
22          release.

23          Elements of the program shall include, but shall not  
24          be limited to, the following:

25                  (1) The staff of a diversion facility shall  
26                  provide supervision in accordance with required

1 objectives set by the facility.

2 (2) Participants shall be required to maintain  
3 employment.

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

7 (4) Each participant shall:

8 (A) provide restitution to victims in  
9 accordance with any court order;

10 (B) provide financial support to his  
11 dependents; and

12 (C) make appropriate payments toward any other  
13 court-ordered obligations.

14 (5) Each participant shall complete community  
15 service in addition to employment.

16 (6) Participants shall take part in such  
17 counseling, educational, and other programs as the  
18 Department may deem appropriate.

19 (7) Participants shall submit to drug and alcohol  
20 screening.

21 (8) The Department shall promulgate rules  
22 governing the administration of the program.

23 (r) To enter into intergovernmental cooperation  
24 agreements under which persons in the custody of the  
25 Department may participate in a county impact  
26 incarceration program established under Section 3-6038 or

1 3-15003.5 of the Counties Code.

2 (r-5) (Blank).

3 (r-10) To systematically and routinely identify with  
4 respect to each streetgang active within the correctional  
5 system: (1) each active gang; (2) every existing  
6 inter-gang affiliation or alliance; and (3) the current  
7 leaders in each gang. The Department shall promptly  
8 segregate leaders from inmates who belong to their gangs  
9 and allied gangs. "Segregate" means no physical contact  
10 and, to the extent possible under the conditions and space  
11 available at the correctional facility, prohibition of  
12 visual and sound communication. For the purposes of this  
13 paragraph (r-10), "leaders" means persons who:

14 (i) are members of a criminal streetgang;

15 (ii) with respect to other individuals within the  
16 streetgang, occupy a position of organizer,  
17 supervisor, or other position of management or  
18 leadership; and

19 (iii) are actively and personally engaged in  
20 directing, ordering, authorizing, or requesting  
21 commission of criminal acts by others, which are  
22 punishable as a felony, in furtherance of streetgang  
23 related activity both within and outside of the  
24 Department of Corrections.

25 "Streetgang", "gang", and "streetgang related" have the  
26 meanings ascribed to them in Section 10 of the Illinois

1 Streetgang Terrorism Omnibus Prevention Act.

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

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

18 As used in this subdivision (1)(t), "unprivileged  
19 conversation" or "unprivileged communication" means a  
20 conversation or communication that is not protected by any  
21 privilege recognized by law or by decision, rule, or order  
22 of the Illinois Supreme Court.

23 (u) To establish a Women's and Children's Pre-release  
24 Community Supervision Program for the purpose of providing  
25 housing and services to eligible female inmates, as  
26 determined by the Department, and their newborn and young

1 children.

2 (u-5) To issue an order, whenever a person committed  
3 to the Department absconds or absents himself or herself,  
4 without authority to do so, from any facility or program  
5 to which he or she is assigned. The order shall be  
6 certified by the Director, the Supervisor of the  
7 Apprehension Unit, or any person duly designated by the  
8 Director, with the seal of the Department affixed. The  
9 order shall be directed to all sheriffs, coroners, and  
10 police officers, or to any particular person named in the  
11 order. Any order issued pursuant to this subdivision  
12 (1)(u-5) shall be sufficient warrant for the officer or  
13 person named in the order to arrest and deliver the  
14 committed person to the proper correctional officials and  
15 shall be executed the same as criminal process.

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

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

22 (2) The Department of Corrections shall by January 1,  
23 1998, consider building and operating a correctional facility  
24 within 100 miles of a county of over 2,000,000 inhabitants,  
25 especially a facility designed to house juvenile participants  
26 in the impact incarceration program.



1           (3) When the Department lets bids for contracts for  
2 medical services to be provided to persons committed to  
3 Department facilities by a health maintenance organization,  
4 medical service corporation, or other health care provider,  
5 the bid may only be let to a health care provider that has  
6 obtained an irrevocable letter of credit or performance bond  
7 issued by a company whose bonds have an investment grade or  
8 higher rating by a bond rating organization.

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

16           (5) On and after the date 6 months after August 16, 2013  
17 (the effective date of Public Act 98-488), as provided in the  
18 Executive Order 1 (2012) Implementation Act, all of the  
19 powers, duties, rights, and responsibilities related to State  
20 healthcare purchasing under this Code that were transferred  
21 from the Department of Corrections to the Department of  
22 Healthcare and Family Services by Executive Order 3 (2005) are  
23 transferred back to the Department of Corrections; however,  
24 powers, duties, rights, and responsibilities related to State  
25 healthcare purchasing under this Code that were exercised by  
26 the Department of Corrections before the effective date of

1 Executive Order 3 (2005) but that pertain to individuals  
2 resident in facilities operated by the Department of Juvenile  
3 Justice are transferred to the Department of Juvenile Justice.  
4 (Source: P.A. 101-235, eff. 1-1-20; 102-350, eff. 8-13-21;  
5 102-535, eff. 1-1-22; 102-538, eff. 8-20-21; revised  
6 10-15-21.)

7 (730 ILCS 5/5-5-3)

8 Sec. 5-5-3. Disposition.

9 (a) (Blank).

10 (b) (Blank).

11 (c) (1) (Blank).

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

19 (A) First degree murder where the death penalty is not  
20 imposed.

21 (B) Attempted first degree murder.

22 (C) A Class X felony.

23 (D) A violation of Section 401.1 or 407 of the  
24 Illinois Controlled Substances Act, or a violation of  
25 subdivision (c)(1.5) of Section 401 of that Act which

1 relates to more than 5 grams of a substance containing  
2 fentanyl or an analog thereof.

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

7 (E) (Blank).

8 (F) A Class 1 or greater felony if the offender had  
9 been convicted of a Class 1 or greater felony, including  
10 any state or federal conviction for an offense that  
11 contained, at the time it was committed, the same elements  
12 as an offense now (the date of the offense committed after  
13 the prior Class 1 or greater felony) classified as a Class  
14 1 or greater felony, within 10 years of the date on which  
15 the offender committed the offense for which he or she is  
16 being sentenced, except as otherwise provided in Section  
17 40-10 of the Substance Use Disorder Act.

18 (F-3) A Class 2 or greater felony sex offense or  
19 felony firearm offense if the offender had been convicted  
20 of a Class 2 or greater felony, including any state or  
21 federal conviction for an offense that contained, at the  
22 time it was committed, the same elements as an offense now  
23 (the date of the offense committed after the prior Class 2  
24 or greater felony) classified as a Class 2 or greater  
25 felony, within 10 years of the date on which the offender  
26 committed the offense for which he or she is being

1 sentenced, except as otherwise provided in Section 40-10  
2 of the Substance Use Disorder Act.

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

6 (G) Residential burglary, except as otherwise provided  
7 in Section 40-10 of the Substance Use Disorder Act.

8 (H) Criminal sexual assault.

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

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

15 Before July 1, 1994, for the purposes of this  
16 paragraph, "organized gang" means an association of 5 or  
17 more persons, with an established hierarchy, that  
18 encourages members of the association to perpetrate crimes  
19 or provides support to the members of the association who  
20 do commit crimes.

21 Beginning July 1, 1994, for the purposes of this  
22 paragraph, "organized gang" has the meaning ascribed to it  
23 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
24 Prevention Act.

25 (K) Vehicular hijacking.

26 (L) A second or subsequent conviction for the offense

1 of hate crime when the underlying offense upon which the  
2 hate crime is based is felony aggravated assault or felony  
3 mob action.

4 (M) A second or subsequent conviction for the offense  
5 of institutional vandalism if the damage to the property  
6 exceeds \$300.

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

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

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

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

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

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

24 (S) (Blank).

25 (T) (Blank).

26 (U) A second or subsequent violation of Section 6-303

1 of the Illinois Vehicle Code committed while his or her  
2 driver's license, permit, or privilege was revoked because  
3 of a violation of Section 9-3 of the Criminal Code of 1961  
4 or the Criminal Code of 2012, relating to the offense of  
5 reckless homicide, or a similar provision of a law of  
6 another state.

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

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

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

26 (Y) A conviction for unlawful possession of a firearm

1 by a street gang member when the firearm was loaded or  
2 contained firearm ammunition.

3 (Z) A Class 1 felony committed while he or she was  
4 serving a term of probation or conditional discharge for a  
5 felony.

6 (AA) Theft of property exceeding \$500,000 and not  
7 exceeding \$1,000,000 in value.

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

10 (CC) Knowingly selling, offering for sale, holding for  
11 sale, or using 2,000 or more counterfeit items or  
12 counterfeit items having a retail value in the aggregate  
13 of \$500,000 or more.

14 (DD) A conviction for aggravated assault under  
15 paragraph (6) of subsection (c) of Section 12-2 of the  
16 Criminal Code of 1961 or the Criminal Code of 2012 if the  
17 firearm is aimed toward the person against whom the  
18 firearm is being used.

19 (EE) A conviction for a violation of paragraph (2) of  
20 subsection (a) of Section 24-3B of the Criminal Code of  
21 2012.

22 (3) (Blank).

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

1 (4.1) (Blank).

2 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
3 this subsection (c), a minimum of 100 hours of community  
4 service shall be imposed for a second violation of Section  
5 6-303 of the Illinois Vehicle Code.

6 (4.3) A minimum term of imprisonment of 30 days or 300  
7 hours of community service, as determined by the court, shall  
8 be imposed for a second violation of subsection (c) of Section  
9 6-303 of the Illinois Vehicle Code.

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

18 (4.5) A minimum term of imprisonment of 30 days shall be  
19 imposed for a third violation of subsection (c) of Section  
20 6-303 of the Illinois Vehicle Code.

21 (4.6) Except as provided in paragraph (4.10) of this  
22 subsection (c), a minimum term of imprisonment of 180 days  
23 shall be imposed for a fourth or subsequent violation of  
24 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

25 (4.7) A minimum term of imprisonment of not less than 30  
26 consecutive days, or 300 hours of community service, shall be



1 imposed for a violation of subsection (a-5) of Section 6-303  
2 of the Illinois Vehicle Code, as provided in subsection (b-5)  
3 of that Section.

4 (4.8) A mandatory prison sentence shall be imposed for a  
5 second violation of subsection (a-5) of Section 6-303 of the  
6 Illinois Vehicle Code, as provided in subsection (c-5) of that  
7 Section. The person's driving privileges shall be revoked for  
8 a period of not less than 5 years from the date of his or her  
9 release from prison.

10 (4.9) A mandatory prison sentence of not less than 4 and  
11 not more than 15 years shall be imposed for a third violation  
12 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
13 Code, as provided in subsection (d-2.5) of that Section. The  
14 person's driving privileges shall be revoked for the remainder  
15 of his or her life.

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

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

25 (A) a period of conditional discharge;

26 (B) a fine;

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

3 (5.1) In addition to any other penalties imposed, and  
4 except as provided in paragraph (5.2) or (5.3), a person  
5 convicted of violating subsection (c) of Section 11-907 of the  
6 Illinois Vehicle Code shall have his or her driver's license,  
7 permit, or privileges suspended for at least 90 days but not  
8 more than one year, if the violation resulted in damage to the  
9 property of another person.

10 (5.2) In addition to any other penalties imposed, and  
11 except as provided in paragraph (5.3), a person convicted of  
12 violating subsection (c) of Section 11-907 of the Illinois  
13 Vehicle Code shall have his or her driver's license, permit,  
14 or privileges suspended for at least 180 days but not more than  
15 2 years, if the violation resulted in injury to another  
16 person.

17 (5.3) In addition to any other penalties imposed, a person  
18 convicted of violating subsection (c) of Section 11-907 of the  
19 Illinois Vehicle Code shall have his or her driver's license,  
20 permit, or privileges suspended for 2 years, if the violation  
21 resulted in the death of another person.

22 (5.4) In addition to any other penalties imposed, a person  
23 convicted of violating Section 3-707 of the Illinois Vehicle  
24 Code shall have his or her driver's license, permit, or  
25 privileges suspended for 3 months and until he or she has paid  
26 a reinstatement fee of \$100.

1           (5.5) In addition to any other penalties imposed, a person  
2 convicted of violating Section 3-707 of the Illinois Vehicle  
3 Code during a period in which his or her driver's license,  
4 permit, or privileges were suspended for a previous violation  
5 of that Section shall have his or her driver's license,  
6 permit, or privileges suspended for an additional 6 months  
7 after the expiration of the original 3-month suspension and  
8 until he or she has paid a reinstatement fee of \$100.

9           (6) (Blank).

10          (7) (Blank).

11          (8) (Blank).

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

15          (10) (Blank).

16          (11) The court shall impose a minimum fine of \$1,000 for a  
17 first offense and \$2,000 for a second or subsequent offense  
18 upon a person convicted of or placed on supervision for  
19 battery when the individual harmed was a sports official or  
20 coach at any level of competition and the act causing harm to  
21 the sports official or coach occurred within an athletic  
22 facility or within the immediate vicinity of the athletic  
23 facility at which the sports official or coach was an active  
24 participant of the athletic contest held at the athletic  
25 facility. For the purposes of this paragraph (11), "sports  
26 official" means a person at an athletic contest who enforces

1 the rules of the contest, such as an umpire or referee;  
2 "athletic facility" means an indoor or outdoor playing field  
3 or recreational area where sports activities are conducted;  
4 and "coach" means a person recognized as a coach by the  
5 sanctioning authority that conducted the sporting event.

6 (12) A person may not receive a disposition of court  
7 supervision for a violation of Section 5-16 of the Boat  
8 Registration and Safety Act if that person has previously  
9 received a disposition of court supervision for a violation of  
10 that Section.

11 (13) A person convicted of or placed on court supervision  
12 for an assault or aggravated assault when the victim and the  
13 offender are family or household members as defined in Section  
14 103 of the Illinois Domestic Violence Act of 1986 or convicted  
15 of domestic battery or aggravated domestic battery may be  
16 required to attend a Partner Abuse Intervention Program under  
17 protocols set forth by the Illinois Department of Human  
18 Services under such terms and conditions imposed by the court.  
19 The costs of such classes shall be paid by the offender.

20 (d) In any case in which a sentence originally imposed is  
21 vacated, the case shall be remanded to the trial court. The  
22 trial court shall hold a hearing under Section 5-4-1 of this  
23 Code which may include evidence of the defendant's life, moral  
24 character and occupation during the time since the original  
25 sentence was passed. The trial court shall then impose  
26 sentence upon the defendant. The trial court may impose any

1 sentence which could have been imposed at the original trial  
2 subject to Section 5-5-4 of this Code. If a sentence is vacated  
3 on appeal or on collateral attack due to the failure of the  
4 trier of fact at trial to determine beyond a reasonable doubt  
5 the existence of a fact (other than a prior conviction)  
6 necessary to increase the punishment for the offense beyond  
7 the statutory maximum otherwise applicable, either the  
8 defendant may be re-sentenced to a term within the range  
9 otherwise provided or, if the State files notice of its  
10 intention to again seek the extended sentence, the defendant  
11 shall be afforded a new trial.

12 (e) In cases where prosecution for aggravated criminal  
13 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
14 Code of 1961 or the Criminal Code of 2012 results in conviction  
15 of a defendant who was a family member of the victim at the  
16 time of the commission of the offense, the court shall  
17 consider the safety and welfare of the victim and may impose a  
18 sentence of probation only where:

19 (1) the court finds (A) or (B) or both are  
20 appropriate:

21 (A) the defendant is willing to undergo a court  
22 approved counseling program for a minimum duration of  
23 2 years; or

24 (B) the defendant is willing to participate in a  
25 court approved plan, including, but not limited to,  
26 the defendant's:

- 1 (i) removal from the household;  
2 (ii) restricted contact with the victim;  
3 (iii) continued financial support of the  
4 family;  
5 (iv) restitution for harm done to the victim;  
6 and  
7 (v) compliance with any other measures that  
8 the court may deem appropriate; and

9 (2) the court orders the defendant to pay for the  
10 victim's counseling services, to the extent that the court  
11 finds, after considering the defendant's income and  
12 assets, that the defendant is financially capable of  
13 paying for such services, if the victim was under 18 years  
14 of age at the time the offense was committed and requires  
15 counseling as a result of the offense.

16 Probation may be revoked or modified pursuant to Section  
17 5-6-4; except where the court determines at the hearing that  
18 the defendant violated a condition of his or her probation  
19 restricting contact with the victim or other family members or  
20 commits another offense with the victim or other family  
21 members, the court shall revoke the defendant's probation and  
22 impose a term of imprisonment.

23 For the purposes of this Section, "family member" and  
24 "victim" shall have the meanings ascribed to them in Section  
25 11-0.1 of the Criminal Code of 2012.

26 (f) (Blank).

1 (g) Whenever a defendant is convicted of an offense under  
2 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
3 11-14.3, 11-14.4 except for an offense that involves keeping a  
4 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
5 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
6 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the  
7 Criminal Code of 2012, the defendant shall undergo medical  
8 testing to determine whether the defendant has any sexually  
9 transmissible disease, including a test for infection with  
10 human immunodeficiency virus (HIV) or any other identified  
11 causative agent of acquired immunodeficiency syndrome (AIDS).  
12 Any such medical test shall be performed only by appropriately  
13 licensed medical practitioners and may include an analysis of  
14 any bodily fluids as well as an examination of the defendant's  
15 person. Except as otherwise provided by law, the results of  
16 such test shall be kept strictly confidential by all medical  
17 personnel involved in the testing and must be personally  
18 delivered in a sealed envelope to the judge of the court in  
19 which the conviction was entered for the judge's inspection in  
20 camera. Acting in accordance with the best interests of the  
21 victim and the public, the judge shall have the discretion to  
22 determine to whom, if anyone, the results of the testing may be  
23 revealed. The court shall notify the defendant of the test  
24 results. The court shall also notify the victim if requested  
25 by the victim, and if the victim is under the age of 15 and if  
26 requested by the victim's parents or legal guardian, the court

1 shall notify the victim's parents or legal guardian of the  
2 test results. The court shall provide information on the  
3 availability of HIV testing and counseling at Department of  
4 Public Health facilities to all parties to whom the results of  
5 the testing are revealed and shall direct the State's Attorney  
6 to provide the information to the victim when possible. The  
7 court shall order that the cost of any such test shall be paid  
8 by the county and may be taxed as costs against the convicted  
9 defendant.

10 (g-5) When an inmate is tested for an airborne  
11 communicable disease, as determined by the Illinois Department  
12 of Public Health, including, but not limited to, tuberculosis,  
13 the results of the test shall be personally delivered by the  
14 warden or his or her designee in a sealed envelope to the judge  
15 of the court in which the inmate must appear for the judge's  
16 inspection in camera if requested by the judge. Acting in  
17 accordance with the best interests of those in the courtroom,  
18 the judge shall have the discretion to determine what if any  
19 precautions need to be taken to prevent transmission of the  
20 disease in the courtroom.

21 (h) Whenever a defendant is convicted of an offense under  
22 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
23 defendant shall undergo medical testing to determine whether  
24 the defendant has been exposed to human immunodeficiency virus  
25 (HIV) or any other identified causative agent of acquired  
26 immunodeficiency syndrome (AIDS). Except as otherwise provided



1 by law, the results of such test shall be kept strictly  
2 confidential by all medical personnel involved in the testing  
3 and must be personally delivered in a sealed envelope to the  
4 judge of the court in which the conviction was entered for the  
5 judge's inspection in camera. Acting in accordance with the  
6 best interests of the public, the judge shall have the  
7 discretion to determine to whom, if anyone, the results of the  
8 testing may be revealed. The court shall notify the defendant  
9 of a positive test showing an infection with the human  
10 immunodeficiency virus (HIV). The court shall provide  
11 information on the availability of HIV testing and counseling  
12 at Department of Public Health facilities to all parties to  
13 whom the results of the testing are revealed and shall direct  
14 the State's Attorney to provide the information to the victim  
15 when possible. The court shall order that the cost of any such  
16 test shall be paid by the county and may be taxed as costs  
17 against the convicted defendant.

18 (i) All fines and penalties imposed under this Section for  
19 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
20 Vehicle Code, or a similar provision of a local ordinance, and  
21 any violation of the Child Passenger Protection Act, or a  
22 similar provision of a local ordinance, shall be collected and  
23 disbursed by the circuit clerk as provided under the Criminal  
24 and Traffic Assessment Act.

25 (j) In cases when prosecution for any violation of Section  
26 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,

1 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
2 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
3 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
4 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
5 Code of 2012, any violation of the Illinois Controlled  
6 Substances Act, any violation of the Cannabis Control Act, or  
7 any violation of the Methamphetamine Control and Community  
8 Protection Act results in conviction, a disposition of court  
9 supervision, or an order of probation granted under Section 10  
10 of the Cannabis Control Act, Section 410 of the Illinois  
11 Controlled Substances Act, or Section 70 of the  
12 Methamphetamine Control and Community Protection Act of a  
13 defendant, the court shall determine whether the defendant is  
14 employed by a facility or center as defined under the Child  
15 Care Act of 1969, a public or private elementary or secondary  
16 school, or otherwise works with children under 18 years of age  
17 on a daily basis. When a defendant is so employed, the court  
18 shall order the Clerk of the Court to send a copy of the  
19 judgment of conviction or order of supervision or probation to  
20 the defendant's employer by certified mail. If the employer of  
21 the defendant is a school, the Clerk of the Court shall direct  
22 the mailing of a copy of the judgment of conviction or order of  
23 supervision or probation to the appropriate regional  
24 superintendent of schools. The regional superintendent of  
25 schools shall notify the State Board of Education of any  
26 notification under this subsection.

1 (j-5) A defendant at least 17 years of age who is convicted  
2 of a felony and who has not been previously convicted of a  
3 misdemeanor or felony and who is sentenced to a term of  
4 imprisonment in the Illinois Department of Corrections shall  
5 as a condition of his or her sentence be required by the court  
6 to attend educational courses designed to prepare the  
7 defendant for a high school diploma and to work toward a high  
8 school diploma or to work toward passing high school  
9 equivalency testing or to work toward completing a vocational  
10 training program offered by the Department of Corrections. If  
11 a defendant fails to complete the educational training  
12 required by his or her sentence during the term of  
13 incarceration, the Prisoner Review Board shall, as a condition  
14 of mandatory supervised release, require the defendant, at his  
15 or her own expense, to pursue a course of study toward a high  
16 school diploma or passage of high school equivalency testing.  
17 The Prisoner Review Board shall revoke the mandatory  
18 supervised release of a defendant who wilfully fails to comply  
19 with this subsection (j-5) upon his or her release from  
20 confinement in a penal institution while serving a mandatory  
21 supervised release term; however, the inability of the  
22 defendant after making a good faith effort to obtain financial  
23 aid or pay for the educational training shall not be deemed a  
24 wilful failure to comply. The Prisoner Review Board shall  
25 recommit the defendant whose mandatory supervised release term  
26 has been revoked under this subsection (j-5) as provided in

1 Section 3-3-9. This subsection (j-5) does not apply to a  
2 defendant who has a high school diploma or has successfully  
3 passed high school equivalency testing. This subsection (j-5)  
4 does not apply to a defendant who is determined by the court to  
5 be a person with a developmental disability or otherwise  
6 mentally incapable of completing the educational or vocational  
7 program.

8 (k) (Blank).

9 (l) (A) Except as provided in paragraph (C) of subsection  
10 (l), whenever a defendant, who is not a citizen or national of  
11 the United States ~~an alien as defined by the Immigration and~~  
12 ~~Nationality Act~~, is convicted of any felony or misdemeanor  
13 offense, the court after sentencing the defendant may, upon  
14 motion of the State's Attorney, hold sentence in abeyance and  
15 remand the defendant to the custody of the Attorney General of  
16 the United States or his or her designated agent to be deported  
17 when:

18 (1) a final order of deportation has been issued  
19 against the defendant pursuant to proceedings under the  
20 Immigration and Nationality Act, and

21 (2) the deportation of the defendant would not  
22 deprecate the seriousness of the defendant's conduct and  
23 would not be inconsistent with the ends of justice.

24 Otherwise, the defendant shall be sentenced as provided in  
25 this Chapter V.

26 (B) If the defendant has already been sentenced for a

1 felony or misdemeanor offense, or has been placed on probation  
2 under Section 10 of the Cannabis Control Act, Section 410 of  
3 the Illinois Controlled Substances Act, or Section 70 of the  
4 Methamphetamine Control and Community Protection Act, the  
5 court may, upon motion of the State's Attorney to suspend the  
6 sentence imposed, commit the defendant to the custody of the  
7 Attorney General of the United States or his or her designated  
8 agent when:

9 (1) a final order of deportation has been issued  
10 against the defendant pursuant to proceedings under the  
11 Immigration and Nationality Act, and

12 (2) the deportation of the defendant would not  
13 deprecate the seriousness of the defendant's conduct and  
14 would not be inconsistent with the ends of justice.

15 (C) This subsection (1) does not apply to offenders who  
16 are subject to the provisions of paragraph (2) of subsection  
17 (a) of Section 3-6-3.

18 (D) Upon motion of the State's Attorney, if a defendant  
19 sentenced under this Section returns to the jurisdiction of  
20 the United States, the defendant shall be recommitted to the  
21 custody of the county from which he or she was sentenced.  
22 Thereafter, the defendant shall be brought before the  
23 sentencing court, which may impose any sentence that was  
24 available under Section 5-5-3 at the time of initial  
25 sentencing. In addition, the defendant shall not be eligible  
26 for additional earned sentence credit as provided under

1 Section 3-6-3.

2 (m) A person convicted of criminal defacement of property  
3 under Section 21-1.3 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012, in which the property damage exceeds  
5 \$300 and the property damaged is a school building, shall be  
6 ordered to perform community service that may include cleanup,  
7 removal, or painting over the defacement.

8 (n) The court may sentence a person convicted of a  
9 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
10 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
11 of 1961 or the Criminal Code of 2012 (i) to an impact  
12 incarceration program if the person is otherwise eligible for  
13 that program under Section 5-8-1.1, (ii) to community service,  
14 or (iii) if the person has a substance use disorder, as defined  
15 in the Substance Use Disorder Act, to a treatment program  
16 licensed under that Act.

17 (o) Whenever a person is convicted of a sex offense as  
18 defined in Section 2 of the Sex Offender Registration Act, the  
19 defendant's driver's license or permit shall be subject to  
20 renewal on an annual basis in accordance with the provisions  
21 of license renewal established by the Secretary of State.

22 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;  
23 102-531, eff. 1-1-22; revised 10-12-21.)

24 Section 120. The Property Owned By Aliens Act is amended  
25 by changing the title of the Act and Sections 0.01, 7, and 8 as

1 follows:

2 (765 ILCS 60/Act title)

3 An Act concerning the right of noncitizens ~~aliens~~ to  
4 acquire and hold real and personal property.

5 (765 ILCS 60/0.01) (from Ch. 6, par. 0.01)

6 Sec. 0.01. Short title. This Act may be cited as the  
7 Property Owned By Noncitizens ~~Aliens~~ Act.

8 (Source: P.A. 86-1324.)

9 (765 ILCS 60/7) (from Ch. 6, par. 7)

10 Sec. 7. All noncitizens ~~aliens~~ may acquire, hold, and  
11 dispose of real and personal property in the same manner and to  
12 the same extent as natural born citizens of the United States,  
13 and the personal estate of a noncitizen ~~an alien~~ dying  
14 intestate shall be distributed in the same manner as the  
15 estates of natural born citizens, and all persons interested  
16 in such estate shall be entitled to proper distributive shares  
17 thereof under the laws of this state, whether they are  
18 noncitizens ~~aliens~~ or not.

19 This amendatory Act of 1992 does not apply to the  
20 Agricultural Foreign Investment Disclosure Act.

21 (Source: P.A. 87-1101.)

22 (765 ILCS 60/8) (from Ch. 6, par. 8)

1           Sec. 8. An act in regard to noncitizens ~~aliens~~ and to  
2       restrict their right to acquire and hold real and personal  
3       estate and to provide for the disposition of the lands now  
4       owned by non-resident noncitizens ~~aliens~~, approved June 16,  
5       1887, and in force July 1, 1887, and all other acts and parts  
6       of acts in conflict with this act, are hereby repealed.

7       (Source: Laws 1897, p. 5.)

8           Section 125. The Property Taxes of Alien Landlords Act is  
9       amended by changing the title of the Act and Sections 0.01 and  
10      1 as follows:

11           (765 ILCS 725/Act title)

12           An Act to prevent noncitizen ~~alien~~ landlords from  
13       including the payment of taxes in the rent of farm lands as a  
14       part of the rental thereof.

15           (765 ILCS 725/0.01) (from Ch. 6, par. 8.9)

16           Sec. 0.01. Short title. This Act may be cited as the  
17       Property Taxes Of Noncitizen ~~Alien~~ Landlords Act.

18       (Source: P.A. 86-1324.)

19           (765 ILCS 725/1) (from Ch. 6, par. 9)

20           Sec. 1. No contract, agreement or lease in writing or by  
21       parol, by which any lands or tenements therein are demised or  
22       leased by any noncitizen ~~alien~~ or his agents for the purpose of



1 farming, cultivation or the raising of crops thereon, shall  
2 contain any provision requiring the tenant or other person for  
3 him, to pay taxes on said lands or tenements, or any part  
4 thereof, and all such provisions, agreements and leases so  
5 made are declared void as to the taxes aforesaid. If any  
6 noncitizen ~~alien~~ landlord or his agents shall receive in  
7 advance or at any other time any sum of money or article of  
8 value from any tenant in lieu of such taxes, directly or  
9 indirectly, the same may be recovered back by such tenant  
10 before any court having jurisdiction of the amount thereof,  
11 and all provisions or agreements in writing or otherwise to  
12 pay such taxes shall be held in all courts of this state to be  
13 void.

14 (Source: P.A. 81-1509.)

15 Section 130. The Illinois Human Rights Act is amended by  
16 changing Section 2-101 as follows:

17 (775 ILCS 5/2-101)

18 Sec. 2-101. Definitions. The following definitions are  
19 applicable strictly in the context of this Article.

20 (A) Employee.

21 (1) "Employee" includes:

22 (a) Any individual performing services for  
23 remuneration within this State for an employer;

24 (b) An apprentice;

1 (c) An applicant for any apprenticeship.

2 For purposes of subsection (D) of Section 2-102 of  
3 this Act, "employee" also includes an unpaid intern. An  
4 unpaid intern is a person who performs work for an  
5 employer under the following circumstances:

6 (i) the employer is not committed to hiring the  
7 person performing the work at the conclusion of the  
8 intern's tenure;

9 (ii) the employer and the person performing the  
10 work agree that the person is not entitled to wages for  
11 the work performed; and

12 (iii) the work performed:

13 (I) supplements training given in an  
14 educational environment that may enhance the  
15 employability of the intern;

16 (II) provides experience for the benefit of  
17 the person performing the work;

18 (III) does not displace regular employees;

19 (IV) is performed under the close supervision  
20 of existing staff; and

21 (V) provides no immediate advantage to the  
22 employer providing the training and may  
23 occasionally impede the operations of the  
24 employer.

25 (2) "Employee" does not include:

26 (a) (Blank);

1 (b) Individuals employed by persons who are not  
2 "employers" as defined by this Act;

3 (c) Elected public officials or the members of  
4 their immediate personal staffs;

5 (d) Principal administrative officers of the State  
6 or of any political subdivision, municipal corporation  
7 or other governmental unit or agency;

8 (e) A person in a vocational rehabilitation  
9 facility certified under federal law who has been  
10 designated an evaluatee, trainee, or work activity  
11 client.

12 (B) Employer.

13 (1) "Employer" includes:

14 (a) Any person employing one or more employees  
15 within Illinois during 20 or more calendar weeks  
16 within the calendar year of or preceding the alleged  
17 violation;

18 (b) Any person employing one or more employees  
19 when a complainant alleges civil rights violation due  
20 to unlawful discrimination based upon his or her  
21 physical or mental disability unrelated to ability,  
22 pregnancy, or sexual harassment;

23 (c) The State and any political subdivision,  
24 municipal corporation or other governmental unit or  
25 agency, without regard to the number of employees;

26 (d) Any party to a public contract without regard

1 to the number of employees;

2 (e) A joint apprenticeship or training committee  
3 without regard to the number of employees.

4 (2) "Employer" does not include any place of worship,  
5 religious corporation, association, educational  
6 institution, society, or non-profit nursing institution  
7 conducted by and for those who rely upon treatment by  
8 prayer through spiritual means in accordance with the  
9 tenets of a recognized church or religious denomination  
10 with respect to the employment of individuals of a  
11 particular religion to perform work connected with the  
12 carrying on by such place of worship, corporation,  
13 association, educational institution, society or  
14 non-profit nursing institution of its activities.

15 (C) Employment Agency. "Employment Agency" includes both  
16 public and private employment agencies and any person, labor  
17 organization, or labor union having a hiring hall or hiring  
18 office regularly undertaking, with or without compensation, to  
19 procure opportunities to work, or to procure, recruit, refer  
20 or place employees.

21 (D) Labor Organization. "Labor Organization" includes any  
22 organization, labor union, craft union, or any voluntary  
23 unincorporated association designed to further the cause of  
24 the rights of union labor which is constituted for the  
25 purpose, in whole or in part, of collective bargaining or of  
26 dealing with employers concerning grievances, terms or

1 conditions of employment, or apprenticeships or applications  
2 for apprenticeships, or of other mutual aid or protection in  
3 connection with employment, including apprenticeships or  
4 applications for apprenticeships.

5 (E) Sexual Harassment. "Sexual harassment" means any  
6 unwelcome sexual advances or requests for sexual favors or any  
7 conduct of a sexual nature when (1) submission to such conduct  
8 is made either explicitly or implicitly a term or condition of  
9 an individual's employment, (2) submission to or rejection of  
10 such conduct by an individual is used as the basis for  
11 employment decisions affecting such individual, or (3) such  
12 conduct has the purpose or effect of substantially interfering  
13 with an individual's work performance or creating an  
14 intimidating, hostile or offensive working environment.

15 For purposes of this definition, the phrase "working  
16 environment" is not limited to a physical location an employee  
17 is assigned to perform his or her duties.

18 (E-1) Harassment. "Harassment" means any unwelcome conduct  
19 on the basis of an individual's actual or perceived race,  
20 color, religion, national origin, ancestry, age, sex, marital  
21 status, order of protection status, disability, military  
22 status, sexual orientation, pregnancy, unfavorable discharge  
23 from military service, citizenship status, or work  
24 authorization status that has the purpose or effect of  
25 substantially interfering with the individual's work  
26 performance or creating an intimidating, hostile, or offensive

1 working environment. For purposes of this definition, the  
2 phrase "working environment" is not limited to a physical  
3 location an employee is assigned to perform his or her duties.

4 (F) Religion. "Religion" with respect to employers  
5 includes all aspects of religious observance and practice, as  
6 well as belief, unless an employer demonstrates that he is  
7 unable to reasonably accommodate an employee's or prospective  
8 employee's religious observance or practice without undue  
9 hardship on the conduct of the employer's business.

10 (G) Public Employer. "Public employer" means the State, an  
11 agency or department thereof, unit of local government, school  
12 district, instrumentality or political subdivision.

13 (H) Public Employee. "Public employee" means an employee  
14 of the State, agency or department thereof, unit of local  
15 government, school district, instrumentality or political  
16 subdivision. "Public employee" does not include public  
17 officers or employees of the General Assembly or agencies  
18 thereof.

19 (I) Public Officer. "Public officer" means a person who is  
20 elected to office pursuant to the Constitution or a statute or  
21 ordinance, or who is appointed to an office which is  
22 established, and the qualifications and duties of which are  
23 prescribed, by the Constitution or a statute or ordinance, to  
24 discharge a public duty for the State, agency or department  
25 thereof, unit of local government, school district,  
26 instrumentality or political subdivision.

1 (J) Eligible Bidder. "Eligible bidder" means a person who,  
2 prior to contract award or prior to bid opening for State  
3 contracts for construction or construction-related services,  
4 has filed with the Department a properly completed, sworn and  
5 currently valid employer report form, pursuant to the  
6 Department's regulations. The provisions of this Article  
7 relating to eligible bidders apply only to bids on contracts  
8 with the State and its departments, agencies, boards, and  
9 commissions, and the provisions do not apply to bids on  
10 contracts with units of local government or school districts.

11 (K) Citizenship Status. "Citizenship status" means the  
12 status of being:

13 (1) a born U.S. citizen;

14 (2) a naturalized U.S. citizen;

15 (3) a U.S. national; or

16 (4) a person born outside the United States and not a  
17 U.S. citizen who is lawfully present ~~not an unauthorized~~  
18 ~~alien~~ and who is protected from discrimination under the  
19 provisions of Section 1324b of Title 8 of the United  
20 States Code, as now or hereafter amended.

21 (L) Work Authorization Status. "Work authorization status"  
22 means the status of being a person born outside of the United  
23 States, and not a U.S. citizen, who is authorized by the  
24 federal government to work in the United States.

25 (Source: P.A. 101-221, eff. 1-1-20; 101-430, eff. 7-1-20;  
26 102-233, eff. 8-2-21; 102-558, eff. 8-20-21.)

1           Section 135. The Resident Alien Course Act is amended by  
2 changing the title of the Act and Sections 0.01, 1, 2, and 3 as  
3 follows:

4           (815 ILCS 400/Act title)

5           An Act concerning fees charged for courses offered to  
6 persons seeking permanent resident ~~alien~~ status under the  
7 Immigration Reform and Control Act of 1986.

8           (815 ILCS 400/0.01) (from Ch. 111, par. 8050)

9           Sec. 0.01. Short title. This Act may be cited as the  
10 Resident ~~Alien~~ Course Act.

11 (Source: P.A. 86-1324.)

12           (815 ILCS 400/1) (from Ch. 111, par. 8051)

13           Sec. 1. No individual or agency, authorized by the U.S.  
14 Immigration and Naturalization Service to offer a course  
15 leading to a certificate of satisfactory pursuit for issuance  
16 of permanent resident ~~alien~~ status, may charge a fee for such  
17 course in excess of \$5 per hour per individual up to the first  
18 60 hours of instruction or \$500 for up to 12 months of  
19 instruction from the date of registration. As used in this  
20 Section, the term "fee" includes all costs associated with the  
21 course, including the costs of instruction and materials.

22 (Source: P.A. 86-831.)



1 (815 ILCS 400/2) (from Ch. 111, par. 8052)

2 Sec. 2. No individual or agency which offers any service  
3 or course with the promise of preparing the recipient or  
4 enrollee for the English and civics exam of the U.S.  
5 Immigration and Naturalization Service for issuance of  
6 permanent resident ~~alien~~ status may charge a fee for such  
7 service or course in excess of \$5 per hour per individual up to  
8 the first 60 hours of instruction or \$500 for up to 12 months  
9 of instruction from the date of registration. As used in this  
10 Section, the term "fee" includes all costs associated with the  
11 service or course, including the costs of instruction and  
12 materials.

13 (Source: P.A. 86-831.)

14 (815 ILCS 400/3) (from Ch. 111, par. 8053)

15 Sec. 3. Any individual or agency offering a course or  
16 service described in Section 2 shall include within any  
17 literature or print or electronic advertisement for such  
18 service or course a statement that such service or course is  
19 designed to prepare the recipient or enrollee for the English  
20 and civics exam of the U.S. Immigration and Naturalization  
21 Service and that the individual or agency offering the service  
22 or course does not issue the certificate of satisfactory  
23 pursuit required by the U.S. Immigration and Naturalization  
24 Service for issuance of permanent resident ~~alien~~ status.

1 (Source: P.A. 86-831.)

2 Section 140. The Consumer Fraud and Deceptive Business  
3 Practices Act is amended by changing Section 2AA as follows:

4 (815 ILCS 505/2AA)

5 Sec. 2AA. Immigration services.

6 (a) "Immigration matter" means any proceeding, filing, or  
7 action affecting the nonimmigrant, immigrant or citizenship  
8 status of any person that arises under immigration and  
9 naturalization law, executive order or presidential  
10 proclamation of the United States or any foreign country, or  
11 that arises under action of the United States Citizenship and  
12 Immigration Services, the United States Department of Labor,  
13 or the United States Department of State.

14 "Immigration assistance service" means any information or  
15 action provided or offered to customers or prospective  
16 customers related to immigration matters, excluding legal  
17 advice, recommending a specific course of legal action, or  
18 providing any other assistance that requires legal analysis,  
19 legal judgment, or interpretation of the law.

20 "Compensation" means money, property, services, promise of  
21 payment, or anything else of value.

22 "Employed by" means that a person is on the payroll of the  
23 employer and the employer deducts from the employee's paycheck  
24 social security and withholding taxes, or receives

1 compensation from the employer on a commission basis or as an  
2 independent contractor.

3 "Reasonable costs" means actual costs or, if actual costs  
4 cannot be calculated, reasonably estimated costs of such  
5 things as photocopying, telephone calls, document requests,  
6 and filing fees for immigration forms, and other nominal costs  
7 incidental to assistance in an immigration matter.

8 (a-1) The General Assembly finds and declares that private  
9 individuals who assist persons with immigration matters have a  
10 significant impact on the ability of their clients to reside  
11 and work within the United States and to establish and  
12 maintain stable families and business relationships. The  
13 General Assembly further finds that that assistance and its  
14 impact also have a significant effect on the cultural, social,  
15 and economic life of the State of Illinois and thereby  
16 substantially affect the public interest. It is the intent of  
17 the General Assembly to establish rules of practice and  
18 conduct for those individuals to promote honesty and fair  
19 dealing with residents and to preserve public confidence.

20 (a-5) The following persons are exempt from this Section,  
21 provided they prove the exemption by a preponderance of the  
22 evidence:

23 (1) An attorney licensed to practice law in any state  
24 or territory of the United States, or of any foreign  
25 country when authorized by the Illinois Supreme Court, to  
26 the extent the attorney renders immigration assistance

1 service in the course of his or her practice as an  
2 attorney.

3 (2) A legal intern, as described by the rules of the  
4 Illinois Supreme Court, employed by and under the direct  
5 supervision of a licensed attorney and rendering  
6 immigration assistance service in the course of the  
7 intern's employment.

8 (3) A not-for-profit organization recognized by the  
9 Board of Immigration Appeals under 8 CFR 292.2(a) and  
10 employees of those organizations accredited under 8 CFR  
11 292.2(d).

12 (4) Any organization employing or desiring to employ a  
13 documented or undocumented immigrant or nonimmigrant  
14 ~~alien~~, where the organization, its employees or its agents  
15 provide advice or assistance in immigration matters to  
16 documented or undocumented immigrant or nonimmigrant ~~alien~~  
17 employees or potential employees without compensation from  
18 the individuals to whom such advice or assistance is  
19 provided.

20 Nothing in this Section shall regulate any business to the  
21 extent that such regulation is prohibited or preempted by  
22 State or federal law.

23 All other persons providing or offering to provide  
24 immigration assistance service shall be subject to this  
25 Section.

26 (b) Any person who provides or offers to provide

1 immigration assistance service may perform only the following  
2 services:

3 (1) Completing a government agency form, requested by  
4 the customer and appropriate to the customer's needs, only  
5 if the completion of that form does not involve a legal  
6 judgment for that particular matter.

7 (2) Transcribing responses to a government agency form  
8 which is related to an immigration matter, but not  
9 advising a customer as to his or her answers on those  
10 forms.

11 (3) Translating information on forms to a customer and  
12 translating the customer's answers to questions posed on  
13 those forms.

14 (4) Securing for the customer supporting documents  
15 currently in existence, such as birth and marriage  
16 certificates, which may be needed to be submitted with  
17 government agency forms.

18 (5) Translating documents from a foreign language into  
19 English.

20 (6) Notarizing signatures on government agency forms,  
21 if the person performing the service is a notary public of  
22 the State of Illinois.

23 (7) Making referrals, without fee, to attorneys who  
24 could undertake legal representation for a person in an  
25 immigration matter.

26 (8) Preparing or arranging for the preparation of

1           photographs and fingerprints.

2           (9) Arranging for the performance of medical testing  
3           (including X-rays and AIDS tests) and the obtaining of  
4           reports of such test results.

5           (10) Conducting English language and civics courses.

6           (11) Other services that the Attorney General  
7           determines by rule may be appropriately performed by such  
8           persons in light of the purposes of this Section.

9           Fees for a notary public, agency, or any other person who  
10          is not an attorney or an accredited representative filling out  
11          immigration forms shall be limited to the maximum fees set  
12          forth in subsections (a) and (b) of Section 3-104 of the  
13          Illinois Notary Public Act (5 ILCS 312/3-104). The maximum fee  
14          schedule set forth in subsections (a) and (b) of Section 3-104  
15          of the Illinois Notary Public Act shall apply to any person  
16          that provides or offers to provide immigration assistance  
17          service performing the services described therein. The  
18          Attorney General may promulgate rules establishing maximum  
19          fees that may be charged for any services not described in that  
20          subsection. The maximum fees must be reasonable in light of  
21          the costs of providing those services and the degree of  
22          professional skill required to provide the services.

23          No person subject to this Act shall charge fees directly  
24          or indirectly for referring an individual to an attorney or  
25          for any immigration matter not authorized by this Article,  
26          provided that a person may charge a fee for notarizing

1 documents as permitted by the Illinois Notary Public Act.

2 (c) Any person performing such services shall register  
3 with the Illinois Attorney General and submit verification of  
4 malpractice insurance or of a surety bond.

5 (d) Except as provided otherwise in this subsection,  
6 before providing any assistance in an immigration matter a  
7 person shall provide the customer with a written contract that  
8 includes the following:

9 (1) An explanation of the services to be performed.

10 (2) Identification of all compensation and costs to be  
11 charged to the customer for the services to be performed.

12 (3) A statement that documents submitted in support of  
13 an application for nonimmigrant, immigrant, or  
14 naturalization status may not be retained by the person  
15 for any purpose, including payment of compensation or  
16 costs.

17 This subsection does not apply to a not-for-profit  
18 organization that provides advice or assistance in immigration  
19 matters to clients without charge beyond a reasonable fee to  
20 reimburse the organization's or clinic's reasonable costs  
21 relating to providing immigration services to that client.

22 (e) Any person who provides or offers immigration  
23 assistance service and is not exempted from this Section,  
24 shall post signs at his or her place of business, setting forth  
25 information in English and in every other language in which  
26 the person provides or offers to provide immigration

1 assistance service. Each language shall be on a separate sign.  
2 Signs shall be posted in a location where the signs will be  
3 visible to customers. Each sign shall be at least 11 inches by  
4 17 inches, and shall contain the following:

5 (1) The statement "I AM NOT AN ATTORNEY LICENSED TO  
6 PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES  
7 FOR LEGAL ADVICE.".

8 (2) The statement "I AM NOT ACCREDITED TO REPRESENT  
9 YOU BEFORE THE UNITED STATES IMMIGRATION AND  
10 NATURALIZATION SERVICE AND THE IMMIGRATION BOARD OF  
11 APPEALS.".

12 (3) The fee schedule.

13 (4) The statement that "You may cancel any contract  
14 within 3 working days and get your money back for services  
15 not performed.".

16 (5) Additional information the Attorney General may  
17 require by rule.

18 Every person engaged in immigration assistance service who  
19 is not an attorney who advertises immigration assistance  
20 service in a language other than English, whether by radio,  
21 television, signs, pamphlets, newspapers, or other written  
22 communication, with the exception of a single desk plaque,  
23 shall include in the document, advertisement, stationery,  
24 letterhead, business card, or other comparable written  
25 material the following notice in English and the language in  
26 which the written communication appears. This notice shall be



1 of a conspicuous size, if in writing, and shall state: "I AM  
2 NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS AND MAY  
3 NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE.". If  
4 such advertisement is by radio or television, the statement  
5 may be modified but must include substantially the same  
6 message.

7 Any person who provides or offers immigration assistance  
8 service and is not exempted from this Section shall not, in any  
9 document, advertisement, stationery, letterhead, business  
10 card, or other comparable written material, literally  
11 translate from English into another language terms or titles  
12 including, but not limited to, notary public, notary,  
13 licensed, attorney, lawyer, or any other term that implies the  
14 person is an attorney. To illustrate, the words "notario" and  
15 "poder notarial" are prohibited under this provision.

16 If not subject to penalties under subsection (a) of  
17 Section 3-103 of the Illinois Notary Public Act (5 ILCS  
18 312/3-103), violations of this subsection shall result in a  
19 fine of \$1,000. Violations shall not preempt or preclude  
20 additional appropriate civil or criminal penalties.

21 (f) The written contract shall be in both English and in  
22 the language of the customer.

23 (g) A copy of the contract shall be provided to the  
24 customer upon the customer's execution of the contract.

25 (h) A customer has the right to rescind a contract within  
26 72 hours after his or her signing of the contract.

1 (i) Any documents identified in paragraph (3) of  
2 subsection (c) shall be returned upon demand of the customer.

3 (j) No person engaged in providing immigration services  
4 who is not exempted under this Section shall do any of the  
5 following:

6 (1) Make any statement that the person can or will  
7 obtain special favors from or has special influence with  
8 the United States Immigration and Naturalization Service  
9 or any other government agency.

10 (2) Retain any compensation for service not performed.

11 (2.5) Accept payment in exchange for providing legal  
12 advice or any other assistance that requires legal  
13 analysis, legal judgment, or interpretation of the law.

14 (3) Refuse to return documents supplied by, prepared  
15 on behalf of, or paid for by the customer upon the request  
16 of the customer. These documents must be returned upon  
17 request even if there is a fee dispute between the  
18 immigration assistant and the customer.

19 (4) Represent or advertise, in connection with the  
20 provision of assistance in immigration matters, other  
21 titles of credentials, including but not limited to  
22 "notary public" or "immigration consultant," that could  
23 cause a customer to believe that the person possesses  
24 special professional skills or is authorized to provide  
25 advice on an immigration matter; provided that a notary  
26 public appointed by the Illinois Secretary of State may

1 use the term "notary public" if the use is accompanied by  
2 the statement that the person is not an attorney; the term  
3 "notary public" may not be translated to another language;  
4 for example "notario" is prohibited.

5 (5) Provide legal advice, recommend a specific course  
6 of legal action, or provide any other assistance that  
7 requires legal analysis, legal judgment, or interpretation  
8 of the law.

9 (6) Make any misrepresentation of false statement,  
10 directly or indirectly, to influence, persuade, or induce  
11 patronage.

12 (k) (Blank).

13 (l) (Blank).

14 (m) Any person who violates any provision of this Section,  
15 or the rules and regulations issued under this Section, shall  
16 be guilty of a Class A misdemeanor for a first offense and a  
17 Class 3 felony for a second or subsequent offense committed  
18 within 5 years of a previous conviction for the same offense.

19 Upon his own information or upon the complaint of any  
20 person, the Attorney General or any State's Attorney, or a  
21 municipality with a population of more than 1,000,000, may  
22 maintain an action for injunctive relief and also seek a civil  
23 penalty not exceeding \$50,000 in the circuit court against any  
24 person who violates any provision of this Section. These  
25 remedies are in addition to, and not in substitution for,  
26 other available remedies.

1           If the Attorney General or any State's Attorney or a  
2 municipality with a population of more than 1,000,000 fails to  
3 bring an action as provided under this Section any person may  
4 file a civil action to enforce the provisions of this Article  
5 and maintain an action for injunctive relief, for compensatory  
6 damages to recover prohibited fees, or for such additional  
7 relief as may be appropriate to deter, prevent, or compensate  
8 for the violation. In order to deter violations of this  
9 Section, courts shall not require a showing of the traditional  
10 elements for equitable relief. A prevailing plaintiff may be  
11 awarded 3 times the prohibited fees or a minimum of \$1,000 in  
12 punitive damages, attorney's fees, and costs of bringing an  
13 action under this Section. It is the express intention of the  
14 General Assembly that remedies for violation of this Section  
15 be cumulative.

16           (n) No unit of local government, including any home rule  
17 unit, shall have the authority to regulate immigration  
18 assistance services unless such regulations are at least as  
19 stringent as those contained in Public Act 87-1211. It is  
20 declared to be the law of this State, pursuant to paragraph (i)  
21 of Section 6 of Article VII of the Illinois Constitution of  
22 1970, that Public Act 87-1211 is a limitation on the authority  
23 of a home rule unit to exercise powers concurrently with the  
24 State. The limitations of this Section do not apply to a home  
25 rule unit that has, prior to January 1, 1993 (the effective  
26 date of Public Act 87-1211), adopted an ordinance regulating

1 immigration assistance services.

2 (o) This Section is severable under Section 1.31 of the  
3 Statute on Statutes.

4 (p) The Attorney General shall issue rules not  
5 inconsistent with this Section for the implementation,  
6 administration, and enforcement of this Section. The rules may  
7 provide for the following:

8 (1) The content, print size, and print style of the  
9 signs required under subsection (e). Print sizes and  
10 styles may vary from language to language.

11 (2) Standard forms for use in the administration of  
12 this Section.

13 (3) Any additional requirements deemed necessary.

14 (Source: P.A. 99-679, eff. 1-1-17; 100-863, eff. 8-14-18.)

15 Section 145. The Workers' Compensation Act is amended by  
16 changing Sections 1 and 7 as follows:

17 (820 ILCS 305/1) (from Ch. 48, par. 138.1)

18 Sec. 1. This Act may be cited as the Workers' Compensation  
19 Act.

20 (a) The term "employer" as used in this Act means:

21 1. The State and each county, city, town, township,  
22 incorporated village, school district, body politic, or  
23 municipal corporation therein.

24 2. Every person, firm, public or private corporation,

1 including hospitals, public service, eleemosynary, religious  
2 or charitable corporations or associations who has any person  
3 in service or under any contract for hire, express or implied,  
4 oral or written, and who is engaged in any of the enterprises  
5 or businesses enumerated in Section 3 of this Act, or who at or  
6 prior to the time of the accident to the employee for which  
7 compensation under this Act may be claimed, has in the manner  
8 provided in this Act elected to become subject to the  
9 provisions of this Act, and who has not, prior to such  
10 accident, effected a withdrawal of such election in the manner  
11 provided in this Act.

12 3. Any one engaging in any business or enterprise referred  
13 to in subsections 1 and 2 of Section 3 of this Act who  
14 undertakes to do any work enumerated therein, is liable to pay  
15 compensation to his own immediate employees in accordance with  
16 the provisions of this Act, and in addition thereto if he  
17 directly or indirectly engages any contractor whether  
18 principal or sub-contractor to do any such work, he is liable  
19 to pay compensation to the employees of any such contractor or  
20 sub-contractor unless such contractor or sub-contractor has  
21 insured, in any company or association authorized under the  
22 laws of this State to insure the liability to pay compensation  
23 under this Act, or guaranteed his liability to pay such  
24 compensation. With respect to any time limitation on the  
25 filing of claims provided by this Act, the timely filing of a  
26 claim against a contractor or subcontractor, as the case may

1 be, shall be deemed to be a timely filing with respect to all  
2 persons upon whom liability is imposed by this paragraph.

3 In the event any such person pays compensation under this  
4 subsection he may recover the amount thereof from the  
5 contractor or sub-contractor, if any, and in the event the  
6 contractor pays compensation under this subsection he may  
7 recover the amount thereof from the sub-contractor, if any.

8 This subsection does not apply in any case where the  
9 accident occurs elsewhere than on, in or about the immediate  
10 premises on which the principal has contracted that the work  
11 be done.

12 4. Where an employer operating under and subject to the  
13 provisions of this Act loans an employee to another such  
14 employer and such loaned employee sustains a compensable  
15 accidental injury in the employment of such borrowing employer  
16 and where such borrowing employer does not provide or pay the  
17 benefits or payments due such injured employee, such loaning  
18 employer is liable to provide or pay all benefits or payments  
19 due such employee under this Act and as to such employee the  
20 liability of such loaning and borrowing employers is joint and  
21 several, provided that such loaning employer is in the absence  
22 of agreement to the contrary entitled to receive from such  
23 borrowing employer full reimbursement for all sums paid or  
24 incurred pursuant to this paragraph together with reasonable  
25 attorneys' fees and expenses in any hearings before the  
26 Illinois Workers' Compensation Commission or in any action to

1 secure such reimbursement. Where any benefit is provided or  
2 paid by such loaning employer the employee has the duty of  
3 rendering reasonable cooperation in any hearings, trials or  
4 proceedings in the case, including such proceedings for  
5 reimbursement.

6 Where an employee files an Application for Adjustment of  
7 Claim with the Illinois Workers' Compensation Commission  
8 alleging that his claim is covered by the provisions of the  
9 preceding paragraph, and joining both the alleged loaning and  
10 borrowing employers, they and each of them, upon written  
11 demand by the employee and within 7 days after receipt of such  
12 demand, shall have the duty of filing with the Illinois  
13 Workers' Compensation Commission a written admission or denial  
14 of the allegation that the claim is covered by the provisions  
15 of the preceding paragraph and in default of such filing or if  
16 any such denial be ultimately determined not to have been bona  
17 fide then the provisions of Paragraph K of Section 19 of this  
18 Act shall apply.

19 An employer whose business or enterprise or a substantial  
20 part thereof consists of hiring, procuring or furnishing  
21 employees to or for other employers operating under and  
22 subject to the provisions of this Act for the performance of  
23 the work of such other employers and who pays such employees  
24 their salary or wages notwithstanding that they are doing the  
25 work of such other employers shall be deemed a loaning  
26 employer within the meaning and provisions of this Section.



1 (b) The term "employee" as used in this Act means:

2 1. Every person in the service of the State, including  
3 members of the General Assembly, members of the Commerce  
4 Commission, members of the Illinois Workers' Compensation  
5 Commission, and all persons in the service of the University  
6 of Illinois, county, including deputy sheriffs and assistant  
7 state's attorneys, city, town, township, incorporated village  
8 or school district, body politic, or municipal corporation  
9 therein, whether by election, under appointment or contract of  
10 hire, express or implied, oral or written, including all  
11 members of the Illinois National Guard while on active duty in  
12 the service of the State, and all probation personnel of the  
13 Juvenile Court appointed pursuant to Article VI of the  
14 Juvenile Court Act of 1987, and including any official of the  
15 State, any county, city, town, township, incorporated village,  
16 school district, body politic or municipal corporation therein  
17 except any duly appointed member of a police department in any  
18 city whose population exceeds 500,000 according to the last  
19 Federal or State census, and except any member of a fire  
20 insurance patrol maintained by a board of underwriters in this  
21 State. A duly appointed member of a fire department in any  
22 city, the population of which exceeds 500,000 according to the  
23 last federal or State census, is an employee under this Act  
24 only with respect to claims brought under paragraph (c) of  
25 Section 8.

26 One employed by a contractor who has contracted with the

1 State, or a county, city, town, township, incorporated  
2 village, school district, body politic or municipal  
3 corporation therein, through its representatives, is not  
4 considered as an employee of the State, county, city, town,  
5 township, incorporated village, school district, body politic  
6 or municipal corporation which made the contract.

7 2. Every person in the service of another under any  
8 contract of hire, express or implied, oral or written,  
9 including persons whose employment is outside of the State of  
10 Illinois where the contract of hire is made within the State of  
11 Illinois, persons whose employment results in fatal or  
12 non-fatal injuries within the State of Illinois where the  
13 contract of hire is made outside of the State of Illinois, and  
14 persons whose employment is principally localized within the  
15 State of Illinois, regardless of the place of the accident or  
16 the place where the contract of hire was made, and including  
17 noncitizens ~~aliens~~, and minors who, for the purpose of this  
18 Act are considered the same and have the same power to  
19 contract, receive payments and give quittances therefor, as  
20 adult employees.

21 3. Every sole proprietor and every partner of a business  
22 may elect to be covered by this Act.

23 An employee or his dependents under this Act who shall  
24 have a cause of action by reason of any injury, disablement or  
25 death arising out of and in the course of his employment may  
26 elect to pursue his remedy in the State where injured or

1 disabled, or in the State where the contract of hire is made,  
2 or in the State where the employment is principally localized.

3 However, any employer may elect to provide and pay  
4 compensation to any employee other than those engaged in the  
5 usual course of the trade, business, profession or occupation  
6 of the employer by complying with Sections 2 and 4 of this Act.  
7 Employees are not included within the provisions of this Act  
8 when excluded by the laws of the United States relating to  
9 liability of employers to their employees for personal  
10 injuries where such laws are held to be exclusive.

11 The term "employee" does not include persons performing  
12 services as real estate broker, broker-salesman, or salesman  
13 when such persons are paid by commission only.

14 (c) "Commission" means the Industrial Commission created  
15 by Section 5 of "The Civil Administrative Code of Illinois",  
16 approved March 7, 1917, as amended, or the Illinois Workers'  
17 Compensation Commission created by Section 13 of this Act.

18 (d) To obtain compensation under this Act, an employee  
19 bears the burden of showing, by a preponderance of the  
20 evidence, that he or she has sustained accidental injuries  
21 arising out of and in the course of the employment.

22 (Source: P.A. 97-18, eff. 6-28-11; 97-268, eff. 8-8-11;  
23 97-813, eff. 7-13-12.)

24 (820 ILCS 305/7) (from Ch. 48, par. 138.7)

25 Sec. 7. The amount of compensation which shall be paid for

1 an accidental injury to the employee resulting in death is:

2 (a) If the employee leaves surviving a widow, widower,  
3 child or children, the applicable weekly compensation rate  
4 computed in accordance with subparagraph 2 of paragraph (b) of  
5 Section 8, shall be payable during the life of the widow or  
6 widower and if any surviving child or children shall not be  
7 physically or mentally incapacitated then until the death of  
8 the widow or widower or until the youngest child shall reach  
9 the age of 18, whichever shall come later; provided that if  
10 such child or children shall be enrolled as a full time student  
11 in any accredited educational institution, the payments shall  
12 continue until such child has attained the age of 25. In the  
13 event any surviving child or children shall be physically or  
14 mentally incapacitated, the payments shall continue for the  
15 duration of such incapacity.

16 The term "child" means a child whom the deceased employee  
17 left surviving, including a posthumous child, a child legally  
18 adopted, a child whom the deceased employee was legally  
19 obligated to support or a child to whom the deceased employee  
20 stood in loco parentis. The term "children" means the plural  
21 of "child".

22 The term "physically or mentally incapacitated child or  
23 children" means a child or children incapable of engaging in  
24 regular and substantial gainful employment.

25 In the event of the remarriage of a widow or widower, where  
26 the decedent did not leave surviving any child or children

1 who, at the time of such remarriage, are entitled to  
2 compensation benefits under this Act, the surviving spouse  
3 shall be paid a lump sum equal to 2 years compensation benefits  
4 and all further rights of such widow or widower shall be  
5 extinguished.

6 If the employee leaves surviving any child or children  
7 under 18 years of age who at the time of death shall be  
8 entitled to compensation under this paragraph (a) of this  
9 Section, the weekly compensation payments herein provided for  
10 such child or children shall in any event continue for a period  
11 of not less than 6 years.

12 Any beneficiary entitled to compensation under this  
13 paragraph (a) of this Section shall receive from the special  
14 fund provided in paragraph (f) of this Section, in addition to  
15 the compensation herein provided, supplemental benefits in  
16 accordance with paragraph (g) of Section 8.

17 (b) If no compensation is payable under paragraph (a) of  
18 this Section and the employee leaves surviving a parent or  
19 parents who at the time of the accident were totally dependent  
20 upon the earnings of the employee then weekly payments equal  
21 to the compensation rate payable in the case where the  
22 employee leaves surviving a widow or widower, shall be paid to  
23 such parent or parents for the duration of their lives, and in  
24 the event of the death of either, for the life of the survivor.

25 (c) If no compensation is payable under paragraphs (a) or  
26 (b) of this Section and the employee leaves surviving any

1 child or children who are not entitled to compensation under  
2 the foregoing paragraph (a) but who at the time of the accident  
3 were nevertheless in any manner dependent upon the earnings of  
4 the employee, or leaves surviving a parent or parents who at  
5 the time of the accident were partially dependent upon the  
6 earnings of the employee, then there shall be paid to such  
7 dependent or dependents for a period of 8 years weekly  
8 compensation payments at such proportion of the applicable  
9 rate if the employee had left surviving a widow or widower as  
10 such dependency bears to total dependency. In the event of the  
11 death of any such beneficiary the share of such beneficiary  
12 shall be divided equally among the surviving beneficiaries and  
13 in the event of the death of the last such beneficiary all the  
14 rights under this paragraph shall be extinguished.

15 (d) If no compensation is payable under paragraphs (a),  
16 (b) or (c) of this Section and the employee leaves surviving  
17 any grandparent, grandparents, grandchild or grandchildren or  
18 collateral heirs dependent upon the employee's earnings to the  
19 extent of 50% or more of total dependency, then there shall be  
20 paid to such dependent or dependents for a period of 5 years  
21 weekly compensation payments at such proportion of the  
22 applicable rate if the employee had left surviving a widow or  
23 widower as such dependency bears to total dependency. In the  
24 event of the death of any such beneficiary the share of such  
25 beneficiary shall be divided equally among the surviving  
26 beneficiaries and in the event of the death of the last such

1 beneficiary all rights hereunder shall be extinguished.

2 (e) The compensation to be paid for accidental injury  
3 which results in death, as provided in this Section, shall be  
4 paid to the persons who form the basis for determining the  
5 amount of compensation to be paid by the employer, the  
6 respective shares to be in the proportion of their respective  
7 dependency at the time of the accident on the earnings of the  
8 deceased. The Commission or an Arbitrator thereof may, in its  
9 or his discretion, order or award the payment to the parent or  
10 grandparent of a child for the latter's support the amount of  
11 compensation which but for such order or award would have been  
12 paid to such child as its share of the compensation payable,  
13 which order or award may be modified from time to time by the  
14 Commission in its discretion with respect to the person to  
15 whom shall be paid the amount of the order or award remaining  
16 unpaid at the time of the modification.

17 The payments of compensation by the employer in accordance  
18 with the order or award of the Commission discharges such  
19 employer from all further obligation as to such compensation.

20 (f) The sum of \$8,000 for burial expenses shall be paid by  
21 the employer to the widow or widower, other dependent, next of  
22 kin or to the person or persons incurring the expense of  
23 burial.

24 In the event the employer failed to provide necessary  
25 first aid, medical, surgical or hospital service, he shall pay  
26 the cost thereof to the person or persons entitled to

1 compensation under paragraphs (a), (b), (c) or (d) of this  
2 Section, or to the person or persons incurring the obligation  
3 therefore, or providing the same.

4 On January 15 and July 15, 1981, and on January 15 and July  
5 15 of each year thereafter the employer shall within 60 days  
6 pay a sum equal to  $1/8$  of 1% of all compensation payments made  
7 by him after July 1, 1980, either under this Act or the  
8 Workers' Occupational Diseases Act, whether by lump sum  
9 settlement or weekly compensation payments, but not including  
10 hospital, surgical or rehabilitation payments, made during the  
11 first 6 months and during the second 6 months respectively of  
12 the fiscal year next preceding the date of the payments, into a  
13 special fund which shall be designated the "Second Injury  
14 Fund", of which the State Treasurer is ex-officio custodian,  
15 such special fund to be held and disbursed for the purposes  
16 hereinafter stated in paragraphs (f) and (g) of Section 8,  
17 either upon the order of the Commission or of a competent  
18 court. Said special fund shall be deposited the same as are  
19 State funds and any interest accruing thereon shall be added  
20 thereto every 6 months. It is subject to audit the same as  
21 State funds and accounts and is protected by the General bond  
22 given by the State Treasurer. It is considered always  
23 appropriated for the purposes of disbursements as provided in  
24 Section 8, paragraph (f), of this Act, and shall be paid out  
25 and disbursed as therein provided and shall not at any time be  
26 appropriated or diverted to any other use or purpose.



1           On January 15, 1991, the employer shall further pay a sum  
2 equal to one half of 1% of all compensation payments made by  
3 him from January 1, 1990 through June 30, 1990 either under  
4 this Act or under the Workers' Occupational Diseases Act,  
5 whether by lump sum settlement or weekly compensation  
6 payments, but not including hospital, surgical or  
7 rehabilitation payments, into an additional Special Fund which  
8 shall be designated as the "Rate Adjustment Fund". On March  
9 15, 1991, the employer shall pay into the Rate Adjustment Fund  
10 a sum equal to one half of 1% of all such compensation payments  
11 made from July 1, 1990 through December 31, 1990. Within 60  
12 days after July 15, 1991, the employer shall pay into the Rate  
13 Adjustment Fund a sum equal to one half of 1% of all such  
14 compensation payments made from January 1, 1991 through June  
15 30, 1991. Within 60 days after January 15 of 1992 and each  
16 subsequent year through 1996, the employer shall pay into the  
17 Rate Adjustment Fund a sum equal to one half of 1% of all such  
18 compensation payments made in the last 6 months of the  
19 preceding calendar year. Within 60 days after July 15 of 1992  
20 and each subsequent year through 1995, the employer shall pay  
21 into the Rate Adjustment Fund a sum equal to one half of 1% of  
22 all such compensation payments made in the first 6 months of  
23 the same calendar year. Within 60 days after January 15 of 1997  
24 and each subsequent year through 2005, the employer shall pay  
25 into the Rate Adjustment Fund a sum equal to three-fourths of  
26 1% of all such compensation payments made in the last 6 months

1 of the preceding calendar year. Within 60 days after July 15 of  
2 1996 and each subsequent year through 2004, the employer shall  
3 pay into the Rate Adjustment Fund a sum equal to three-fourths  
4 of 1% of all such compensation payments made in the first 6  
5 months of the same calendar year. Within 60 days after July 15  
6 of 2005, the employer shall pay into the Rate Adjustment Fund a  
7 sum equal to 1% of such compensation payments made in the first  
8 6 months of the same calendar year. Within 60 days after  
9 January 15 of 2006 and each subsequent year, the employer  
10 shall pay into the Rate Adjustment Fund a sum equal to 1.25% of  
11 such compensation payments made in the last 6 months of the  
12 preceding calendar year. Within 60 days after July 15 of 2006  
13 and each subsequent year, the employer shall pay into the Rate  
14 Adjustment Fund a sum equal to 1.25% of such compensation  
15 payments made in the first 6 months of the same calendar year.  
16 The administrative costs of collecting assessments from  
17 employers for the Rate Adjustment Fund shall be paid from the  
18 Rate Adjustment Fund. The cost of an actuarial audit of the  
19 Fund shall be paid from the Rate Adjustment Fund. The State  
20 Treasurer is ex officio custodian of such Special Fund and the  
21 same shall be held and disbursed for the purposes hereinafter  
22 stated in paragraphs (f) and (g) of Section 8 upon the order of  
23 the Commission or of a competent court. The Rate Adjustment  
24 Fund shall be deposited the same as are State funds and any  
25 interest accruing thereon shall be added thereto every 6  
26 months. It shall be subject to audit the same as State funds

1 and accounts and shall be protected by the general bond given  
2 by the State Treasurer. It is considered always appropriated  
3 for the purposes of disbursements as provided in paragraphs  
4 (f) and (g) of Section 8 of this Act and shall be paid out and  
5 disbursed as therein provided and shall not at any time be  
6 appropriated or diverted to any other use or purpose. Within 5  
7 days after the effective date of this amendatory Act of 1990,  
8 the Comptroller and the State Treasurer shall transfer  
9 \$1,000,000 from the General Revenue Fund to the Rate  
10 Adjustment Fund. By February 15, 1991, the Comptroller and the  
11 State Treasurer shall transfer \$1,000,000 from the Rate  
12 Adjustment Fund to the General Revenue Fund. The Comptroller  
13 and Treasurer are authorized to make transfers at the request  
14 of the Chairman up to a total of \$19,000,000 from the Second  
15 Injury Fund, the General Revenue Fund, and the Workers'  
16 Compensation Benefit Trust Fund to the Rate Adjustment Fund to  
17 the extent that there is insufficient money in the Rate  
18 Adjustment Fund to pay claims and obligations. Amounts may be  
19 transferred from the General Revenue Fund only if the funds in  
20 the Second Injury Fund or the Workers' Compensation Benefit  
21 Trust Fund are insufficient to pay claims and obligations of  
22 the Rate Adjustment Fund. All amounts transferred from the  
23 Second Injury Fund, the General Revenue Fund, and the Workers'  
24 Compensation Benefit Trust Fund shall be repaid from the Rate  
25 Adjustment Fund within 270 days of a transfer, together with  
26 interest at the rate earned by moneys on deposit in the Fund or

1 Funds from which the moneys were transferred.

2       Upon a finding by the Commission, after reasonable notice  
3 and hearing, that any employer has willfully and knowingly  
4 failed to pay the proper amounts into the Second Injury Fund or  
5 the Rate Adjustment Fund required by this Section or if such  
6 payments are not made within the time periods prescribed by  
7 this Section, the employer shall, in addition to such  
8 payments, pay a penalty of 20% of the amount required to be  
9 paid or \$2,500, whichever is greater, for each year or part  
10 thereof of such failure to pay. This penalty shall only apply  
11 to obligations of an employer to the Second Injury Fund or the  
12 Rate Adjustment Fund accruing after the effective date of this  
13 amendatory Act of 1989. All or part of such a penalty may be  
14 waived by the Commission for good cause shown.

15       Any obligations of an employer to the Second Injury Fund  
16 and Rate Adjustment Fund accruing prior to the effective date  
17 of this amendatory Act of 1989 shall be paid in full by such  
18 employer within 5 years of the effective date of this  
19 amendatory Act of 1989, with at least one-fifth of such  
20 obligation to be paid during each year following the effective  
21 date of this amendatory Act of 1989. If the Commission finds,  
22 following reasonable notice and hearing, that an employer has  
23 failed to make timely payment of any obligation accruing under  
24 the preceding sentence, the employer shall, in addition to all  
25 other payments required by this Section, be liable for a  
26 penalty equal to 20% of the overdue obligation or \$2,500,

1       whichever is greater, for each year or part thereof that  
2       obligation is overdue. All or part of such a penalty may be  
3       waived by the Commission for good cause shown.

4       The Chairman of the Illinois Workers' Compensation  
5       Commission shall, annually, furnish to the Director of the  
6       Department of Insurance a list of the amounts paid into the  
7       Second Injury Fund and the Rate Adjustment Fund by each  
8       insurance company on behalf of their insured employers. The  
9       Director shall verify to the Chairman that the amounts paid by  
10      each insurance company are accurate as best as the Director  
11      can determine from the records available to the Director. The  
12      Chairman shall verify that the amounts paid by each  
13      self-insurer are accurate as best as the Chairman can  
14      determine from records available to the Chairman. The Chairman  
15      may require each self-insurer to provide information  
16      concerning the total compensation payments made upon which  
17      contributions to the Second Injury Fund and the Rate  
18      Adjustment Fund are predicated and any additional information  
19      establishing that such payments have been made into these  
20      funds. Any deficiencies in payments noted by the Director or  
21      Chairman shall be subject to the penalty provisions of this  
22      Act.

23      The State Treasurer, or his duly authorized  
24      representative, shall be named as a party to all proceedings  
25      in all cases involving claim for the loss of, or the permanent  
26      and complete loss of the use of one eye, one foot, one leg, one

1 arm or one hand.

2 The State Treasurer or his duly authorized agent shall  
3 have the same rights as any other party to the proceeding,  
4 including the right to petition for review of any award. The  
5 reasonable expenses of litigation, such as medical  
6 examinations, testimony, and transcript of evidence, incurred  
7 by the State Treasurer or his duly authorized representative,  
8 shall be borne by the Second Injury Fund.

9 If the award is not paid within 30 days after the date the  
10 award has become final, the Commission shall proceed to take  
11 judgment thereon in its own name as is provided for other  
12 awards by paragraph (g) of Section 19 of this Act and take the  
13 necessary steps to collect the award.

14 Any person, corporation or organization who has paid or  
15 become liable for the payment of burial expenses of the  
16 deceased employee may in his or its own name institute  
17 proceedings before the Commission for the collection thereof.

18 For the purpose of administration, receipts and  
19 disbursements, the Special Fund provided for in paragraph (f)  
20 of this Section shall be administered jointly with the Special  
21 Fund provided for in Section 7, paragraph (f) of the Workers'  
22 Occupational Diseases Act.

23 (g) All compensation, except for burial expenses provided  
24 in this Section to be paid in case accident results in death,  
25 shall be paid in installments equal to the percentage of the  
26 average earnings as provided for in Section 8, paragraph (b)

1 of this Act, at the same intervals at which the wages or  
2 earnings of the employees were paid. If this is not feasible,  
3 then the installments shall be paid weekly. Such compensation  
4 may be paid in a lump sum upon petition as provided in Section  
5 9 of this Act. However, in addition to the benefits provided by  
6 Section 9 of this Act where compensation for death is payable  
7 to the deceased's widow, widower or to the deceased's widow,  
8 widower and one or more children, and where a partial lump sum  
9 is applied for by such beneficiary or beneficiaries within 18  
10 months after the deceased's death, the Commission may, in its  
11 discretion, grant a partial lump sum of not to exceed 100 weeks  
12 of the compensation capitalized at their present value upon  
13 the basis of interest calculated at 3% per annum with annual  
14 rests, upon a showing that such partial lump sum is for the  
15 best interest of such beneficiary or beneficiaries.

16 (h) In case the injured employee is under 16 years of age  
17 at the time of the accident and is illegally employed, the  
18 amount of compensation payable under paragraphs (a), (b), (c),  
19 (d) and (f) of this Section shall be increased 50%.

20 Nothing herein contained repeals or amends the provisions  
21 of the Child Labor Law relating to the employment of minors  
22 under the age of 16 years.

23 However, where an employer has on file an employment  
24 certificate issued pursuant to the Child Labor Law or work  
25 permit issued pursuant to the Federal Fair Labor Standards  
26 Act, as amended, or a birth certificate properly and duly

1 issued, such certificate, permit or birth certificate is  
2 conclusive evidence as to the age of the injured minor  
3 employee for the purposes of this Section only.

4 (i) Whenever the dependents of a deceased employee are  
5 noncitizens ~~aliens~~ not residing in the United States, Mexico  
6 or Canada, the amount of compensation payable is limited to  
7 the beneficiaries described in paragraphs (a), (b) and (c) of  
8 this Section and is 50% of the compensation provided in  
9 paragraphs (a), (b) and (c) of this Section, except as  
10 otherwise provided by treaty.

11 In a case where any of the persons who would be entitled to  
12 compensation is living at any place outside of the United  
13 States, then payment shall be made to the personal  
14 representative of the deceased employee. The distribution by  
15 such personal representative to the persons entitled shall be  
16 made to such persons and in such manner as the Commission  
17 orders.

18 (Source: P.A. 93-721, eff. 1-1-05; 94-277, eff. 7-20-05;  
19 94-695, eff. 11-16-05.)

20 Section 150. The Workers' Occupational Diseases Act is  
21 amended by changing Section 1 as follows:

22 (820 ILCS 310/1) (from Ch. 48, par. 172.36)

23 Sec. 1. This Act shall be known and may be cited as the  
24 "Workers' Occupational Diseases Act".



1 (a) The term "employer" as used in this Act shall be  
2 construed to be:

3 1. The State and each county, city, town, township,  
4 incorporated village, school district, body politic, or  
5 municipal corporation therein.

6 2. Every person, firm, public or private corporation,  
7 including hospitals, public service, eleemosynary,  
8 religious or charitable corporations or associations, who  
9 has any person in service or under any contract for hire,  
10 express or implied, oral or written.

11 3. Where an employer operating under and subject to  
12 the provisions of this Act loans an employee to another  
13 such employer and such loaned employee sustains a  
14 compensable occupational disease in the employment of such  
15 borrowing employer and where such borrowing employer does  
16 not provide or pay the benefits or payments due such  
17 employee, such loaning employer shall be liable to provide  
18 or pay all benefits or payments due such employee under  
19 this Act and as to such employee the liability of such  
20 loaning and borrowing employers shall be joint and  
21 several, provided that such loaning employer shall in the  
22 absence of agreement to the contrary be entitled to  
23 receive from such borrowing employer full reimbursement  
24 for all sums paid or incurred pursuant to this paragraph  
25 together with reasonable attorneys' fees and expenses in  
26 any hearings before the Illinois Workers' Compensation

1 Commission or in any action to secure such reimbursement.  
2 Where any benefit is provided or paid by such loaning  
3 employer, the employee shall have the duty of rendering  
4 reasonable co-operation in any hearings, trials or  
5 proceedings in the case, including such proceedings for  
6 reimbursement.

7 Where an employee files an Application for Adjustment  
8 of Claim with the Illinois Workers' Compensation  
9 Commission alleging that his or her claim is covered by  
10 the provisions of the preceding paragraph, and joining  
11 both the alleged loaning and borrowing employers, they and  
12 each of them, upon written demand by the employee and  
13 within 7 days after receipt of such demand, shall have the  
14 duty of filing with the Illinois Workers' Compensation  
15 Commission a written admission or denial of the allegation  
16 that the claim is covered by the provisions of the  
17 preceding paragraph and in default of such filing or if  
18 any such denial be ultimately determined not to have been  
19 bona fide then the provisions of Paragraph K of Section 19  
20 of this Act shall apply.

21 An employer whose business or enterprise or a  
22 substantial part thereof consists of hiring, procuring or  
23 furnishing employees to or for other employers operating  
24 under and subject to the provisions of this Act for the  
25 performance of the work of such other employers and who  
26 pays such employees their salary or wage notwithstanding

1           that they are doing the work of such other employers shall  
2           be deemed a loaning employer within the meaning and  
3           provisions of this Section.

4           (b) The term "employee" as used in this Act, shall be  
5           construed to mean:

6           1. Every person in the service of the State, county,  
7           city, town, township, incorporated village or school  
8           district, body politic or municipal corporation therein,  
9           whether by election, appointment or contract of hire,  
10          express or implied, oral or written, including any  
11          official of the State, or of any county, city, town,  
12          township, incorporated village, school district, body  
13          politic or municipal corporation therein and except any  
14          duly appointed member of the fire department in any city  
15          whose population exceeds 500,000 according to the last  
16          Federal or State census, and except any member of a fire  
17          insurance patrol maintained by a board of underwriters in  
18          this State. One employed by a contractor who has  
19          contracted with the State, or a county, city, town,  
20          township, incorporated village, school district, body  
21          politic or municipal corporation therein, through its  
22          representatives, shall not be considered as an employee of  
23          the State, county, city, town, township, incorporated  
24          village, school district, body politic or municipal  
25          corporation which made the contract.

26          2. Every person in the service of another under any

1 contract of hire, express or implied, oral or written, who  
2 contracts an occupational disease while working in the  
3 State of Illinois, or who contracts an occupational  
4 disease while working outside of the State of Illinois but  
5 where the contract of hire is made within the State of  
6 Illinois, and any person whose employment is principally  
7 localized within the State of Illinois, regardless of the  
8 place where the disease was contracted or place where the  
9 contract of hire was made, including noncitizens ~~aliens~~,  
10 and minors who, for the purpose of this Act, except  
11 Section 3 hereof, shall be considered the same and have  
12 the same power to contract, receive payments and give  
13 quittances therefor, as adult employees. An employee or  
14 his or her dependents under this Act who shall have a cause  
15 of action by reason of an occupational disease,  
16 disablement or death arising out of and in the course of  
17 his or her employment may elect or pursue his or her remedy  
18 in the State where the disease was contracted, or in the  
19 State where the contract of hire is made, or in the State  
20 where the employment is principally localized.

21 (c) "Commission" means the Illinois Workers' Compensation  
22 Commission created by the Workers' Compensation Act, approved  
23 July 9, 1951, as amended.

24 (d) In this Act the term "Occupational Disease" means a  
25 disease arising out of and in the course of the employment or  
26 which has become aggravated and rendered disabling as a result

1 of the exposure of the employment. Such aggravation shall  
2 arise out of a risk peculiar to or increased by the employment  
3 and not common to the general public.

4 A disease shall be deemed to arise out of the employment if  
5 there is apparent to the rational mind, upon consideration of  
6 all the circumstances, a causal connection between the  
7 conditions under which the work is performed and the  
8 occupational disease. The disease need not to have been  
9 foreseen or expected but after its contraction it must appear  
10 to have had its origin or aggravation in a risk connected with  
11 the employment and to have flowed from that source as a  
12 rational consequence.

13 An employee shall be conclusively deemed to have been  
14 exposed to the hazards of an occupational disease when, for  
15 any length of time however short, he or she is employed in an  
16 occupation or process in which the hazard of the disease  
17 exists; provided however, that in a claim of exposure to  
18 atomic radiation, the fact of such exposure must be verified  
19 by the records of the central registry of radiation exposure  
20 maintained by the Department of Public Health or by some other  
21 recognized governmental agency maintaining records of such  
22 exposures whenever and to the extent that the records are on  
23 file with the Department of Public Health or the agency.

24 Any injury to or disease or death of an employee arising  
25 from the administration of a vaccine, including without  
26 limitation smallpox vaccine, to prepare for, or as a response

1 to, a threatened or potential bioterrorist incident to the  
2 employee as part of a voluntary inoculation program in  
3 connection with the person's employment or in connection with  
4 any governmental program or recommendation for the inoculation  
5 of workers in the employee's occupation, geographical area, or  
6 other category that includes the employee is deemed to arise  
7 out of and in the course of the employment for all purposes  
8 under this Act. This paragraph added by Public Act 93-829 is  
9 declarative of existing law and is not a new enactment.

10 The employer liable for the compensation in this Act  
11 provided shall be the employer in whose employment the  
12 employee was last exposed to the hazard of the occupational  
13 disease claimed upon regardless of the length of time of such  
14 last exposure, except, in cases of silicosis or asbestosis,  
15 the only employer liable shall be the last employer in whose  
16 employment the employee was last exposed during a period of 60  
17 days or more after the effective date of this Act, to the  
18 hazard of such occupational disease, and, in such cases, an  
19 exposure during a period of less than 60 days, after the  
20 effective date of this Act, shall not be deemed a last  
21 exposure. If a miner who is suffering or suffered from  
22 pneumoconiosis was employed for 10 years or more in one or more  
23 coal mines there shall, effective July 1, 1973 be a rebuttable  
24 presumption that his or her pneumoconiosis arose out of such  
25 employment.

26 If a deceased miner was employed for 10 years or more in

1 one or more coal mines and died from a respirable disease there  
2 shall, effective July 1, 1973, be a rebuttable presumption  
3 that his or her death was due to pneumoconiosis.

4 Any condition or impairment of health of an employee  
5 employed as a firefighter, emergency medical technician (EMT),  
6 emergency medical technician-intermediate (EMT-I), advanced  
7 emergency medical technician (A-EMT), or paramedic which  
8 results directly or indirectly from any bloodborne pathogen,  
9 lung or respiratory disease or condition, heart or vascular  
10 disease or condition, hypertension, tuberculosis, or cancer  
11 resulting in any disability (temporary, permanent, total, or  
12 partial) to the employee shall be rebuttably presumed to arise  
13 out of and in the course of the employee's firefighting, EMT,  
14 EMT-I, A-EMT, or paramedic employment and, further, shall be  
15 rebuttably presumed to be causally connected to the hazards or  
16 exposures of the employment. This presumption shall also apply  
17 to any hernia or hearing loss suffered by an employee employed  
18 as a firefighter, EMT, EMT-I, A-EMT, or paramedic. However,  
19 this presumption shall not apply to any employee who has been  
20 employed as a firefighter, EMT, EMT-I, A-EMT, or paramedic for  
21 less than 5 years at the time he or she files an Application  
22 for Adjustment of Claim concerning this condition or  
23 impairment with the Illinois Workers' Compensation Commission.  
24 The rebuttable presumption established under this subsection,  
25 however, does not apply to an emergency medical technician  
26 (EMT), emergency medical technician-intermediate (EMT-I),

1 advanced emergency medical technician (A-EMT), or paramedic  
2 employed by a private employer if the employee spends the  
3 preponderance of his or her work time for that employer  
4 engaged in medical transfers between medical care facilities  
5 or non-emergency medical transfers to or from medical care  
6 facilities. The changes made to this subsection by this  
7 amendatory Act of the 98th General Assembly shall be narrowly  
8 construed. The Finding and Decision of the Illinois Workers'  
9 Compensation Commission under only the rebuttable presumption  
10 provision of this paragraph shall not be admissible or be  
11 deemed res judicata in any disability claim under the Illinois  
12 Pension Code arising out of the same medical condition;  
13 however, this sentence makes no change to the law set forth in  
14 *Krohe v. City of Bloomington*, 204 Ill.2d 392.

15 The insurance carrier liable shall be the carrier whose  
16 policy was in effect covering the employer liable on the last  
17 day of the exposure rendering such employer liable in  
18 accordance with the provisions of this Act.

19 (e) "Disablement" means an impairment or partial  
20 impairment, temporary or permanent, in the function of the  
21 body or any of the members of the body, or the event of  
22 becoming disabled from earning full wages at the work in which  
23 the employee was engaged when last exposed to the hazards of  
24 the occupational disease by the employer from whom he or she  
25 claims compensation, or equal wages in other suitable  
26 employment; and "disability" means the state of being so



1 incapacitated.

2 (f) No compensation shall be payable for or on account of  
3 any occupational disease unless disablement, as herein  
4 defined, occurs within two years after the last day of the last  
5 exposure to the hazards of the disease, except in cases of  
6 occupational disease caused by berylliosis or by the  
7 inhalation of silica dust or asbestos dust and, in such cases,  
8 within 3 years after the last day of the last exposure to the  
9 hazards of such disease and except in the case of occupational  
10 disease caused by exposure to radiological materials or  
11 equipment, and in such case, within 25 years after the last day  
12 of last exposure to the hazards of such disease.

13 (g) (1) In any proceeding before the Commission in which  
14 the employee is a COVID-19 first responder or front-line  
15 worker as defined in this subsection, if the employee's injury  
16 or occupational disease resulted from exposure to and  
17 contraction of COVID-19, the exposure and contraction shall be  
18 rebuttably presumed to have arisen out of and in the course of  
19 the employee's first responder or front-line worker employment  
20 and the injury or occupational disease shall be rebuttably  
21 presumed to be causally connected to the hazards or exposures  
22 of the employee's first responder or front-line worker  
23 employment.

24 (2) The term "COVID-19 first responder or front-line  
25 worker" means: all individuals employed as police, fire  
26 personnel, emergency medical technicians, or paramedics; all

1 individuals employed and considered as first responders; all  
2 workers for health care providers, including nursing homes and  
3 rehabilitation facilities and home care workers; corrections  
4 officers; and any individuals employed by essential businesses  
5 and operations as defined in Executive Order 2020-10 dated  
6 March 20, 2020, as long as individuals employed by essential  
7 businesses and operations are required by their employment to  
8 encounter members of the general public or to work in  
9 employment locations of more than 15 employees. For purposes  
10 of this subsection only, an employee's home or place of  
11 residence is not a place of employment, except for home care  
12 workers.

13 (3) The presumption created in this subsection may be  
14 rebutted by evidence, including, but not limited to, the  
15 following:

16 (A) the employee was working from his or her home, on  
17 leave from his or her employment, or some combination  
18 thereof, for a period of 14 or more consecutive days  
19 immediately prior to the employee's injury, occupational  
20 disease, or period of incapacity resulted from exposure to  
21 COVID-19; or

22 (B) the employer was engaging in and applying to the  
23 fullest extent possible or enforcing to the best of its  
24 ability industry-specific workplace sanitation, social  
25 distancing, and health and safety practices based on  
26 updated guidance issued by the Centers for Disease Control

1 and Prevention or Illinois Department of Public Health or  
2 was using a combination of administrative controls,  
3 engineering controls, or personal protective equipment to  
4 reduce the transmission of COVID-19 to all employees for  
5 at least 14 consecutive days prior to the employee's  
6 injury, occupational disease, or period of incapacity  
7 resulting from exposure to COVID-19. For purposes of this  
8 subsection, "updated" means the guidance in effect at  
9 least 14 days prior to the COVID-19 diagnosis. For  
10 purposes of this subsection, "personal protective  
11 equipment" means industry-specific equipment worn to  
12 minimize exposure to hazards that cause illnesses or  
13 serious injuries, which may result from contact with  
14 biological, chemical, radiological, physical, electrical,  
15 mechanical, or other workplace hazards. "Personal  
16 protective equipment" includes, but is not limited to,  
17 items such as face coverings, gloves, safety glasses,  
18 safety face shields, barriers, shoes, earplugs or muffs,  
19 hard hats, respirators, coveralls, vests, and full body  
20 suits; or

21 (C) the employee was exposed to COVID-19 by an  
22 alternate source.

23 (4) The rebuttable presumption created in this subsection  
24 applies to all cases tried after June 5, 2020 (the effective  
25 date of Public Act 101-633) and in which the diagnosis of  
26 COVID-19 was made on or after March 9, 2020 and on or before

1 June 30, 2021 (including the period between December 31, 2020  
2 and the effective date of this amendatory Act of the 101st  
3 General Assembly).

4 (5) Under no circumstances shall any COVID-19 case  
5 increase or affect any employer's workers' compensation  
6 insurance experience rating or modification, but COVID-19  
7 costs may be included in determining overall State loss costs.

8 (6) In order for the presumption created in this  
9 subsection to apply at trial, for COVID-19 diagnoses occurring  
10 on or before June 15, 2020, an employee must provide a  
11 confirmed medical diagnosis by a licensed medical practitioner  
12 or a positive laboratory test for COVID-19 or for COVID-19  
13 antibodies; for COVID-19 diagnoses occurring after June 15,  
14 2020, an employee must provide a positive laboratory test for  
15 COVID-19 or for COVID-19 antibodies.

16 (7) The presumption created in this subsection does not  
17 apply if the employee's place of employment was solely the  
18 employee's home or residence for a period of 14 or more  
19 consecutive days immediately prior to the employee's injury,  
20 occupational disease, or period of incapacity resulted from  
21 exposure to COVID-19.

22 (8) The date of injury or the beginning of the employee's  
23 occupational disease or period of disability is either the  
24 date that the employee was unable to work due to contraction of  
25 COVID-19 or was unable to work due to symptoms that were later  
26 diagnosed as COVID-19, whichever came first.

1           (9) An employee who contracts COVID-19, but fails to  
2 establish the rebuttable presumption is not precluded from  
3 filing for compensation under this Act or under the Workers'  
4 Compensation Act.

5           (10) To qualify for temporary total disability benefits  
6 under the presumption created in this subsection, the employee  
7 must be certified for or recertified for temporary disability.

8           (11) An employer is entitled to a credit against any  
9 liability for temporary total disability due to an employee as  
10 a result of the employee contracting COVID-19 for (A) any sick  
11 leave benefits or extended salary benefits paid to the  
12 employee by the employer under Emergency Family Medical Leave  
13 Expansion Act, Emergency Paid Sick Leave Act of the Families  
14 First Coronavirus Response Act, or any other federal law, or  
15 (B) any other credit to which an employer is entitled under the  
16 Workers' Compensation Act.

17           (Source: P.A. 101-633, eff. 6-5-20; 101-653, eff. 2-28-21.)

18           Section 155. The Unemployment Insurance Act is amended by  
19 changing Sections 211.4 and 614 as follows:

20           (820 ILCS 405/211.4) (from Ch. 48, par. 321.4)

21           Sec. 211.4. A. Notwithstanding any other provision of this  
22 Act, the term "employment" shall include service performed  
23 after December 31, 1977, by an individual in agricultural  
24 labor as defined in Section 214 when:

1           1. Such service is performed for an employing unit  
2           which (a) paid cash wages of \$20,000 or more during any  
3           calendar quarter in either the current or preceding  
4           calendar year to an individual or individuals employed in  
5           agricultural labor (not taking into account service in  
6           agricultural labor performed before January 1, 1980, by a  
7           noncitizen ~~an alien~~ referred to in paragraph 2); or (b)  
8           employed in agricultural labor (not taking into account  
9           service in agricultural labor performed before January 1,  
10          1980, by a noncitizen ~~an alien~~ referred to in paragraph 2)  
11          10 or more individuals within each of 20 or more calendar  
12          weeks (but not necessarily simultaneously and irrespective  
13          of whether the same individuals are or were employed in  
14          each such week), whether or not such weeks are or were  
15          consecutive, within either the current or preceding  
16          calendar year.

17          2. Such service is not performed in agricultural labor  
18          if performed before January 1, 1980 or on or after the  
19          effective date of this amendatory Act of the 96th General  
20          Assembly, by an individual who is a noncitizen ~~an alien~~  
21          admitted to the United States to perform service in  
22          agricultural labor pursuant to Sections 214(c) and  
23          101(a)(15)(H) of the Immigration and Nationality Act.

24          B. For the purposes of this Section, any individual who is  
25          a member of a crew furnished by a crew leader to perform  
26          service in agricultural labor for any other employing unit

1 shall be treated as performing service in the employ of such  
2 crew leader if (1) the leader holds a valid certificate of  
3 registration under the Farm Labor Contractor Registration Act  
4 of 1963, or substantially all the members of such crew operate  
5 or maintain tractors, mechanized harvesting or crop dusting  
6 equipment, or any other mechanized equipment, which is  
7 provided by the crew leader; and (2) the service of such  
8 individual is not in employment for such other employing unit  
9 within the meaning of subsections A and C of Section 212, and  
10 of Section 213.

11 C. For the purposes of this Section, any individual who is  
12 furnished by a crew leader to perform service in agricultural  
13 labor for any other employing unit, and who is not treated as  
14 performing service in the employ of such crew leader under  
15 subsection B, shall be treated as performing service in the  
16 employ of such other employing unit, and such employing unit  
17 shall be treated as having paid cash wages to such individual  
18 in an amount equal to the amount of cash wages paid to the  
19 individual by the crew leader (either on his own behalf or on  
20 behalf of such other employing unit) for the service in  
21 agricultural labor performed for such other employing unit.

22 D. For the purposes of this Section, the term "crew  
23 leader" means an individual who (1) furnishes individuals to  
24 perform service in agricultural labor for any other employing  
25 unit; (2) pays (either on his own behalf or on behalf of such  
26 other employing unit) the individuals so furnished by him for

1 the service in agricultural labor performed by them; and (3)  
2 has not entered into a written agreement with such other  
3 employing unit under which an individual so furnished by him  
4 is designated as performing services in the employ of such  
5 other employing unit.

6 (Source: P.A. 96-1208, eff. 1-1-11.)

7 (820 ILCS 405/614) (from Ch. 48, par. 444)

8 Sec. 614. Noncitizens ~~Non-resident aliens~~ - ineligibility.  
9 A noncitizen ~~An alien~~ shall be ineligible for benefits for any  
10 week which begins after December 31, 1977, on the basis of  
11 wages for services performed by such noncitizen ~~alien~~, unless  
12 the noncitizen ~~alien~~ was an individual who was lawfully  
13 admitted for permanent residence at the time such services  
14 were performed or otherwise was permanently residing in the  
15 United States under color of law at the time such services were  
16 performed (including a noncitizen ~~an alien~~ who was lawfully  
17 present in the United States as a result of the application of  
18 the provisions of Section 212(d) (5) of the Immigration and  
19 Nationality Act); provided, that any modifications of the  
20 provisions of Section 3304(a) (14) of the Federal Unemployment  
21 Tax Act which

22 A. Specify other conditions or another effective date  
23 than stated herein for ineligibility for benefits based on  
24 wages for services performed by noncitizens ~~aliens~~, and

25 B. Are required to be implemented under this Act as a



1 condition for the Federal approval of this Act requisite  
2 to the full tax credit against the tax imposed by the  
3 Federal Act for contributions paid by employers pursuant  
4 to this Act, shall be applicable under the provisions of  
5 this Section.

6 Any data or information required of individuals who claim  
7 benefits for the purpose of determining whether benefits are  
8 not payable to them pursuant to this Section shall be  
9 uniformly required of all individuals who claim benefits.

10 If an individual would otherwise be eligible for benefits,  
11 no determination shall be made that such individual is  
12 ineligible for benefits pursuant to this Section because of  
13 the individual's noncitizen ~~alien~~ status, except upon a  
14 preponderance of the evidence.

15 (Source: P.A. 86-3; 87-122.)

16 Section 995. No acceleration or delay. Where this Act  
17 makes changes in a statute that is represented in this Act by  
18 text that is not yet or no longer in effect (for example, a  
19 Section represented by multiple versions), the use of that  
20 text does not accelerate or delay the taking effect of (i) the  
21 changes made by this Act or (ii) provisions derived from any  
22 other Public Act.

23 Section 999. Effective date. This Act takes effect upon  
24 becoming law."