

1 AN ACT to revise the law by combining multiple enactments  
2 and making technical corrections.

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

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2023 General  
7 Revisory Act.

8 (b) This Act is not intended to make any substantive  
9 change in the law. It reconciles conflicts that have arisen  
10 from multiple amendments and enactments and makes technical  
11 corrections and revisions in the law.

12 This Act revises and, where appropriate, renumbers certain  
13 Sections that have been added or amended by more than one  
14 Public Act. In certain cases in which a repealed Act or Section  
15 has been replaced with a successor law, this Act may  
16 incorporate amendments to the repealed Act or Section into the  
17 successor law. This Act also corrects errors, revises  
18 cross-references, and deletes obsolete text.

19 (c) In this Act, the reference at the end of each amended  
20 Section indicates the sources in the Session Laws of Illinois  
21 that were used in the preparation of the text of that Section.  
22 The text of the Section included in this Act is intended to  
23 include the different versions of the Section found in the  
24 Public Acts included in the list of sources, but may not

1 include other versions of the Section to be found in Public  
2 Acts not included in the list of sources. The list of sources  
3 is not a part of the text of the Section.

4 (d) Public Acts 102-692 through 102-1118 were considered  
5 in the preparation of the combining revisories included in  
6 this Act. Many of those combining revisories contain no  
7 striking or underscoring because no additional changes are  
8 being made in the material that is being combined.

9 Section 5. The Regulatory Sunset Act is amended by  
10 changing Sections 4.38 and 7 as follows:

11 (5 ILCS 80/4.38)

12 Sec. 4.38. Acts repealed on January 1, 2028. The following  
13 Acts are repealed on January 1, 2028:

14 The Acupuncture Practice Act.

15 The Behavior Analyst Licensing Act.

16 The Clinical Social Work and Social Work Practice Act.

17 The Dietitian Nutritionist Practice Act.

18 The Elevator Safety and Regulation Act.

19 The Fire Equipment Distributor and Employee Regulation Act  
20 of 2011.

21 The Funeral Directors and Embalmers Licensing Code.

22 The Home Medical Equipment and Services Provider License  
23 Act.

24 The Illinois Petroleum Education and Marketing Act.

1           The Illinois Speech-Language Pathology and Audiology  
2 Practice Act.

3           The Interpreter for the Deaf Licensure Act of 2007.

4           The Music Therapy Licensing and Practice Act.

5           The Naprapathic Practice Act.

6           The Nurse Practice Act.

7           The Nursing Home Administrators Licensing and Disciplinary  
8 Act.

9           The Pharmacy Practice Act.

10          The Physician Assistant Practice Act of 1987.

11          The Podiatric Medical Practice Act of 1987.

12          The Professional Counselor and Clinical Professional  
13 Counselor Licensing and Practice Act.

14          The Wholesale Drug Distribution Licensing Act.

15          (Source: P.A. 102-715, eff. 4-29-22; 102-878, eff. 5-13-22;  
16 102-879, eff. 5-13-22; 102-880, eff. 5-13-22; 102-881, eff.  
17 5-13-22; 102-882, eff. 5-13-22; 102-945, eff. 5-27-22;  
18 102-953, eff. 5-27-22; 102-993, eff. 5-27-22; revised  
19 7-27-22.)

20           (5 ILCS 80/7) (from Ch. 127, par. 1907)

21           Sec. 7. Additional criteria.

22           (a) In determining whether to recommend to the General  
23 Assembly under Section 5 the continuation of a regulatory  
24 agency or program or any function thereof, the Governor shall  
25 also consider the following criteria:

1           (1) whether the absence or modification of regulation  
2 would significantly harm or endanger the public health,  
3 safety or welfare;

4           (2) whether there is a reasonable relationship between  
5 the exercise of the State's police power and the  
6 protection of the public health, safety or welfare;

7           (3) whether there is another less restrictive method  
8 of regulation available which could adequately protect the  
9 public;

10           (4) whether the regulation has the effect of directly  
11 or indirectly increasing the costs of any goods or  
12 services involved, and if so, to what degree;

13           (5) whether the increase in cost is more harmful to  
14 the public than the harm which could result from the  
15 absence of regulation; and

16           (6) whether all facets of the regulatory process are  
17 designed solely for the purpose of, and have as their  
18 primary effect, the protection of the public.

19           (b) In making an evaluation or recommendation with respect  
20 to paragraph (3) of subsection (a), the Governor shall follow  
21 the following guidelines to address the following:

22           (1) Contractual disputes, including pricing disputes.  
23 The Governor may recommend enacting a specific civil cause  
24 of action in small claims ~~small-claims~~ court or district  
25 court to remedy consumer harm. This cause of action may  
26 provide for reimbursement of the attorney's fees or court

1 costs, if a consumer's claim is successful.

2 (2) Fraud. The Governor may recommend strengthening  
3 powers under the State's deceptive trade practices acts or  
4 requiring disclosures that will reduce misleading  
5 attributes of the specific good or service.

6 (3) General health and safety risks. The Governor may  
7 recommend enacting a regulation on the related process or  
8 requiring a facility license.

9 (4) Unclean facilities. The Governor may recommend  
10 requiring periodic facility inspections.

11 (5) A provider's failure to complete a contract fully  
12 or to standards. The Governor may recommend requiring the  
13 provider to be bonded.

14 (6) A lack of protection for a person who is not a  
15 party to a contract between providers and consumers. The  
16 Governor may recommend requiring that the provider have  
17 insurance.

18 (7) Transactions with transient, out-of-state, or  
19 fly-by-night providers. The Governor may recommend  
20 requiring the provider register its business with the  
21 Secretary of State.

22 (8) A shortfall or imbalance in the consumer's  
23 knowledge about the good or service relative to the  
24 provider's knowledge (asymmetrical information). The  
25 Governor may recommend enacting government certification.

26 (9) An inability to qualify providers of new or highly

1 specialized medical services for reimbursement by the  
2 State. The Governor may recommend enacting a specialty  
3 certification solely for medical reimbursement.

4 (10) A systematic information shortfall in which a  
5 reasonable consumer of the service is permanently unable  
6 to distinguish between the quality of providers and there  
7 is an absence of institutions that provide guidance to  
8 consumers. The Governor may recommend enacting an  
9 occupational license.

10 (11) The need to address multiple types of harm. The  
11 Governor may recommend a combination of regulations. This  
12 may include a government regulation combined with a  
13 private remedy, including third-party or consumer-created  
14 ratings and reviews or private certification.

15 (Source: P.A. 102-984, eff. 1-1-23; revised 12-8-22.)

16 (5 ILCS 80/4.33 rep.)

17 Section 6. The Regulatory Sunset Act is amended by  
18 repealing Section 4.33.

19 Section 10. The Illinois Administrative Procedure Act is  
20 amended by setting forth, renumbering, and changing multiple  
21 versions of Sections 5-45.21, 5-45.22, and 5-45.23 as follows:

22 (5 ILCS 100/5-45.21)

23 (Section scheduled to be repealed on April 19, 2023)

1           Sec. 5-45.21. Emergency rulemaking; Mental Health and  
2   Developmental Disabilities Administrative Act. To provide for  
3   the expeditious and timely implementation of the changes made  
4   to Section 74 of the Mental Health and Developmental  
5   Disabilities Administrative Act by Public Act 102-699 ~~this~~  
6   ~~amendatory Act of the 102nd General Assembly~~, emergency rules  
7   implementing the changes made to Section 74 of the Mental  
8   Health and Developmental Disabilities Administrative Act by  
9   Public Act 102-699 ~~this amendatory Act of the 102nd General~~  
10 ~~Assembly~~ may be adopted in accordance with Section 5-45 by the  
11 Department of Human Services or other department essential to  
12 the implementation of the changes. The adoption of emergency  
13 rules authorized by Section 5-45 and this Section is deemed to  
14 be necessary for the public interest, safety, and welfare.

15           This Section is repealed on April 19, 2023 (one year after  
16 the effective date of Public Act 102-699) ~~this amendatory Act~~  
17 ~~of the 102nd General Assembly~~.

18           (Source: P.A. 102-699, eff. 4-19-22; revised 7-26-22.)

19           (5 ILCS 100/5-45.22)

20           (Section scheduled to be repealed on April 19, 2023)

21           Sec. 5-45.22. Emergency rulemaking; Illinois Public Aid  
22 Code. To provide for the expeditious and timely implementation  
23 of the changes made to Article 5 of the Illinois Public Aid  
24 Code by Public Act 102-699 ~~this amendatory Act of the 102nd~~  
25 ~~General Assembly~~, emergency rules implementing the changes

1 made to Article 5 of the Illinois Public Aid Code by Public Act  
2 102-699 ~~this amendatory Act of the 102nd General Assembly~~ may  
3 be adopted in accordance with Section 5-45 by the Department  
4 of Healthcare and Family Services or other department  
5 essential to the implementation of the changes. The adoption  
6 of emergency rules authorized by Section 5-45 and this Section  
7 is deemed to be necessary for the public interest, safety, and  
8 welfare.

9 This Section is repealed on April 19, 2023 (one year after  
10 the effective date of Public Act 102-699) ~~this amendatory Act~~  
11 ~~of the 102nd General Assembly.~~

12 (Source: P.A. 102-699, eff. 4-19-22; revised 7-26-22.)

13 (5 ILCS 100/5-45.23)

14 (Section scheduled to be repealed on April 19, 2023)

15 Sec. 5-45.23. Emergency rulemaking; medical services for  
16 certain noncitizens. To provide for the expeditious and timely  
17 implementation of the changes made to Article 12 of the  
18 Illinois Public Aid Code by Public Act 102-699 ~~this amendatory~~  
19 ~~Act of the 102nd General Assembly~~, emergency rules  
20 implementing the changes made to Section 12-4.35 of the  
21 Illinois Public Aid Code by Public Act 102-699 ~~this amendatory~~  
22 ~~Act of the 102nd General Assembly~~ may be adopted in accordance  
23 with Section 5-45 by the Department of Healthcare and Family  
24 Services. The adoption of emergency rules authorized by  
25 Section 5-45 and this Section is deemed to be necessary for the



1 public interest, safety, and welfare.

2 This Section is repealed on April 19, 2023 (one year after  
3 the effective date of Public Act 102-699) ~~this amendatory Act~~  
4 ~~of the 102nd General Assembly.~~

5 (Source: P.A. 102-699, eff. 4-19-22; revised 7-26-22.)

6 (5 ILCS 100/5-45.28)

7 (Section scheduled to be repealed on April 19, 2023)

8 Sec. 5-45.28 ~~5-45.21~~. Emergency rulemaking. To provide for  
9 the expeditious and timely implementation of Public Act  
10 102-700 ~~this amendatory Act of the 102nd General Assembly,~~  
11 emergency rules implementing Sections 208.5 and 212.1 of the  
12 Illinois Income Tax Act may be adopted in accordance with  
13 Section 5-45 by the Department of Revenue. The adoption of  
14 emergency rules authorized by Section 5-45 and this Section is  
15 deemed to be necessary for the public interest, safety, and  
16 welfare.

17 This Section is repealed on April 19, 2023 (one year after  
18 the effective date of Public Act 102-700) ~~this amendatory Act~~  
19 ~~of the 102nd General Assembly.~~

20 (Source: P.A. 102-700, eff. 4-19-22; revised 7-26-22.)

21 (5 ILCS 100/5-45.29)

22 Sec. 5-45.29 ~~5-45.21~~. (Repealed).

23 (Source: P.A. 102-1035, eff. 5-31-22. Repealed internally,  
24 eff. 9-30-22.)

1 (5 ILCS 100/5-45.30)

2 (Section scheduled to be repealed on June 2, 2023)

3 Sec. 5-45.30 ~~5-45.21~~. Emergency rulemaking; Certified  
4 Nursing Assistant Intern Program; Department of Public Health.  
5 To provide for the expeditious and timely implementation of  
6 Public Act 102-1037 ~~this amendatory Act of the 102nd General~~  
7 ~~Assembly~~, emergency rules implementing Section 2310-434 of the  
8 Department of Public Health Powers and Duties Law of the Civil  
9 Administrative Code of Illinois may be adopted in accordance  
10 with Section 5-45 by the Department of Public Health. The  
11 adoption of emergency rules authorized by Section 5-45 and  
12 this Section is deemed to be necessary for the public  
13 interest, safety, and welfare.

14 This Section is repealed on June 2, 2023 (one year after  
15 the effective date of Public Act 102-1037) ~~this amendatory Act~~  
16 ~~of the 102nd General Assembly~~.

17 (Source: P.A. 102-1037, eff. 6-2-22; revised 7-26-22.)

18 (5 ILCS 100/5-45.31)

19 (Section scheduled to be repealed on April 19, 2023)

20 Sec. 5-45.31 ~~5-45.22~~. Emergency rulemaking. To provide for  
21 the expeditious and timely implementation of Article 95 of  
22 Public Act 102-700 ~~this amendatory Act of the 102nd General~~  
23 ~~Assembly~~, emergency rules implementing Article 95 of Public  
24 Act 102-700 ~~this amendatory Act of the 102nd General Assembly~~

1 may be adopted in accordance with Section 5-45 by the  
2 Department of Agriculture. The adoption of emergency rules  
3 authorized by Section 5-45 and this Section is deemed to be  
4 necessary for the public interest, safety, and welfare.

5 This Section is repealed on April 19, 2023 (one year after  
6 the effective date of Public Act 102-700) ~~this amendatory Act~~  
7 ~~of the 102nd General Assembly.~~

8 (Source: P.A. 102-700, eff. 4-19-22; revised 7-26-22.)

9 (5 ILCS 100/5-45.32)

10 (Section scheduled to be repealed on June 2, 2023)

11 Sec. 5-45.32 ~~5-45.22~~. Emergency rulemaking; Certified  
12 Nursing Assistant Intern Program; Department of Healthcare and  
13 Family Services. To provide for the expeditious and timely  
14 implementation of Public Act 102-1037 ~~this amendatory Act of~~  
15 ~~the 102nd General Assembly~~, emergency rules implementing  
16 Section 5-5.01b of the Illinois Public Aid Code may be adopted  
17 in accordance with Section 5-45 by the Department of  
18 Healthcare and Family Services. The adoption of emergency  
19 rules authorized by Section 5-45 and this Section is deemed to  
20 be necessary for the public interest, safety, and welfare.

21 This Section is repealed on June 2, 2023 (one year after  
22 the effective date of Public Act 102-1037) ~~this amendatory Act~~  
23 ~~of the 102nd General Assembly.~~

24 (Source: P.A. 102-1037, eff. 6-2-22; revised 7-26-22.)

1 (5 ILCS 100/5-45.33)

2 (Section scheduled to be repealed on June 2, 2023)

3 Sec. 5-45.33 ~~5-45.23~~. Emergency rulemaking; medical  
4 services to noncitizens. To provide for the expeditious and  
5 timely implementation of changes made by Public Act 102-1037  
6 ~~this amendatory Act of the 102nd General Assembly~~ to Section  
7 12-4.35 of the Illinois Public Aid Code, emergency rules  
8 implementing the changes made by Public Act 102-1037 ~~this~~  
9 ~~amendatory Act of the 102nd General Assembly~~ to Section  
10 12-4.35 of the Illinois Public Aid Code may be adopted in  
11 accordance with Section 5-45 by the Department of Healthcare  
12 and Family Services. The adoption of emergency rules  
13 authorized by Section 5-45 and this Section is deemed to be  
14 necessary for the public interest, safety, and welfare.

15 This Section is repealed on June 2, 2023 (one year after  
16 the effective date of Public Act 102-1037) ~~this amendatory Act~~  
17 ~~of the 102nd General Assembly~~.

18 (Source: P.A. 102-1037, eff. 6-2-22; revised 7-26-22.)

19 Section 15. The Freedom of Information Act is amended by  
20 changing Section 7 as follows:

21 (5 ILCS 140/7)

22 (Text of Section before amendment by P.A. 102-982)

23 Sec. 7. Exemptions.

24 (1) When a request is made to inspect or copy a public

1 record that contains information that is exempt from  
2 disclosure under this Section, but also contains information  
3 that is not exempt from disclosure, the public body may elect  
4 to redact the information that is exempt. The public body  
5 shall make the remaining information available for inspection  
6 and copying. Subject to this requirement, the following shall  
7 be exempt from inspection and copying:

8 (a) Information specifically prohibited from  
9 disclosure by federal or State law or rules and  
10 regulations implementing federal or State law.

11 (b) Private information, unless disclosure is required  
12 by another provision of this Act, a State or federal law,  
13 or a court order.

14 (b-5) Files, documents, and other data or databases  
15 maintained by one or more law enforcement agencies and  
16 specifically designed to provide information to one or  
17 more law enforcement agencies regarding the physical or  
18 mental status of one or more individual subjects.

19 (c) Personal information contained within public  
20 records, the disclosure of which would constitute a  
21 clearly unwarranted invasion of personal privacy, unless  
22 the disclosure is consented to in writing by the  
23 individual subjects of the information. "Unwarranted  
24 invasion of personal privacy" means the disclosure of  
25 information that is highly personal or objectionable to a  
26 reasonable person and in which the subject's right to

1 privacy outweighs any legitimate public interest in  
2 obtaining the information. The disclosure of information  
3 that bears on the public duties of public employees and  
4 officials shall not be considered an invasion of personal  
5 privacy.

6 (d) Records in the possession of any public body  
7 created in the course of administrative enforcement  
8 proceedings, and any law enforcement or correctional  
9 agency for law enforcement purposes, but only to the  
10 extent that disclosure would:

11 (i) interfere with pending or actually and  
12 reasonably contemplated law enforcement proceedings  
13 conducted by any law enforcement or correctional  
14 agency that is the recipient of the request;

15 (ii) interfere with active administrative  
16 enforcement proceedings conducted by the public body  
17 that is the recipient of the request;

18 (iii) create a substantial likelihood that a  
19 person will be deprived of a fair trial or an impartial  
20 hearing;

21 (iv) unavoidably disclose the identity of a  
22 confidential source, confidential information  
23 furnished only by the confidential source, or persons  
24 who file complaints with or provide information to  
25 administrative, investigative, law enforcement, or  
26 penal agencies; except that the identities of

1 witnesses to traffic accidents, traffic accident  
2 reports, and rescue reports shall be provided by  
3 agencies of local government, except when disclosure  
4 would interfere with an active criminal investigation  
5 conducted by the agency that is the recipient of the  
6 request;

7 (v) disclose unique or specialized investigative  
8 techniques other than those generally used and known  
9 or disclose internal documents of correctional  
10 agencies related to detection, observation, or  
11 investigation of incidents of crime or misconduct, and  
12 disclosure would result in demonstrable harm to the  
13 agency or public body that is the recipient of the  
14 request;

15 (vi) endanger the life or physical safety of law  
16 enforcement personnel or any other person; or

17 (vii) obstruct an ongoing criminal investigation  
18 by the agency that is the recipient of the request.

19 (d-5) A law enforcement record created for law  
20 enforcement purposes and contained in a shared electronic  
21 record management system if the law enforcement agency  
22 that is the recipient of the request did not create the  
23 record, did not participate in or have a role in any of the  
24 events which are the subject of the record, and only has  
25 access to the record through the shared electronic record  
26 management system.

1           (d-6) Records contained in the Officer Professional  
2           Conduct Database under Section 9.2 of the Illinois Police  
3           Training Act, except to the extent authorized under that  
4           Section. This includes the documents supplied to the  
5           Illinois Law Enforcement Training Standards Board from the  
6           Illinois State Police and Illinois State Police Merit  
7           Board.

8           (e) Records that relate to or affect the security of  
9           correctional institutions and detention facilities.

10          (e-5) Records requested by persons committed to the  
11          Department of Corrections, Department of Human Services  
12          Division of Mental Health, or a county jail if those  
13          materials are available in the library of the correctional  
14          institution or facility or jail where the inmate is  
15          confined.

16          (e-6) Records requested by persons committed to the  
17          Department of Corrections, Department of Human Services  
18          Division of Mental Health, or a county jail if those  
19          materials include records from staff members' personnel  
20          files, staff rosters, or other staffing assignment  
21          information.

22          (e-7) Records requested by persons committed to the  
23          Department of Corrections or Department of Human Services  
24          Division of Mental Health if those materials are available  
25          through an administrative request to the Department of  
26          Corrections or Department of Human Services Division of



1 Mental Health.

2 (e-8) Records requested by a person committed to the  
3 Department of Corrections, Department of Human Services  
4 Division of Mental Health, or a county jail, the  
5 disclosure of which would result in the risk of harm to any  
6 person or the risk of an escape from a jail or correctional  
7 institution or facility.

8 (e-9) Records requested by a person in a county jail  
9 or committed to the Department of Corrections or  
10 Department of Human Services Division of Mental Health,  
11 containing personal information pertaining to the person's  
12 victim or the victim's family, including, but not limited  
13 to, a victim's home address, home telephone number, work  
14 or school address, work telephone number, social security  
15 number, or any other identifying information, except as  
16 may be relevant to a requester's current or potential case  
17 or claim.

18 (e-10) Law enforcement records of other persons  
19 requested by a person committed to the Department of  
20 Corrections, Department of Human Services Division of  
21 Mental Health, or a county jail, including, but not  
22 limited to, arrest and booking records, mug shots, and  
23 crime scene photographs, except as these records may be  
24 relevant to the requester's current or potential case or  
25 claim.

26 (f) Preliminary drafts, notes, recommendations,

1 memoranda, and other records in which opinions are  
2 expressed, or policies or actions are formulated, except  
3 that a specific record or relevant portion of a record  
4 shall not be exempt when the record is publicly cited and  
5 identified by the head of the public body. The exemption  
6 provided in this paragraph (f) extends to all those  
7 records of officers and agencies of the General Assembly  
8 that pertain to the preparation of legislative documents.

9 (g) Trade secrets and commercial or financial  
10 information obtained from a person or business where the  
11 trade secrets or commercial or financial information are  
12 furnished under a claim that they are proprietary,  
13 privileged, or confidential, and that disclosure of the  
14 trade secrets or commercial or financial information would  
15 cause competitive harm to the person or business, and only  
16 insofar as the claim directly applies to the records  
17 requested.

18 The information included under this exemption includes  
19 all trade secrets and commercial or financial information  
20 obtained by a public body, including a public pension  
21 fund, from a private equity fund or a privately held  
22 company within the investment portfolio of a private  
23 equity fund as a result of either investing or evaluating  
24 a potential investment of public funds in a private equity  
25 fund. The exemption contained in this item does not apply  
26 to the aggregate financial performance information of a

1 private equity fund, nor to the identity of the fund's  
2 managers or general partners. The exemption contained in  
3 this item does not apply to the identity of a privately  
4 held company within the investment portfolio of a private  
5 equity fund, unless the disclosure of the identity of a  
6 privately held company may cause competitive harm.

7 Nothing contained in this paragraph (g) shall be  
8 construed to prevent a person or business from consenting  
9 to disclosure.

10 (h) Proposals and bids for any contract, grant, or  
11 agreement, including information which if it were  
12 disclosed would frustrate procurement or give an advantage  
13 to any person proposing to enter into a contractor  
14 agreement with the body, until an award or final selection  
15 is made. Information prepared by or for the body in  
16 preparation of a bid solicitation shall be exempt until an  
17 award or final selection is made.

18 (i) Valuable formulae, computer geographic systems,  
19 designs, drawings, and research data obtained or produced  
20 by any public body when disclosure could reasonably be  
21 expected to produce private gain or public loss. The  
22 exemption for "computer geographic systems" provided in  
23 this paragraph (i) does not extend to requests made by  
24 news media as defined in Section 2 of this Act when the  
25 requested information is not otherwise exempt and the only  
26 purpose of the request is to access and disseminate

1 information regarding the health, safety, welfare, or  
2 legal rights of the general public.

3 (j) The following information pertaining to  
4 educational matters:

5 (i) test questions, scoring keys, and other  
6 examination data used to administer an academic  
7 examination;

8 (ii) information received by a primary or  
9 secondary school, college, or university under its  
10 procedures for the evaluation of faculty members by  
11 their academic peers;

12 (iii) information concerning a school or  
13 university's adjudication of student disciplinary  
14 cases, but only to the extent that disclosure would  
15 unavoidably reveal the identity of the student; and

16 (iv) course materials or research materials used  
17 by faculty members.

18 (k) Architects' plans, engineers' technical  
19 submissions, and other construction related technical  
20 documents for projects not constructed or developed in  
21 whole or in part with public funds and the same for  
22 projects constructed or developed with public funds,  
23 including, but not limited to, power generating and  
24 distribution stations and other transmission and  
25 distribution facilities, water treatment facilities,  
26 airport facilities, sport stadiums, convention centers,

1 and all government owned, operated, or occupied buildings,  
2 but only to the extent that disclosure would compromise  
3 security.

4 (l) Minutes of meetings of public bodies closed to the  
5 public as provided in the Open Meetings Act until the  
6 public body makes the minutes available to the public  
7 under Section 2.06 of the Open Meetings Act.

8 (m) Communications between a public body and an  
9 attorney or auditor representing the public body that  
10 would not be subject to discovery in litigation, and  
11 materials prepared or compiled by or for a public body in  
12 anticipation of a criminal, civil, or administrative  
13 proceeding upon the request of an attorney advising the  
14 public body, and materials prepared or compiled with  
15 respect to internal audits of public bodies.

16 (n) Records relating to a public body's adjudication  
17 of employee grievances or disciplinary cases; however,  
18 this exemption shall not extend to the final outcome of  
19 cases in which discipline is imposed.

20 (o) Administrative or technical information associated  
21 with automated data processing operations, including, but  
22 not limited to, software, operating protocols, computer  
23 program abstracts, file layouts, source listings, object  
24 modules, load modules, user guides, documentation  
25 pertaining to all logical and physical design of  
26 computerized systems, employee manuals, and any other

1 information that, if disclosed, would jeopardize the  
2 security of the system or its data or the security of  
3 materials exempt under this Section.

4 (p) Records relating to collective negotiating matters  
5 between public bodies and their employees or  
6 representatives, except that any final contract or  
7 agreement shall be subject to inspection and copying.

8 (q) Test questions, scoring keys, and other  
9 examination data used to determine the qualifications of  
10 an applicant for a license or employment.

11 (r) The records, documents, and information relating  
12 to real estate purchase negotiations until those  
13 negotiations have been completed or otherwise terminated.  
14 With regard to a parcel involved in a pending or actually  
15 and reasonably contemplated eminent domain proceeding  
16 under the Eminent Domain Act, records, documents, and  
17 information relating to that parcel shall be exempt except  
18 as may be allowed under discovery rules adopted by the  
19 Illinois Supreme Court. The records, documents, and  
20 information relating to a real estate sale shall be exempt  
21 until a sale is consummated.

22 (s) Any and all proprietary information and records  
23 related to the operation of an intergovernmental risk  
24 management association or self-insurance pool or jointly  
25 self-administered health and accident cooperative or pool.  
26 Insurance or self-insurance ~~self-insurance~~ (including any

1           intergovernmental risk management association or  
2           self-insurance ~~self-insurance~~ pool) claims, loss or risk  
3           management information, records, data, advice, or  
4           communications.

5           (t) Information contained in or related to  
6           examination, operating, or condition reports prepared by,  
7           on behalf of, or for the use of a public body responsible  
8           for the regulation or supervision of financial  
9           institutions, insurance companies, or pharmacy benefit  
10          managers, unless disclosure is otherwise required by State  
11          law.

12          (u) Information that would disclose or might lead to  
13          the disclosure of secret or confidential information,  
14          codes, algorithms, programs, or private keys intended to  
15          be used to create electronic signatures under the Uniform  
16          Electronic Transactions Act.

17          (v) Vulnerability assessments, security measures, and  
18          response policies or plans that are designed to identify,  
19          prevent, or respond to potential attacks upon a  
20          community's population or systems, facilities, or  
21          installations, but only to the extent that disclosure  
22          could reasonably be expected to expose the vulnerability  
23          or jeopardize the effectiveness of the measures, policies,  
24          or plans, or the safety of the personnel who implement  
25          them or the public. Information exempt under this item may  
26          include such things as details pertaining to the

1 mobilization or deployment of personnel or equipment, to  
2 the operation of communication systems or protocols, to  
3 cybersecurity vulnerabilities, or to tactical operations.

4 (w) (Blank).

5 (x) Maps and other records regarding the location or  
6 security of generation, transmission, distribution,  
7 storage, gathering, treatment, or switching facilities  
8 owned by a utility, by a power generator, or by the  
9 Illinois Power Agency.

10 (y) Information contained in or related to proposals,  
11 bids, or negotiations related to electric power  
12 procurement under Section 1-75 of the Illinois Power  
13 Agency Act and Section 16-111.5 of the Public Utilities  
14 Act that is determined to be confidential and proprietary  
15 by the Illinois Power Agency or by the Illinois Commerce  
16 Commission.

17 (z) Information about students exempted from  
18 disclosure under Section ~~Sections~~ 10-20.38 or 34-18.29 of  
19 the School Code, and information about undergraduate  
20 students enrolled at an institution of higher education  
21 exempted from disclosure under Section 25 of the Illinois  
22 Credit Card Marketing Act of 2009.

23 (aa) Information the disclosure of which is exempted  
24 under the Viatical Settlements Act of 2009.

25 (bb) Records and information provided to a mortality  
26 review team and records maintained by a mortality review



1 team appointed under the Department of Juvenile Justice  
2 Mortality Review Team Act.

3 (cc) Information regarding interments, entombments, or  
4 inurnments of human remains that are submitted to the  
5 Cemetery Oversight Database under the Cemetery Care Act or  
6 the Cemetery Oversight Act, whichever is applicable.

7 (dd) Correspondence and records (i) that may not be  
8 disclosed under Section 11-9 of the Illinois Public Aid  
9 Code or (ii) that pertain to appeals under Section 11-8 of  
10 the Illinois Public Aid Code.

11 (ee) The names, addresses, or other personal  
12 information of persons who are minors and are also  
13 participants and registrants in programs of park  
14 districts, forest preserve districts, conservation  
15 districts, recreation agencies, and special recreation  
16 associations.

17 (ff) The names, addresses, or other personal  
18 information of participants and registrants in programs of  
19 park districts, forest preserve districts, conservation  
20 districts, recreation agencies, and special recreation  
21 associations where such programs are targeted primarily to  
22 minors.

23 (gg) Confidential information described in Section  
24 1-100 of the Illinois Independent Tax Tribunal Act of  
25 2012.

26 (hh) The report submitted to the State Board of

1 Education by the School Security and Standards Task Force  
2 under item (8) of subsection (d) of Section 2-3.160 of the  
3 School Code and any information contained in that report.

4 (ii) Records requested by persons committed to or  
5 detained by the Department of Human Services under the  
6 Sexually Violent Persons Commitment Act or committed to  
7 the Department of Corrections under the Sexually Dangerous  
8 Persons Act if those materials: (i) are available in the  
9 library of the facility where the individual is confined;  
10 (ii) include records from staff members' personnel files,  
11 staff rosters, or other staffing assignment information;  
12 or (iii) are available through an administrative request  
13 to the Department of Human Services or the Department of  
14 Corrections.

15 (jj) Confidential information described in Section  
16 5-535 of the Civil Administrative Code of Illinois.

17 (kk) The public body's credit card numbers, debit card  
18 numbers, bank account numbers, Federal Employer  
19 Identification Number, security code numbers, passwords,  
20 and similar account information, the disclosure of which  
21 could result in identity theft or impression or defrauding  
22 of a governmental entity or a person.

23 (ll) Records concerning the work of the threat  
24 assessment team of a school district, including, but not  
25 limited to, any threat assessment procedure under the  
26 School Safety Drill Act and any information contained in

1 the procedure.

2 (mm) Information prohibited from being disclosed under  
3 subsections (a) and (b) of Section 15 of the Student  
4 Confidential Reporting Act.

5 (nn) ~~(mm)~~ Proprietary information submitted to the  
6 Environmental Protection Agency under the Drug Take-Back  
7 Act.

8 (oo) ~~(mm)~~ Records described in subsection (f) of  
9 Section 3-5-1 of the Unified Code of Corrections.

10 (1.5) Any information exempt from disclosure under the  
11 Judicial Privacy Act shall be redacted from public records  
12 prior to disclosure under this Act.

13 (2) A public record that is not in the possession of a  
14 public body but is in the possession of a party with whom the  
15 agency has contracted to perform a governmental function on  
16 behalf of the public body, and that directly relates to the  
17 governmental function and is not otherwise exempt under this  
18 Act, shall be considered a public record of the public body,  
19 for purposes of this Act.

20 (3) This Section does not authorize withholding of  
21 information or limit the availability of records to the  
22 public, except as stated in this Section or otherwise provided  
23 in this Act.

24 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;  
25 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.  
26 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,

1 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;  
2 102-791, eff. 5-13-22; 102-1055, eff. 6-10-22; revised  
3 12-13-22.)

4 (Text of Section after amendment by P.A. 102-982)

5 Sec. 7. Exemptions.

6 (1) When a request is made to inspect or copy a public  
7 record that contains information that is exempt from  
8 disclosure under this Section, but also contains information  
9 that is not exempt from disclosure, the public body may elect  
10 to redact the information that is exempt. The public body  
11 shall make the remaining information available for inspection  
12 and copying. Subject to this requirement, the following shall  
13 be exempt from inspection and copying:

14 (a) Information specifically prohibited from  
15 disclosure by federal or State law or rules and  
16 regulations implementing federal or State law.

17 (b) Private information, unless disclosure is required  
18 by another provision of this Act, a State or federal law,  
19 or a court order.

20 (b-5) Files, documents, and other data or databases  
21 maintained by one or more law enforcement agencies and  
22 specifically designed to provide information to one or  
23 more law enforcement agencies regarding the physical or  
24 mental status of one or more individual subjects.

25 (c) Personal information contained within public

1 records, the disclosure of which would constitute a  
2 clearly unwarranted invasion of personal privacy, unless  
3 the disclosure is consented to in writing by the  
4 individual subjects of the information. "Unwarranted  
5 invasion of personal privacy" means the disclosure of  
6 information that is highly personal or objectionable to a  
7 reasonable person and in which the subject's right to  
8 privacy outweighs any legitimate public interest in  
9 obtaining the information. The disclosure of information  
10 that bears on the public duties of public employees and  
11 officials shall not be considered an invasion of personal  
12 privacy.

13 (d) Records in the possession of any public body  
14 created in the course of administrative enforcement  
15 proceedings, and any law enforcement or correctional  
16 agency for law enforcement purposes, but only to the  
17 extent that disclosure would:

18 (i) interfere with pending or actually and  
19 reasonably contemplated law enforcement proceedings  
20 conducted by any law enforcement or correctional  
21 agency that is the recipient of the request;

22 (ii) interfere with active administrative  
23 enforcement proceedings conducted by the public body  
24 that is the recipient of the request;

25 (iii) create a substantial likelihood that a  
26 person will be deprived of a fair trial or an impartial

1 hearing;

2 (iv) unavoidably disclose the identity of a  
3 confidential source, confidential information  
4 furnished only by the confidential source, or persons  
5 who file complaints with or provide information to  
6 administrative, investigative, law enforcement, or  
7 penal agencies; except that the identities of  
8 witnesses to traffic crashes, traffic crash reports,  
9 and rescue reports shall be provided by agencies of  
10 local government, except when disclosure would  
11 interfere with an active criminal investigation  
12 conducted by the agency that is the recipient of the  
13 request;

14 (v) disclose unique or specialized investigative  
15 techniques other than those generally used and known  
16 or disclose internal documents of correctional  
17 agencies related to detection, observation, or  
18 investigation of incidents of crime or misconduct, and  
19 disclosure would result in demonstrable harm to the  
20 agency or public body that is the recipient of the  
21 request;

22 (vi) endanger the life or physical safety of law  
23 enforcement personnel or any other person; or

24 (vii) obstruct an ongoing criminal investigation  
25 by the agency that is the recipient of the request.

26 (d-5) A law enforcement record created for law

1 enforcement purposes and contained in a shared electronic  
2 record management system if the law enforcement agency  
3 that is the recipient of the request did not create the  
4 record, did not participate in or have a role in any of the  
5 events which are the subject of the record, and only has  
6 access to the record through the shared electronic record  
7 management system.

8 (d-6) Records contained in the Officer Professional  
9 Conduct Database under Section 9.2 of the Illinois Police  
10 Training Act, except to the extent authorized under that  
11 Section. This includes the documents supplied to the  
12 Illinois Law Enforcement Training Standards Board from the  
13 Illinois State Police and Illinois State Police Merit  
14 Board.

15 (e) Records that relate to or affect the security of  
16 correctional institutions and detention facilities.

17 (e-5) Records requested by persons committed to the  
18 Department of Corrections, Department of Human Services  
19 Division of Mental Health, or a county jail if those  
20 materials are available in the library of the correctional  
21 institution or facility or jail where the inmate is  
22 confined.

23 (e-6) Records requested by persons committed to the  
24 Department of Corrections, Department of Human Services  
25 Division of Mental Health, or a county jail if those  
26 materials include records from staff members' personnel

1 files, staff rosters, or other staffing assignment  
2 information.

3 (e-7) Records requested by persons committed to the  
4 Department of Corrections or Department of Human Services  
5 Division of Mental Health if those materials are available  
6 through an administrative request to the Department of  
7 Corrections or Department of Human Services Division of  
8 Mental Health.

9 (e-8) Records requested by a person committed to the  
10 Department of Corrections, Department of Human Services  
11 Division of Mental Health, or a county jail, the  
12 disclosure of which would result in the risk of harm to any  
13 person or the risk of an escape from a jail or correctional  
14 institution or facility.

15 (e-9) Records requested by a person in a county jail  
16 or committed to the Department of Corrections or  
17 Department of Human Services Division of Mental Health,  
18 containing personal information pertaining to the person's  
19 victim or the victim's family, including, but not limited  
20 to, a victim's home address, home telephone number, work  
21 or school address, work telephone number, social security  
22 number, or any other identifying information, except as  
23 may be relevant to a requester's current or potential case  
24 or claim.

25 (e-10) Law enforcement records of other persons  
26 requested by a person committed to the Department of



1 Corrections, Department of Human Services Division of  
2 Mental Health, or a county jail, including, but not  
3 limited to, arrest and booking records, mug shots, and  
4 crime scene photographs, except as these records may be  
5 relevant to the requester's current or potential case or  
6 claim.

7 (f) Preliminary drafts, notes, recommendations,  
8 memoranda, and other records in which opinions are  
9 expressed, or policies or actions are formulated, except  
10 that a specific record or relevant portion of a record  
11 shall not be exempt when the record is publicly cited and  
12 identified by the head of the public body. The exemption  
13 provided in this paragraph (f) extends to all those  
14 records of officers and agencies of the General Assembly  
15 that pertain to the preparation of legislative documents.

16 (g) Trade secrets and commercial or financial  
17 information obtained from a person or business where the  
18 trade secrets or commercial or financial information are  
19 furnished under a claim that they are proprietary,  
20 privileged, or confidential, and that disclosure of the  
21 trade secrets or commercial or financial information would  
22 cause competitive harm to the person or business, and only  
23 insofar as the claim directly applies to the records  
24 requested.

25 The information included under this exemption includes  
26 all trade secrets and commercial or financial information

1           obtained by a public body, including a public pension  
2           fund, from a private equity fund or a privately held  
3           company within the investment portfolio of a private  
4           equity fund as a result of either investing or evaluating  
5           a potential investment of public funds in a private equity  
6           fund. The exemption contained in this item does not apply  
7           to the aggregate financial performance information of a  
8           private equity fund, nor to the identity of the fund's  
9           managers or general partners. The exemption contained in  
10          this item does not apply to the identity of a privately  
11          held company within the investment portfolio of a private  
12          equity fund, unless the disclosure of the identity of a  
13          privately held company may cause competitive harm.

14                 Nothing contained in this paragraph (g) shall be  
15                 construed to prevent a person or business from consenting  
16                 to disclosure.

17                 (h) Proposals and bids for any contract, grant, or  
18                 agreement, including information which if it were  
19                 disclosed would frustrate procurement or give an advantage  
20                 to any person proposing to enter into a contractor  
21                 agreement with the body, until an award or final selection  
22                 is made. Information prepared by or for the body in  
23                 preparation of a bid solicitation shall be exempt until an  
24                 award or final selection is made.

25                 (i) Valuable formulae, computer geographic systems,  
26                 designs, drawings, and research data obtained or produced

1 by any public body when disclosure could reasonably be  
2 expected to produce private gain or public loss. The  
3 exemption for "computer geographic systems" provided in  
4 this paragraph (i) does not extend to requests made by  
5 news media as defined in Section 2 of this Act when the  
6 requested information is not otherwise exempt and the only  
7 purpose of the request is to access and disseminate  
8 information regarding the health, safety, welfare, or  
9 legal rights of the general public.

10 (j) The following information pertaining to  
11 educational matters:

12 (i) test questions, scoring keys, and other  
13 examination data used to administer an academic  
14 examination;

15 (ii) information received by a primary or  
16 secondary school, college, or university under its  
17 procedures for the evaluation of faculty members by  
18 their academic peers;

19 (iii) information concerning a school or  
20 university's adjudication of student disciplinary  
21 cases, but only to the extent that disclosure would  
22 unavoidably reveal the identity of the student; and

23 (iv) course materials or research materials used  
24 by faculty members.

25 (k) Architects' plans, engineers' technical  
26 submissions, and other construction related technical

1 documents for projects not constructed or developed in  
2 whole or in part with public funds and the same for  
3 projects constructed or developed with public funds,  
4 including, but not limited to, power generating and  
5 distribution stations and other transmission and  
6 distribution facilities, water treatment facilities,  
7 airport facilities, sport stadiums, convention centers,  
8 and all government owned, operated, or occupied buildings,  
9 but only to the extent that disclosure would compromise  
10 security.

11 (l) Minutes of meetings of public bodies closed to the  
12 public as provided in the Open Meetings Act until the  
13 public body makes the minutes available to the public  
14 under Section 2.06 of the Open Meetings Act.

15 (m) Communications between a public body and an  
16 attorney or auditor representing the public body that  
17 would not be subject to discovery in litigation, and  
18 materials prepared or compiled by or for a public body in  
19 anticipation of a criminal, civil, or administrative  
20 proceeding upon the request of an attorney advising the  
21 public body, and materials prepared or compiled with  
22 respect to internal audits of public bodies.

23 (n) Records relating to a public body's adjudication  
24 of employee grievances or disciplinary cases; however,  
25 this exemption shall not extend to the final outcome of  
26 cases in which discipline is imposed.

1           (o) Administrative or technical information associated  
2           with automated data processing operations, including, but  
3           not limited to, software, operating protocols, computer  
4           program abstracts, file layouts, source listings, object  
5           modules, load modules, user guides, documentation  
6           pertaining to all logical and physical design of  
7           computerized systems, employee manuals, and any other  
8           information that, if disclosed, would jeopardize the  
9           security of the system or its data or the security of  
10          materials exempt under this Section.

11          (p) Records relating to collective negotiating matters  
12          between public bodies and their employees or  
13          representatives, except that any final contract or  
14          agreement shall be subject to inspection and copying.

15          (q) Test questions, scoring keys, and other  
16          examination data used to determine the qualifications of  
17          an applicant for a license or employment.

18          (r) The records, documents, and information relating  
19          to real estate purchase negotiations until those  
20          negotiations have been completed or otherwise terminated.  
21          With regard to a parcel involved in a pending or actually  
22          and reasonably contemplated eminent domain proceeding  
23          under the Eminent Domain Act, records, documents, and  
24          information relating to that parcel shall be exempt except  
25          as may be allowed under discovery rules adopted by the  
26          Illinois Supreme Court. The records, documents, and

1 information relating to a real estate sale shall be exempt  
2 until a sale is consummated.

3 (s) Any and all proprietary information and records  
4 related to the operation of an intergovernmental risk  
5 management association or self-insurance pool or jointly  
6 self-administered health and accident cooperative or pool.  
7 Insurance or self-insurance ~~self-insurance~~ (including any  
8 intergovernmental risk management association or  
9 self-insurance ~~self-insurance~~ pool) claims, loss or risk  
10 management information, records, data, advice, or  
11 communications.

12 (t) Information contained in or related to  
13 examination, operating, or condition reports prepared by,  
14 on behalf of, or for the use of a public body responsible  
15 for the regulation or supervision of financial  
16 institutions, insurance companies, or pharmacy benefit  
17 managers, unless disclosure is otherwise required by State  
18 law.

19 (u) Information that would disclose or might lead to  
20 the disclosure of secret or confidential information,  
21 codes, algorithms, programs, or private keys intended to  
22 be used to create electronic signatures under the Uniform  
23 Electronic Transactions Act.

24 (v) Vulnerability assessments, security measures, and  
25 response policies or plans that are designed to identify,  
26 prevent, or respond to potential attacks upon a

1 community's population or systems, facilities, or  
2 installations, but only to the extent that disclosure  
3 could reasonably be expected to expose the vulnerability  
4 or jeopardize the effectiveness of the measures, policies,  
5 or plans, or the safety of the personnel who implement  
6 them or the public. Information exempt under this item may  
7 include such things as details pertaining to the  
8 mobilization or deployment of personnel or equipment, to  
9 the operation of communication systems or protocols, to  
10 cybersecurity vulnerabilities, or to tactical operations.

11 (w) (Blank).

12 (x) Maps and other records regarding the location or  
13 security of generation, transmission, distribution,  
14 storage, gathering, treatment, or switching facilities  
15 owned by a utility, by a power generator, or by the  
16 Illinois Power Agency.

17 (y) Information contained in or related to proposals,  
18 bids, or negotiations related to electric power  
19 procurement under Section 1-75 of the Illinois Power  
20 Agency Act and Section 16-111.5 of the Public Utilities  
21 Act that is determined to be confidential and proprietary  
22 by the Illinois Power Agency or by the Illinois Commerce  
23 Commission.

24 (z) Information about students exempted from  
25 disclosure under Section ~~Sections~~ 10-20.38 or 34-18.29 of  
26 the School Code, and information about undergraduate

1 students enrolled at an institution of higher education  
2 exempted from disclosure under Section 25 of the Illinois  
3 Credit Card Marketing Act of 2009.

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5 under the Viatical Settlements Act of 2009.

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7 review team and records maintained by a mortality review  
8 team appointed under the Department of Juvenile Justice  
9 Mortality Review Team Act.

10 (cc) Information regarding interments, entombments, or  
11 inurnments of human remains that are submitted to the  
12 Cemetery Oversight Database under the Cemetery Care Act or  
13 the Cemetery Oversight Act, whichever is applicable.

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15 disclosed under Section 11-9 of the Illinois Public Aid  
16 Code or (ii) that pertain to appeals under Section 11-8 of  
17 the Illinois Public Aid Code.

18 (ee) The names, addresses, or other personal  
19 information of persons who are minors and are also  
20 participants and registrants in programs of park  
21 districts, forest preserve districts, conservation  
22 districts, recreation agencies, and special recreation  
23 associations.

24 (ff) The names, addresses, or other personal  
25 information of participants and registrants in programs of  
26 park districts, forest preserve districts, conservation



1 districts, recreation agencies, and special recreation  
2 associations where such programs are targeted primarily to  
3 minors.

4 (gg) Confidential information described in Section  
5 1-100 of the Illinois Independent Tax Tribunal Act of  
6 2012.

7 (hh) The report submitted to the State Board of  
8 Education by the School Security and Standards Task Force  
9 under item (8) of subsection (d) of Section 2-3.160 of the  
10 School Code and any information contained in that report.

11 (ii) Records requested by persons committed to or  
12 detained by the Department of Human Services under the  
13 Sexually Violent Persons Commitment Act or committed to  
14 the Department of Corrections under the Sexually Dangerous  
15 Persons Act if those materials: (i) are available in the  
16 library of the facility where the individual is confined;  
17 (ii) include records from staff members' personnel files,  
18 staff rosters, or other staffing assignment information;  
19 or (iii) are available through an administrative request  
20 to the Department of Human Services or the Department of  
21 Corrections.

22 (jj) Confidential information described in Section  
23 5-535 of the Civil Administrative Code of Illinois.

24 (kk) The public body's credit card numbers, debit card  
25 numbers, bank account numbers, Federal Employer  
26 Identification Number, security code numbers, passwords,

1 and similar account information, the disclosure of which  
2 could result in identity theft or impersonation or defrauding  
3 of a governmental entity or a person.

4 (ll) Records concerning the work of the threat  
5 assessment team of a school district, including, but not  
6 limited to, any threat assessment procedure under the  
7 School Safety Drill Act and any information contained in  
8 the procedure.

9 (mm) Information prohibited from being disclosed under  
10 subsections (a) and (b) of Section 15 of the Student  
11 Confidential Reporting Act.

12 (nn) ~~(mm)~~ Proprietary information submitted to the  
13 Environmental Protection Agency under the Drug Take-Back  
14 Act.

15 (oo) ~~(mm)~~ Records described in subsection (f) of  
16 Section 3-5-1 of the Unified Code of Corrections.

17 (1.5) Any information exempt from disclosure under the  
18 Judicial Privacy Act shall be redacted from public records  
19 prior to disclosure under this Act.

20 (2) A public record that is not in the possession of a  
21 public body but is in the possession of a party with whom the  
22 agency has contracted to perform a governmental function on  
23 behalf of the public body, and that directly relates to the  
24 governmental function and is not otherwise exempt under this  
25 Act, shall be considered a public record of the public body,  
26 for purposes of this Act.

1           (3) This Section does not authorize withholding of  
2 information or limit the availability of records to the  
3 public, except as stated in this Section or otherwise provided  
4 in this Act.

5           (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;  
6 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.  
7 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,  
8 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;  
9 102-791, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1055, eff.  
10 6-10-22; revised 12-13-22.)

11           Section 20. The Illinois Public Labor Relations Act is  
12 amended by changing Section 3 as follows:

13           (5 ILCS 315/3) (from Ch. 48, par. 1603)

14           Sec. 3. Definitions. As used in this Act, unless the  
15 context otherwise requires:

16           (a) "Board" means the Illinois Labor Relations Board or,  
17 with respect to a matter over which the jurisdiction of the  
18 Board is assigned to the State Panel or the Local Panel under  
19 Section 5, the panel having jurisdiction over the matter.

20           (b) "Collective bargaining" means bargaining over terms  
21 and conditions of employment, including hours, wages, and  
22 other conditions of employment, as detailed in Section 7 and  
23 which are not excluded by Section 4.

24           (c) "Confidential employee" means an employee who, in the

1 regular course of his or her duties, assists and acts in a  
2 confidential capacity to persons who formulate, determine, and  
3 effectuate management policies with regard to labor relations  
4 or who, in the regular course of his or her duties, has  
5 authorized access to information relating to the effectuation  
6 or review of the employer's collective bargaining policies.  
7 Determinations of confidential employee status shall be based  
8 on actual employee job duties and not solely on written job  
9 descriptions.

10 (d) "Craft employees" means skilled journeymen, crafts  
11 persons, and their apprentices and helpers.

12 (e) "Essential services employees" means those public  
13 employees performing functions so essential that the  
14 interruption or termination of the function will constitute a  
15 clear and present danger to the health and safety of the  
16 persons in the affected community.

17 (f) "Exclusive representative", except with respect to  
18 non-State fire fighters and paramedics employed by fire  
19 departments and fire protection districts, non-State peace  
20 officers, and peace officers in the Illinois State Police,  
21 means the labor organization that has been (i) designated by  
22 the Board as the representative of a majority of public  
23 employees in an appropriate bargaining unit in accordance with  
24 the procedures contained in this Act; (ii) historically  
25 recognized by the State of Illinois or any political  
26 subdivision of the State before July 1, 1984 (the effective

1 date of this Act) as the exclusive representative of the  
2 employees in an appropriate bargaining unit; (iii) after July  
3 1, 1984 (the effective date of this Act) recognized by an  
4 employer upon evidence, acceptable to the Board, that the  
5 labor organization has been designated as the exclusive  
6 representative by a majority of the employees in an  
7 appropriate bargaining unit; (iv) recognized as the exclusive  
8 representative of personal assistants under Executive Order  
9 2003-8 prior to July 16, 2003 (the effective date of Public Act  
10 93-204), and the organization shall be considered to be the  
11 exclusive representative of the personal assistants as defined  
12 in this Section; or (v) recognized as the exclusive  
13 representative of child and day care home providers, including  
14 licensed and license exempt providers, pursuant to an election  
15 held under Executive Order 2005-1 prior to January 1, 2006  
16 (the effective date of Public Act 94-320), and the  
17 organization shall be considered to be the exclusive  
18 representative of the child and day care home providers as  
19 defined in this Section.

20 With respect to non-State fire fighters and paramedics  
21 employed by fire departments and fire protection districts,  
22 non-State peace officers, and peace officers in the Illinois  
23 State Police, "exclusive representative" means the labor  
24 organization that has been (i) designated by the Board as the  
25 representative of a majority of peace officers or fire  
26 fighters in an appropriate bargaining unit in accordance with

1 the procedures contained in this Act, (ii) historically  
2 recognized by the State of Illinois or any political  
3 subdivision of the State before January 1, 1986 (the effective  
4 date of this amendatory Act of 1985) as the exclusive  
5 representative by a majority of the peace officers or fire  
6 fighters in an appropriate bargaining unit, or (iii) after  
7 January 1, 1986 (the effective date of this amendatory Act of  
8 1985) recognized by an employer upon evidence, acceptable to  
9 the Board, that the labor organization has been designated as  
10 the exclusive representative by a majority of the peace  
11 officers or fire fighters in an appropriate bargaining unit.

12 Where a historical pattern of representation exists for  
13 the workers of a water system that was owned by a public  
14 utility, as defined in Section 3-105 of the Public Utilities  
15 Act, prior to becoming certified employees of a municipality  
16 or municipalities once the municipality or municipalities have  
17 acquired the water system as authorized in Section 11-124-5 of  
18 the Illinois Municipal Code, the Board shall find the labor  
19 organization that has historically represented the workers to  
20 be the exclusive representative under this Act, and shall find  
21 the unit represented by the exclusive representative to be the  
22 appropriate unit.

23 (g) "Fair share agreement" means an agreement between the  
24 employer and an employee organization under which all or any  
25 of the employees in a collective bargaining unit are required  
26 to pay their proportionate share of the costs of the

1 collective bargaining process, contract administration, and  
2 pursuing matters affecting wages, hours, and other conditions  
3 of employment, but not to exceed the amount of dues uniformly  
4 required of members. The amount certified by the exclusive  
5 representative shall not include any fees for contributions  
6 related to the election or support of any candidate for  
7 political office. Nothing in this subsection (g) shall  
8 preclude an employee from making voluntary political  
9 contributions in conjunction with his or her fair share  
10 payment.

11 (g-1) "Fire fighter" means, for the purposes of this Act  
12 only, any person who has been or is hereafter appointed to a  
13 fire department or fire protection district or employed by a  
14 state university and sworn or commissioned to perform fire  
15 fighter duties or paramedic duties, including paramedics  
16 employed by a unit of local government, except that the  
17 following persons are not included: part-time fire fighters,  
18 auxiliary, reserve or voluntary fire fighters, including paid  
19 on-call fire fighters, clerks and dispatchers or other  
20 civilian employees of a fire department or fire protection  
21 district who are not routinely expected to perform fire  
22 fighter duties, or elected officials.

23 (g-2) "General Assembly of the State of Illinois" means  
24 the legislative branch of the government of the State of  
25 Illinois, as provided for under Article IV of the Constitution  
26 of the State of Illinois, and includes, but is not limited to,

1 the House of Representatives, the Senate, the Speaker of the  
2 House of Representatives, the Minority Leader of the House of  
3 Representatives, the President of the Senate, the Minority  
4 Leader of the Senate, the Joint Committee on Legislative  
5 Support Services, and any legislative support services agency  
6 listed in the Legislative Commission Reorganization Act of  
7 1984.

8 (h) "Governing body" means, in the case of the State, the  
9 State Panel of the Illinois Labor Relations Board, the  
10 Director of the Department of Central Management Services, and  
11 the Director of the Department of Labor; the county board in  
12 the case of a county; the corporate authorities in the case of  
13 a municipality; and the appropriate body authorized to provide  
14 for expenditures of its funds in the case of any other unit of  
15 government.

16 (i) "Labor organization" means any organization in which  
17 public employees participate and that exists for the purpose,  
18 in whole or in part, of dealing with a public employer  
19 concerning wages, hours, and other terms and conditions of  
20 employment, including the settlement of grievances.

21 (i-5) "Legislative liaison" means a person who is an  
22 employee of a State agency, the Attorney General, the  
23 Secretary of State, the Comptroller, or the Treasurer, as the  
24 case may be, and whose job duties require the person to  
25 regularly communicate in the course of his or her employment  
26 with any official or staff of the General Assembly of the State



1 of Illinois for the purpose of influencing any legislative  
2 action.

3 (j) "Managerial employee" means an individual who is  
4 engaged predominantly in executive and management functions  
5 and is charged with the responsibility of directing the  
6 effectuation of management policies and practices.  
7 Determination of managerial employee status shall be based on  
8 actual employee job duties and not solely on written job  
9 descriptions. With respect only to State employees in  
10 positions under the jurisdiction of the Attorney General,  
11 Secretary of State, Comptroller, or Treasurer (i) that were  
12 certified in a bargaining unit on or after December 2, 2008,  
13 (ii) for which a petition is filed with the Illinois Public  
14 Labor Relations Board on or after April 5, 2013 (the effective  
15 date of Public Act 97-1172), or (iii) for which a petition is  
16 pending before the Illinois Public Labor Relations Board on  
17 that date, "managerial employee" means an individual who is  
18 engaged in executive and management functions or who is  
19 charged with the effectuation of management policies and  
20 practices or who represents management interests by taking or  
21 recommending discretionary actions that effectively control or  
22 implement policy. Nothing in this definition prohibits an  
23 individual from also meeting the definition of "supervisor"  
24 under subsection (r) of this Section.

25 (k) "Peace officer" means, for the purposes of this Act  
26 only, any persons who have been or are hereafter appointed to a

1 police force, department, or agency and sworn or commissioned  
2 to perform police duties, except that the following persons  
3 are not included: part-time police officers, special police  
4 officers, auxiliary police as defined by Section 3.1-30-20 of  
5 the Illinois Municipal Code, night watchmen, "merchant  
6 police", court security officers as defined by Section  
7 3-6012.1 of the Counties Code, temporary employees, traffic  
8 guards or wardens, civilian parking meter and parking  
9 facilities personnel or other individuals specially appointed  
10 to aid or direct traffic at or near schools or public functions  
11 or to aid in civil defense or disaster, parking enforcement  
12 employees who are not commissioned as peace officers and who  
13 are not armed and who are not routinely expected to effect  
14 arrests, parking lot attendants, clerks and dispatchers or  
15 other civilian employees of a police department who are not  
16 routinely expected to effect arrests, or elected officials.

17 (l) "Person" includes one or more individuals, labor  
18 organizations, public employees, associations, corporations,  
19 legal representatives, trustees, trustees in bankruptcy,  
20 receivers, or the State of Illinois or any political  
21 subdivision of the State or governing body, but does not  
22 include the General Assembly of the State of Illinois or any  
23 individual employed by the General Assembly of the State of  
24 Illinois.

25 (m) "Professional employee" means any employee engaged in  
26 work predominantly intellectual and varied in character rather

1 than routine mental, manual, mechanical or physical work;  
2 involving the consistent exercise of discretion and adjustment  
3 in its performance; of such a character that the output  
4 produced or the result accomplished cannot be standardized in  
5 relation to a given period of time; and requiring advanced  
6 knowledge in a field of science or learning customarily  
7 acquired by a prolonged course of specialized intellectual  
8 instruction and study in an institution of higher learning or  
9 a hospital, as distinguished from a general academic education  
10 or from apprenticeship or from training in the performance of  
11 routine mental, manual, or physical processes; or any employee  
12 who has completed the courses of specialized intellectual  
13 instruction and study prescribed in this subsection (m) and is  
14 performing related work under the supervision of a  
15 professional person to qualify to become a professional  
16 employee as defined in this subsection (m).

17 (n) "Public employee" or "employee", for the purposes of  
18 this Act, means any individual employed by a public employer,  
19 including (i) interns and residents at public hospitals, (ii)  
20 as of July 16, 2003 (the effective date of Public Act 93-204),  
21 but not before, personal assistants working under the Home  
22 Services Program under Section 3 of the Rehabilitation of  
23 Persons with Disabilities Act, subject to the limitations set  
24 forth in this Act and in the Rehabilitation of Persons with  
25 Disabilities Act, (iii) as of January 1, 2006 (the effective  
26 date of Public Act 94-320), but not before, child and day care

1 home providers participating in the child care assistance  
2 program under Section 9A-11 of the Illinois Public Aid Code,  
3 subject to the limitations set forth in this Act and in Section  
4 9A-11 of the Illinois Public Aid Code, (iv) as of January 29,  
5 2013 (the effective date of Public Act 97-1158), but not  
6 before except as otherwise provided in this subsection (n),  
7 home care and home health workers who function as personal  
8 assistants and individual maintenance home health workers and  
9 who also work under the Home Services Program under Section 3  
10 of the Rehabilitation of Persons with Disabilities Act, no  
11 matter whether the State provides those services through  
12 direct fee-for-service arrangements, with the assistance of a  
13 managed care organization or other intermediary, or otherwise,  
14 (v) beginning on July 19, 2013 (the effective date of Public  
15 Act 98-100) and notwithstanding any other provision of this  
16 Act, any person employed by a public employer and who is  
17 classified as or who holds the employment title of Chief  
18 Stationary Engineer, Assistant Chief Stationary Engineer,  
19 Sewage Plant Operator, Water Plant Operator, Stationary  
20 Engineer, Plant Operating Engineer, and any other employee who  
21 holds the position of: Civil Engineer V, Civil Engineer VI,  
22 Civil Engineer VII, Technical Manager I, Technical Manager II,  
23 Technical Manager III, Technical Manager IV, Technical Manager  
24 V, Technical Manager VI, Realty Specialist III, Realty  
25 Specialist IV, Realty Specialist V, Technical Advisor I,  
26 Technical Advisor II, Technical Advisor III, Technical Advisor

1 IV, or Technical Advisor V employed by the Department of  
2 Transportation who is in a position which is certified in a  
3 bargaining unit on or before July 19, 2013 (the effective date  
4 of Public Act 98-100), and (vi) beginning on July 19, 2013 (the  
5 effective date of Public Act 98-100) and notwithstanding any  
6 other provision of this Act, any mental health administrator  
7 in the Department of Corrections who is classified as or who  
8 holds the position of Public Service Administrator (Option  
9 8K), any employee of the Office of the Inspector General in the  
10 Department of Human Services who is classified as or who holds  
11 the position of Public Service Administrator (Option 7), any  
12 Deputy of Intelligence in the Department of Corrections who is  
13 classified as or who holds the position of Public Service  
14 Administrator (Option 7), and any employee of the Illinois  
15 State Police who handles issues concerning the Illinois State  
16 Police Sex Offender Registry and who is classified as or holds  
17 the position of Public Service Administrator (Option 7), but  
18 excluding all of the following: employees of the General  
19 Assembly of the State of Illinois; elected officials;  
20 executive heads of a department; members of boards or  
21 commissions; the Executive Inspectors General; any special  
22 Executive Inspectors General; employees of each Office of an  
23 Executive Inspector General; commissioners and employees of  
24 the Executive Ethics Commission; the Auditor General's  
25 Inspector General; employees of the Office of the Auditor  
26 General's Inspector General; the Legislative Inspector

1 General; any special Legislative Inspectors General; employees  
2 of the Office of the Legislative Inspector General;  
3 commissioners and employees of the Legislative Ethics  
4 Commission; employees of any agency, board or commission  
5 created by this Act; employees appointed to State positions of  
6 a temporary or emergency nature; all employees of school  
7 districts and higher education institutions except  
8 firefighters and peace officers employed by a state university  
9 and except peace officers employed by a school district in its  
10 own police department in existence on July 23, 2010 (the  
11 effective date of Public Act 96-1257); managerial employees;  
12 short-term employees; legislative liaisons; a person who is a  
13 State employee under the jurisdiction of the Office of the  
14 Attorney General who is licensed to practice law or whose  
15 position authorizes, either directly or indirectly, meaningful  
16 input into government decision-making on issues where there is  
17 room for principled disagreement on goals or their  
18 implementation; a person who is a State employee under the  
19 jurisdiction of the Office of the Comptroller who holds the  
20 position of Public Service Administrator or whose position is  
21 otherwise exempt under the Comptroller Merit Employment Code;  
22 a person who is a State employee under the jurisdiction of the  
23 Secretary of State who holds the position classification of  
24 Executive I or higher, whose position authorizes, either  
25 directly or indirectly, meaningful input into government  
26 decision-making on issues where there is room for principled

1 disagreement on goals or their implementation, or who is  
2 otherwise exempt under the Secretary of State Merit Employment  
3 Code; employees in the Office of the Secretary of State who are  
4 completely exempt from jurisdiction B of the Secretary of  
5 State Merit Employment Code and who are in Rutan-exempt  
6 positions on or after April 5, 2013 (the effective date of  
7 Public Act 97-1172); a person who is a State employee under the  
8 jurisdiction of the Treasurer who holds a position that is  
9 exempt from the State Treasurer Employment Code; any employee  
10 of a State agency who (i) holds the title or position of, or  
11 exercises substantially similar duties as a legislative  
12 liaison, Agency General Counsel, Agency Chief of Staff, Agency  
13 Executive Director, Agency Deputy Director, Agency Chief  
14 Fiscal Officer, Agency Human Resources Director, Public  
15 Information Officer, or Chief Information Officer and (ii) was  
16 neither included in a bargaining unit nor subject to an active  
17 petition for certification in a bargaining unit; any employee  
18 of a State agency who (i) is in a position that is  
19 Rutan-exempt, as designated by the employer, and completely  
20 exempt from jurisdiction B of the Personnel Code and (ii) was  
21 neither included in a bargaining unit nor subject to an active  
22 petition for certification in a bargaining unit; any term  
23 appointed employee of a State agency pursuant to Section 8b.18  
24 or 8b.19 of the Personnel Code who was neither included in a  
25 bargaining unit nor subject to an active petition for  
26 certification in a bargaining unit; any employment position

1 properly designated pursuant to Section 6.1 of this Act;  
2 confidential employees; independent contractors; and  
3 supervisors except as provided in this Act.

4 Home care and home health workers who function as personal  
5 assistants and individual maintenance home health workers and  
6 who also work under the Home Services Program under Section 3  
7 of the Rehabilitation of Persons with Disabilities Act shall  
8 not be considered public employees for any purposes not  
9 specifically provided for in Public Act 93-204 or Public Act  
10 97-1158, including, but not limited to, purposes of vicarious  
11 liability in tort and purposes of statutory retirement or  
12 health insurance benefits. Home care and home health workers  
13 who function as personal assistants and individual maintenance  
14 home health workers and who also work under the Home Services  
15 Program under Section 3 of the Rehabilitation of Persons with  
16 Disabilities Act shall not be covered by the State Employees  
17 Group Insurance Act of 1971.

18 Child and day care home providers shall not be considered  
19 public employees for any purposes not specifically provided  
20 for in Public Act 94-320, including, but not limited to,  
21 purposes of vicarious liability in tort and purposes of  
22 statutory retirement or health insurance benefits. Child and  
23 day care home providers shall not be covered by the State  
24 Employees Group Insurance Act of 1971.

25 Notwithstanding Section 9, subsection (c), or any other  
26 provisions of this Act, all peace officers above the rank of



1 captain in municipalities with more than 1,000,000 inhabitants  
2 shall be excluded from this Act.

3 (o) Except as otherwise in subsection (o-5), "public  
4 employer" or "employer" means the State of Illinois; any  
5 political subdivision of the State, unit of local government  
6 or school district; authorities including departments,  
7 divisions, bureaus, boards, commissions, or other agencies of  
8 the foregoing entities; and any person acting within the scope  
9 of his or her authority, express or implied, on behalf of those  
10 entities in dealing with its employees. As of July 16, 2003  
11 (the effective date of Public Act 93-204), but not before, the  
12 State of Illinois shall be considered the employer of the  
13 personal assistants working under the Home Services Program  
14 under Section 3 of the Rehabilitation of Persons with  
15 Disabilities Act, subject to the limitations set forth in this  
16 Act and in the Rehabilitation of Persons with Disabilities  
17 Act. As of January 29, 2013 (the effective date of Public Act  
18 97-1158), but not before except as otherwise provided in this  
19 subsection (o), the State shall be considered the employer of  
20 home care and home health workers who function as personal  
21 assistants and individual maintenance home health workers and  
22 who also work under the Home Services Program under Section 3  
23 of the Rehabilitation of Persons with Disabilities Act, no  
24 matter whether the State provides those services through  
25 direct fee-for-service arrangements, with the assistance of a  
26 managed care organization or other intermediary, or otherwise,

1 but subject to the limitations set forth in this Act and the  
2 Rehabilitation of Persons with Disabilities Act. The State  
3 shall not be considered to be the employer of home care and  
4 home health workers who function as personal assistants and  
5 individual maintenance home health workers and who also work  
6 under the Home Services Program under Section 3 of the  
7 Rehabilitation of Persons with Disabilities Act, for any  
8 purposes not specifically provided for in Public Act 93-204 or  
9 Public Act 97-1158, including but not limited to, purposes of  
10 vicarious liability in tort and purposes of statutory  
11 retirement or health insurance benefits. Home care and home  
12 health workers who function as personal assistants and  
13 individual maintenance home health workers and who also work  
14 under the Home Services Program under Section 3 of the  
15 Rehabilitation of Persons with Disabilities Act shall not be  
16 covered by the State Employees Group Insurance Act of 1971. As  
17 of January 1, 2006 (the effective date of Public Act 94-320),  
18 but not before, the State of Illinois shall be considered the  
19 employer of the day and child care home providers  
20 participating in the child care assistance program under  
21 Section 9A-11 of the Illinois Public Aid Code, subject to the  
22 limitations set forth in this Act and in Section 9A-11 of the  
23 Illinois Public Aid Code. The State shall not be considered to  
24 be the employer of child and day care home providers for any  
25 purposes not specifically provided for in Public Act 94-320,  
26 including, but not limited to, purposes of vicarious liability

1 in tort and purposes of statutory retirement or health  
2 insurance benefits. Child and day care home providers shall  
3 not be covered by the State Employees Group Insurance Act of  
4 1971.

5 "Public employer" or "employer" as used in this Act,  
6 however, does not mean and shall not include the General  
7 Assembly of the State of Illinois, the Executive Ethics  
8 Commission, the Offices of the Executive Inspectors General,  
9 the Legislative Ethics Commission, the Office of the  
10 Legislative Inspector General, the Office of the Auditor  
11 General's Inspector General, the Office of the Governor, the  
12 Governor's Office of Management and Budget, the Illinois  
13 Finance Authority, the Office of the Lieutenant Governor, the  
14 State Board of Elections, and educational employers or  
15 employers as defined in the Illinois Educational Labor  
16 Relations Act, except with respect to a state university in  
17 its employment of firefighters and peace officers and except  
18 with respect to a school district in the employment of peace  
19 officers in its own police department in existence on July 23,  
20 2010 (the effective date of Public Act 96-1257). County boards  
21 and county sheriffs shall be designated as joint or  
22 co-employers of county peace officers appointed under the  
23 authority of a county sheriff. Nothing in this subsection (o)  
24 shall be construed to prevent the State Panel or the Local  
25 Panel from determining that employers are joint or  
26 co-employers.

1 (o-5) With respect to wages, fringe benefits, hours,  
2 holidays, vacations, proficiency examinations, sick leave, and  
3 other conditions of employment, the public employer of public  
4 employees who are court reporters, as defined in the Court  
5 Reporters Act, shall be determined as follows:

6 (1) For court reporters employed by the Cook County  
7 Judicial Circuit, the chief judge of the Cook County  
8 Circuit Court is the public employer and employer  
9 representative.

10 (2) For court reporters employed by the 12th, 18th,  
11 19th, and, on and after December 4, 2006, the 22nd  
12 judicial circuits, a group consisting of the chief judges  
13 of those circuits, acting jointly by majority vote, is the  
14 public employer and employer representative.

15 (3) For court reporters employed by all other judicial  
16 circuits, a group consisting of the chief judges of those  
17 circuits, acting jointly by majority vote, is the public  
18 employer and employer representative.

19 (p) "Security employee" means an employee who is  
20 responsible for the supervision and control of inmates at  
21 correctional facilities. The term also includes other  
22 non-security employees in bargaining units having the majority  
23 of employees being responsible for the supervision and control  
24 of inmates at correctional facilities.

25 (q) "Short-term employee" means an employee who is  
26 employed for less than 2 consecutive calendar quarters during

1 a calendar year and who does not have a reasonable assurance  
2 that he or she will be rehired by the same employer for the  
3 same service in a subsequent calendar year.

4 (q-5) "State agency" means an agency directly responsible  
5 to the Governor, as defined in Section 3.1 of the Executive  
6 Reorganization Implementation Act, and the Illinois Commerce  
7 Commission, the Illinois Workers' Compensation Commission, the  
8 Civil Service Commission, the Pollution Control Board, the  
9 Illinois Racing Board, and the Illinois State Police Merit  
10 Board.

11 (r) "Supervisor" is:

12 (1) An employee whose principal work is substantially  
13 different from that of his or her subordinates and who has  
14 authority, in the interest of the employer, to hire,  
15 transfer, suspend, lay off, recall, promote, discharge,  
16 direct, reward, or discipline employees, to adjust their  
17 grievances, or to effectively recommend any of those  
18 actions, if the exercise of that authority is not of a  
19 merely routine or clerical nature, but requires the  
20 consistent use of independent judgment. Except with  
21 respect to police employment, the term "supervisor"  
22 includes only those individuals who devote a preponderance  
23 of their employment time to exercising that authority,  
24 State supervisors notwithstanding. Determinations of  
25 supervisor status shall be based on actual employee job  
26 duties and not solely on written job descriptions. Nothing

1 in this definition prohibits an individual from also  
2 meeting the definition of "managerial employee" under  
3 subsection (j) of this Section. In addition, in  
4 determining supervisory status in police employment, rank  
5 shall not be determinative. The Board shall consider, as  
6 evidence of bargaining unit inclusion or exclusion, the  
7 common law enforcement policies and relationships between  
8 police officer ranks and certification under applicable  
9 civil service law, ordinances, personnel codes, or  
10 Division 2.1 of Article 10 of the Illinois Municipal Code,  
11 but these factors shall not be the sole or predominant  
12 factors considered by the Board in determining police  
13 supervisory status.

14 Notwithstanding the provisions of the preceding  
15 paragraph, in determining supervisory status in fire  
16 fighter employment, no fire fighter shall be excluded as a  
17 supervisor who has established representation rights under  
18 Section 9 of this Act. Further, in fire fighter units,  
19 employees shall consist of fire fighters of the highest  
20 rank of company officer and below. A company officer may  
21 be responsible for multiple companies or apparatus on a  
22 shift, multiple stations, or an entire shift. There may be  
23 more than one company officer per shift. If a company  
24 officer otherwise qualifies as a supervisor under the  
25 preceding paragraph, however, he or she shall not be  
26 included in the fire fighter unit. If there is no rank

1 between that of chief and the highest company officer, the  
2 employer may designate a position on each shift as a Shift  
3 Commander, and the persons occupying those positions shall  
4 be supervisors. All other ranks above that of the highest  
5 company officer shall be supervisors.

6 (2) With respect only to State employees in positions  
7 under the jurisdiction of the Attorney General, Secretary  
8 of State, Comptroller, or Treasurer (i) that were  
9 certified in a bargaining unit on or after December 2,  
10 2008, (ii) for which a petition is filed with the Illinois  
11 Public Labor Relations Board on or after April 5, 2013  
12 (the effective date of Public Act 97-1172), or (iii) for  
13 which a petition is pending before the Illinois Public  
14 Labor Relations Board on that date, an employee who  
15 qualifies as a supervisor under (A) Section 152 of the  
16 National Labor Relations Act and (B) orders of the  
17 National Labor Relations Board interpreting that provision  
18 or decisions of courts reviewing decisions of the National  
19 Labor Relations Board.

20 (s)(1) "Unit" means a class of jobs or positions that are  
21 held by employees whose collective interests may suitably be  
22 represented by a labor organization for collective bargaining.  
23 Except with respect to non-State fire fighters and paramedics  
24 employed by fire departments and fire protection districts,  
25 non-State peace officers, and peace officers in the Illinois  
26 State Police, a bargaining unit determined by the Board shall

1 not include both employees and supervisors, or supervisors  
2 only, except as provided in paragraph (2) of this subsection  
3 (s) and except for bargaining units in existence on July 1,  
4 1984 (the effective date of this Act). With respect to  
5 non-State fire fighters and paramedics employed by fire  
6 departments and fire protection districts, non-State peace  
7 officers, and peace officers in the Illinois State Police, a  
8 bargaining unit determined by the Board shall not include both  
9 supervisors and nonsupervisors, or supervisors only, except as  
10 provided in paragraph (2) of this subsection (s) and except  
11 for bargaining units in existence on January 1, 1986 (the  
12 effective date of this amendatory Act of 1985). A bargaining  
13 unit determined by the Board to contain peace officers shall  
14 contain no employees other than peace officers unless  
15 otherwise agreed to by the employer and the labor organization  
16 or labor organizations involved. Notwithstanding any other  
17 provision of this Act, a bargaining unit, including a  
18 historical bargaining unit, containing sworn peace officers of  
19 the Department of Natural Resources (formerly designated the  
20 Department of Conservation) shall contain no employees other  
21 than such sworn peace officers upon the effective date of this  
22 amendatory Act of 1990 or upon the expiration date of any  
23 collective bargaining agreement in effect upon the effective  
24 date of this amendatory Act of 1990 covering both such sworn  
25 peace officers and other employees.

26 (2) Notwithstanding the exclusion of supervisors from



1 bargaining units as provided in paragraph (1) of this  
2 subsection (s), a public employer may agree to permit its  
3 supervisory employees to form bargaining units and may bargain  
4 with those units. This Act shall apply if the public employer  
5 chooses to bargain under this subsection.

6 (3) Public employees who are court reporters, as defined  
7 in the Court Reporters Act, shall be divided into 3 units for  
8 collective bargaining purposes. One unit shall be court  
9 reporters employed by the Cook County Judicial Circuit; one  
10 unit shall be court reporters employed by the 12th, 18th,  
11 19th, and, on and after December 4, 2006, the 22nd judicial  
12 circuits; and one unit shall be court reporters employed by  
13 all other judicial circuits.

14 (t) "Active petition for certification in a bargaining  
15 unit" means a petition for certification filed with the Board  
16 under one of the following case numbers: S-RC-11-110;  
17 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;  
18 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;  
19 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;  
20 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;  
21 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;  
22 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;  
23 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;  
24 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;  
25 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;  
26 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;

1 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;  
2 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;  
3 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or  
4 S-RC-07-100.

5 (Source: P.A. 102-151, eff. 7-23-21; 102-538, eff. 8-20-21;  
6 102-686, eff. 6-1-22; 102-813, eff. 5-13-22; revised 6-13-22.)

7 Section 25. The Illinois Governmental Ethics Act is  
8 amended by changing Section 2-104 as follows:

9 (5 ILCS 420/2-104) (from Ch. 127, par. 602-104)

10 Sec. 2-104. No legislator may accept or participate in any  
11 way in any representation case, as that term is defined in  
12 Section 1-113, before (1) the Court of Claims of this State or  
13 (2) ~~before~~ the Illinois Workers' Compensation Commission, when  
14 the State of Illinois is the respondent.

15 This Section does not prohibit participation in such a  
16 representation case by a person with whom the legislator  
17 maintains a close economic association, unless the fact of  
18 that association is used to influence or attempt to influence  
19 the State agency in the rendering of its decision.

20 A violation of this Section is a Class A misdemeanor.

21 (Source: P.A. 93-721, eff. 1-1-05; revised 6-13-22.)

22 Section 30. The Illinois TRUST Act is amended by changing  
23 Sections 10 and 15 as follows:

1 (5 ILCS 805/10)

2 Sec. 10. Definitions. In this Act:

3 "Citizenship or immigration status" means all matters  
4 regarding citizenship of the United States or any other  
5 country or the authority to reside in or otherwise be present  
6 in the United States.

7 "Civil immigration warrant" means any document that is not  
8 approved or ordered by a judge that can form the basis for an  
9 individual's arrest or detention for a civil immigration  
10 enforcement purpose. "Civil immigration warrant" includes Form  
11 I-200 "Warrant for the Arrest of Alien", Form I-203 "Order to  
12 Detain or Release Alien", Form I-205 "Warrant of  
13 Removal/Deportation", Form I-286 "Notice of Custody  
14 Determination", any predecessor or successor form, and all  
15 warrants, hits, or requests contained in the "Immigration  
16 Violator File" of the FBI's National Crime Information Center  
17 (NCIC) database. "Civil immigration warrant" does not include  
18 any criminal warrant.

19 "Contact information" means home address, work address,  
20 telephone number, electronic mail address, social media  
21 information, or any other personal identifying information  
22 that could be used as a means to contact an individual.

23 "Immigration agent" means an agent of federal Immigration  
24 and Customs Enforcement, federal Customs and Border  
25 Protection, or any similar or successor agency.

1 "Immigration detainer" means a request to a State or local  
2 law enforcement agency to provide notice of release or  
3 maintain custody of an individual based on an alleged  
4 violation of a civil immigration law, including detainers  
5 issued under Sections 1226 or 1357 of Title 8 of the United  
6 States Code or 287.7 or 236.1 of Title 8 of the Code of Federal  
7 Regulations. "Immigration detainer" includes Form I-247A  
8 "Immigration Detainer - Notice of Action" and any predecessor  
9 or successor form.

10 "Law enforcement agency" means an agency of the State or  
11 of a unit of local government charged with enforcement of  
12 State, county, or municipal laws or with managing custody of  
13 detained persons in the State.

14 "Law enforcement official" means any individual with the  
15 power to arrest or detain individuals, including law  
16 enforcement officers, corrections officers ~~officer~~, and others  
17 employed or designated by a law enforcement agency. "Law  
18 enforcement official" includes any probation officer.

19 (Source: P.A. 102-234, eff. 8-2-21; revised 9-13-22.)

20 (5 ILCS 805/15)

21 Sec. 15. Prohibition on enforcing federal civil  
22 immigration laws.

23 (a) A law enforcement agency or law enforcement official  
24 shall not detain or continue to detain any individual solely  
25 on the basis of any immigration detainer or civil immigration

1 warrant or otherwise comply with an immigration detainer or  
2 civil immigration warrant.

3 (b) A law enforcement agency or law enforcement official  
4 shall not stop, arrest, search, detain, or continue to detain  
5 a person solely based on an individual's citizenship or  
6 immigration status.

7 (c) (Blank).

8 (d) A law enforcement agency or law enforcement official  
9 acting in good faith in compliance with this Section who  
10 releases a person subject to an immigration detainer or civil  
11 immigration warrant shall have immunity from any civil or  
12 criminal liability that might otherwise occur as a result of  
13 making the release, with the exception of willful or wanton  
14 misconduct.

15 (e) A law enforcement agency or law enforcement official  
16 may not inquire about or investigate the citizenship or  
17 immigration status or place of birth of any individual in the  
18 agency or official's custody or who has otherwise been stopped  
19 or detained by the agency or official. Nothing in this  
20 subsection shall be construed to limit the ability of a law  
21 enforcement agency or law enforcement official, pursuant to  
22 State or federal law, to notify a person in the law enforcement  
23 agency's custody about that person's right to communicate with  
24 consular officers from that person's country of nationality,  
25 or facilitate such communication, in accordance with the  
26 Vienna Convention on Consular Relations or other bilateral

1 agreements. Nothing in this subsection shall be construed to  
2 limit the ability of a law enforcement agency or law  
3 enforcement official to request evidence of citizenship or  
4 immigration status pursuant to the Firearm Owners  
5 Identification Card Act, the Firearm Concealed Carry Act,  
6 Article 24 of the Criminal Code of 2012, or 18 United States  
7 Code Sections 921 through 931.

8 (f) Unless otherwise limited by federal law, a law  
9 enforcement agency or law enforcement official may not deny  
10 services, benefits, privileges, or opportunities to an  
11 individual in custody or under probation status, including,  
12 but not limited to, eligibility for or placement in a lower  
13 custody classification, educational, rehabilitative, or  
14 diversionary programs, on the basis of the individual's  
15 citizenship or immigration status, the issuance of an  
16 immigration detainer or civil immigration warrant against the  
17 individual, or the individual being in immigration removal  
18 proceedings.

19 (g) (1) No law enforcement agency, law enforcement  
20 official, or any unit of State or local government may enter  
21 into or renew any contract, intergovernmental service  
22 agreement, or any other agreement to house or detain  
23 individuals for federal civil immigration violations.

24 (2) Any law enforcement agency, law enforcement official,  
25 or unit of State or local government with an existing  
26 contract, intergovernmental agreement, or other agreement,

1 whether in whole or in part, that is utilized to house or  
2 detain individuals for civil immigration violations shall  
3 exercise the termination provision in the agreement as applied  
4 to housing or detaining individuals for civil immigration  
5 violations no later than January 1, 2022.

6 (h) Unless presented with a federal criminal warrant, or  
7 otherwise required by federal law, a law enforcement agency or  
8 official may not:

9 (1) participate, support, or assist in any capacity  
10 with an immigration agent's enforcement operations,  
11 including any collateral assistance such as coordinating  
12 an arrest in a courthouse or other public facility,  
13 providing use of any equipment, transporting any  
14 individuals, or establishing a security or traffic  
15 perimeter surrounding such operations, or any other  
16 on-site support;

17 (2) give any immigration agent access, including by  
18 telephone, to any individual who is in that agency's  
19 custody;

20 (3) transfer any person into an immigration agent's  
21 custody;

22 (4) permit immigration agents use of agency facilities  
23 or equipment, including any agency electronic databases  
24 not available to the public, for investigative interviews  
25 or other investigative or immigration enforcement purpose;

26 (5) enter into or maintain any agreement regarding

1 direct access to any electronic database or other  
2 data-sharing platform maintained by any law enforcement  
3 agency, or otherwise provide such direct access to the  
4 U.S. Immigration and Customs Enforcement, United States  
5 Customs and Border Protection or any other federal entity  
6 enforcing civil immigration violations;

7 (6) provide information in response to any immigration  
8 agent's inquiry or request for information regarding any  
9 individual in the agency's custody; or

10 (7) provide to any immigration agent information not  
11 otherwise available to the public relating to an  
12 individual's release or contact information, or otherwise  
13 facilitate for an immigration agent to apprehend or  
14 question an individual for immigration enforcement.

15 (i) Nothing in this Section shall preclude a law  
16 enforcement official from otherwise executing that official's  
17 duties in investigating violations of criminal law and  
18 cooperating in such investigations with federal and other law  
19 enforcement agencies (including criminal investigations  
20 conducted by federal Homeland Security Investigations (HSI))  
21 in order to ensure public safety.

22 (Source: P.A. 102-234, eff. 8-2-21; revised 9-14-22.)

23 Section 35. The First Responders Suicide Prevention Act is  
24 amended by changing Section 40 as follows:



1 (5 ILCS 840/40)

2 Sec. 40. Task Force recommendations.

3 (a) Task Force members shall recommend that agencies and  
4 organizations guarantee access to mental health and wellness  
5 services, including, but not limited to, peer support programs  
6 and providing ongoing education related to the ever-evolving  
7 concept of mental health wellness. These recommendations could  
8 be accomplished by:

9 (1) Revising agencies' and organizations' employee  
10 assistance programs (EAPs).

11 (2) Urging health care providers to replace outdated  
12 healthcare plans and include more progressive options  
13 catering to the needs and disproportionate risks  
14 shouldered by our first responders.

15 (3) Allocating funding or resources for public service  
16 announcements (PSA) and messaging campaigns aimed at  
17 raising awareness of available assistance options.

18 (4) Encouraging agencies and organizations to attach  
19 lists of all available resources to training manuals and  
20 continuing education requirements.

21 (b) Task Force members shall recommend agencies and  
22 organizations sponsor or facilitate first responders with  
23 specialized training in the areas of psychological fitness,  
24 depressive disorders, early detection, and mitigation best  
25 practices. Such trainings could be accomplished by:

26 (1) Assigning, appointing, or designating one member

1 of an agency or organization to attend specialized  
2 training(s) sponsored by an accredited agency,  
3 association, or organization recognized in their fields of  
4 study.

5 (2) Seeking sponsorships or conducting fund-raisers,  
6 to host annual or semiannual on-site visits from qualified  
7 clinicians or physicians to provide early detection  
8 training techniques, or to provide regular access to  
9 mental health professionals.

10 (3) Requiring a minimum number of hours of disorders  
11 and wellness training be incorporated into reoccurring,  
12 annual or biannual training standards, examinations, and  
13 curriculums, taking into close consideration respective  
14 agency or organization size, frequency, and number of all  
15 current federal and state mandatory examinations and  
16 trainings expected respectively.

17 (4) Not underestimating the crucial importance of a  
18 balanced diet, sleep, mindfulness-based stress reduction  
19 techniques, moderate and vigorous intensity activities,  
20 and recreational hobbies, which have been scientifically  
21 proven to play a major role in brain health and mental  
22 wellness.

23 (c) Task Force members shall recommend that administrators  
24 and leadership personnel solicit training services from  
25 evidence-based, data driven organizations. Organizations with  
26 personnel trained on the analytical review and interpretation

1 of specific fields related to the nature of first responders'  
2 exploits, such as PTSD, substance abuse, chronic state of  
3 duress. Task Force members shall further recommend funding for  
4 expansion and messaging campaigns of preliminary  
5 self-diagnosing technologies like the one described above.  
6 These objectives could be met by:

7 (1) Contacting an accredited agency, association, or  
8 organization recognized in the field or fields of specific  
9 study. Unbeknownst to the majority, many of the agencies  
10 and organizations listed above receive grants and  
11 allocations to assist communities with the very issues  
12 being discussed in this Section.

13 (2) Normalizing help-seeking behaviors for both first  
14 responders and their families through regular messaging  
15 and peer support outreach, beginning with academy  
16 curricula and continuing education throughout individuals'  
17 careers.

18 (3) Funding and implementing PSA campaigns that  
19 provide clear and concise calls to action about mental  
20 health and wellness, resiliency, help-seeking, treatment,  
21 and recovery.

22 (4) Promoting and raising awareness of not-for-profit  
23 ~~non-for-profit~~ organizations currently available to assist  
24 individuals in search of care and treatment. Organizations  
25 have intuitive user-friendly sites, most of which have  
26 mobile applications, so first responders can access at a

1 moment's notice. However, because of limited funds, these  
2 organizations have a challenging time of getting the word  
3 out there about their existence.

4 (5) Expanding Family and Medical Leave Act protections  
5 for individuals voluntarily seeking preventative  
6 treatment.

7 (6) Promoting and ensuring complete patient  
8 confidentiality protections.

9 (d) Task Force members shall recommend that agencies and  
10 organizations incorporate the following training components  
11 into already existing modules and educational curriculums.  
12 Doing so could be done by:

13 (1) Bolstering academy and school curricula by  
14 requiring depressive disorder training catered to PTSD,  
15 substance abuse, and early detection techniques training,  
16 taking into close consideration respective agency or  
17 organization size, and the frequency and number of all  
18 current federal and state mandatory examinations and  
19 trainings expected respectively.

20 (2) Continuing to allocate or match federal and state  
21 funds to maintain Mobile ~~Mobile~~ Training Units (MTUs).

22 (3) Incorporating a state certificate for peer support  
23 training into already exiting statewide curriculums and  
24 mandatory examinations, annual State Fire Marshal  
25 examinations, and physical fitness examinations. The  
26 subject matter of the certificate should have an emphasis

1 on mental health and wellness, as well as familiarization  
2 with topics ranging from clinical social work, clinical  
3 psychology, clinical behaviorist, and clinical psychiatry.

4 (4) Incorporating and performing statewide mental  
5 health check-ins during the same times as already mandated  
6 trainings. These checks are not to be compared or used as  
7 measures of fitness for duty evaluations or structured  
8 psychological examinations.

9 (5) Recommending comprehensive and evidence-based  
10 training on the importance of preventative measures on the  
11 topics of sleep, nutrition, mindfulness, and physical  
12 movement.

13 (6) Law enforcement agencies should provide training  
14 on the Firearm Owner's Identification Card Act, including  
15 seeking relief from the Illinois State Police under  
16 Section 10 of the Firearm Owners Identification Card Act  
17 and a FOID card being a continued condition of employment  
18 under Section 7.2 of the Uniform Peace Officers'  
19 Disciplinary Act.

20 (Source: P.A. 102-352, eff. 6-1-22; revised 8-8-22.)

21 Section 40. The Election Code is amended by changing  
22 Sections 7-13, 7-16, 7-42, 7-43, 7-59, 7-61, 8-8, 10-14, 16-3,  
23 and 16-5.01 as follows:

24 (10 ILCS 5/7-13) (from Ch. 46, par. 7-13)

1           Sec. 7-13. The board of election commissioners in cities  
2 of 500,000 or more population having such board, shall  
3 constitute an electoral board for the hearing and passing upon  
4 objections to nomination petitions for ward committeepersons.

5           Except as otherwise provided in this Code, such objections  
6 shall be filed in the office of the county clerk within 5  
7 business days after the last day for filing nomination papers.  
8 The objection shall state the name and address of the  
9 objector, who may be any qualified elector in the ward, the  
10 specific grounds of objection and the relief requested of the  
11 electoral board. Upon the receipt of the objection, the county  
12 clerk shall forthwith transmit such objection and the petition  
13 of the candidate to the board of election commissioners. The  
14 board of election commissioners shall forthwith notify the  
15 objector and candidate objected to of the time and place for  
16 hearing hereon. After a hearing upon the validity of such  
17 objections, the board shall certify to the county clerk its  
18 decision stating whether or not the name of the candidate  
19 shall be printed on the ballot and the county clerk in his or  
20 her certificate to the board of election commissioners shall  
21 leave off of the certificate the name of the candidate for ward  
22 committeeperson that the election commissioners order not to  
23 be printed on the ballot. However, the decision of the board of  
24 election commissioners is subject to judicial review as  
25 provided in Section 10-10.1.

26           The county electoral board composed as provided in Section

1 10-9 shall constitute an electoral board for the hearing and  
2 passing upon objections to nomination petitions for precinct  
3 and township committeepersons. Such objections shall be filed  
4 in the office of the county clerk within 5 business days after  
5 the last day for filing nomination papers. The objection shall  
6 state the name and address of the objector who may be any  
7 qualified elector in the precinct or in the township or part of  
8 a township that lies outside of a city having a population of  
9 500,000 or more, the specific grounds of objection and the  
10 relief requested of the electoral board. Upon the receipt of  
11 the objection the county clerk shall forthwith transmit such  
12 objection and the petition of the candidate to the chair of the  
13 county electoral board. The chair of the county electoral  
14 board shall forthwith notify the objector, the candidate whose  
15 petition is objected to and the other members of the electoral  
16 board of the time and place for hearing thereon. After hearing  
17 upon the validity of such objections the board shall certify  
18 its decision to the county clerk stating whether or not the  
19 name of the candidate shall be printed on the ballot, and the  
20 county clerk, in his or her certificate to the board of  
21 election commissioners, shall leave off of the certificate the  
22 name of the candidate ordered by the board not to be printed on  
23 the ballot, and the county clerk shall also refrain from  
24 printing on the official primary ballot, the name of any  
25 candidate whose name has been ordered by the electoral board  
26 not to be printed on the ballot. However, the decision of the

1 board is subject to judicial review as provided in Section  
2 10-10.1.

3 In such proceedings the electoral boards have the same  
4 powers as other electoral boards under the provisions of  
5 Section 10-10 of this Code Act and their decisions are subject  
6 to judicial review under Section 10-10.1.

7 (Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

8 (10 ILCS 5/7-16) (from Ch. 46, par. 7-16)

9 Sec. 7-16. Each election authority in each county shall  
10 prepare and cause to be printed the primary ballot of each  
11 political party for each precinct in his respective  
12 jurisdiction.

13 Except as otherwise provided in this Code, the election  
14 authority shall, at least 45 days prior to the date of the  
15 primary election, have a sufficient number of ballots printed  
16 so that such ballots will be available for mailing 45 days  
17 prior to the primary election to persons who have filed  
18 application for a ballot under the provisions of Article 20 of  
19 this Code Act.

20 (Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

21 (10 ILCS 5/7-42) (from Ch. 46, par. 7-42)

22 Sec. 7-42. (a) Any person entitled to vote at such primary  
23 shall, on the day of such primary, with the consent of his  
24 employer, be entitled to absent himself from any service or



1 employment in which he is then engaged or employed for a period  
2 of 2 ~~two~~ hours between the time of opening and closing the  
3 polls. The employer may specify the hours during which said  
4 employee ~~employe~~ may absent himself.

5 (b) Beginning the 15th day before the primary election or  
6 on the day of the primary election, any student entitled to  
7 vote at such primary shall be entitled to be absent from school  
8 for a period of 2 hours during the school day in order to vote.  
9 The school may specify the hours during which the eligible  
10 student may be absent. A student who is absent from school  
11 under this subsection (b) is not considered absent for the  
12 purpose of calculating enrollment under Section 18-8.15 of the  
13 School Code.

14 (Source: P.A. 101-624, eff. 6-1-20; revised 8-23-22.)

15 (10 ILCS 5/7-43) (from Ch. 46, par. 7-43)

16 Sec. 7-43. Every person having resided in this State 6  
17 months and in the precinct 30 days next preceding any primary  
18 therein who shall be a citizen of the United States of the age  
19 of 18 or more years shall be entitled to vote at such primary.

20 The following regulations shall be applicable to  
21 primaries:

22 No person shall be entitled to vote at a primary:

23 (a) Unless he declares his party affiliations as  
24 required by this Article.

25 (b) (Blank).

1 (c) (Blank).

2 (c.5) If that person has participated in the town  
3 political party caucus, under Section 45-50 of the  
4 Township Code, of another political party by signing  
5 an affidavit of voters attending the caucus within 45  
6 days before the first day of the calendar month in  
7 which the primary is held.

8 (d) (Blank).

9 In cities, villages, and incorporated towns having a  
10 board of election commissioners, only voters registered as  
11 provided by Article 6 of this Code Act shall be entitled to  
12 vote at such primary.

13 No person shall be entitled to vote at a primary  
14 unless he is registered under the provisions of Article  
15 ~~Articles~~ 4, 5, or 6 of this Code Act, when his registration  
16 is required by any of said Articles to entitle him to vote  
17 at the election with reference to which the primary is  
18 held.

19 A person (i) who filed a statement of candidacy for a  
20 partisan office as a qualified primary voter of an established  
21 political party or (ii) who voted the ballot of an established  
22 political party at a general primary election may not file a  
23 statement of candidacy as a candidate of a different  
24 established political party, a new political party, or as an  
25 independent candidate for a partisan office to be filled at  
26 the general election immediately following the general primary

1 for which the person filed the statement or voted the ballot. A  
2 person may file a statement of candidacy for a partisan office  
3 as a qualified primary voter of an established political party  
4 regardless of any prior filing of candidacy for a partisan  
5 office or voting the ballot of an established political party  
6 at any prior election.

7 (Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

8 (10 ILCS 5/7-59) (from Ch. 46, par. 7-59)

9 Sec. 7-59. (a) The person receiving the highest number of  
10 votes at a primary as a candidate of a party for the nomination  
11 for an office shall be the candidate of that party for such  
12 office, and his name as such candidate shall be placed on the  
13 official ballot at the election then next ensuing; provided,  
14 that where there are 2 ~~two~~ or more persons to be nominated for  
15 the same office or board, the requisite number of persons  
16 receiving the highest number of votes shall be nominated, and  
17 their names shall be placed on the official ballot at the  
18 following election.

19 Except as otherwise provided by Section 7-8 of this Code  
20 ~~Act~~, the person receiving the highest number of votes of his  
21 party for State central committeeperson of his congressional  
22 district shall be declared elected State central  
23 committeeperson from said congressional district.

24 Unless a national political party specifies that delegates  
25 and alternate delegates to a National nominating convention be

1 allocated by proportional selection representation according  
2 to the results of a Presidential preference primary, the  
3 requisite number of persons receiving the highest number of  
4 votes of their party for delegates and alternate delegates to  
5 National nominating conventions from the State at large, and  
6 the requisite number of persons receiving the highest number  
7 of votes of their party for delegates and alternate delegates  
8 to National nominating conventions in their respective  
9 congressional districts shall be declared elected delegates  
10 and alternate delegates to the National nominating conventions  
11 of their party.

12 A political party which elects the members to its State  
13 Central Committee by Alternative B under paragraph (a) of  
14 Section 7-8 shall select its congressional district delegates  
15 and alternate delegates to its national nominating convention  
16 by proportional selection representation according to the  
17 results of a Presidential preference primary in each  
18 congressional district in the manner provided by the rules of  
19 the national political party and the State Central Committee,  
20 when the rules and policies of the national political party so  
21 require.

22 A political party which elects the members to its State  
23 Central Committee by Alternative B under paragraph (a) of  
24 Section 7-8 shall select its at large delegates and alternate  
25 delegates to its national nominating convention by  
26 proportional selection representation according to the results

1 of a Presidential preference primary in the whole State in the  
2 manner provided by the rules of the national political party  
3 and the State Central Committee, when the rules and policies  
4 of the national political party so require.

5 The person receiving the highest number of votes of his  
6 party for precinct committeeperson of his precinct shall be  
7 declared elected precinct committeeperson from said precinct.

8 The person receiving the highest number of votes of his  
9 party for township committeeperson of his township or part of  
10 a township as the case may be, shall be declared elected  
11 township committeeperson from said township or part of a  
12 township as the case may be. In cities where ward  
13 committeepersons are elected, the person receiving the highest  
14 number of votes of his party for ward committeeperson of his  
15 ward shall be declared elected ward committeeperson from said  
16 ward.

17 When 2 ~~two~~ or more persons receive an equal and the highest  
18 number of votes for the nomination for the same office or for  
19 committeeperson of the same political party, or where more  
20 than one person of the same political party is to be nominated  
21 as a candidate for office or committeeperson, if it appears  
22 that more than the number of persons to be nominated for an  
23 office or elected committeeperson have the highest and an  
24 equal number of votes for the nomination for the same office or  
25 for election as committeeperson, the election authority by  
26 which the returns of the primary are canvassed shall decide by

1 lot which of said persons shall be nominated or elected, as the  
2 case may be. In such case the election authority shall issue  
3 notice in writing to such persons of such tie vote stating  
4 therein the place, the day (which shall not be more than 5 days  
5 thereafter) and the hour when such nomination or election  
6 shall be so determined.

7 (b) Except as otherwise provided in this Code, write-in  
8 votes shall be counted only for persons who have filed  
9 notarized declarations of intent to be write-in candidates  
10 with the proper election authority or authorities not later  
11 than 61 days prior to the primary. However, whenever an  
12 objection to a candidate's nominating papers or petitions for  
13 any office is sustained under Section 10-10 after the 61st day  
14 before the election, then write-in votes shall be counted for  
15 that candidate if he or she has filed a notarized declaration  
16 of intent to be a write-in candidate for that office with the  
17 proper election authority or authorities not later than 7 days  
18 prior to the election.

19 Forms for the declaration of intent to be a write-in  
20 candidate shall be supplied by the election authorities. Such  
21 declaration shall specify the office for which the person  
22 seeks nomination or election as a write-in candidate.

23 The election authority or authorities shall deliver a list  
24 of all persons who have filed such declarations to the  
25 election judges in the appropriate precincts prior to the  
26 primary.

1           (c) (1) Notwithstanding any other provisions of this  
2 Section, where the number of candidates whose names have been  
3 printed on a party's ballot for nomination for or election to  
4 an office at a primary is less than the number of persons the  
5 party is entitled to nominate for or elect to the office at the  
6 primary, a person whose name was not printed on the party's  
7 primary ballot as a candidate for nomination for or election  
8 to the office, is not nominated for or elected to that office  
9 as a result of a write-in vote at the primary unless the number  
10 of votes he received equals or exceeds the number of  
11 signatures required on a petition for nomination for that  
12 office; or unless the number of votes he receives exceeds the  
13 number of votes received by at least one of the candidates  
14 whose names were printed on the primary ballot for nomination  
15 for or election to the same office.

16           (2) Paragraph (1) of this subsection does not apply where  
17 the number of candidates whose names have been printed on the  
18 party's ballot for nomination for or election to the office at  
19 the primary equals or exceeds the number of persons the party  
20 is entitled to nominate for or elect to the office at the  
21 primary.

22           (Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

23           (10 ILCS 5/7-61) (from Ch. 46, par. 7-61)

24           Sec. 7-61. Whenever a special election is necessary, the  
25 provisions of this Article are applicable to the nomination of

1 candidates to be voted for at such special election.

2 In cases where a primary election is required, the officer  
3 or board or commission whose duty it is under the provisions of  
4 this Code Act relating to general elections to call an  
5 election, shall fix a date for the primary for the nomination  
6 of candidates to be voted for at such special election. Notice  
7 of such primary shall be given at least 15 days prior to the  
8 maximum time provided for the filing of petitions for such a  
9 primary as provided in Section 7-12.

10 Any vacancy in nomination under the provisions of this  
11 Article 7 occurring on or after the primary and prior to  
12 certification of candidates by the certifying board or  
13 officer, must be filled prior to the date of certification.  
14 Any vacancy in nomination occurring after certification but  
15 prior to 15 days before the general election shall be filled  
16 within 8 days after the event creating the vacancy. The  
17 resolution filling the vacancy shall be sent by U. S. mail or  
18 personal delivery to the certifying officer or board within 3  
19 days of the action by which the vacancy was filled; provided,  
20 if such resolution is sent by mail and the U. S. postmark on  
21 the envelope containing such resolution is dated prior to the  
22 expiration of such 3-day ~~3-day~~ limit, the resolution shall be  
23 deemed filed within such 3-day ~~3-day~~ limit. Failure to so  
24 transmit the resolution within the time specified in this  
25 Section shall authorize the certifying officer or board to  
26 certify the original candidate. Vacancies shall be filled by



1 the officers of a local municipal or township political party  
2 as specified in subsection (h) of Section 7-8, other than a  
3 statewide political party, that is established only within a  
4 municipality or township and the managing committee (or  
5 legislative committee in case of a candidate for State Senator  
6 or representative committee in the case of a candidate for  
7 State Representative in the General Assembly or State central  
8 committee in the case of a candidate for statewide office,  
9 including, but not limited to, the office of United States  
10 Senator) of the respective political party for the territorial  
11 area in which such vacancy occurs.

12 The resolution to fill a vacancy in nomination shall be  
13 duly acknowledged before an officer qualified to take  
14 acknowledgments ~~acknowledgements~~ of deeds and shall include,  
15 upon its face, the following information:

16 (a) the name of the original nominee and the office  
17 vacated;

18 (b) the date on which the vacancy occurred;

19 (c) the name and address of the nominee selected to  
20 fill the vacancy and the date of selection.

21 The resolution to fill a vacancy in nomination shall be  
22 accompanied by a Statement of Candidacy, as prescribed in  
23 Section 7-10, completed by the selected nominee and a receipt  
24 indicating that such nominee has filed a statement of economic  
25 interests as required by the Illinois Governmental Ethics Act.

26 The provisions of Section 10-8 through 10-10.1 relating to

1 objections to certificates of nomination and nomination  
2 papers, hearings on objections, and judicial review, shall  
3 apply to and govern objections to resolutions for filling a  
4 vacancy in nomination.

5 Any vacancy in nomination occurring 15 days or less before  
6 the consolidated election or the general election shall not be  
7 filled. In this event, the certification of the original  
8 candidate shall stand and his name shall appear on the  
9 official ballot to be voted at the general election.

10 A vacancy in nomination occurs when a candidate who has  
11 been nominated under the provisions of this Article 7 dies  
12 before the election (whether death occurs prior to, on or  
13 after the day of the primary), or declines the nomination;  
14 provided that nominations may become vacant for other reasons.

15 If the name of no established political party candidate  
16 was printed on the consolidated primary ballot for a  
17 particular office and if no person was nominated as a write-in  
18 candidate for such office, a vacancy in nomination shall be  
19 created which may be filled in accordance with the  
20 requirements of this Section. Except as otherwise provided in  
21 this Code, if the name of no established political party  
22 candidate was printed on the general primary ballot for a  
23 particular office and if no person was nominated as a write-in  
24 candidate for such office, a vacancy in nomination shall be  
25 filled only by a person designated by the appropriate  
26 committee of the political party and only if that designated

1 person files nominating petitions with the number of  
2 signatures required for an established party candidate for  
3 that office within 75 days after the day of the general  
4 primary. The circulation period for those petitions begins on  
5 the day the appropriate committee designates that person. The  
6 person shall file his or her nominating petitions, statements  
7 of candidacy, notice of appointment by the appropriate  
8 committee, and receipt of filing his or her statement of  
9 economic interests together. These documents shall be filed at  
10 the same location as provided in Section 7-12. The electoral  
11 boards having jurisdiction under Section 10-9 to hear and pass  
12 upon objections to nominating petitions also shall hear and  
13 pass upon objections to nomination petitions filed by  
14 candidates under this paragraph.

15 A candidate for whom a nomination paper has been filed as a  
16 partisan candidate at a primary election, and who is defeated  
17 for his or her nomination at such primary election, is  
18 ineligible to be listed on the ballot at that general or  
19 consolidated election as a candidate of another political  
20 party.

21 A candidate seeking election to an office for which  
22 candidates of political parties are nominated by caucus who is  
23 a participant in the caucus and who is defeated for his or her  
24 nomination at such caucus, is ineligible to be listed on the  
25 ballot at that general or consolidated election as a candidate  
26 of another political party.

1           In the proceedings to nominate a candidate to fill a  
2 vacancy or to fill a vacancy in the nomination, each precinct,  
3 township, ward, county, or congressional district, as the case  
4 may be, shall, through its representative on such central or  
5 managing committee, be entitled to one vote for each ballot  
6 voted in such precinct, township, ward, county, or  
7 congressional district, as the case may be, by the primary  
8 electors of its party at the primary election immediately  
9 preceding the meeting at which such vacancy is to be filled.

10           For purposes of this Section, the words "certify" and  
11 "certification" shall refer to the act of officially declaring  
12 the names of candidates entitled to be printed upon the  
13 official ballot at an election and directing election  
14 authorities to place the names of such candidates upon the  
15 official ballot. "Certifying officers or board" shall refer to  
16 the local election official, the election authority, or the  
17 State Board of Elections, as the case may be, with whom  
18 nomination papers, including certificates of nomination and  
19 resolutions to fill vacancies in nomination, are filed and  
20 whose duty it is to "certify" candidates.

21           (Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

22           (10 ILCS 5/8-8) (from Ch. 46, par. 8-8)

23           Sec. 8-8. Form of petition for nomination. The name of no  
24 candidate for nomination shall be printed upon the primary  
25 ballot unless a petition for nomination shall have been filed

1 in his behalf as provided for in this Section. Each such  
 2 petition shall include as a part thereof the oath required by  
 3 Section 7-10.1 of this Code Act and a statement of candidacy by  
 4 the candidate filing or in whose behalf the petition is filed.  
 5 This statement shall set out the address of such candidate  
 6 and the office for which he is a candidate; shall state that  
 7 the candidate is a qualified primary voter of the party to  
 8 which the petition relates, is qualified for the office  
 9 specified, and has filed a statement of economic interests as  
 10 required by the Illinois Governmental Ethics Act; shall  
 11 request that the candidate's name be placed upon the official  
 12 ballot; and shall be subscribed and sworn by such candidate  
 13 before some officer authorized to take acknowledgment of deeds  
 14 in this State and may be in substantially the following form:

15 State of Illinois)

16 ) ss.

17 County .....)

18 I, ....., being first duly sworn, say that I reside at ....  
 19 street in the city (or village of) .... in the county of ....  
 20 State of Illinois; that I am a qualified voter therein and am a  
 21 qualified primary voter of .... party; that I am a candidate  
 22 for nomination to the office of .... to be voted upon at the  
 23 primary election to be held on (insert date); that I am legally  
 24 qualified to hold such office and that I have filed a statement  
 25 of economic interests as required by the Illinois Governmental  
 26 Ethics Act and I hereby request that my name be printed upon

1 the official primary ballot for nomination for such office.

2 Signed .....

3 Subscribed and sworn to (or affirmed) before me by .....,  
4 who is to me personally known, on (insert date).

5 Signed .... (Official Character)

6 (Seal if officer has one.)

7 The receipt issued by the Secretary of State indicating  
8 that the candidate has filed the statement of economic  
9 interests required by the Illinois Governmental Ethics Act  
10 must be filed with the petitions for nomination as provided in  
11 subsection (8) of Section 7-12 of this Code.

12 Except as otherwise provided in this Code, all petitions  
13 for nomination for the office of State Senator shall be signed  
14 by at least 1,000 but not more than 3,000 of the qualified  
15 primary electors of the candidate's party in his legislative  
16 district.

17 Except as otherwise provided in this Code, all petitions  
18 for nomination for the office of Representative in the General  
19 Assembly shall be signed by at least 500 but not more than  
20 1,500 of the qualified primary electors of the candidate's  
21 party in his or her representative district.

22 Opposite the signature of each qualified primary elector  
23 who signs a petition for nomination for the office of State  
24 Representative or State Senator such elector's residence  
25 address shall be written or printed. The residence address  
26 required to be written or printed opposite each qualified

1 primary elector's name shall include the street address or  
2 rural route number of the signer, as the case may be, as well  
3 as the signer's county and city, village, or town.

4 For the purposes of this Section, the number of primary  
5 electors shall be determined by taking the total vote cast, in  
6 the applicable district, for the candidate for such political  
7 party who received the highest number of votes, state-wide, at  
8 the last general election in the State at which electors for  
9 President of the United States were elected.

10 A "qualified primary elector" of a party may not sign  
11 petitions for or be a candidate in the primary of more than one  
12 party.

13 In the affidavit at the bottom of each sheet, the petition  
14 circulator, who shall be a person 18 years of age or older who  
15 is a citizen of the United States, shall state his or her  
16 street address or rural route number, as the case may be, as  
17 well as his or her county, city, village or town, and state;  
18 and shall certify that the signatures on that sheet of the  
19 petition were signed in his or her presence; and shall certify  
20 that the signatures are genuine; and shall certify that, to  
21 the best of his or her knowledge and belief, the persons so  
22 signing were at the time of signing the petition qualified  
23 primary voters for which the nomination is sought.

24 In the affidavit at the bottom of each petition sheet, the  
25 petition circulator shall ~~either~~ (1) indicate the dates on  
26 which he or she circulated that sheet, or (2) indicate the

1 first and last dates on which the sheet was circulated, or (3)  
2 for elections where the petition circulation period is 90  
3 days, certify that none of the signatures on the sheet were  
4 signed more than 90 days preceding the last day for the filing  
5 of the petition, or (4) for the 2022 general primary election  
6 only, certify that the signatures on the sheet were signed  
7 during the period of January 13, 2022 through March 14, 2022 or  
8 certify that the signatures on the sheet were signed during  
9 the period of January 13, 2022 through the date on which this  
10 statement was sworn or affirmed to. No petition sheet shall be  
11 circulated more than 90 days preceding the last day provided  
12 in Section 8-9 for the filing of such petition.

13 All petition sheets which are filed with the State Board  
14 of Elections shall be the original sheets which have been  
15 signed by the voters and by the circulator, and not  
16 photocopies or duplicates of such sheets.

17 The person circulating the petition, or the candidate on  
18 whose behalf the petition is circulated, may strike any  
19 signature from the petition, provided that:

20 (1) the person striking the signature shall initial  
21 the petition at the place where the signature is struck;  
22 and

23 (2) the person striking the signature shall sign a  
24 certification listing the page number and line number of  
25 each signature struck from the petition. Such  
26 certification shall be filed as a part of the petition.



1 (Source: P.A. 102-15, eff. 6-17-21; 102-692, eff. 1-7-22;  
2 revised 2-28-22.)

3 (10 ILCS 5/10-14) (from Ch. 46, par. 10-14)

4 Sec. 10-14. Except as otherwise provided in this Code, not  
5 less than 74 days before the date of the general election the  
6 State Board of Elections shall certify to the county clerk of  
7 each county the name of each candidate whose nomination  
8 papers, certificate of nomination, or resolution to fill a  
9 vacancy in nomination has been filed with the State Board of  
10 Elections and direct the county clerk to place upon the  
11 official ballot for the general election the names of such  
12 candidates in the same manner and in the same order as shown  
13 upon the certification. The name of no candidate for an office  
14 to be filled by the electors of the entire state shall be  
15 placed upon the official ballot unless his name is duly  
16 certified to the county clerk upon a certificate signed by the  
17 members of the State Board of Elections. The names of group  
18 candidates on petitions shall be certified to the several  
19 county clerks in the order in which such names appear on such  
20 petitions filed with the State Board of Elections.

21 Except as otherwise provided in this Code, not less than  
22 68 days before the date of the general election, each county  
23 clerk shall certify the names of each of the candidates for  
24 county offices whose nomination papers, certificates of  
25 nomination, or resolutions to fill a vacancy in nomination

1 have been filed with such clerk and declare that the names of  
2 such candidates for the respective offices shall be placed  
3 upon the official ballot for the general election in the same  
4 manner and in the same order as shown upon the certification.  
5 Each county clerk shall place a copy of the certification on  
6 file in his or her office and at the same time issue to the  
7 State Board of Elections a copy of such certification. In  
8 addition, each county clerk in whose county there is a board of  
9 election commissioners shall, not less than 69 days before the  
10 election, certify to the board of election commissioners the  
11 name of the person or persons nominated for such office as  
12 shown by the certificate of the State Board of Elections,  
13 together with the names of all other candidates as shown by the  
14 certification of county officers on file in the clerk's  
15 office, and in the order so certified. The county clerk or  
16 board of election commissioners shall print the names of the  
17 nominees on the ballot for each office in the order in which  
18 they are certified to or filed with the county clerk;  
19 provided, that in printing the name of nominees for any  
20 office, if any of such nominees have also been nominated by one  
21 or more political parties pursuant to this Code Act, the  
22 location of the name of such candidate on the ballot for  
23 nominations made under this Article shall be precisely in the  
24 same order in which it appears on the certification of the  
25 State Board of Elections to the county clerk.

26 For the general election, the candidates of new political

1 parties shall be placed on the ballot for said election after  
2 the established political party candidates and in the order of  
3 new political party petition filings.

4 Each certification shall indicate, where applicable, the  
5 following:

6 (1) The political party affiliation,    if any, of the  
7 candidates for the respective offices;

8 (2) If there is to be more than one candidate elected  
9 to an office from the State, political subdivision,    or  
10 district;

11 (3) If the voter has the right to vote for more than  
12 one candidate for an office;

13 (4) The term of office, if a vacancy is to be filled  
14 for less than a full term or if the offices to be filled in  
15 a political subdivision are for different terms.

16 The State Board of Elections or the county clerk, as the  
17 case may be, shall issue an amended certification whenever it  
18 is discovered that the original certification is in error.

19 (Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

20 (10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

21 Sec. 16-3. (a) The names of all candidates to be voted for  
22 in each election district or precinct shall be printed on one  
23 ballot, except as is provided in Sections 16-6.1 and 21-1.01  
24 of this Code Act and except as otherwise provided in this Code  
25 Act with respect to the odd year regular elections and the

1 emergency referenda; all nominations of any political party  
2 being placed under the party appellation or title of such  
3 party as designated in the certificates of nomination or  
4 petitions. The names of all independent candidates shall be  
5 printed upon the ballot in a column or columns under the  
6 heading "independent" arranged under the names or titles of  
7 the respective offices for which such independent candidates  
8 shall have been nominated and so far as practicable, the name  
9 or names of any independent candidate or candidates for any  
10 office shall be printed upon the ballot opposite the name or  
11 names of any candidate or candidates for the same office  
12 contained in any party column or columns upon said ballot. The  
13 ballot shall contain no other names, except that in cases of  
14 electors for President and Vice-President of the United  
15 States, the names of the candidates for President and  
16 Vice-President may be added to the party designation and words  
17 calculated to aid the voter in his choice of candidates may be  
18 added, such as "Vote for one," "Vote for not more than three."  
19 If no candidate or candidates file for an office and if no  
20 person or persons file a declaration as a write-in candidate  
21 for that office, then below the title of that office the  
22 election authority instead shall print "No Candidate". When an  
23 electronic voting system is used which utilizes a ballot label  
24 booklet, the candidates and questions shall appear on the  
25 pages of such booklet in the order provided by this Code; and,  
26 in any case where candidates for an office appear on a page

1 which does not contain the name of any candidate for another  
2 office, and where less than 50% of the page is utilized, the  
3 name of no candidate shall be printed on the lowest 25% of such  
4 page. On the back or outside of the ballot, so as to appear  
5 when folded, shall be printed the words "Official Ballot",  
6 followed by the designation of the polling place for which the  
7 ballot is prepared, the date of the election and a facsimile of  
8 the signature of the election authority who has caused the  
9 ballots to be printed. The ballots shall be of plain white  
10 paper, through which the printing or writing cannot be read.  
11 However, ballots for use at the nonpartisan and consolidated  
12 elections may be printed on different color paper, except blue  
13 paper, whenever necessary or desirable to facilitate  
14 distinguishing between ballots for different political  
15 subdivisions. In the case of nonpartisan elections for  
16 officers of a political subdivision, unless the statute or an  
17 ordinance adopted pursuant to Article VII of the Constitution  
18 providing the form of government therefor requires otherwise,  
19 the column listing such nonpartisan candidates shall be  
20 printed with no appellation or circle at its head. The party  
21 appellation or title, or the word "independent" at the head of  
22 any column provided for independent candidates, shall be  
23 printed in letters not less than one-fourth of an inch in  
24 height and a circle one-half inch in diameter shall be printed  
25 at the beginning of the line in which such appellation or title  
26 is printed, provided, however, that no such circle shall be

1 printed at the head of any column or columns provided for such  
2 independent candidates. The names of candidates shall be  
3 printed in letters not less than one-eighth nor more than  
4 one-fourth of an inch in height, and at the beginning of each  
5 line in which a name of a candidate is printed a square shall  
6 be printed, the sides of which shall be not less than  
7 one-fourth of an inch in length. However, the names of the  
8 candidates for Governor and Lieutenant Governor on the same  
9 ticket shall be printed within a bracket and a single square  
10 shall be printed in front of the bracket. The list of  
11 candidates of the several parties and any such list of  
12 independent candidates shall be placed in separate columns on  
13 the ballot in such order as the election authorities charged  
14 with the printing of the ballots shall decide; provided, that  
15 the names of the candidates of the several political parties,  
16 certified by the State Board of Elections to the several  
17 county clerks shall be printed by the county clerk of the  
18 proper county on the official ballot in the order certified by  
19 the State Board of Elections. Any county clerk refusing,  
20 neglecting or failing to print on the official ballot the  
21 names of candidates of the several political parties in the  
22 order certified by the State Board of Elections, and any  
23 county clerk who prints or causes to be printed upon the  
24 official ballot the name of a candidate, for an office to be  
25 filled by the Electors of the entire State, whose name has not  
26 been duly certified to him upon a certificate signed by the

1 State Board of Elections shall be guilty of a Class C  
2 misdemeanor.

3 (b) When an electronic voting system is used which  
4 utilizes a ballot card, on the inside flap of each ballot card  
5 envelope there shall be printed a form for write-in voting  
6 which shall be substantially as follows:

7 WRITE-IN VOTES

8 (See card of instructions for specific information.  
9 Duplicate form below by hand for additional write-in votes.)

10 .....

11 Title of Office

12 ( ) .....

13 Name of Candidate

14 Write-in lines equal to the number of candidates for which  
15 a voter may vote shall be printed for an office only if one or  
16 more persons filed declarations of intent to be write-in  
17 candidates or qualify to file declarations to be write-in  
18 candidates under Sections 17-16.1 and 18-9.1 when the  
19 certification of ballot contains the words "OBJECTION  
20 PENDING".

21 (c) When an electronic voting system is used which uses a  
22 ballot sheet, the instructions to voters on the ballot sheet  
23 shall refer the voter to the card of instructions for specific  
24 information on write-in voting. Below each office appearing on  
25 such ballot sheet there shall be a provision for the casting of  
26 a write-in vote. Write-in lines equal to the number of

1 candidates for which a voter may vote shall be printed for an  
2 office only if one or more persons filed declarations of  
3 intent to be write-in candidates or qualify to file  
4 declarations to be write-in candidates under Sections 17-16.1  
5 and 18-9.1 when the certification of ballot contains the words  
6 "OBJECTION PENDING".

7 (d) When such electronic system is used, there shall be  
8 printed on the back of each ballot card, each ballot card  
9 envelope, and the first page of the ballot label when a ballot  
10 label is used, the words "Official Ballot," followed by the  
11 number of the precinct or other precinct identification, which  
12 may be stamped, in lieu thereof and, as applicable, the number  
13 and name of the township, ward or other election district for  
14 which the ballot card, ballot card envelope, and ballot label  
15 are prepared, the date of the election and a facsimile of the  
16 signature of the election authority who has caused the ballots  
17 to be printed. The back of the ballot card shall also include a  
18 method of identifying the ballot configuration such as a  
19 listing of the political subdivisions and districts for which  
20 votes may be cast on that ballot, or a number code identifying  
21 the ballot configuration or color coded ballots, except that  
22 where there is only one ballot configuration in a precinct,  
23 the precinct identification, and any applicable ward  
24 identification, shall be sufficient. Ballot card envelopes  
25 used in punch card systems shall be of paper through which no  
26 writing or punches may be discerned and shall be of sufficient



1 length to enclose all voting positions. However, the election  
2 authority may provide ballot card envelopes on which no  
3 precinct number or township, ward or other election district  
4 designation, or election date are preprinted, if space and a  
5 preprinted form are provided below the space provided for the  
6 names of write-in candidates where such information may be  
7 entered by the judges of election. Whenever an election  
8 authority utilizes ballot card envelopes on which the election  
9 date and precinct is not preprinted, a judge of election shall  
10 mark such information for the particular precinct and election  
11 on the envelope in ink before tallying and counting any  
12 write-in vote written thereon. If some method of insuring  
13 ballot secrecy other than an envelope is used, such  
14 information must be provided on the ballot itself.

15 (e) In the designation of the name of a candidate on the  
16 ballot, the candidate's given name or names, initial or  
17 initials, a nickname by which the candidate is commonly known,  
18 or a combination thereof, may be used in addition to the  
19 candidate's surname. If a candidate has changed his or her  
20 name, whether by a statutory or common law procedure in  
21 Illinois or any other jurisdiction, within 3 years before the  
22 last day for filing the petition for nomination, nomination  
23 papers, or certificate of nomination for that office,  
24 whichever is applicable, then (i) the candidate's name on the  
25 ballot must be followed by "formerly known as (list all prior  
26 names during the 3-year period) until name changed on (list

1 date of each such name change)" and (ii) the petition, papers,  
2 or certificate must be accompanied by the candidate's  
3 affidavit stating the candidate's previous names during the  
4 period specified in (i) and the date or dates each of those  
5 names was changed; failure to meet these requirements shall be  
6 grounds for denying certification of the candidate's name for  
7 the ballot or removing the candidate's name from the ballot,  
8 as appropriate, but these requirements do not apply to name  
9 changes resulting from adoption to assume an adoptive parent's  
10 or parents' surname, marriage or civil union to assume a  
11 spouse's surname, or dissolution of marriage or civil union or  
12 declaration of invalidity of marriage or civil union to assume  
13 a former surname or a name change that conforms the  
14 candidate's name to his or her gender identity. No other  
15 designation such as a political slogan, title, or degree or  
16 nickname suggesting or implying possession of a title, degree  
17 or professional status, or similar information may be used in  
18 connection with the candidate's surname. For purposes of this  
19 Section, a "political slogan" is defined as any word or words  
20 expressing or connoting a position, opinion, or belief that  
21 the candidate may espouse, including, but not limited to, any  
22 word or words conveying any meaning other than that of the  
23 personal identity of the candidate. A candidate may not use a  
24 political slogan as part of his or her name on the ballot,  
25 notwithstanding that the political slogan may be part of the  
26 candidate's name.

1 (f) The State Board of Elections, a local election  
2 official, or an election authority shall remove any  
3 candidate's name designation from a ballot that is  
4 inconsistent with subsection (e) of this Section. In addition,  
5 the State Board of Elections, a local election official, or an  
6 election authority shall not certify to any election authority  
7 any candidate name designation that is inconsistent with  
8 subsection (e) of this Section.

9 (g) If the State Board of Elections, a local election  
10 official, or an election authority removes a candidate's name  
11 designation from a ballot under subsection (f) of this  
12 Section, then the aggrieved candidate may seek appropriate  
13 relief in circuit court.

14 Where voting machines or electronic voting systems are  
15 used, the provisions of this Section may be modified as  
16 required or authorized by Article 24 or Article 24A, whichever  
17 is applicable.

18 Nothing in this Section shall prohibit election  
19 authorities from using or reusing ballot card envelopes which  
20 were printed before January 1, 1986 (the effective date of  
21 Public Act 84-820) ~~this amendatory Act of 1985.~~

22 (Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

23 (10 ILCS 5/16-5.01) (from Ch. 46, par. 16-5.01)

24 Sec. 16-5.01. (a) Except as otherwise provided in this  
25 Code, the election authority shall, at least 46 days prior to

1 the date of any election at which federal officers are elected  
 2 and 45 days prior to any other regular election, have a  
 3 sufficient number of ballots printed so that such ballots will  
 4 be available for mailing 45 days prior to the date of the  
 5 election to persons who have filed application for a ballot  
 6 under the provisions of Article 20 of this Code Act.

7 (b) If at any election at which federal offices are  
 8 elected or nominated the election authority is unable to  
 9 comply with the provisions of subsection (a), the election  
 10 authority shall mail to each such person, in lieu of the  
 11 ballot, a Special Write-in Vote by Mail Voter's Blank Ballot.  
 12 The Special Write-in Vote by Mail Voter's Blank Ballot shall  
 13 be used at all elections at which federal officers are elected  
 14 or nominated and shall be prepared by the election authority  
 15 in substantially the following form:

16 Special Write-in Vote by Mail Voter's Blank Ballot

17 (To vote for a person, write the title of the office and  
 18 his or her name on the lines provided. Place to the left of and  
 19 opposite the title of office a square and place a cross (X) in  
 20 the square.)

21	Title of Office	Name of Candidate
22	( )	
23	( )	
24	( )	
25	( )	
26	( )	

1 ( )

2 The election authority shall send with the Special  
3 Write-in Vote by Mail Voter's Blank Ballot a list of all  
4 referenda for which the voter is qualified to vote and all  
5 candidates for whom nomination papers have been filed and for  
6 whom the voter is qualified to vote. The voter shall be  
7 entitled to write in the name of any candidate seeking  
8 election and any referenda for which he or she is entitled to  
9 vote.

10 On the back or outside of the ballot, so as to appear when  
11 folded, shall be printed the words "Official Ballot", the date  
12 of the election and a facsimile of the signature of the  
13 election authority who has caused the ballot to be printed.

14 The provisions of Article 20, insofar as they may be  
15 applicable to the Special Write-in Vote by Mail Voter's Blank  
16 Ballot, shall be applicable herein.

17 (c) Notwithstanding any provision of this Code or other  
18 law to the contrary, the governing body of a municipality may  
19 adopt, upon submission of a written statement by the  
20 municipality's election authority attesting to the  
21 administrative ability of the election authority to administer  
22 an election using a ranked ballot to the municipality's  
23 governing body, an ordinance requiring, and that  
24 municipality's election authority shall prepare, a ranked vote  
25 by mail ballot for municipal and township office candidates to  
26 be voted on in the consolidated election. This ranked ballot

1 shall be for use only by a qualified voter who either is a  
2 member of the United States military or will be outside of the  
3 United States on the consolidated primary election day and the  
4 consolidated election day. The ranked ballot shall contain a  
5 list of the titles of all municipal and township offices  
6 potentially contested at both the consolidated primary  
7 election and the consolidated election and the candidates for  
8 each office and shall permit the elector to vote in the  
9 consolidated election by indicating his or her order of  
10 preference for each candidate for each office. To indicate his  
11 or her order of preference for each candidate for each office,  
12 the voter shall put the number one next to the name of the  
13 candidate who is the voter's first choice, the number 2 for his  
14 or her second choice, and so forth so that, in consecutive  
15 numerical order, a number indicating the voter's preference is  
16 written by the voter next to each candidate's name on the  
17 ranked ballot. The voter shall not be required to indicate his  
18 or her preference for more than one candidate on the ranked  
19 ballot. The voter may not cast a write-in vote using the ranked  
20 ballot for the consolidated election. The election authority  
21 shall, if using the ranked vote by mail ballot authorized by  
22 this subsection, also prepare instructions for use of the  
23 ranked ballot. The ranked ballot for the consolidated election  
24 shall be mailed to the voter at the same time that the ballot  
25 for the consolidated primary election is mailed to the voter  
26 and the election authority shall accept the completed ranked

1 ballot for the consolidated election when the authority  
2 accepts the completed ballot for the consolidated primary  
3 election.

4 The voter shall also be sent a vote by mail ballot for the  
5 consolidated election for those races that are not related to  
6 the results of the consolidated primary election as soon as  
7 the consolidated election ballot is certified.

8 The State Board of Elections shall adopt rules for  
9 election authorities for the implementation of this  
10 subsection, including, but not limited to, the application for  
11 and counting of ranked ballots.

12 (Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

13 Section 45. The Disaster Relief Act is amended by changing  
14 Section 1 as follows:

15 (15 ILCS 30/1) (from Ch. 127, par. 293.1)

16 Sec. 1. As used in this Act:

17 "Disaster" has ~~shall have~~ the same meaning as provided in  
18 Section 4 of the Illinois Emergency Management Agency Act.

19 "Disaster area" means the area directly affected by or  
20 threatened with a disaster.

21 (Source: P.A. 102-955, eff. 1-1-23; revised 12-8-22.)

22 Section 50. The Governor's Office of New Americans Act is  
23 amended by changing Section 10 as follows:

1 (15 ILCS 55/10)

2 Sec. 10. State agency New American ~~Americans~~ Plans. Each  
3 State agency under the jurisdiction of the Governor shall  
4 develop a New American Plan that incorporates effective  
5 training and resources, ensures language access and culturally  
6 appropriate services, and includes administrative practices  
7 that reach out to and reflect the needs of the immigrant  
8 refugees. Each State agency under the jurisdiction of the  
9 Governor shall integrate guidance and recommendations made by  
10 the Governor's Office of New Americans statewide plan. Agency  
11 plans shall be submitted to the Governor's Office of New  
12 Americans for approval.

13 (Source: P.A. 102-1054, eff. 1-1-23; revised 12-8-22.)

14 Section 55. The State Treasurer Act is amended by changing  
15 Section 20 as follows:

16 (15 ILCS 505/20)

17 Sec. 20. State Treasurer administrative charge. The State  
18 Treasurer may retain an administrative charge for both the  
19 costs of services associated with the deposit of moneys that  
20 are remitted directly to the State Treasurer and the  
21 investment or safekeeping of funds by the State Treasurer. The  
22 administrative charges collected under this Section shall be  
23 deposited into the State Treasurer's Administrative Fund. The



1 amount of the administrative charges may be determined by the  
2 State Treasurer. Administrative charges from the deposit of  
3 moneys remitted directly to the State Treasurer shall not  
4 exceed 2% of the amount deposited. Administrative charges from  
5 the investment or safekeeping of funds by the State Treasurer  
6 shall be charged no more than monthly and the total amount  
7 charged per fiscal year shall not exceed \$12,000,000 plus any  
8 amounts required as employer contributions under Section  
9 14-131 of the Illinois Pension Code and Section 10 of the State  
10 Employees Group Insurance Act of 1971.

11 Administrative charges for the deposit of moneys shall  
12 apply to fines, fees, or other amounts remitted directly to  
13 the State Treasurer by circuit clerks, county clerks, and  
14 other entities for deposit into a fund in the State treasury.  
15 Administrative charges for the deposit of moneys do not apply  
16 to amounts remitted by State agencies or certified collection  
17 specialists as defined in 74 Ill. ~~Adm. Admin.~~ Code 1200.50.  
18 Administrative charges for the deposit of moneys shall apply  
19 only to any form of fines, fees, or other collections created  
20 on or after August 15, 2014 (the effective date of Public Act  
21 98-965).

22 Moneys in the State Treasurer's Administrative Fund are  
23 subject to appropriation by the General Assembly.

24 (Source: P.A. 100-587, eff. 6-4-18; revised 2-28-22.)

25 Section 60. The Data Governance and Organization to

1 Support Equity and Racial Justice Act is amended by changing  
2 Section 20-15 as follows:

3 (20 ILCS 65/20-15)

4 Sec. 20-15. Data Governance and Organization to Support  
5 Equity and Racial Justice.

6 (a) On or before July 1, 2022 and each July 1 thereafter,  
7 the Board and the Department shall report statistical data on  
8 the racial, ethnic, age, sex, disability status, sexual  
9 orientation, gender identity, and primary or preferred  
10 language demographics of program participants for each major  
11 program administered by the Board or the Department. Except as  
12 provided in subsection (b), when reporting the data required  
13 under this Section, the Board or the Department shall use the  
14 same racial and ethnic classifications for each program, which  
15 shall include, but not be limited to, the following:

16 (1) American Indian and Alaska Native alone.

17 (2) Asian alone.

18 (3) Black or African American alone.

19 (4) Hispanic or Latino of any race.

20 (5) Native Hawaiian and Other Pacific Islander alone.

21 (6) White alone.

22 (7) Some other race alone.

23 (8) Two or more races.

24 The Board and the Department may further define, by rule,  
25 the racial and ethnic classifications, including, if

1 necessary, a classification of "No Race Specified".

2 (b) ~~(e)~~ If a program administered by the Board or the  
3 Department is subject to federal reporting requirements that  
4 include the collection and public reporting of statistical  
5 data on the racial and ethnic demographics of program  
6 participants, the Department may maintain the same racial and  
7 ethnic classifications used under the federal requirements if  
8 such classifications differ from the classifications listed in  
9 subsection (a).

10 (c) ~~(d)~~ The Department of Innovation and Technology shall  
11 assist the Board and the Department by establishing common  
12 technological processes and procedures for the Board and the  
13 Department to:

- 14 (1) Catalog data.
- 15 (2) Identify similar fields in datasets.
- 16 (3) Manage data requests.
- 17 (4) Share data.
- 18 (5) Collect data.
- 19 (6) Improve and clean data.
- 20 (7) Match data across the Board and Departments.
- 21 (8) Develop research and analytic agendas.
- 22 (9) Report on program participation disaggregated by  
23 race and ethnicity.
- 24 (10) Evaluate equitable outcomes for underserved  
25 populations in Illinois.
- 26 (11) Define common roles for data management.

1           (12) Ensure that all major programs can report  
2           disaggregated data by race, ethnicity, age, sex,  
3           disability status, sexual orientation, and gender  
4           identity, and primary or preferred language.

5           The Board and the Department shall use the common  
6           technological processes and procedures established by the  
7           Department of Innovation and Technology.

8           (d) ~~(e)~~ If the Board or the Department is unable to begin  
9           reporting the data required by subsection (a) by July 1, 2022,  
10          the Board or the Department shall state the reasons for the  
11          delay under the reporting requirements.

12          (e) ~~(f)~~ By no later than March 31, 2022, the Board and the  
13          Department shall provide a progress report to the General  
14          Assembly to disclose: (i) the programs and datasets that have  
15          been cataloged for which race, ethnicity, age, sex, disability  
16          status, sexual orientation, gender identity, and primary or  
17          preferred language have been standardized; and (ii) to the  
18          extent possible, the datasets and programs that are  
19          outstanding for each agency and the datasets that are planned  
20          for the upcoming year. On or before March 31, 2023, and each  
21          year thereafter, the Board and the Department ~~Departments~~  
22          shall provide an updated report to the General Assembly.

23          (f) ~~(g)~~ By no later than October 31, 2021, the Governor's  
24          Office shall provide a plan to establish processes for input  
25          from the Board and the Department into processes outlined in  
26          subsection (c) ~~(b)~~. The plan shall incorporate ongoing efforts

1 at data interoperability within the Department and the  
2 governance established to support the P-20 Longitudinal  
3 Education Data System enacted by Public Act 96-107.

4 (g) ~~(h)~~ Nothing in this Section shall be construed to  
5 limit the rights granted to individuals or data sharing  
6 protections established under existing State and federal data  
7 privacy and security laws.

8 (Source: P.A. 101-654, eff. 3-8-21; 102-543, eff. 8-20-21;  
9 revised 2-4-23.)

10 Section 65. The Children and Family Services Act is  
11 amended by setting forth and renumbering multiple versions of  
12 Sections 5.26 and 5.46 and by changing Sections 7.4, 8, and  
13 35.10 as follows:

14 (20 ILCS 505/5.26)

15 Sec. 5.26. Foster children; exit interviews.

16 (a) Unless clinically contraindicated, the Department  
17 shall ensure that an exit interview is conducted with every  
18 child age 5 and over who leaves a foster home.

19 (1) The interview shall be conducted by a caseworker,  
20 mental health provider, or clinician from the Department's  
21 Division of Clinical Practice.

22 (2) The interview shall be conducted within 5 days of  
23 the child's removal from the home.

24 (3) The interviewer shall comply with the provisions

1 of the Abused and Neglected Child Reporting Act if the  
2 child discloses abuse or neglect as defined by that Act.

3 (4) The interviewer shall immediately inform the  
4 licensing agency if the child discloses any information  
5 that would constitute a potential licensing violation.

6 (5) Documentation of the interview shall be (i)  
7 maintained in the foster parent's licensing file, (ii)  
8 maintained in the child's case file, (iii) included in the  
9 service plan for the child, and (iv) and provided to the  
10 child's guardian ad litem and attorney appointed under  
11 Section 2-17 of the Juvenile Court Act of 1987.

12 (6) The determination that an interview in compliance  
13 with this Section is clinically contraindicated shall be  
14 made by the caseworker, in consultation with the child's  
15 mental health provider, if any, and the caseworker's  
16 supervisor. If the child does not have a mental health  
17 provider, the caseworker shall request a consultation with  
18 the Department's Division of Clinical Practice regarding  
19 whether an interview is clinically contraindicated. The  
20 decision and the basis for the decision shall be  
21 documented in writing and shall be (i) maintained in the  
22 foster parent's licensing file, (ii) maintained in the  
23 child's case file, and (iii) attached as part of the  
24 service plan for the child.

25 (7) The information gathered during the interview  
26 shall be dependent on the age and maturity of the child and

1 the circumstances of the child's removal. The  
2 interviewer's observations and any information relevant to  
3 understanding the child's responses shall be recorded on  
4 the interview form. At a minimum, the interview shall  
5 address the following areas:

6 (A) How the child's basic needs were met in the  
7 home: who prepared food and was there sufficient food;  
8 whether the child had appropriate clothing; sleeping  
9 arrangements; supervision appropriate to the child's  
10 age and special needs; was the child enrolled in  
11 school; and did the child receive the support needed  
12 to complete his or her school work.

13 (B) Access to caseworker, therapist, or guardian  
14 ad litem: whether the child was able to contact these  
15 professionals and how.

16 (C) Safety and comfort in the home: how did the  
17 child feel in the home; was the foster parent  
18 affirming of the child's identity; did anything happen  
19 that made the child happy; did anything happen that  
20 was scary or sad; what happened when the child did  
21 something he or she should not have done; if relevant,  
22 how does the child think the foster parent felt about  
23 the child's family of origin, including parents and  
24 siblings; and was the foster parent supportive of the  
25 permanency goal.

26 (D) Normalcy: whether the child felt included in

1           the family; whether the child participated in  
2           extracurricular activities; whether the foster parent  
3           participated in planning for the child, including  
4           child and family team meetings and school meetings.

5           (b) The Department shall develop procedures, including an  
6           interview form, no later than January 1, 2023, to implement  
7           this Section.

8           (c) Beginning July 1, 2023 and quarterly thereafter, the  
9           Department shall post on its webpage a report summarizing the  
10          details of the exit interviews.

11          (Source: P.A. 102-763, eff. 1-1-23; revised 12-19-22.)

12          (20 ILCS 505/5.27)

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

14          Sec. 5.27 ~~5.26~~. Holistic Mental Health Care for Youth in  
15          Care Task Force.

16          (a) The Holistic Mental Health Care for Youth in Care Task  
17          Force is created. The Task Force shall review and make  
18          recommendations regarding mental health and wellness services  
19          provided to youth in care, including a program of holistic  
20          mental health services provided 30 days after the date upon  
21          which a youth is placed in foster care, in order to determine  
22          how to best meet the mental health needs of youth in care.  
23          Additionally, the Task Force shall:

24                  (1) assess the capacity of State licensed mental  
25                  health professionals to provide preventive mental health



1 care to youth in care;

2 (2) review the current payment rates for mental health  
3 providers serving the youth in care population;

4 (3) evaluate the process for smaller private practices  
5 and agencies to bill through managed care, evaluate  
6 delayed payments to mental health providers, and recommend  
7 improvements to make billing practices more efficient;

8 (4) evaluate the recruitment and retention of mental  
9 health providers who are persons of color to serve the  
10 youth in care population; and

11 (5) any other relevant subject and processes as deemed  
12 necessary by the Task Force.

13 (b) The Task Force shall have 9 members, comprised as  
14 follows:

15 (1) The Director of Healthcare and Family Services or  
16 the Director's designee.

17 (2) The Director of Children and Family Services or  
18 the Director's designee.

19 (3) A member appointed by the Governor from the Office  
20 of the Governor who has a focus on mental health issues.

21 (4) Two members from the House of Representatives,  
22 appointed one each by the Speaker of the House of  
23 Representatives and the Minority Leader of the House of  
24 Representatives.

25 (5) Two members of the Senate, appointed one each by  
26 the President of the Senate and the Minority Leader of the

1 Senate.

2 (6) One member who is a former youth in care,  
3 appointed by the Governor.

4 (7) One representative from the managed care entity  
5 managing the YouthCare program, appointed by the Director  
6 of Healthcare and Family Services.

7 Task Force members shall serve without compensation but  
8 may be reimbursed for necessary expenses incurred in the  
9 performance of their duties.

10 (c) The Task Force shall meet at least once each month  
11 beginning no later than July 1, 2022 and at other times as  
12 determined by the Task Force. The Task Force may hold  
13 electronic meetings and a member of the Task Force shall be  
14 deemed present for the purposes of establishing a quorum and  
15 voting.

16 (d) The Department of Healthcare and Family Services, in  
17 conjunction with the Department of Children and Family  
18 Services, shall provide administrative and other support to  
19 the Task Force.

20 (e) The Task Force shall prepare and submit to the  
21 Governor and the General Assembly at the end of each quarter a  
22 report that summarizes its work and makes recommendations  
23 resulting from its study. The Task Force shall submit its  
24 final report to the Governor and the General Assembly no later  
25 than December 31, 2024. Upon submission of its final report,  
26 the Task Force is dissolved.

1 (f) This Section is repealed on January 1, 2026.

2 (Source: P.A. 102-898, eff. 5-25-22; revised 7-26-22.)

3 (20 ILCS 505/5.46)

4 Sec. 5.46. Application for Social Security benefits,  
5 Supplemental Security Income, Veterans benefits, and Railroad  
6 Retirement benefits.

7 (a) Definitions. As used in this Section:

8 "Benefits" means Social Security benefits, Supplemental  
9 Security Income, Veterans benefits, and Railroad Retirement  
10 benefits.

11 "Youth's attorney and guardian ad litem" means the person  
12 appointed as the youth's attorney or guardian ad litem in  
13 accordance with the Juvenile Court Act of 1987 in the  
14 proceeding in which the Department is appointed as the youth's  
15 guardian or custodian.

16 (b) Application for benefits.

17 (1) Upon receiving temporary custody or guardianship  
18 of a youth in care, the Department shall assess the youth  
19 to determine whether the youth may be eligible for  
20 benefits. If, after the assessment, the Department  
21 determines that the youth may be eligible for benefits,  
22 the Department shall ensure that an application is filed  
23 on behalf of the youth. The Department shall prescribe by  
24 rule how it will review cases of youth in care at regular  
25 intervals to determine whether the youth may have become

1 eligible for benefits after the initial assessment. The  
2 Department shall make reasonable efforts to encourage  
3 youth in care over the age of 18 who are likely eligible  
4 for benefits to cooperate with the application process and  
5 to assist youth with the application process.

6 (2) When applying for benefits under this Section for  
7 a youth in care the Department shall identify a  
8 representative payee in accordance with the requirements  
9 of 20 CFR 404.2021 and 416.621. If the Department is  
10 seeking to be appointed as the youth's representative  
11 payee, the Department must consider input, if provided,  
12 from the youth's attorney and guardian ad litem regarding  
13 whether another representative payee, consistent with the  
14 requirements of 20 CFR 404.2021 and 416.621, is available.  
15 If the Department serves as the representative payee for a  
16 youth over the age of 18, the Department shall request a  
17 court order, as described in subparagraph (C) of paragraph  
18 (1) of subsection (d) and in subparagraph (C) of paragraph  
19 (2) of subsection (d).

20 (c) Notifications. The Department shall immediately notify  
21 a youth over the age of 16, the youth's attorney and guardian  
22 ad litem, and the youth's parent or legal guardian or another  
23 responsible adult of:

24 (1) any application for or any application to become  
25 representative payee for benefits on behalf of a youth in  
26 care;

1           (2) any communications from the Social Security  
2 Administration, the U.S. Department of Veterans Affairs,  
3 or the Railroad Retirement Board pertaining to the  
4 acceptance or denial of benefits or the selection of a  
5 representative payee; and

6           (3) any appeal or other action requested by the  
7 Department regarding an application for benefits.

8           (d) Use of benefits. Consistent with federal law, when the  
9 Department serves as the representative payee for a youth  
10 receiving benefits and receives benefits on the youth's  
11 behalf, the Department shall:

12           (1) Beginning January 1, 2023, ensure that when the  
13 youth attains the age of 14 years and until the Department  
14 no longer serves as the representative payee, a minimum  
15 percentage of the youth's Supplemental Security Income  
16 benefits are conserved in accordance with paragraph (4) as  
17 follows:

18           (A) From the age of 14 through age 15, at least  
19 40%.

20           (B) From the age of 16 through age 17, at least  
21 80%.

22           (C) From the age of 18 through 20, 100%, when a  
23 court order has been entered expressly allowing the  
24 Department to have the authority to establish and  
25 serve as an authorized agent of the youth over the age  
26 of 18 with respect to an account established in

1           accordance with paragraph (4).

2           (2) Beginning January 1, 2024, ensure that when the  
3 youth attains the age of 14 years and until the Department  
4 no longer serves as the representative payee a minimum  
5 percentage of the youth's Social Security benefits,  
6 Veterans benefits, or Railroad Retirement benefits are  
7 conserved in accordance with paragraph (4) as follows:

8           (A) From the age of 14 through age 15, at least  
9 40%.

10           (B) From the age of 16 through age 17, at least  
11 80%.

12           (C) From the age of 18 through 20, 100%, when a  
13 court order has been entered expressly allowing the  
14 Department to have the authority to establish and  
15 serve as an authorized agent of the youth over the age  
16 of 18 with respect to an account established in  
17 accordance with paragraph (4).

18           (3) Exercise discretion in accordance with federal law  
19 and in the best interests of the youth when making  
20 decisions to use or conserve the youth's benefits that are  
21 less than or not subject to asset or resource limits under  
22 federal law, including using the benefits to address the  
23 youth's special needs and conserving the benefits for the  
24 youth's reasonably foreseeable future needs.

25           (4) Appropriately monitor any federal asset or  
26 resource limits for the benefits and ensure that the

1 youth's best interest is served by using or conserving the  
2 benefits in a way that avoids violating any federal asset  
3 or resource limits that would affect the youth's  
4 eligibility to receive the benefits, including:

5 (A) applying to the Social Security Administration  
6 to establish a Plan to Achieve Self-Support (PASS)  
7 Account for the youth under the Social Security Act  
8 and determining whether it is in the best interest of  
9 the youth to conserve all or parts of the benefits in  
10 the PASS account;

11 (B) establishing a 529 plan for the youth and  
12 conserving the youth's benefits in that account in a  
13 manner that appropriately avoids any federal asset or  
14 resource limits;

15 (C) establishing an Individual Development Account  
16 for the youth and conserving the youth's benefits in  
17 that account in a manner that appropriately avoids any  
18 federal asset or resource limits;

19 (D) establishing an ABLE account authorized by  
20 Section 529A of the Internal Revenue Code of 1986, for  
21 the youth and conserving the youth's benefits in that  
22 account in a manner that appropriately avoids any  
23 federal asset or resource limits;

24 (E) establishing a Social Security Plan to Achieve  
25 Self-Support account for the youth and conserving the  
26 youth's benefits in a manner that appropriately avoids

1 any federal asset or resource limits;

2 (F) establishing a special needs trust for the  
3 youth and conserving the youth's benefits in the trust  
4 in a manner that is consistent with federal  
5 requirements for special needs trusts and that  
6 appropriately avoids any federal asset or resource  
7 limits;

8 (G) if the Department determines that using the  
9 benefits for services for current special needs not  
10 already provided by the Department is in the best  
11 interest of the youth, using the benefits for those  
12 services;

13 (H) if federal law requires certain back payments  
14 of benefits to be placed in a dedicated account,  
15 complying with the requirements for dedicated accounts  
16 under 20 CFR 416.640(e); and

17 (I) applying any other exclusions from federal  
18 asset or resource limits available under federal law  
19 and using or conserving the youth's benefits in a  
20 manner that appropriately avoids any federal asset or  
21 resource limits.

22 (e) By July 1, 2024, the Department shall provide a report  
23 to the General Assembly regarding youth in care who receive  
24 benefits who are not subject to this Act. The report shall  
25 discuss a goal of expanding conservation of children's  
26 benefits to all benefits of all children of any age for whom



1 the Department serves as representative payee. The report  
2 shall include a description of any identified obstacles, steps  
3 to be taken to address the obstacles, and a description of any  
4 need for statutory, rule, or procedural changes.

5 (f) Accounting. The Department shall provide an annual  
6 accounting to the youth's attorney and guardian ad litem of  
7 how the youth's benefits have been used and conserved. In  
8 addition, within 10 business days of a request from a youth or  
9 the youth's attorney and guardian ad litem, the Department  
10 shall provide an accounting to the youth of how the youth's  
11 benefits have been used and conserved. The accounting shall  
12 include:

13 (1) The amount of benefits received on the youth's  
14 behalf since the most recent accounting and the date the  
15 benefits were received.

16 (2) Information regarding the youth's benefits and  
17 resources, including the youth's benefits, insurance, cash  
18 assets, trust accounts, earnings, and other resources.

19 (3) An accounting of the disbursement of benefit  
20 funds, including the date, amount, identification of  
21 payee, and purpose.

22 (4) Information regarding each request by the youth,  
23 the youth's attorney and guardian ad litem, or the youth's  
24 caregiver for disbursement of funds and a statement  
25 regarding the reason for not granting the request if the  
26 request was denied.

1           When the Department's guardianship of the youth is being  
2 terminated, the Department shall provide (i) a final  
3 accounting to the Social Security Administration, to the  
4 youth's attorney and guardian ad litem, and to either the  
5 person or persons who will assume guardianship of the youth or  
6 who is in the process of adopting the youth, if the youth is  
7 under 18, or to the youth, if the youth is over 18 and (ii)  
8 information to the parent, guardian, or youth regarding how to  
9 apply to become the representative payee. The Department shall  
10 adopt rules to ensure that the representative payee  
11 transitions occur in a timely and appropriate manner.

12           (g) Financial literacy. The Department shall provide the  
13 youth with financial literacy training and support, including  
14 specific information regarding the existence, availability,  
15 and use of funds conserved for the youth in accordance with  
16 this subsection, beginning by age 14. The literacy program and  
17 support services shall be developed in consultation with input  
18 from the Department's Statewide Youth Advisory Board.

19           (h) Adoption of rules. The Department shall adopt rules to  
20 implement the provisions of this Section by January 1, 2023.

21           (i) Reporting. No later than February 28, 2023, the  
22 Department shall file a report with the General Assembly  
23 providing the following information for State Fiscal Years  
24 2019, 2020, 2021, and 2022 and annually beginning February 28,  
25 2023, for the preceding fiscal year:

26           (1) The number of youth entering care.

1           (2) The number of youth entering care receiving each  
2           of the following types of benefits: Social Security  
3           benefits, Supplemental Security Income, Veterans benefits,  
4           Railroad Retirement benefits.

5           (3) The number of youth entering care for whom the  
6           Department filed an application for each of the following  
7           types of benefits: Social Security benefits, Supplemental  
8           Security Income, Veterans benefits, Railroad Retirement  
9           benefits.

10          (4) The number of youth entering care who were awarded  
11          each of the following types of benefits based on an  
12          application filed by the Department: Social Security  
13          benefits, Supplemental Security Income, Veterans benefits,  
14          Railroad Retirement benefits.

15          (j) Annually beginning December 31, 2023, the Department  
16          shall file a report with the General Assembly with the  
17          following information regarding the preceding fiscal year:

18                 (1) the number of conserved accounts established and  
19                 maintained for youth in care;

20                 (2) the average amount conserved by age group; and

21                 (3) the total amount conserved by age group.

22          (Source: P.A. 102-1014, eff. 5-27-22.)

23                 (20 ILCS 505/5.47)

24                 Sec. 5.47 ~~5.46~~. Extended Family Support Pilot Program. The  
25                 Department may consult with independent partners to review

1 Extended Family Support Program services and advise if  
2 additional services are needed prior to the start of the pilot  
3 program required under this Section. Beginning January 1,  
4 2023, the Department shall implement a 3-year pilot program of  
5 additional resources for families receiving Extended Family  
6 Support Program services from the Department for the purpose  
7 of supporting relative caregivers. These resources may  
8 include, but are not limited to: (i) wraparound case  
9 management services, (ii) home visiting services for  
10 caregivers with children under the age of 5, and (iii) parent  
11 mentors for caregivers with children over the age of 3.

12 The services for the Extended Family Support Program are  
13 expanded given the program's inclusion in the Family First  
14 Prevention Services Act's targeted populations. Other target  
15 populations include intact families, pregnant and parenting  
16 youth, reunification within 6 months, and post adoption and  
17 subsidized guardianship. Inclusion provides the array of  
18 evidence-based interventions included within the State's  
19 Family First Prevention Services plan. Funding through Title  
20 IV-E of the Social Security Act shall be spent on services to  
21 prevent children and youth who are candidates for foster care  
22 from coming into care and allow them to remain with their  
23 families. Given the inclusion of the Extended Family Support  
24 Program in the Family First Prevention Services Act, the  
25 program is a part of the independent evaluation of Family  
26 First Prevention Services. This includes tracking deflection

1 from foster care.

2 The resources provided by the pilot program are voluntary  
3 and refusing such resources shall not be used as evidence of  
4 neglect of a child.

5 The Department shall arrange for an independent evaluation  
6 of the pilot program to determine whether the pilot program is  
7 successfully supporting families receiving Extended Family  
8 Support Program services or Family First Prevention Program  
9 services and preventing entrance into the foster care system.  
10 This evaluation will support determining whether there is a  
11 long-term cost benefit to continuing the pilot program.

12 At the end of the 3-year pilot program, the Department  
13 shall submit a report to the General Assembly with its  
14 findings of the evaluation. The report shall state whether the  
15 Department intends to continue the pilot program and the  
16 rationale for its decision.

17 The Department may adopt rules and procedures to implement  
18 and administer this Section.

19 (Source: P.A. 102-1029, eff. 5-27-22; revised 7-26-22.)

20 (20 ILCS 505/7.4)

21 Sec. 7.4. Development and preservation of sibling  
22 relationships for children in care; placement of siblings;  
23 contact among siblings placed apart.

24 (a) Purpose and policy. The General Assembly recognizes  
25 that sibling relationships are unique and essential for a

1 person, but even more so for children who are removed from the  
2 care of their families and placed in the State child welfare  
3 system. When family separation occurs through State  
4 intervention, every effort must be made to preserve, support  
5 and nurture sibling relationships when doing so is in the best  
6 interest of each sibling. It is in the interests of foster  
7 children who are part of a sibling group to enjoy contact with  
8 one another, as long as the contact is in each child's best  
9 interest. This is true both while the siblings are in State  
10 care and after one or all of the siblings leave State care  
11 through adoption, guardianship, or aging out.

12 (b) Definitions. For purposes of this Section:

13 (1) Whenever a best interest determination is required  
14 by this Section, the Department shall consider the factors  
15 set out in subsection (4.05) of Section 1-3 of the  
16 Juvenile Court Act of 1987 and the Department's rules  
17 regarding Sibling Placement, 89 Ill. Adm. ~~111. Admin.~~ Code  
18 301.70 and Sibling Visitation, 89 Ill. Adm. ~~111. Admin.~~  
19 Code 301.220, and the Department's rules regarding  
20 Placement Selection Criteria, 89 Ill. Adm. ~~111. Admin.~~  
21 Code 301.60.

22 (2) "Adopted child" means a child who, immediately  
23 preceding the adoption, was in the custody or guardianship  
24 of the Illinois Department of Children and Family Services  
25 under Article II of the Juvenile Court Act of 1987.

26 (3) "Adoptive parent" means a person who has become a

1 parent through the legal process of adoption.

2 (4) "Child" means a person in the temporary custody or  
3 guardianship of the Department who is under the age of 21.

4 (5) "Child placed in private guardianship" means a  
5 child who, immediately preceding the guardianship, was in  
6 the custody or guardianship of the Illinois Department of  
7 Children and Family Services under Article II of the  
8 Juvenile Court Act.

9 (6) "Contact" may include, but is not limited to  
10 visits, telephone calls, letters, sharing of photographs  
11 or information, e-mails, video conferencing, and other  
12 form of communication or contact.

13 (7) "Legal guardian" means a person who has become the  
14 legal guardian of a child who, immediately prior to the  
15 guardianship, was in the custody or guardianship of the  
16 Illinois Department of Children and Family Services under  
17 Article II of the Juvenile Court Act of 1987.

18 (8) "Parent" means the child's mother or father who is  
19 named as the respondent in proceedings conducted under  
20 Article II of the Juvenile Court Act of 1987.

21 (9) "Post Permanency Sibling Contact" means contact  
22 between siblings following the entry of a Judgment Order  
23 for Adoption under Section 14 of the Adoption Act  
24 regarding at least one sibling or an Order for  
25 Guardianship appointing a private guardian under Section  
26 2-27 or the Juvenile Court Act of 1987, regarding at least

1 one sibling. Post Permanency Sibling Contact may include,  
2 but is not limited to, visits, telephone calls, letters,  
3 sharing of photographs or information, emails, video  
4 conferencing, and other form of communication or  
5 connection agreed to by the parties to a Post Permanency  
6 Sibling Contact Agreement.

7 (10) "Post Permanency Sibling Contact Agreement" means  
8 a written agreement between the adoptive parent or  
9 parents, the child, and the child's sibling regarding post  
10 permanency contact between the adopted child and the  
11 child's sibling, or a written agreement between the legal  
12 guardians, the child, and the child's sibling regarding  
13 post permanency contact between the child placed in  
14 guardianship and the child's sibling. The Post Permanency  
15 Sibling Contact Agreement may specify the nature and  
16 frequency of contact between the adopted child or child  
17 placed in guardianship and the child's sibling following  
18 the entry of the Judgment Order for Adoption or Order for  
19 Private Guardianship. The Post Permanency Sibling Contact  
20 Agreement may be supported by services as specified in  
21 this Section. The Post Permanency Sibling Contact  
22 Agreement is voluntary on the part of the parties to the  
23 Post Permanency Sibling Contact Agreement and is not a  
24 requirement for finalization of the child's adoption or  
25 guardianship. The Post Permanency Sibling Contract  
26 Agreement shall not be enforceable in any court of law or



1 administrative forum and no cause of action shall be  
2 brought to enforce the Agreement. When entered into, the  
3 Post Permanency Sibling Contact Agreement shall be placed  
4 in the child's Post Adoption or Guardianship case record  
5 and in the case file of a sibling who is a party to the  
6 agreement and who remains in the Department's custody or  
7 guardianship.

8 (11) "Sibling Contact Support Plan" means a written  
9 document that sets forth the plan for future contact  
10 between siblings who are in the Department's care and  
11 custody and residing separately. The goal of the Support  
12 Plan is to develop or preserve and nurture the siblings'  
13 relationships. The Support Plan shall set forth the role  
14 of the foster parents, caregivers, and others in  
15 implementing the Support Plan. The Support Plan must meet  
16 the minimum standards regarding frequency of in-person  
17 visits provided for in Department rule.

18 (12) "Siblings" means children who share at least one  
19 parent in common. This definition of siblings applies  
20 solely for purposes of placement and contact under this  
21 Section. For purposes of this Section, children who share  
22 at least one parent in common continue to be siblings  
23 after their parent's parental rights are terminated, if  
24 parental rights were terminated while a petition under  
25 Article II of the Juvenile Court Act of 1987 was pending.  
26 For purposes of this Section, children who share at least

1 one parent in common continue to be siblings after a  
2 sibling is adopted or placed in private guardianship when  
3 the adopted child or child placed in private guardianship  
4 was in the Department's custody or guardianship under  
5 Article II of the Juvenile Court Act of 1987 immediately  
6 prior to the adoption or private guardianship. For  
7 children who have been in the guardianship of the  
8 Department under Article II of the Juvenile Court Act of  
9 1987, have been adopted, and are subsequently returned to  
10 the temporary custody or guardianship of the Department  
11 under Article II of the Juvenile Court Act of 1987,  
12 "siblings" includes a person who would have been  
13 considered a sibling prior to the adoption and siblings  
14 through adoption.

15 (c) No later than January 1, 2013, the Department shall  
16 promulgate rules addressing the development and preservation  
17 of sibling relationships. The rules shall address, at a  
18 minimum:

19 (1) Recruitment, licensing, and support of foster  
20 parents willing and capable of either fostering sibling  
21 groups or supporting and being actively involved in  
22 planning and executing sibling contact for siblings placed  
23 apart. The rules shall address training for foster  
24 parents, licensing workers, placement workers, and others  
25 as deemed necessary.

26 (2) Placement selection for children who are separated

1 from their siblings and how to best promote placements of  
2 children with foster parents or programs that can meet the  
3 children's needs, including the need to develop and  
4 maintain contact with siblings.

5 (3) State-supported guidance to siblings who have aged  
6 out of state care regarding positive engagement with  
7 siblings.

8 (4) Implementation of Post Permanency Sibling Contact  
9 Agreements for children exiting State care, including  
10 services offered by the Department to encourage and assist  
11 parties in developing agreements, services offered by the  
12 Department post permanency to support parties in  
13 implementing and maintaining agreements, and including  
14 services offered by the Department post permanency to  
15 assist parties in amending agreements as necessary to meet  
16 the needs of the children.

17 (5) Services offered by the Department for children  
18 who exited foster care prior to the availability of Post  
19 Permanency Sibling Contact Agreements, to invite willing  
20 parties to participate in a facilitated discussion,  
21 including, but not limited to, a mediation or joint team  
22 decision-making meeting, to explore sibling contact.

23 (d) The Department shall develop a form to be provided to  
24 youth entering care and exiting care explaining their rights  
25 and responsibilities related to sibling visitation while in  
26 care and post permanency.

1 (e) Whenever a child enters care or requires a new  
2 placement, the Department shall consider the development and  
3 preservation of sibling relationships.

4 (1) This subsection applies when a child entering care  
5 or requiring a change of placement has siblings who are in  
6 the custody or guardianship of the Department. When a  
7 child enters care or requires a new placement, the  
8 Department shall examine its files and other available  
9 resources and determine whether a sibling of that child is  
10 in the custody or guardianship of the Department. If the  
11 Department determines that a sibling is in its custody or  
12 guardianship, the Department shall then determine whether  
13 it is in the best interests of each of the siblings for the  
14 child needing placement to be placed with the sibling. If  
15 the Department determines that it is in the best interest  
16 of each sibling to be placed together, and the sibling's  
17 foster parent is able and willing to care for the child  
18 needing placement, the Department shall place the child  
19 needing placement with the sibling. A determination that  
20 it is not in a child's best interest to be placed with a  
21 sibling shall be made in accordance with Department rules,  
22 and documented in the file of each sibling.

23 (2) This subsection applies when a child who is  
24 entering care has siblings who have been adopted or placed  
25 in private guardianship. When a child enters care, the  
26 Department shall examine its files and other available

1 resources, including consulting with the child's parents,  
2 to determine whether a sibling of the child was adopted or  
3 placed in private guardianship from State care. The  
4 Department shall determine, in consultation with the  
5 child's parents, whether it would be in the child's best  
6 interests to explore placement with the adopted sibling or  
7 sibling in guardianship. Unless the parent objects, if the  
8 Department determines it is in the child's best interest  
9 to explore the placement, the Department shall contact the  
10 adoptive parents or guardians of the sibling, determine  
11 whether they are willing to be considered as placement  
12 resources for the child, and, if so, determine whether it  
13 is in the best interests of the child to be placed in the  
14 home with the sibling. If the Department determines that  
15 it is in the child's best interests to be placed in the  
16 home with the sibling, and the sibling's adoptive parents  
17 or guardians are willing and capable, the Department shall  
18 make the placement. A determination that it is not in a  
19 child's best interest to be placed with a sibling shall be  
20 made in accordance with Department rule, and documented in  
21 the child's file.

22 (3) This subsection applies when a child in Department  
23 custody or guardianship requires a change of placement,  
24 and the child has siblings who have been adopted or placed  
25 in private guardianship. When a child in care requires a  
26 new placement, the Department may consider placing the

1 child with the adoptive parent or guardian of a sibling  
2 under the same procedures and standards set forth in  
3 paragraph (2) of this subsection.

4 (4) When the Department determines it is not in the  
5 best interest of one or more siblings to be placed  
6 together the Department shall ensure that the child  
7 requiring placement is placed in a home or program where  
8 the caregiver is willing and able to be actively involved  
9 in supporting the sibling relationship to the extent doing  
10 so is in the child's best interest.

11 (f) When siblings in care are placed in separate  
12 placements, the Department shall develop a Sibling Contact  
13 Support Plan. The Department shall convene a meeting to  
14 develop the Support Plan. The meeting shall include, at a  
15 minimum, the case managers for the siblings, the foster  
16 parents or other care providers if a child is in a non-foster  
17 home placement and the child, when developmentally and  
18 clinically appropriate. The Department shall make all  
19 reasonable efforts to promote the participation of the foster  
20 parents. Parents whose parental rights are intact shall be  
21 invited to the meeting. Others, such as therapists and  
22 mentors, shall be invited as appropriate. The Support Plan  
23 shall set forth future contact and visits between the siblings  
24 to develop or preserve, and nurture the siblings'  
25 relationships. The Support Plan shall set forth the role of  
26 the foster parents and caregivers and others in implementing

1 the Support Plan. The Support Plan must meet the minimum  
2 standards regarding frequency of in-person visits provided for  
3 in Department rule. The Support Plan will be incorporated in  
4 the child's service plan and reviewed at each administrative  
5 case review. The Support Plan should be modified if one of the  
6 children moves to a new placement, or as necessary to meet the  
7 needs of the children. The Sibling Contact Support Plan for a  
8 child in care may include siblings who are not in the care of  
9 the Department, with the consent and participation of that  
10 child's parent or guardian.

11 (g) By January 1, 2013, the Department shall develop a  
12 registry so that placement information regarding adopted  
13 siblings and siblings in private guardianship is readily  
14 available to Department and private agency caseworkers  
15 responsible for placing children in the Department's care.  
16 When a child is adopted or placed in private guardianship from  
17 foster care the Department shall inform the adoptive parents  
18 or guardians that they may be contacted in the future  
19 regarding placement of or contact with siblings subsequently  
20 requiring placement.

21 (h) When a child is in need of an adoptive placement, the  
22 Department shall examine its files and other available  
23 resources and attempt to determine whether a sibling of the  
24 child has been adopted or placed in private guardianship after  
25 being in the Department's custody or guardianship. If the  
26 Department determines that a sibling of the child has been

1 adopted or placed in private guardianship, the Department  
2 shall make a good faith effort to locate the adoptive parents  
3 or guardians of the sibling and inform them of the  
4 availability of the child for adoption. The Department may  
5 determine not to inform the adoptive parents or guardians of a  
6 sibling of a child that the child is available for adoption  
7 only for a reason permitted under criteria adopted by the  
8 Department by rule, and documented in the child's case file.  
9 If a child available for adoption has a sibling who has been  
10 adopted or placed in guardianship, and the adoptive parents or  
11 guardians of that sibling apply to adopt the child, the  
12 Department shall consider them as adoptive applicants for the  
13 adoption of the child. The Department's final decision as to  
14 whether it will consent to the adoptive parents or guardians  
15 of a sibling being the adoptive parents of the child shall be  
16 based upon the welfare and best interest of the child. In  
17 arriving at its decision, the Department shall consider all  
18 relevant factors, including, but not limited to:

19 (1) the wishes of the child;

20 (2) the interaction and interrelationship of the child  
21 with the applicant to adopt the child;

22 (3) the child's need for stability and continuity of  
23 relationship with parent figures;

24 (4) the child's adjustment to his or her present home,  
25 school, and community;

26 (5) the mental and physical health of all individuals



1           involved;

2           (6) the family ties between the child and the child's  
3           relatives, including siblings;

4           (7) the background, age, and living arrangements of  
5           the applicant to adopt the child;

6           (8) a criminal background report of the applicant to  
7           adopt the child.

8           If placement of the child available for adoption with the  
9           adopted sibling or sibling in private guardianship is not  
10          feasible, but it is in the child's best interest to develop a  
11          relationship with his or her sibling, the Department shall  
12          invite the adoptive parents, guardian, or guardians for a  
13          mediation or joint team decision-making meeting to facilitate  
14          a discussion regarding future sibling contact.

15          (i) Post Permanency Sibling Contact Agreement. When a  
16          child in the Department's care has a permanency goal of  
17          adoption or private guardianship, and the Department is  
18          preparing to finalize the adoption or guardianship, the  
19          Department shall convene a meeting with the pre-adoptive  
20          parent or prospective guardian and the case manager for the  
21          child being adopted or placed in guardianship and the foster  
22          parents and case managers for the child's siblings, and others  
23          as applicable. The children should participate as is  
24          developmentally appropriate. Others, such as therapists and  
25          mentors, may participate as appropriate. At the meeting the  
26          Department shall encourage the parties to discuss sibling

1 contact post permanency. The Department may assist the parties  
2 in drafting a Post Permanency Sibling Contact Agreement.

3 (1) Parties to the Post Permanency Sibling Contact  
4 Agreement shall include:

5 (A) The adoptive parent or parents or guardian.

6 (B) The child's sibling or siblings, parents or  
7 guardians.

8 (C) The child.

9 (2) Consent of child 14 and over. The written consent  
10 of a child age 14 and over to the terms and conditions of  
11 the Post Permanency Sibling Contact Agreement and  
12 subsequent modifications is required.

13 (3) In developing this Agreement, the Department shall  
14 encourage the parties to consider the following factors:

15 (A) the physical and emotional safety and welfare  
16 of the child;

17 (B) the child's wishes;

18 (C) the interaction and interrelationship of the  
19 child with the child's sibling or siblings who would  
20 be visiting or communicating with the child,  
21 including:

22 (i) the quality of the relationship between  
23 the child and the sibling or siblings, and

24 (ii) the benefits and potential harms to the  
25 child in allowing the relationship or  
26 relationships to continue or in ending them;

1 (D) the child's sense of attachments to the birth  
2 sibling or siblings and adoptive family, including:

3 (i) the child's sense of being valued;

4 (ii) the child's sense of familiarity; and

5 (iii) continuity of affection for the child;

6 and

7 (E) other factors relevant to the best interest of  
8 the child.

9 (4) In considering the factors in paragraph (3) of  
10 this subsection, the Department shall encourage the  
11 parties to recognize the importance to a child of  
12 developing a relationship with siblings including siblings  
13 with whom the child does not yet have a relationship; and  
14 the value of preserving family ties between the child and  
15 the child's siblings, including:

16 (A) the child's need for stability and continuity  
17 of relationships with siblings, and

18 (B) the importance of sibling contact in the  
19 development of the child's identity.

20 (5) Modification or termination of Post Permanency  
21 Sibling Contact Agreement. The parties to the agreement  
22 may modify or terminate the Post Permanency Sibling  
23 Contact Agreement. If the parties cannot agree to  
24 modification or termination, they may request the  
25 assistance of the Department of Children and Family  
26 Services or another agency identified and agreed upon by

1 the parties to the Post Permanency Sibling Contact  
2 Agreement. Any and all terms may be modified by agreement  
3 of the parties. Post Permanency Sibling Contact Agreements  
4 may also be modified to include contact with siblings  
5 whose whereabouts were unknown or who had not yet been  
6 born when the Judgment Order for Adoption or Order for  
7 Private Guardianship was entered.

8 (6) Adoptions and private guardianships finalized  
9 prior to the effective date of amendatory Act. Nothing in  
10 this Section prohibits the parties from entering into a  
11 Post Permanency Sibling Contact Agreement if the adoption  
12 or private guardianship was finalized prior to the  
13 effective date of this Section. If the Agreement is  
14 completed and signed by the parties, the Department shall  
15 include the Post Permanency Sibling Contact Agreement in  
16 the child's Post Adoption or Private Guardianship case  
17 record and in the case file of siblings who are parties to  
18 the agreement who are in the Department's custody or  
19 guardianship.

20 (Source: P.A. 97-1076, eff. 8-24-12; 98-463, eff. 8-16-13;  
21 revised 2-28-22.)

22 (20 ILCS 505/8) (from Ch. 23, par. 5008)

23 Sec. 8. Scholarships and fee waivers; tuition waiver.

24 (a) Each year the Department shall select a minimum of 53  
25 students (at least 4 of whom shall be children of veterans) to

1 receive scholarships and fee waivers which will enable them to  
2 attend and complete their post-secondary education at a  
3 community college, university, or college. Youth shall be  
4 selected from among the youth for whom the Department has  
5 court-ordered legal responsibility, youth who aged out of care  
6 at age 18 or older, or youth formerly under care who have been  
7 adopted or who have been placed in private guardianship.  
8 Recipients must have earned a high school diploma from an  
9 accredited institution or a State of Illinois High School  
10 Diploma ~~or diploma~~ or have met the State criteria for high  
11 school graduation before the start of the school year for  
12 which they are applying for the scholarship and waiver.  
13 Scholarships and fee waivers shall be available to students  
14 for at least 5 years, provided they are continuing to work  
15 toward graduation. Unused scholarship dollars and fee waivers  
16 shall be reallocated to new recipients. No later than January  
17 1, 2015, the Department shall promulgate rules identifying the  
18 criteria for "continuing to work toward graduation" and for  
19 reallocating unused scholarships and fee waivers. Selection  
20 shall be made on the basis of several factors, including, but  
21 not limited to, scholastic record, aptitude, and general  
22 interest in higher education. The selection committee shall  
23 include at least 2 individuals formerly under the care of the  
24 Department who have completed their post-secondary education.  
25 In accordance with this Act, tuition scholarships and fee  
26 waivers shall be available to such students at any university

1 or college maintained by the State of Illinois. The Department  
2 shall provide maintenance and school expenses, except tuition  
3 and fees, during the academic years to supplement the  
4 students' earnings or other resources so long as they  
5 consistently maintain scholastic records which are acceptable  
6 to their schools and to the Department. Students may attend  
7 other colleges and universities, if scholarships are awarded  
8 to them, and receive the same benefits for maintenance and  
9 other expenses as those students attending any Illinois State  
10 community college, university, or college under this Section.  
11 Beginning with recipients receiving scholarships and waivers  
12 in August 2014, the Department shall collect data and report  
13 annually to the General Assembly on measures of success,  
14 including (i) the number of youth applying for and receiving  
15 scholarships or waivers, (ii) the percentage of scholarship or  
16 waiver recipients who complete their college or university  
17 degree within 5 years, (iii) the average length of time it  
18 takes for scholarship or waiver recipients to complete their  
19 college or university degree, (iv) the reasons that  
20 scholarship or waiver recipients are discharged or fail to  
21 complete their college or university degree, (v) when  
22 available, youths' outcomes 5 years and 10 years after being  
23 awarded the scholarships or waivers, and (vi) budget  
24 allocations for maintenance and school expenses incurred by  
25 the Department.

26 (b) Youth shall receive a tuition and fee waiver to assist

1 them in attending and completing their post-secondary  
2 education at any community college, university, or college  
3 maintained by the State of Illinois if they are youth for whom  
4 the Department has court-ordered legal responsibility, youth  
5 who aged out of care at age 18 or older, or youth formerly  
6 under care who have been adopted and were the subject of an  
7 adoption assistance agreement or who have been placed in  
8 private guardianship and were the subject of a subsidized  
9 guardianship agreement.

10 To receive a waiver under this subsection, an applicant  
11 must:

12 (1) have earned a high school diploma from an  
13 accredited institution or a State of Illinois High School  
14 Diploma or have met the State criteria for high school  
15 graduation before the start of the school year for which  
16 the applicant is applying for the waiver;

17 (2) enroll in a qualifying post-secondary education  
18 before the applicant reaches the age of 26; and

19 (3) apply for federal and State grant assistance by  
20 completing the Free Application for Federal Student Aid.

21 The community college or public university that an  
22 applicant attends must waive any tuition and fee amounts that  
23 exceed the amounts paid to the applicant under the federal  
24 Pell Grant Program or the State's Monetary Award Program.

25 Tuition and fee waivers shall be available to a student  
26 for at least the first 5 years the student is enrolled in a

1 community college, university, or college maintained by the  
2 State of Illinois so long as the student makes satisfactory  
3 progress toward completing his or her degree. The age  
4 requirement and 5-year cap on tuition and fee waivers under  
5 this subsection shall be waived and eligibility for tuition  
6 and fee waivers shall be extended for any applicant or student  
7 who the Department determines was unable to enroll in a  
8 qualifying post-secondary school or complete an academic term  
9 because the applicant or student: (i) was called into active  
10 duty with the United States Armed Forces; (ii) was deployed  
11 for service in the United States Public Health Service  
12 Commissioned Corps; or (iii) volunteered in the Peace Corps or  
13 the AmeriCorps. The Department shall extend eligibility for a  
14 qualifying applicant or student by the total number of months  
15 or years during which the applicant or student served on  
16 active duty with the United States Armed Forces, was deployed  
17 for service in the United States Public Health Service  
18 Commissioned Corps, or volunteered in the Peace Corps or the  
19 AmeriCorps. The number of months an applicant or student  
20 served on active duty with the United States Armed Forces  
21 shall be rounded up to the next higher year to determine the  
22 maximum length of time to extend eligibility for the applicant  
23 or student.

24 The Department may provide the student with a stipend to  
25 cover maintenance and school expenses, except tuition and  
26 fees, during the academic years to supplement the student's



1 earnings or other resources so long as the student  
2 consistently maintains scholastic records which are acceptable  
3 to the student's school and to the Department.

4 The Department shall develop outreach programs to ensure  
5 that youths who qualify for the tuition and fee waivers under  
6 this subsection who are high school students in grades 9  
7 through 12 or who are enrolled in a high school equivalency  
8 testing program are aware of the availability of the tuition  
9 and fee waivers.

10 (c) Subject to appropriation, the Department shall provide  
11 eligible youth an apprenticeship stipend to cover those costs  
12 associated with entering and sustaining through completion an  
13 apprenticeship, including, but not limited to fees, tuition  
14 for classes, work clothes, rain gear, boots, and  
15 occupation-specific tools. The following youth may be eligible  
16 for the apprenticeship stipend provided under this subsection:  
17 youth for whom the Department has court-ordered legal  
18 responsibility; youth who aged out of care at age 18 or older;  
19 or youth formerly under care who have been adopted and were the  
20 subject of an adoption assistance agreement or who have been  
21 placed in private guardianship and were the subject of a  
22 subsidized guardianship agreement.

23 To receive a stipend under this subsection, an applicant  
24 must:

25 (1) be enrolled in an apprenticeship training program  
26 approved or recognized by the Illinois Department of

1           Employment Security or an apprenticeship program approved  
2           by the United States Department of Labor;

3           (2) not be a recipient of a scholarship or fee waiver  
4           under subsection (a) or (b); and

5           (3) be under the age of 26 before enrolling in a  
6           qualified apprenticeship program.

7           Apprenticeship stipends shall be available to an eligible  
8           youth for a maximum of 5 years after the youth enrolls in a  
9           qualifying apprenticeship program so long as the youth makes  
10          satisfactory progress toward completing his or her  
11          apprenticeship. The age requirement and 5-year cap on the  
12          apprenticeship stipend provided under this subsection shall be  
13          extended for any applicant who the Department determines was  
14          unable to enroll in a qualifying apprenticeship program  
15          because the applicant: (i) was called into active duty with  
16          the United States Armed Forces; (ii) was deployed for service  
17          in the United States Public Health Service Commissioned Corps;  
18          or (iii) volunteered in the Peace Corps or the AmeriCorps. The  
19          Department shall extend eligibility for a qualifying applicant  
20          by the total number of months or years during which the  
21          applicant served on active duty with the United States Armed  
22          Forces, was deployed for service in the United States Public  
23          Health Service Commissioned Corps, or volunteered in the Peace  
24          Corps or the AmeriCorps. The number of months an applicant  
25          served on active duty with the United States Armed Forces  
26          shall be rounded up to the next higher year to determine the

1 maximum length of time to extend eligibility for the  
2 applicant.

3 The Department shall develop outreach programs to ensure  
4 that youths who qualify for the apprenticeship stipends under  
5 this subsection who are high school students in grades 9  
6 through 12 or who are enrolled in a high school equivalency  
7 testing program are aware of the availability of the  
8 apprenticeship stipend.

9 (Source: P.A. 101-558, eff. 1-1-20; 102-1100, eff. 1-1-23;  
10 revised 12-8-22.)

11 (20 ILCS 505/35.10)

12 Sec. 35.10. Documents necessary for adult living. The  
13 Department shall assist a youth in care in identifying and  
14 obtaining documents necessary to function as an independent  
15 adult prior to the closure of the youth's case to terminate  
16 wardship as provided in Section 2-31 of the Juvenile Court Act  
17 of 1987. These necessary documents shall include, but not be  
18 limited to, any of the following:

19 (1) State identification card or driver's license.

20 (2) Social Security card.

21 (3) Medical records, including, but not limited to,  
22 health passport, dental records, immunization records,  
23 name and contact information for all current medical,  
24 dental, and mental health providers, and a signed  
25 certification that the Department provided the youth with

1 education on executing a healthcare power of attorney.

2 (4) Medicaid card or other health eligibility  
3 documentation.

4 (5) Certified copy of birth certificate.

5 (6) Any applicable religious documents.

6 (7) Voter registration card.

7 (8) Immigration, citizenship, or naturalization  
8 documentation, if applicable.

9 (9) Death certificates of parents, if applicable.

10 (10) Life book or compilation of personal history and  
11 photographs.

12 (11) List of known relatives with relationships,  
13 addresses, telephone numbers, and other contact  
14 information, with the permission of the involved relative.

15 (12) Resume.

16 (13) Educational records, including list of schools  
17 attended, and transcript, high school diploma, or State of  
18 Illinois High School Diploma.

19 (14) List of placements while in care.

20 (15) List of community resources with referral  
21 information, including the Midwest Adoption Center for  
22 search and reunion services for former youth in care,  
23 whether or not they were adopted, and the Illinois Chapter  
24 of Foster Care Alumni of America.

25 (16) All documents necessary to complete a Free  
26 Application for Federal Student Aid form, if applicable,

1 or an application for State financial aid.

2 (17) If applicable, a final accounting of the account  
3 maintained on behalf of the youth as provided under  
4 Section 5.46.

5 If a court determines that a youth in care no longer requires  
6 wardship of the court and orders the wardship terminated and  
7 all proceedings under the Juvenile Court Act of 1987  
8 respecting the youth in care finally closed and discharged,  
9 the Department shall ensure that the youth in care receives a  
10 copy of the court's order.

11 (Source: P.A. 102-70, eff. 1-1-22; 102-1014, eff. 5-27-22;  
12 102-1100, eff. 1-1-23; revised 12-13-22.)

13 Section 70. The Department of Commerce and Economic  
14 Opportunity Law of the Civil Administrative Code of Illinois  
15 is amended by changing Section 605-503 and by setting forth,  
16 renumbering, and changing multiple versions of Section  
17 605-1095 as follows:

18 (20 ILCS 605/605-503)

19 Sec. 605-503. Entrepreneurship assistance centers.

20 (a) The Department shall establish and support, subject to  
21 appropriation, entrepreneurship assistance centers, including  
22 the issuance of grants, at career education agencies and  
23 not-for-profit corporations, including, but not limited to,  
24 local development corporations, chambers of commerce,

1 community-based business outreach centers, and other  
2 community-based organizations. The purpose of the centers  
3 shall be to train minority group members, women, individuals  
4 with a disability, dislocated workers, veterans, and youth  
5 entrepreneurs in the principles and practice of  
6 entrepreneurship in order to prepare those persons to pursue  
7 self-employment opportunities and to pursue a minority  
8 business enterprise or a women-owned business enterprise. The  
9 centers shall provide for training in all aspects of business  
10 development and small business management as defined by the  
11 Department.

12 (b) The Department shall establish criteria for selection  
13 and designation of the centers which shall include, but not be  
14 limited to:

15 (1) the level of support for the center from local  
16 post-secondary education institutions, businesses, and  
17 government;

18 (2) the level of financial assistance provided at the  
19 local and federal level to support the operations of the  
20 center;

21 (3) the applicant's understanding of program goals and  
22 objectives articulated by the Department;

23 (4) the plans of the center to supplement State and  
24 local funding through fees for services which may be based  
25 on a sliding scale based on ability to pay;

26 (5) the need for and anticipated impact of the center

1 on the community in which it will function;

2 (6) the quality of the proposed work plan and staff of  
3 the center; and

4 (7) the extent of economic distress in the area to be  
5 served.

6 (c) Each center shall:

7 (1) be operated by a board of directors representing  
8 community leaders in business, education, finance, and  
9 government;

10 (2) be incorporated as a not-for-profit corporation;

11 (3) be located in an area accessible to eligible  
12 clients;

13 (4) establish an advisory group of community business  
14 experts, at least one-half of whom shall be representative  
15 of the clientele to be served by the center, which shall  
16 constitute a support network to provide counseling and  
17 mentoring services to minority group members, women,  
18 individuals with a disability, dislocated workers,  
19 veterans, and youth entrepreneurs from the concept stage  
20 of development through the first one to 2 years of  
21 existence on a regular basis and as needed thereafter; and

22 (5) establish a referral system and linkages to  
23 existing area small business assistance programs and  
24 financing sources.

25 (d) Each entrepreneurship assistance center shall provide  
26 needed services to eligible clients, including, but not

1 limited to: (i) orientation and screening of prospective  
2 entrepreneurs; (ii) analysis of business concepts and  
3 technical feasibility; (iii) market analysis; (iv) management  
4 analysis and counseling; (v) business planning and financial  
5 planning assistance; (vi) referrals to financial resources;  
6 (vii) referrals to existing educational programs for training  
7 in such areas as marketing, accounting, and other training  
8 programs as may be necessary and available; and (viii)  
9 referrals to business incubator facilities, when appropriate,  
10 for the purpose of entering into agreements to access shared  
11 support services.

12 (e) Applications for grants made under this Section shall  
13 be made in the manner and on forms prescribed by the  
14 Department. The application shall include, but shall not be  
15 limited to:

16 (1) a description of the training programs available  
17 within the geographic area to be served by the center to  
18 which eligible clients may be referred;

19 (2) designation of a program director;

20 (3) plans for providing ongoing technical assistance  
21 to program graduates, including linkages with providers of  
22 other entrepreneurial assistance programs and with  
23 providers of small business technical assistance and  
24 services;

25 (4) a program budget, including matching funds,  
26 in-kind and otherwise, to be provided by the applicant;



1           and

2                   (5) any other requirements as deemed necessary by the  
3           Department.

4           (f) Grants made under this Section shall be disbursed for  
5           payment of the cost of services and expenses of the program  
6           director, the instructors of the participating career  
7           education agency or not-for-profit corporation, the faculty  
8           and support personnel thereof, and any other person in the  
9           service of providing instruction and counseling in furtherance  
10          of the program.

11          (g) The Department shall monitor the performance of each  
12          entrepreneurial assistance center and require quarterly  
13          reports from each center at such time and in such a manner as  
14          prescribed by the Department.

15          The Department shall also evaluate the entrepreneurial  
16          assistance centers established under this Section and report  
17          annually beginning on January 1, 2023, and on or before  
18          January 1 of each year thereafter, the results of the  
19          evaluation to the Governor and the General Assembly. The  
20          report shall discuss the extent to which the centers serve  
21          minority group members, women, individuals with a disability,  
22          dislocated workers, veterans, and youth entrepreneurs; the  
23          extent to which the training program is coordinated with other  
24          assistance programs targeted to small and new businesses; the  
25          ability of the program to leverage other sources of funding  
26          and support; and the success of the program in aiding

1 entrepreneurs to start up new businesses, including the number  
2 of new business start-ups resulting from the program. The  
3 report shall recommend changes and improvements in the  
4 training program and in the quality of supplemental technical  
5 assistance offered to graduates of the training programs. The  
6 report shall be made available to the public on the  
7 Department's website. Between evaluation due dates, the  
8 Department shall maintain the necessary records and data  
9 required to satisfy the evaluation requirements.

10 (h) For purposes of this Section:

11 "Entrepreneurship assistance center" or "center" means the  
12 business development centers or programs which provide  
13 assistance to primarily minority group members, women,  
14 individuals with a disability, dislocated workers, veterans,  
15 and youth entrepreneurs under this Section.

16 "Disability" means, with respect to an individual: (i) a  
17 physical or mental impairment that substantially limits one or  
18 more of the major life activities of an individual; (ii) a  
19 record of such an impairment; or (iii) being regarded as  
20 having an impairment.

21 "Minority business enterprise" has the same meaning as  
22 provided for "minority-owned business" under Section 2 of the  
23 Business Enterprise for Minorities, Women, and Persons with  
24 Disabilities Act.

25 "Minority group member" has the same meaning as provided  
26 for "minority person" under Section 2 of the Business

1 Enterprise for Minorities, Women, and Persons with  
2 Disabilities Act.

3 "Women-owned business enterprise" has the same meaning as  
4 provided for "women-owned business" under Section 2 of the  
5 Business Enterprise for Minorities, Women, and Persons with  
6 Disabilities Act.

7 "Veteran" means a person who served in and who has  
8 received an honorable or general discharge from, the United  
9 States Army, Navy, Air Force, Marines, Coast Guard, or  
10 reserves thereof, or who served in the Army National Guard,  
11 Air National Guard, or Illinois National Guard.

12 "Youth entrepreneur" means a person who is between the  
13 ages of 16 and 29 years old and ~~that~~ is seeking community  
14 support to start a business in Illinois.

15 (Source: P.A. 102-272, eff. 1-1-22; 102-821, eff. 1-1-23;  
16 revised 12-8-22.)

17 (20 ILCS 605/605-1095)

18 (Section scheduled to be repealed on December 31, 2024)

19 Sec. 605-1095. Hotel Jobs Recovery Grant Program.

20 (a) In 2019, the hotel industry in the State of Illinois  
21 directly employed more than 60,000 people and generated  
22 \$4,000,000,000 in State and local taxes. During the first year  
23 of the COVID-19 pandemic, one in three hotel workers were laid  
24 off or furloughed, and hotels lost \$3,600,000,000 in economic  
25 activity. Unlike other segments of the hospitality industry,

1 the hotel industry has not received any direct hotel-specific  
2 support from the federal government. Funds awarded under this  
3 Section will be used by hotels to support their workforce and  
4 recover from the COVID-19 pandemic.

5 (b) As used in this Section:

6 "Hotel" means any building or buildings in which the  
7 public may, for a consideration, obtain living quarters or  
8 sleeping or housekeeping accommodations. The term includes,  
9 but is not limited to, inns, motels, tourist homes or courts,  
10 lodging houses, rooming houses, retreat centers, conference  
11 centers, and hunting lodges. "Hotel" does not include a  
12 short-term rental.

13 "Short-term rental" means a single-family dwelling, or a  
14 residential dwelling unit in a multi-unit structure,  
15 condominium, cooperative, timeshare, or similar joint property  
16 ownership arrangement, that is rented for a fee for less than  
17 30 consecutive days. "Short-term rental" includes a vacation  
18 rental.

19 "Operator" and "room" have the meanings given to those  
20 terms in the Hotel Operators' Occupation Tax Act.

21 (c) The Department may receive State funds and, directly  
22 or indirectly, federal funds under the authority of  
23 legislation passed in response to the Coronavirus epidemic  
24 including, but not limited to, the American Rescue Plan Act of  
25 2021, (Public Law 117-2) ("ARPA"); such funds shall be used in  
26 accordance with the ARPA legislation and other State and

1 federal law. Upon receipt or availability of such State or  
2 federal funds, and subject to appropriations for their use,  
3 the Department shall establish the Hotel Jobs Recovery Grant  
4 Program for the purpose of providing direct relief to hotels  
5 impacted by the COVID-19 pandemic. Based on an application  
6 filed by the hotel operator, the Department shall award a  
7 one-time grant in an amount of up to \$1,500 for each room in  
8 the hotel. Every hotel in operation in the state prior to March  
9 12, 2020 that remains in operation shall be eligible to apply  
10 for the grant. Grant awards shall be scaled based on a process  
11 determined by the Department, including reducing the grant  
12 amount by previous state and local relief provided to the  
13 business during the COVID-19 pandemic.

14 (d) Any operator who receives grant funds under this  
15 Section shall use a minimum of 80% of the funds on payroll  
16 costs, to the extent permitted by Section 9901 of ARPA,  
17 including, but not limited to, wages, benefits, and employer  
18 contributions to employee healthcare costs. The remaining  
19 funds shall be used on any other costs and losses permitted by  
20 ARPA.

21 (e) Within 12 months after receiving grant funds under  
22 this Section, the operator shall submit a written attestation  
23 to the Department acknowledging compliance with subsection  
24 (d).

25 (f) The Department may establish by rule administrative  
26 procedures for the grant program, including any application

1 procedures, grant agreements, certifications, payment  
2 methodologies, and other accountability measures that may be  
3 imposed upon participants in the program. The emergency  
4 rulemaking process may be used to promulgate the initial rules  
5 of the program following April 19, 2022 (the effective date of  
6 Public Act 102-699) ~~this amendatory Act of the 102nd General~~  
7 ~~Assembly.~~

8 (g) The Department has the power to issue grants and enter  
9 into agreements with eligible hotels to carry out the purposes  
10 of this program.

11 (h) This Section is repealed on December 31, 2024.

12 (Source: P.A. 102-699, eff. 4-19-22; revised 7-27-22.)

13 (20 ILCS 605/605-1096)

14 Sec. 605-1096 ~~605-1095~~. Industrial Biotechnology Workforce  
15 Development Grant Program.

16 (a) The Industrial Biotechnology Workforce Development  
17 Grant Program is hereby established as a program to be  
18 implemented and administered by the Department. The Program  
19 shall provide grants for the purpose of fostering a  
20 well-trained and well-skilled industrial biotechnology  
21 workforce.

22 (b) Subject to appropriation, grants under the Program may  
23 be awarded on an annual basis for one or more of the following:

24 (1) industrial biotechnology apprenticeships or  
25 apprenticeship programs;

1           (2) industrial biotechnology talent pipeline  
2 management programs that emphasize business-oriented  
3 strategies to increase workforce competitiveness, improve  
4 workforce diversity, and expand a regional talent pool  
5 around high-growth industries;

6           (3) industrial biotechnology industry-aligned  
7 credential (digital badging) expansion programs to  
8 increase the number of workers with in-demand skills  
9 needed to obtain a job or advance within the workplace and  
10 for merging competency-based education with responsive  
11 workforce training strategies; and

12           (4) high school and community college industrial  
13 biotechnology career pathway and pre-apprenticeship  
14 program development.

15           (c) To be eligible for grants provided under the Program,  
16 an entity must be either: (i) a State-sponsored,  
17 university-affiliated laboratory or research institution  
18 conducting collaboratives or for-hire research in the  
19 development of biorenewable chemicals, bio-based polymers,  
20 materials, novel feeds, or additional value-added  
21 biorenewables; or (ii) a State-accredited university or  
22 community college. An eligible entity must establish that it  
23 plans to use grant funds for a purpose specifically provided  
24 under subsection (b).

25           (d) On or before January 31 of the next calendar year to  
26 occur after the last day of any State fiscal year in which the

1 Department of Commerce and Economic Opportunity receives State  
2 funding for the Program under this Section, the Department of  
3 Commerce and Economic Opportunity shall submit an annual  
4 report to the General Assembly and the Governor on the use of  
5 grant funds under the Program. The report shall include, but  
6 not be limited to: (i) the disbursement of grant funds,  
7 categorized by eligible entity; (ii) the number of persons  
8 enrolled in or taking advantage of a program established or  
9 maintained using grant funds; (iii) the number of persons  
10 completing a program established or maintained using grant  
11 funds; and (iv) the number of person gaining employment in the  
12 industrial biotechnology industry following completion of a  
13 program established or maintained using grant funds.

14 (e) The Department shall adopt all rules necessary for the  
15 implementation and administration of the Program under this  
16 Section.

17 (Source: P.A. 102-991, eff. 1-1-23; revised 12-29-22.)

18 Section 75. The Electric Vehicle Act is amended by  
19 changing Section 45 as follows:

20 (20 ILCS 627/45)

21 Sec. 45. Beneficial electrification.

22 (a) It is the intent of the General Assembly to decrease  
23 reliance on fossil fuels, reduce pollution from the  
24 transportation sector, increase access to electrification for



1 all consumers, and ensure that electric vehicle adoption and  
2 increased electricity usage and demand do not place  
3 significant additional burdens on the electric system and  
4 create benefits for Illinois residents.

5 (1) Illinois should increase the adoption of electric  
6 vehicles in the State to 1,000,000 by 2030.

7 (2) Illinois should strive to be the best state in the  
8 nation in which to drive and manufacture electric  
9 vehicles.

10 (3) Widespread adoption of electric vehicles is  
11 necessary to electrify the transportation sector,  
12 diversify the transportation fuel mix, drive economic  
13 development, and protect air quality.

14 (4) Accelerating the adoption of electric vehicles  
15 will drive the decarbonization of Illinois' transportation  
16 sector.

17 (5) Expanded infrastructure investment will help  
18 Illinois more rapidly decarbonize the transportation  
19 sector.

20 (6) Statewide adoption of electric vehicles requires  
21 increasing access to electrification for all consumers.

22 (7) Widespread adoption of electric vehicles requires  
23 increasing public access to charging equipment throughout  
24 Illinois, especially in low-income and environmental  
25 justice communities, where levels of air pollution burden  
26 tend to be higher.

1           (8) Widespread adoption of electric vehicles and  
2 charging equipment has the potential to provide customers  
3 with fuel cost savings and electric utility customers with  
4 cost-saving benefits.

5           (9) Widespread adoption of electric vehicles can  
6 improve an electric utility's electric system efficiency  
7 and operational flexibility, including the ability of the  
8 electric utility to integrate renewable energy resources  
9 and make use of off-peak generation resources that support  
10 the operation of charging equipment.

11           (10) Widespread adoption of electric vehicles should  
12 stimulate innovation, competition, and increased choices  
13 in charging equipment and networks and should also attract  
14 private capital investments and create high-quality jobs  
15 in Illinois.

16           (b) As used in this Section:

17           "Agency" means the Environmental Protection Agency.

18           "Beneficial electrification programs" means programs that  
19 lower carbon dioxide emissions, replace fossil fuel use,  
20 create cost savings, improve electric grid operations, reduce  
21 increases to peak demand, improve electric usage load shape,  
22 and align electric usage with times of renewable generation.  
23 All beneficial electrification programs shall provide for  
24 incentives such that customers are induced to use electricity  
25 at times of low overall system usage or at times when  
26 generation from renewable energy sources is high. "Beneficial

1 electrification programs" include a portfolio of the  
2 following:

3 (1) time-of-use electric rates;

4 (2) hourly pricing electric rates;

5 (3) optimized charging programs or programs that  
6 encourage charging at times beneficial to the electric  
7 grid;

8 (4) optional demand-response programs specifically  
9 related to electrification efforts;

10 (5) incentives for electrification and associated  
11 infrastructure tied to using electricity at off-peak  
12 times;

13 (6) incentives for electrification and associated  
14 infrastructure targeted to medium-duty and heavy-duty  
15 vehicles used by transit agencies;

16 (7) incentives for electrification and associated  
17 infrastructure targeted to school buses;

18 (8) incentives for electrification and associated  
19 infrastructure for medium-duty and heavy-duty government  
20 and private fleet vehicles;

21 (9) low-income programs that provide access to  
22 electric vehicles for communities where car ownership or  
23 new car ownership is not common;

24 (10) incentives for electrification in eligible  
25 communities;

26 (11) incentives or programs to enable quicker adoption

1 of electric vehicles by developing public charging  
2 stations in dense areas, workplaces, and low-income  
3 communities;

4 (12) incentives or programs to develop electric  
5 vehicle infrastructure that minimizes range anxiety,  
6 filling the gaps in deployment, particularly in rural  
7 areas and along highway corridors;

8 (13) incentives to encourage the development of  
9 electrification and renewable energy generation in close  
10 proximity in order to reduce grid congestion;

11 (14) offer support to low-income communities who are  
12 experiencing financial and accessibility barriers such  
13 that electric vehicle ownership is not an option; and

14 (15) other such programs as defined by the Commission.

15 "Black, indigenous, and people of color" or "BIPOC" means  
16 people who are members of the groups described in  
17 subparagraphs (a) through (e) of paragraph (A) of subsection  
18 (1) of Section 2 of the Business Enterprise for Minorities,  
19 Women, and Persons with Disabilities Act.

20 "Commission" means the Illinois Commerce Commission.

21 "Coordinator" means the Electric Vehicle Coordinator.

22 "Electric vehicle" means a vehicle that is exclusively  
23 powered by and refueled by electricity, must be plugged in to  
24 charge, and is licensed to drive on public roadways. "Electric  
25 vehicle" does not include electric mopeds, electric  
26 off-highway vehicles, or hybrid electric vehicles and

1 extended-range electric vehicles that are also equipped with  
2 conventional fueled propulsion or auxiliary engines.

3 "Electric vehicle charging station" means a station that  
4 delivers electricity from a source outside an electric vehicle  
5 into one or more electric vehicles.

6 "Environmental justice communities" means the definition  
7 of that term based on existing methodologies and findings,  
8 used and as may be updated by the Illinois Power Agency and its  
9 program administrator in the Illinois Solar for All Program.

10 "Equity investment eligible community" or "eligible  
11 community" means the geographic areas throughout Illinois  
12 which would most benefit from equitable investments by the  
13 State designed to combat discrimination and foster sustainable  
14 economic growth. Specifically, "eligible community" means the  
15 following areas:

16 (1) areas where residents have been historically  
17 excluded from economic opportunities, including  
18 opportunities in the energy sector, as defined pursuant to  
19 Section 10-40 of the Cannabis Regulation and Tax Act; and

20 (2) areas where residents have been historically  
21 subject to disproportionate burdens of pollution,  
22 including pollution from the energy sector, as established  
23 by environmental justice communities as defined by the  
24 Illinois Power Agency pursuant to Illinois Power Agency  
25 Act, excluding any racial or ethnic indicators.

26 "Equity investment eligible person" or "eligible person"

1 means the persons who would most benefit from equitable  
2 investments by the State designed to combat discrimination and  
3 foster sustainable economic growth. Specifically, "eligible  
4 person" means the following people:

5 (1) persons whose primary residence is in an equity  
6 investment eligible community;

7 (2) persons who are graduates of or currently enrolled  
8 in the foster care system; or

9 (3) persons who were formerly incarcerated.

10 "Low-income" means persons and families whose income does  
11 not exceed 80% of the state median income for the current State  
12 fiscal year as established by the U.S. Department of Health  
13 and Human Services.

14 "Make-ready infrastructure" means the electrical and  
15 construction work necessary between the distribution circuit  
16 to the connection point of charging equipment.

17 "Optimized charging programs" mean programs whereby owners  
18 of electric vehicles can set their vehicles to be charged  
19 based on the electric system's current demand, retail or  
20 wholesale market rates, incentives, the carbon or other  
21 pollution intensity of the electric generation mix, the  
22 provision of grid services, efficient use of the electric  
23 grid, or the availability of clean energy generation.  
24 Optimized charging programs may be operated by utilities as  
25 well as third parties.

26 (c) The Commission shall initiate a workshop process no

1 later than November 30, 2021 for the purpose of soliciting  
2 input on the design of beneficial electrification programs  
3 that the utility shall offer. The workshop shall be  
4 coordinated by the Staff of the Commission, or a facilitator  
5 retained by Staff, and shall be organized and facilitated in a  
6 manner that encourages representation from diverse  
7 stakeholders, including stakeholders representing  
8 environmental justice and low-income communities, and ensures  
9 equitable opportunities for participation, without requiring  
10 formal intervention or representation by an attorney.

11 The stakeholder workshop process shall take into  
12 consideration the benefits of electric vehicle adoption and  
13 barriers to adoption, including:

14 (1) the benefit of lower bills for customers who do  
15 not charge electric vehicles;

16 (2) benefits to the distribution system from electric  
17 vehicle usage;

18 (3) the avoidance and reduction in capacity costs from  
19 optimized charging and off-peak charging;

20 (4) energy price and cost reductions;

21 (5) environmental benefits, including greenhouse gas  
22 emission and other pollution reductions;

23 (6) current barriers to mass-market adoption,  
24 including cost of ownership and availability of charging  
25 stations;

26 (7) current barriers to increasing access among

1 populations that have limited access to electric vehicle  
2 ownership, communities significantly impacted by  
3 transportation-related pollution, and market segments that  
4 create disproportionate pollution impacts;

5 (8) benefits of and incentives for medium-duty and  
6 heavy-duty fleet vehicle electrification;

7 (9) opportunities for eligible communities to benefit  
8 from electrification;

9 (10) geographic areas and market segments that should  
10 be prioritized for electrification infrastructure  
11 investment.

12 The workshops shall consider barriers, incentives,  
13 enabling rate structures, and other opportunities for the bill  
14 reduction and environmental benefits described in this  
15 subsection.

16 The workshop process shall conclude no later than February  
17 28, 2022. Following the workshop, the Staff of the Commission,  
18 or the facilitator retained by the Staff, shall prepare and  
19 submit a report, no later than March 31, 2022, to the  
20 Commission that includes, but is not limited to,  
21 recommendations for transportation electrification investment  
22 or incentives in the following areas:

23 (i) publicly accessible Level 2 and fast-charging  
24 stations, with a focus on bringing access to  
25 transportation electrification in densely populated areas  
26 and workplaces within eligible communities;



1           (ii) medium-duty and heavy-duty charging  
2 infrastructure used by government and private fleet  
3 vehicles that serve or travel through environmental  
4 justice or eligible communities;

5           (iii) medium-duty and heavy-duty charging  
6 infrastructure used in school bus operations, whether  
7 private or public, that primarily serve governmental or  
8 educational institutions, and also serve or travel through  
9 environmental justice or eligible communities;

10          (iv) public transit medium-duty and heavy-duty  
11 charging infrastructure, developed in consultation with  
12 public transportation agencies; and

13          (v) publicly accessible Level 2 and fast-charging  
14 stations targeted to fill gaps in deployment, particularly  
15 in rural areas and along State highway corridors.

16          The report must also identify the participants in the  
17 process, program designs proposed during the process,  
18 estimates of the costs and benefits of proposed programs, any  
19 material issues that remained unresolved at the conclusions of  
20 such process, and any recommendations for workshop process  
21 improvements. The report shall be used by the Commission to  
22 inform and evaluate the cost effectiveness and achievement of  
23 goals within the submitted Beneficial Electrification Plans.

24          (d) No later than July 1, 2022, electric utilities serving  
25 greater than 500,000 customers in the State shall file a  
26 Beneficial Electrification Plan with the Illinois Commerce

1 Commission for programs that start no later than January 1,  
2 2023. The plan shall take into consideration recommendations  
3 from the workshop report described in this Section. Within 45  
4 days after the filing of the Beneficial Electrification Plan,  
5 the Commission shall, with reasonable notice, open an  
6 investigation to consider whether the plan meets the  
7 objectives and contains the information required by this  
8 Section. The Commission shall determine if the proposed plan  
9 is cost-beneficial and in the public interest. When  
10 considering if the plan is in the public interest and  
11 determining appropriate levels of cost recovery for  
12 investments and expenditures related to programs proposed by  
13 an electric utility, the Commission shall consider whether the  
14 investments and other expenditures are designed and reasonably  
15 expected to:

16 (1) maximize total energy cost savings and rate  
17 reductions so that nonparticipants can benefit;

18 (2) address environmental justice interests by  
19 ensuring there are significant opportunities for residents  
20 and businesses in eligible communities to directly  
21 participate in and benefit from beneficial electrification  
22 programs;

23 (3) support at least a 40% investment of make-ready  
24 infrastructure incentives to facilitate the rapid  
25 deployment of charging equipment in or serving  
26 environmental justice, low-income, and eligible

1 communities; however, nothing in this subsection is  
2 intended to require a specific amount of spending in a  
3 particular geographic area;

4 (4) support at least a 5% investment target in  
5 electrifying medium-duty and heavy-duty school bus and  
6 diesel public transportation vehicles located in or  
7 serving environmental justice, low-income, and eligible  
8 communities in order to provide those communities and  
9 businesses with greater economic investment,  
10 transportation opportunities, and a cleaner environment so  
11 they can directly benefit from transportation  
12 electrification efforts; however, nothing in this  
13 subsection is intended to require a specific amount of  
14 spending in a particular geographic area;

15 (5) stimulate innovation, competition, private  
16 investment, and increased consumer choices in electric  
17 vehicle charging equipment and networks;

18 (6) contribute to the reduction of carbon emissions  
19 and meeting air quality standards, including improving air  
20 quality in eligible communities who disproportionately  
21 suffer from emissions from the medium-duty and heavy-duty  
22 transportation sector;

23 (7) support the efficient and cost-effective use of  
24 the electric grid in a manner that supports electric  
25 vehicle charging operations; and

26 (8) provide resources to support private investment in

1 charging equipment for uses in public and private charging  
2 applications, including residential, multi-family, fleet,  
3 transit, community, and corridor applications.

4 The plan shall be determined to be cost-beneficial if the  
5 total cost of beneficial electrification expenditures is less  
6 than the net present value of increased electricity costs  
7 (defined as marginal avoided energy, avoided capacity, and  
8 avoided transmission and distribution system costs) avoided by  
9 programs under the plan, the net present value of reductions  
10 in other customer energy costs, net revenue from all electric  
11 charging in the service territory, and the societal value of  
12 reduced carbon emissions and surface-level pollutants,  
13 particularly in environmental justice communities. The  
14 calculation of costs and benefits should be based on net  
15 impacts, including the impact on customer rates.

16 The Commission shall approve, approve with modifications,  
17 or reject the plan within 270 days from the date of filing. The  
18 Commission may approve the plan if it finds that the plan will  
19 achieve the goals described in this Section and contains the  
20 information described in this Section. Proceedings under this  
21 Section shall proceed according to the rules provided by  
22 Article IX of the Public Utilities Act. Information contained  
23 in the approved plan shall be considered part of the record in  
24 any Commission proceeding under Section 16-107.6 of the Public  
25 Utilities Act, provided that a final order has not been  
26 entered prior to the initial filing date. The Beneficial

1 Electrification Plan shall specifically address, at a minimum,  
2 the following:

3 (i) make-ready investments to facilitate the rapid  
4 deployment of charging equipment throughout the State,  
5 facilitate the electrification of public transit and other  
6 vehicle fleets in the light-duty, medium-duty, and  
7 heavy-duty sectors, and align with Agency-issued rebates  
8 for charging equipment;

9 (ii) the development and implementation of beneficial  
10 electrification programs, including time-of-use rates and  
11 their benefit for electric vehicle users and for all  
12 customers, optimized charging programs to achieve savings  
13 identified, and new contracts and compensation for  
14 services in those programs, through signals that allow  
15 electric vehicle charging to respond to local system  
16 conditions, manage critical peak periods, serve as a  
17 demand response or peak resource, and maximize renewable  
18 energy use and integration into the grid;

19 (iii) optional commercial tariffs utilizing  
20 alternatives to traditional demand-based rate structures  
21 to facilitate charging for light-duty, heavy-duty, ~~light~~  
22 ~~duty, heavy-duty,~~ and fleet electric vehicles;

23 (iv) financial and other challenges to electric  
24 vehicle usage in low-income communities, and strategies  
25 for overcoming those challenges, particularly in  
26 communities where and for people for whom car ownership is

1 not an option;

2 (v) methods of minimizing ratepayer impacts and  
3 exempting or minimizing, to the extent possible,  
4 low-income ratepayers from the costs associated with  
5 facilitating the expansion of electric vehicle charging;

6 (vi) plans to increase access to Level 3 Public  
7 Electric Vehicle Charging Infrastructure to serve vehicles  
8 that need quicker charging times and vehicles of persons  
9 who have no other access to charging infrastructure,  
10 regardless of whether those projects participate in  
11 optimized charging programs;

12 (vii) whether to establish charging standards for type  
13 of plugs eligible for investment or incentive programs,  
14 and if so, what standards;

15 (viii) opportunities for coordination and cohesion  
16 with electric vehicle and electric vehicle charging  
17 equipment incentives established by any agency,  
18 department, board, or commission of the State, any other  
19 unit of government in the State, any national programs, or  
20 any unit of the federal government;

21 (ix) ideas for the development of online tools,  
22 applications, and data sharing that provide essential  
23 information to those charging electric vehicles, and  
24 enable an automated charging response to price signals,  
25 emission signals, real-time renewable generation  
26 production, and other Commission-approved or

1 customer-desired indicators of beneficial charging times;  
2 and

3 (x) customer education, outreach, and incentive  
4 programs that increase awareness of the programs and the  
5 benefits of transportation electrification, including  
6 direct outreach to eligible communities.†

7 (e) Proceedings under this Section shall proceed according  
8 to the rules provided by Article IX of the Public Utilities  
9 Act. Information contained in the approved plan shall be  
10 considered part of the record in any Commission proceeding  
11 under Section 16-107.6 of the Public Utilities Act, provided  
12 that a final order has not been entered prior to the initial  
13 filing date.

14 (f) The utility shall file an update to the plan on July 1,  
15 2024 and every 3 years thereafter. This update shall describe  
16 transportation investments made during the prior plan period,  
17 investments planned for the following 24 months, and updates  
18 to the information required by this Section. Beginning with  
19 the first update, the utility shall develop the plan in  
20 conjunction with the distribution system planning process  
21 described in Section 16-105.17, including incorporation of  
22 stakeholder feedback from that process.

23 (g) Within 35 days after the utility files its report, the  
24 Commission shall, upon its own initiative, open an  
25 investigation regarding the utility's plan update to  
26 investigate whether the objectives described in this Section

1 are being achieved. The Commission shall determine whether  
2 investment targets should be increased based on achievement of  
3 spending goals outlined in the Beneficial Electrification Plan  
4 and consistency with outcomes directed in the plan stakeholder  
5 workshop report. If the Commission finds, after notice and  
6 hearing, that the utility's plan is materially deficient, the  
7 Commission shall issue an order requiring the utility to  
8 devise a corrective action plan, subject to Commission  
9 approval, to bring the plan into compliance with the goals of  
10 this Section. The Commission's order shall be entered within  
11 270 days after the utility files its annual report. The  
12 contents of a plan filed under this Section shall be available  
13 for evidence in Commission proceedings. However, omission from  
14 an approved plan shall not render any future utility  
15 expenditure to be considered unreasonable or imprudent. The  
16 Commission may, upon sufficient evidence, allow expenditures  
17 that were not part of any particular distribution plan. The  
18 Commission shall consider revenues from electric vehicles in  
19 the utility's service territory in evaluating the retail rate  
20 impact. The retail rate impact from the development of  
21 electric vehicle infrastructure shall not exceed 1% per year  
22 of the total annual revenue requirements of the utility.

23 (h) In meeting the requirements of this Section, the  
24 utility shall demonstrate efforts to increase the use of  
25 contractors and electric vehicle charging station installers  
26 that meet multiple workforce equity actions, including, but



1 not limited to:

2 (1) the business is headquartered in or the person  
3 resides in an eligible community;

4 (2) the business is majority owned by eligible person  
5 or the contractor is an eligible person;

6 (3) the business or person is certified by another  
7 municipal, State, federal, or other certification for  
8 disadvantaged businesses;

9 (4) the business or person meets the eligibility  
10 criteria for a certification program such as:

11 (A) certified under Section 2 of the Business  
12 Enterprise for Minorities, Women, and Persons with  
13 Disabilities Act;

14 (B) certified by another municipal, State,  
15 federal, or other certification for disadvantaged  
16 businesses;

17 (C) submits an affidavit showing that the vendor  
18 meets the eligibility criteria for a certification  
19 program such as those in items (A) and (B); ~~or~~

20 (D) if the vendor is a nonprofit, meets any of the  
21 criteria in those in item (A), (B), or (C) with the  
22 exception that the nonprofit is not required to meet  
23 any criteria related to being a for-profit entity, or  
24 is controlled by a board of directors that consists of  
25 51% or greater individuals who are equity investment  
26 eligible persons; or

1           (E) ensuring that program implementation  
2           contractors and electric vehicle charging station  
3           installers pay employees working on electric vehicle  
4           charging installations at or above the prevailing wage  
5           rate as published by the Department of Labor.

6           Utilities shall establish reporting procedures for vendors  
7           that ensure compliance with this subsection, but are  
8           structured to avoid, wherever possible, placing an undue  
9           administrative burden on vendors.

10          (i) Program data collection.

11           (1) In order to ensure that the benefits provided to  
12           Illinois residents and business by the clean energy  
13           economy are equitably distributed across the State, it is  
14           necessary to accurately measure the applicants and  
15           recipients of this Program. The purpose of this paragraph  
16           is to require the implementing utilities to collect all  
17           data from Program applicants and beneficiaries to track  
18           and improve equitable distribution of benefits across  
19           Illinois communities. The further purpose is to measure  
20           any potential impact of racial discrimination on the  
21           distribution of benefits and provide the utilities the  
22           information necessary to correct any discrimination  
23           through methods consistent with State and federal law.

24           (2) The implementing utilities shall collect  
25           demographic and geographic data for each applicant and  
26           each person or business awarded benefits or contracts

1 under this Program.

2 (3) The implementing utilities shall collect the  
3 following information from applicants and Program or  
4 procurement beneficiaries where applicable:

5 (A) demographic information, including racial or  
6 ethnic identity for real persons employed, contracted,  
7 or subcontracted through the program;

8 (B) demographic information, including racial or  
9 ethnic identity of business owners;

10 (C) geographic location of the residency of real  
11 persons or geographic location of the headquarters for  
12 businesses; and

13 (D) any other information necessary for the  
14 purpose of achieving the purpose of this paragraph.

15 (4) The utility shall publish, at least annually,  
16 aggregated information on the demographics of program and  
17 procurement applicants and beneficiaries. The utilities  
18 shall protect personal and confidential business  
19 information as necessary.

20 (5) The utilities shall conduct a regular review  
21 process to confirm the accuracy of reported data.

22 (6) On a quarterly basis, utilities shall collect data  
23 necessary to ensure compliance with this Section and shall  
24 communicate progress toward compliance to program  
25 implementation contractors and electric vehicle charging  
26 station installation vendors.

1           (7) Utilities filing Beneficial Electrification Plans  
2           under this Section shall report annually to the Illinois  
3           Commerce Commission and the General Assembly on how  
4           hiring, contracting, job training, and other practices  
5           related to its Beneficial electrification programs enhance  
6           the diversity of vendors working on such programs. These  
7           reports must include data on vendor and employee  
8           diversity.

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

11          (Source: P.A. 102-662, eff. 9-15-21; 102-820, eff. 5-13-22;  
12          revised 9-14-22.)

13          Section 80. The Renewable Energy, Energy Efficiency, and  
14          Coal Resources Development Law of 1997 is amended by changing  
15          Section 6-5 as follows:

16                 (20 ILCS 687/6-5)

17                 (Section scheduled to be repealed on December 31, 2025)

18                 Sec. 6-5. Renewable Energy Resources and Coal Technology  
19          Development Assistance Charge.

20                 (a) Notwithstanding the provisions of Section 16-111 of  
21          the Public Utilities Act but subject to subsection (e) of this  
22          Section, each public utility, electric cooperative, as defined  
23          in Section 3.4 of the Electric Supplier Act, and municipal  
24          utility, as referenced in Section 3-105 of the Public

1 Utilities Act, that is engaged in the delivery of electricity  
2 or the distribution of natural gas within the State of  
3 Illinois shall, effective January 1, 1998, assess each of its  
4 customer accounts a monthly Renewable Energy Resources and  
5 Coal Technology Development Assistance Charge. The delivering  
6 public utility, municipal electric or gas utility, or electric  
7 or gas cooperative for a self-assessing purchaser remains  
8 subject to the collection of the fee imposed by this Section.  
9 The monthly charge shall be as follows:

10 (1) \$0.05 per month on each account for residential  
11 electric service as defined in Section 13 of the Energy  
12 Assistance Act;

13 (2) \$0.05 per month on each account for residential  
14 gas service as defined in Section 13 of the Energy  
15 Assistance Act;

16 (3) \$0.50 per month on each account for nonresidential  
17 electric service, as defined in Section 13 of the Energy  
18 Assistance Act, which had less than 10 megawatts of peak  
19 demand during the previous calendar year;

20 (4) \$0.50 per month on each account for nonresidential  
21 gas service, as defined in Section 13 of the Energy  
22 Assistance Act, which had distributed to it less than  
23 4,000,000 therms of gas during the previous calendar year;

24 (5) \$37.50 per month on each account for  
25 nonresidential electric service, as defined in Section 13  
26 of the Energy Assistance Act, which had 10 megawatts or

1 greater of peak demand during the previous calendar year;  
2 and

3 (6) \$37.50 per month on each account for  
4 nonresidential gas service, as defined in Section 13 of  
5 the Energy Assistance Act, which had 4,000,000 or more  
6 therms of gas distributed to it during the previous  
7 calendar year.

8 (b) The Renewable Energy Resources and Coal Technology  
9 Development Assistance Charge assessed by electric and gas  
10 public utilities shall be considered a charge for public  
11 utility service.

12 (c) Fifty percent of the moneys collected pursuant to this  
13 Section shall be deposited in the Renewable Energy Resources  
14 Trust Fund by the Department of Revenue. From those funds,  
15 \$2,000,000 may be used annually by the Environmental  
16 Protection Agency to provide grants to the Illinois Green  
17 Economy Network for the purposes of funding education and  
18 training for renewable energy and energy efficiency technology  
19 and for the operation and services of the Illinois Green  
20 Economy Network. The remaining 50 percent of the moneys  
21 collected pursuant to this Section shall be deposited in the  
22 Coal Technology Development Assistance Fund by the Department  
23 of Revenue for the exclusive purposes of (1) capturing or  
24 sequestering carbon emissions produced by coal combustion; (2)  
25 supporting research on the capture and sequestration of carbon  
26 emissions produced by coal combustion; and (3) improving coal

1 miner safety.

2 (d) By the 20th day of the month following the month in  
3 which the charges imposed by this Section were collected, each  
4 utility and alternative retail electric supplier collecting  
5 charges pursuant to this Section shall remit to the Department  
6 of Revenue for deposit in the Renewable Energy Resources Trust  
7 Fund and the Coal Technology Development Assistance Fund all  
8 moneys received as payment of the charge provided for in this  
9 Section on a return prescribed and furnished by the Department  
10 of Revenue showing such information as the Department of  
11 Revenue may reasonably require.

12 If any payment provided for in this Section exceeds the  
13 utility or alternative ~~alternate~~ retail electric supplier's  
14 liabilities under this Act, as shown on an original return,  
15 the utility or alternative retail electric supplier may credit  
16 the excess payment against liability subsequently to be  
17 remitted to the Department of Revenue under this Act.

18 (e) The charges imposed by this Section shall only apply  
19 to customers of municipal electric or gas utilities and  
20 electric or gas cooperatives if the municipal electric or gas  
21 utility or electric or gas cooperative makes an affirmative  
22 decision to impose the charge. If a municipal electric or gas  
23 utility or an electric or gas cooperative makes an affirmative  
24 decision to impose the charge provided by this Section, the  
25 municipal electric or gas utility or electric or gas  
26 cooperative shall inform the Department of Revenue in writing

1 of such decision when it begins to impose the charge. If a  
2 municipal electric or gas utility or electric or gas  
3 cooperative does not assess this charge, its customers shall  
4 not be eligible for the Renewable Energy Resources Program.

5 (f) The Department of Revenue may establish such rules as  
6 it deems necessary to implement this Section.

7 (Source: P.A. 102-444, eff. 8-20-21; revised 9-13-22.)

8 Section 85. The Financial Institutions Code is amended by  
9 changing Section 6 as follows:

10 (20 ILCS 1205/6)

11 Sec. 6. General powers and duties. In addition to the  
12 powers and duties provided by law and imposed elsewhere in  
13 this Act, the Division has the following powers and duties:

14 (1) To administer and enforce the Consumer Installment  
15 Loan Act and its implementing rules.

16 (2) To administer and enforce the Currency Exchange  
17 Act and its implementing rules. ~~the Currency Exchange Act~~

18 (3) To administer and enforce the Debt Management  
19 Service Act and its implementing rules.

20 (4) To administer and enforce the Debt Settlement  
21 Consumer Protection Act and its implementing rules.

22 (5) To administer and enforce the Illinois Development  
23 Credit Corporation Act and its implementing rules.

24 (6) To administer and enforce the Payday Loan Reform



1 Act and its implementing rules. ~~the Safety Deposit License~~  
2 ~~Act~~

3 (7) To administer and enforce the Safety Deposit  
4 License Act and its implementing rules.

5 (8) To administer and enforce the Sales Finance Agency  
6 Act and its implementing rules.

7 (9) To administer and enforce the Title Insurance Act  
8 and its implementing rules.

9 (10) To administer and enforce the Transmitters of  
10 Money Act and its implementing rules.

11 (11) To administer and enforce the Predatory Loan  
12 Prevention Act and its implementing rules.

13 (12) To administer and enforce the Motor Vehicle  
14 Retail Installment Sales Act and its implementing rules.

15 (13) To administer and enforce the Retail Installment  
16 Sales Act and its implementing rules.

17 (14) To administer and enforce the Illinois Credit  
18 Union Act and its implementing rules.

19 (15) To administer and enforce the Collection Agency  
20 Act and its implementing rules.

21 (16) To administer and enforce any other Act  
22 administered by the Director or Division.

23 (17) If the Division is authorized or required by law  
24 to consider some aspect of criminal history record  
25 information for the purpose of carrying out its statutory  
26 powers and responsibilities, to obtain from the Illinois

1 State Police, upon request and payment of the fees  
2 required by the Illinois State Police Law of the Civil  
3 Administrative Code of Illinois, pursuant to positive  
4 identification, such information contained in State files  
5 as is necessary to carry out the duties of the Division.

6 (18) To authorize and administer examinations to  
7 ascertain the qualifications of applicants and licensees  
8 for which the examination is held.

9 (19) To conduct hearings in proceedings to revoke,  
10 suspend, refuse to renew, or take other disciplinary  
11 action regarding licenses, charters, certifications,  
12 registrations, or authorities of persons as authorized in  
13 any Act administered by the Division.

14 (Source: P.A. 101-658, eff. 3-23-21; 102-538, eff. 8-20-21;  
15 102-813, eff. 5-13-22; 102-975, eff. 1-1-23; revised  
16 12-13-22.)

17 Section 90. The Department of Human Services Act is  
18 amended by changing Section 1-17 and by setting forth and  
19 renumbering multiple versions of Section 1-75 as follows:

20 (20 ILCS 1305/1-17)

21 Sec. 1-17. Inspector General.

22 (a) Nature and purpose. It is the express intent of the  
23 General Assembly to ensure the health, safety, and financial  
24 condition of individuals receiving services in this State due

1 to mental illness, developmental disability, or both by  
2 protecting those persons from acts of abuse, neglect, or both  
3 by service providers. To that end, the Office of the Inspector  
4 General for the Department of Human Services is created to  
5 investigate and report upon allegations of the abuse, neglect,  
6 or financial exploitation of individuals receiving services  
7 within mental health facilities, developmental disabilities  
8 facilities, and community agencies operated, licensed, funded,  
9 or certified by the Department of Human Services, but not  
10 licensed or certified by any other State agency.

11 (b) Definitions. The following definitions apply to this  
12 Section:

13 "Agency" or "community agency" means (i) a community  
14 agency licensed, funded, or certified by the Department, but  
15 not licensed or certified by any other human services agency  
16 of the State, to provide mental health service or  
17 developmental disabilities service, or (ii) a program  
18 licensed, funded, or certified by the Department, but not  
19 licensed or certified by any other human services agency of  
20 the State, to provide mental health service or developmental  
21 disabilities service.

22 "Aggravating circumstance" means a factor that is  
23 attendant to a finding and that tends to compound or increase  
24 the culpability of the accused.

25 "Allegation" means an assertion, complaint, suspicion, or  
26 incident involving any of the following conduct by an

1 employee, facility, or agency against an individual or  
2 individuals: mental abuse, physical abuse, sexual abuse,  
3 neglect, or financial exploitation.

4 "Day" means working day, unless otherwise specified.

5 "Deflection" means a situation in which an individual is  
6 presented for admission to a facility or agency, and the  
7 facility staff or agency staff do not admit the individual.  
8 "Deflection" includes triage, redirection, and denial of  
9 admission.

10 "Department" means the Department of Human Services.

11 "Developmental disability" means "developmental  
12 disability" as defined in the Mental Health and Developmental  
13 Disabilities Code.

14 "Egregious neglect" means a finding of neglect as  
15 determined by the Inspector General that (i) represents a  
16 gross failure to adequately provide for, or a callused  
17 indifference to, the health, safety, or medical needs of an  
18 individual and (ii) results in an individual's death or other  
19 serious deterioration of an individual's physical condition or  
20 mental condition.

21 "Employee" means any person who provides services at the  
22 facility or agency on-site or off-site. The service  
23 relationship can be with the individual or with the facility  
24 or agency. Also, "employee" includes any employee or  
25 contractual agent of the Department of Human Services or the  
26 community agency involved in providing or monitoring or

1 administering mental health or developmental disability  
2 services. This includes but is not limited to: owners,  
3 operators, payroll personnel, contractors, subcontractors, and  
4 volunteers.

5 "Facility" or "State-operated facility" means a mental  
6 health facility or developmental disabilities facility  
7 operated by the Department.

8 "Financial exploitation" means taking unjust advantage of  
9 an individual's assets, property, or financial resources  
10 through deception, intimidation, or conversion for the  
11 employee's, facility's, or agency's own advantage or benefit.

12 "Finding" means the Office of Inspector General's  
13 determination regarding whether an allegation is  
14 substantiated, unsubstantiated, or unfounded.

15 "Health Care Worker Registry" or "Registry" means the  
16 Health Care Worker Registry under the Health Care Worker  
17 Background Check Act.

18 "Individual" means any person receiving mental health  
19 service, developmental disabilities service, or both from a  
20 facility or agency, while either on-site or off-site.

21 "Mental abuse" means the use of demeaning, intimidating,  
22 or threatening words, signs, gestures, or other actions by an  
23 employee about an individual and in the presence of an  
24 individual or individuals that results in emotional distress  
25 or maladaptive behavior, or could have resulted in emotional  
26 distress or maladaptive behavior, for any individual present.

1 "Mental illness" means "mental illness" as defined in the  
2 Mental Health and Developmental Disabilities Code.

3 "Mentally ill" means having a mental illness.

4 "Mitigating circumstance" means a condition that (i) is  
5 attendant to a finding, (ii) does not excuse or justify the  
6 conduct in question, but (iii) may be considered in evaluating  
7 the severity of the conduct, the culpability of the accused,  
8 or both the severity of the conduct and the culpability of the  
9 accused.

10 "Neglect" means an employee's, agency's, or facility's  
11 failure to provide adequate medical care, personal care, or  
12 maintenance and that, as a consequence, (i) causes an  
13 individual pain, injury, or emotional distress, (ii) results  
14 in either an individual's maladaptive behavior or the  
15 deterioration of an individual's physical condition or mental  
16 condition, or (iii) places the individual's health or safety  
17 at substantial risk.

18 "Person with a developmental disability" means a person  
19 having a developmental disability.

20 "Physical abuse" means an employee's non-accidental and  
21 inappropriate contact with an individual that causes bodily  
22 harm. "Physical abuse" includes actions that cause bodily harm  
23 as a result of an employee directing an individual or person to  
24 physically abuse another individual.

25 "Recommendation" means an admonition, separate from a  
26 finding, that requires action by the facility, agency, or

1 Department to correct a systemic issue, problem, or deficiency  
2 identified during an investigation.

3 "Required reporter" means any employee who suspects,  
4 witnesses, or is informed of an allegation of any one or more  
5 of the following: mental abuse, physical abuse, sexual abuse,  
6 neglect, or financial exploitation.

7 "Secretary" means the Chief Administrative Officer of the  
8 Department.

9 "Sexual abuse" means any sexual contact or intimate  
10 physical contact between an employee and an individual,  
11 including an employee's coercion or encouragement of an  
12 individual to engage in sexual behavior that results in sexual  
13 contact, intimate physical contact, sexual behavior, or  
14 intimate physical behavior. Sexual abuse also includes (i) an  
15 employee's actions that result in the sending or showing of  
16 sexually explicit images to an individual via computer,  
17 cellular phone, electronic mail, portable electronic device,  
18 or other media with or without contact with the individual or  
19 (ii) an employee's posting of sexually explicit images of an  
20 individual online or elsewhere whether or not there is contact  
21 with the individual.

22 "Sexually explicit images" includes, but is not limited  
23 to, any material which depicts nudity, sexual conduct, or  
24 sado-masochistic abuse, or which contains explicit and  
25 detailed verbal descriptions or narrative accounts of sexual  
26 excitement, sexual conduct, or sado-masochistic abuse.

1 "Substantiated" means there is a preponderance of the  
2 evidence to support the allegation.

3 "Unfounded" means there is no credible evidence to support  
4 the allegation.

5 "Unsubstantiated" means there is credible evidence, but  
6 less than a preponderance of evidence to support the  
7 allegation.

8 (c) Appointment. The Governor shall appoint, and the  
9 Senate shall confirm, an Inspector General. The Inspector  
10 General shall be appointed for a term of 4 years and shall  
11 function within the Department of Human Services and report to  
12 the Secretary and the Governor.

13 (d) Operation and appropriation. The Inspector General  
14 shall function independently within the Department with  
15 respect to the operations of the Office, including the  
16 performance of investigations and issuance of findings and  
17 recommendations. The appropriation for the Office of Inspector  
18 General shall be separate from the overall appropriation for  
19 the Department.

20 (e) Powers and duties. The Inspector General shall  
21 investigate reports of suspected mental abuse, physical abuse,  
22 sexual abuse, neglect, or financial exploitation of  
23 individuals in any mental health or developmental disabilities  
24 facility or agency and shall have authority to take immediate  
25 action to prevent any one or more of the following from  
26 happening to individuals under its jurisdiction: mental abuse,



1 physical abuse, sexual abuse, neglect, or financial  
2 exploitation. Upon written request of an agency of this State,  
3 the Inspector General may assist another agency of the State  
4 in investigating reports of the abuse, neglect, or abuse and  
5 neglect of persons with mental illness, persons with  
6 developmental disabilities, or persons with both. To comply  
7 with the requirements of subsection (k) of this Section, the  
8 Inspector General shall also review all reportable deaths for  
9 which there is no allegation of abuse or neglect. Nothing in  
10 this Section shall preempt any duties of the Medical Review  
11 Board set forth in the Mental Health and Developmental  
12 Disabilities Code. The Inspector General shall have no  
13 authority to investigate alleged violations of the State  
14 Officials and Employees Ethics Act. Allegations of misconduct  
15 under the State Officials and Employees Ethics Act shall be  
16 referred to the Office of the Governor's Executive Inspector  
17 General for investigation.

18 (f) Limitations. The Inspector General shall not conduct  
19 an investigation within an agency or facility if that  
20 investigation would be redundant to or interfere with an  
21 investigation conducted by another State agency. The Inspector  
22 General shall have no supervision over, or involvement in, the  
23 routine programmatic, licensing, funding, or certification  
24 operations of the Department. Nothing in this subsection  
25 limits investigations by the Department that may otherwise be  
26 required by law or that may be necessary in the Department's

1 capacity as central administrative authority responsible for  
2 the operation of the State's mental health and developmental  
3 disabilities facilities.

4 (g) Rulemaking authority. The Inspector General shall  
5 promulgate rules establishing minimum requirements for  
6 reporting allegations as well as for initiating, conducting,  
7 and completing investigations based upon the nature of the  
8 allegation or allegations. The rules shall clearly establish  
9 that if 2 or more State agencies could investigate an  
10 allegation, the Inspector General shall not conduct an  
11 investigation that would be redundant to, or interfere with,  
12 an investigation conducted by another State agency. The rules  
13 shall further clarify the method and circumstances under which  
14 the Office of Inspector General may interact with the  
15 licensing, funding, or certification units of the Department  
16 in preventing further occurrences of mental abuse, physical  
17 abuse, sexual abuse, neglect, egregious neglect, and financial  
18 exploitation.

19 (h) Training programs. The Inspector General shall (i)  
20 establish a comprehensive program to ensure that every person  
21 authorized to conduct investigations receives ongoing training  
22 relative to investigation techniques, communication skills,  
23 and the appropriate means of interacting with persons  
24 receiving treatment for mental illness, developmental  
25 disability, or both mental illness and developmental  
26 disability, and (ii) establish and conduct periodic training

1 programs for facility and agency employees concerning the  
2 prevention and reporting of any one or more of the following:  
3 mental abuse, physical abuse, sexual abuse, neglect, egregious  
4 neglect, or financial exploitation. The Inspector General  
5 shall further ensure (i) every person authorized to conduct  
6 investigations at community agencies receives ongoing training  
7 in Title 59, Parts 115, 116, and 119 of the Illinois  
8 Administrative Code, and (ii) every person authorized to  
9 conduct investigations shall receive ongoing training in Title  
10 59, Part 50 of the Illinois Administrative Code. Nothing in  
11 this Section shall be deemed to prevent the Office of  
12 Inspector General from conducting any other training as  
13 determined by the Inspector General to be necessary or  
14 helpful.

15 (i) Duty to cooperate.

16 (1) The Inspector General shall at all times be  
17 granted access to any facility or agency for the purpose  
18 of investigating any allegation, conducting unannounced  
19 site visits, monitoring compliance with a written  
20 response, or completing any other statutorily assigned  
21 duty. The Inspector General shall conduct unannounced site  
22 visits to each facility at least annually for the purpose  
23 of reviewing and making recommendations on systemic issues  
24 relative to preventing, reporting, investigating, and  
25 responding to all of the following: mental abuse, physical  
26 abuse, sexual abuse, neglect, egregious neglect, or

1 financial exploitation.

2 (2) Any employee who fails to cooperate with an Office  
3 of the Inspector General investigation is in violation of  
4 this Act. Failure to cooperate with an investigation  
5 includes, but is not limited to, any one or more of the  
6 following: (i) creating and transmitting a false report to  
7 the Office of the Inspector General hotline, (ii)  
8 providing false information to an Office of the Inspector  
9 General Investigator during an investigation, (iii)  
10 colluding with other employees to cover up evidence, (iv)  
11 colluding with other employees to provide false  
12 information to an Office of the Inspector General  
13 investigator, (v) destroying evidence, (vi) withholding  
14 evidence, or (vii) otherwise obstructing an Office of the  
15 Inspector General investigation. Additionally, any  
16 employee who, during an unannounced site visit or written  
17 response compliance check, fails to cooperate with  
18 requests from the Office of the Inspector General is in  
19 violation of this Act.

20 (j) Subpoena powers. The Inspector General shall have the  
21 power to subpoena witnesses and compel the production of all  
22 documents and physical evidence relating to his or her  
23 investigations and any hearings authorized by this Act. This  
24 subpoena power shall not extend to persons or documents of a  
25 labor organization or its representatives insofar as the  
26 persons are acting in a representative capacity to an employee

1 whose conduct is the subject of an investigation or the  
2 documents relate to that representation. Any person who  
3 otherwise fails to respond to a subpoena or who knowingly  
4 provides false information to the Office of the Inspector  
5 General by subpoena during an investigation is guilty of a  
6 Class A misdemeanor.

7 (k) Reporting allegations and deaths.

8 (1) Allegations. If an employee witnesses, is told of,  
9 or has reason to believe an incident of mental abuse,  
10 physical abuse, sexual abuse, neglect, or financial  
11 exploitation has occurred, the employee, agency, or  
12 facility shall report the allegation by phone to the  
13 Office of the Inspector General hotline according to the  
14 agency's or facility's procedures, but in no event later  
15 than 4 hours after the initial discovery of the incident,  
16 allegation, or suspicion of any one or more of the  
17 following: mental abuse, physical abuse, sexual abuse,  
18 neglect, or financial exploitation. A required reporter as  
19 defined in subsection (b) of this Section who knowingly or  
20 intentionally fails to comply with these reporting  
21 requirements is guilty of a Class A misdemeanor.

22 (2) Deaths. Absent an allegation, a required reporter  
23 shall, within 24 hours after initial discovery, report by  
24 phone to the Office of the Inspector General hotline each  
25 of the following:

26 (i) Any death of an individual occurring within 14

1 calendar days after discharge or transfer of the  
2 individual from a residential program or facility.

3 (ii) Any death of an individual occurring within  
4 24 hours after deflection from a residential program  
5 or facility.

6 (iii) Any other death of an individual occurring  
7 at an agency or facility or at any Department-funded  
8 site.

9 (3) Retaliation. It is a violation of this Act for any  
10 employee or administrator of an agency or facility to take  
11 retaliatory action against an employee who acts in good  
12 faith in conformance with his or her duties as a required  
13 reporter.

14 (1) Reporting to law enforcement. Reporting criminal acts.  
15 Within 24 hours after determining that there is credible  
16 evidence indicating that a criminal act may have been  
17 committed or that special expertise may be required in an  
18 investigation, the Inspector General shall notify the Illinois  
19 State Police or other appropriate law enforcement authority,  
20 or ensure that such notification is made. The Illinois State  
21 Police shall investigate any report from a State-operated  
22 facility indicating a possible murder, sexual assault, or  
23 other felony by an employee. All investigations conducted by  
24 the Inspector General shall be conducted in a manner designed  
25 to ensure the preservation of evidence for possible use in a  
26 criminal prosecution.

1 (m) Investigative reports. Upon completion of an  
2 investigation, the Office of Inspector General shall issue an  
3 investigative report identifying whether the allegations are  
4 substantiated, unsubstantiated, or unfounded. Within 10  
5 business days after the transmittal of a completed  
6 investigative report substantiating an allegation, finding an  
7 allegation is unsubstantiated, or if a recommendation is made,  
8 the Inspector General shall provide the investigative report  
9 on the case to the Secretary and to the director of the  
10 facility or agency where any one or more of the following  
11 occurred: mental abuse, physical abuse, sexual abuse, neglect,  
12 egregious neglect, or financial exploitation. The director of  
13 the facility or agency shall be responsible for maintaining  
14 the confidentiality of the investigative report consistent  
15 with State and federal law. In a substantiated case, the  
16 investigative report shall include any mitigating or  
17 aggravating circumstances that were identified during the  
18 investigation. If the case involves substantiated neglect, the  
19 investigative report shall also state whether egregious  
20 neglect was found. An investigative report may also set forth  
21 recommendations. All investigative reports prepared by the  
22 Office of the Inspector General shall be considered  
23 confidential and shall not be released except as provided by  
24 the law of this State or as required under applicable federal  
25 law. Unsubstantiated and unfounded reports shall not be  
26 disclosed except as allowed under Section 6 of the Abused and

1 Neglected Long Term Care Facility Residents Reporting Act. Raw  
2 data used to compile the investigative report shall not be  
3 subject to release unless required by law or a court order.  
4 "Raw data used to compile the investigative report" includes,  
5 but is not limited to, any one or more of the following: the  
6 initial complaint, witness statements, photographs,  
7 investigator's notes, police reports, or incident reports. If  
8 the allegations are substantiated, the victim, the victim's  
9 guardian, and the accused shall be provided with a redacted  
10 copy of the investigative report. Death reports where there  
11 was no allegation of abuse or neglect shall only be released  
12 pursuant to applicable State or federal law or a valid court  
13 order. Unredacted investigative reports, as well as raw data,  
14 may be shared with a local law enforcement entity, a State's  
15 Attorney's office, or a county coroner's office upon written  
16 request.

17 (n) Written responses, clarification requests, and  
18 reconsideration requests.

19 (1) Written responses. Within 30 calendar days from  
20 receipt of a substantiated investigative report or an  
21 investigative report which contains recommendations,  
22 absent a reconsideration request, the facility or agency  
23 shall file a written response that addresses, in a concise  
24 and reasoned manner, the actions taken to: (i) protect the  
25 individual; (ii) prevent recurrences; and (iii) eliminate  
26 the problems identified. The response shall include the



1 implementation and completion dates of such actions. If  
2 the written response is not filed within the allotted 30  
3 calendar day period, the Secretary shall determine the  
4 appropriate corrective action to be taken.

5 (2) Requests for clarification. The facility, agency,  
6 victim or guardian, or the subject employee may request  
7 that the Office of Inspector General clarify the finding  
8 or findings for which clarification is sought.

9 (3) Requests for reconsideration. The facility,  
10 agency, victim or guardian, or the subject employee may  
11 request that the Office of the Inspector General  
12 reconsider the finding or findings or the recommendations.  
13 A request for reconsideration shall be subject to a  
14 multi-layer review and shall include at least one reviewer  
15 who did not participate in the investigation or approval  
16 of the original investigative report. After the  
17 multi-layer review process has been completed, the  
18 Inspector General shall make the final determination on  
19 the reconsideration request. The investigation shall be  
20 reopened if the reconsideration determination finds that  
21 additional information is needed to complete the  
22 investigative record.

23 (o) Disclosure of the finding by the Inspector General.  
24 The Inspector General shall disclose the finding of an  
25 investigation to the following persons: (i) the Governor, (ii)  
26 the Secretary, (iii) the director of the facility or agency,

1 (iv) the alleged victims and their guardians, (v) the  
2 complainant, and (vi) the accused. This information shall  
3 include whether the allegations were deemed substantiated,  
4 unsubstantiated, or unfounded.

5 (p) Secretary review. Upon review of the Inspector  
6 General's investigative report and any agency's or facility's  
7 written response, the Secretary shall accept or reject the  
8 written response and notify the Inspector General of that  
9 determination. The Secretary may further direct that other  
10 administrative action be taken, including, but not limited to,  
11 any one or more of the following: (i) additional site visits,  
12 (ii) training, (iii) provision of technical assistance  
13 relative to administrative needs, licensure, or certification,  
14 or (iv) the imposition of appropriate sanctions.

15 (q) Action by facility or agency. Within 30 days of the  
16 date the Secretary approves the written response or directs  
17 that further administrative action be taken, the facility or  
18 agency shall provide an implementation report to the Inspector  
19 General that provides the status of the action taken. The  
20 facility or agency shall be allowed an additional 30 days to  
21 send notice of completion of the action or to send an updated  
22 implementation report. If the action has not been completed  
23 within the additional 30-day period, the facility or agency  
24 shall send updated implementation reports every 60 days until  
25 completion. The Inspector General shall conduct a review of  
26 any implementation plan that takes more than 120 days after

1 approval to complete, and shall monitor compliance through a  
2 random review of approved written responses, which may  
3 include, but are not limited to: (i) site visits, (ii)  
4 telephone contact, and (iii) requests for additional  
5 documentation evidencing compliance.

6 (r) Sanctions. Sanctions, if imposed by the Secretary  
7 under Subdivision (p)(iv) of this Section, shall be designed  
8 to prevent further acts of mental abuse, physical abuse,  
9 sexual abuse, neglect, egregious neglect, or financial  
10 exploitation or some combination of one or more of those acts  
11 at a facility or agency, and may include any one or more of the  
12 following:

13 (1) Appointment of on-site monitors.

14 (2) Transfer or relocation of an individual or  
15 individuals.

16 (3) Closure of units.

17 (4) Termination of any one or more of the following:

18 (i) Department licensing, (ii) funding, or (iii)  
19 certification.

20 The Inspector General may seek the assistance of the  
21 Illinois Attorney General or the office of any State's  
22 Attorney in implementing sanctions.

23 (s) Health Care Worker Registry.

24 (1) Reporting to the Registry. The Inspector General  
25 shall report to the Department of Public Health's Health  
26 Care Worker Registry, a public registry, the identity and

1 finding of each employee of a facility or agency against  
2 whom there is a final investigative report prepared by the  
3 Office of the Inspector General containing a substantiated  
4 allegation of physical or sexual abuse, financial  
5 exploitation, or egregious neglect of an individual,  
6 unless the Inspector General requests a stipulated  
7 disposition of the investigative report that does not  
8 include the reporting of the employee's name to the Health  
9 Care Worker Registry and the Secretary of Human Services  
10 agrees with the requested stipulated disposition.

11 (2) Notice to employee. Prior to reporting the name of  
12 an employee, the employee shall be notified of the  
13 Department's obligation to report and shall be granted an  
14 opportunity to request an administrative hearing, the sole  
15 purpose of which is to determine if the substantiated  
16 finding warrants reporting to the Registry. Notice to the  
17 employee shall contain a clear and concise statement of  
18 the grounds on which the report to the Registry is based,  
19 offer the employee an opportunity for a hearing, and  
20 identify the process for requesting such a hearing. Notice  
21 is sufficient if provided by certified mail to the  
22 employee's last known address. If the employee fails to  
23 request a hearing within 30 days from the date of the  
24 notice, the Inspector General shall report the name of the  
25 employee to the Registry. Nothing in this subdivision  
26 (s)(2) shall diminish or impair the rights of a person who

1 is a member of a collective bargaining unit under the  
2 Illinois Public Labor Relations Act or under any other  
3 federal labor statute.

4 (3) Registry hearings. If the employee requests an  
5 administrative hearing, the employee shall be granted an  
6 opportunity to appear before an administrative law judge  
7 to present reasons why the employee's name should not be  
8 reported to the Registry. The Department shall bear the  
9 burden of presenting evidence that establishes, by a  
10 preponderance of the evidence, that the substantiated  
11 finding warrants reporting to the Registry. After  
12 considering all the evidence presented, the administrative  
13 law judge shall make a recommendation to the Secretary as  
14 to whether the substantiated finding warrants reporting  
15 the name of the employee to the Registry. The Secretary  
16 shall render the final decision. The Department and the  
17 employee shall have the right to request that the  
18 administrative law judge consider a stipulated disposition  
19 of these proceedings.

20 (4) Testimony at Registry hearings. A person who makes  
21 a report or who investigates a report under this Act shall  
22 testify fully in any judicial proceeding resulting from  
23 such a report, as to any evidence of abuse or neglect, or  
24 the cause thereof. No evidence shall be excluded by reason  
25 of any common law or statutory privilege relating to  
26 communications between the alleged perpetrator of abuse or

1 neglect, or the individual alleged as the victim in the  
2 report, and the person making or investigating the report.  
3 Testimony at hearings is exempt from the confidentiality  
4 requirements of subsection (f) of Section 10 of the Mental  
5 Health and Developmental Disabilities Confidentiality Act.

6 (5) Employee's rights to collateral action. No  
7 reporting to the Registry shall occur and no hearing shall  
8 be set or proceed if an employee notifies the Inspector  
9 General in writing, including any supporting  
10 documentation, that he or she is formally contesting an  
11 adverse employment action resulting from a substantiated  
12 finding by complaint filed with the Illinois Civil Service  
13 Commission, or which otherwise seeks to enforce the  
14 employee's rights pursuant to any applicable collective  
15 bargaining agreement. If an action taken by an employer  
16 against an employee as a result of a finding of physical  
17 abuse, sexual abuse, or egregious neglect is overturned  
18 through an action filed with the Illinois Civil Service  
19 Commission or under any applicable collective bargaining  
20 agreement and if that employee's name has already been  
21 sent to the Registry, the employee's name shall be removed  
22 from the Registry.

23 (6) Removal from Registry. At any time after the  
24 report to the Registry, but no more than once in any  
25 12-month period, an employee may petition the Department  
26 in writing to remove his or her name from the Registry.

1           Upon receiving notice of such request, the Inspector  
2           General shall conduct an investigation into the petition.

3           Upon receipt of such request, an administrative hearing  
4           will be set by the Department. At the hearing, the  
5           employee shall bear the burden of presenting evidence that  
6           establishes, by a preponderance of the evidence, that  
7           removal of the name from the Registry is in the public  
8           interest. The parties may jointly request that the  
9           administrative law judge consider a stipulated disposition  
10          of these proceedings.

11          (t) Review of Administrative Decisions. The Department  
12          shall preserve a record of all proceedings at any formal  
13          hearing conducted by the Department involving Health Care  
14          Worker Registry hearings. Final administrative decisions of  
15          the Department are subject to judicial review pursuant to  
16          provisions of the Administrative Review Law.

17          (u) Quality Care Board. There is created, within the  
18          Office of the Inspector General, a Quality Care Board to be  
19          composed of 7 members appointed by the Governor with the  
20          advice and consent of the Senate. One of the members shall be  
21          designated as chairman by the Governor. Of the initial  
22          appointments made by the Governor, 4 Board members shall each  
23          be appointed for a term of 4 years and 3 members shall each be  
24          appointed for a term of 2 years. Upon the expiration of each  
25          member's term, a successor shall be appointed for a term of 4  
26          years. In the case of a vacancy in the office of any member,

1 the Governor shall appoint a successor for the remainder of  
2 the unexpired term.

3 Members appointed by the Governor shall be qualified by  
4 professional knowledge or experience in the area of law,  
5 investigatory techniques, or in the area of care of the  
6 mentally ill or care of persons with developmental  
7 disabilities. Two members appointed by the Governor shall be  
8 persons with a disability or parents of persons with a  
9 disability. Members shall serve without compensation, but  
10 shall be reimbursed for expenses incurred in connection with  
11 the performance of their duties as members.

12 The Board shall meet quarterly, and may hold other  
13 meetings on the call of the chairman. Four members shall  
14 constitute a quorum allowing the Board to conduct its  
15 business. The Board may adopt rules and regulations it deems  
16 necessary to govern its own procedures.

17 The Board shall monitor and oversee the operations,  
18 policies, and procedures of the Inspector General to ensure  
19 the prompt and thorough investigation of allegations of  
20 neglect and abuse. In fulfilling these responsibilities, the  
21 Board may do the following:

22 (1) Provide independent, expert consultation to the  
23 Inspector General on policies and protocols for  
24 investigations of alleged abuse, neglect, or both abuse  
25 and neglect.

26 (2) Review existing regulations relating to the



1 operation of facilities.

2 (3) Advise the Inspector General as to the content of  
3 training activities authorized under this Section.

4 (4) Recommend policies concerning methods for  
5 improving the intergovernmental relationships between the  
6 Office of the Inspector General and other State or federal  
7 offices.

8 (v) Annual report. The Inspector General shall provide to  
9 the General Assembly and the Governor, no later than January 1  
10 of each year, a summary of reports and investigations made  
11 under this Act for the prior fiscal year with respect to  
12 individuals receiving mental health or developmental  
13 disabilities services. The report shall detail the imposition  
14 of sanctions, if any, and the final disposition of any  
15 corrective or administrative action directed by the Secretary.  
16 The summaries shall not contain any confidential or  
17 identifying information of any individual, but shall include  
18 objective data identifying any trends in the number of  
19 reported allegations, the timeliness of the Office of the  
20 Inspector General's investigations, and their disposition, for  
21 each facility and Department-wide, for the most recent 3-year  
22 time period. The report shall also identify, by facility, the  
23 staff-to-patient ratios taking account of direct care staff  
24 only. The report shall also include detailed recommended  
25 administrative actions and matters for consideration by the  
26 General Assembly.

1 (w) Program audit. The Auditor General shall conduct a  
2 program audit of the Office of the Inspector General on an  
3 as-needed basis, as determined by the Auditor General. The  
4 audit shall specifically include the Inspector General's  
5 compliance with the Act and effectiveness in investigating  
6 reports of allegations occurring in any facility or agency.  
7 The Auditor General shall conduct the program audit according  
8 to the provisions of the Illinois State Auditing Act and shall  
9 report its findings to the General Assembly no later than  
10 January 1 following the audit period.

11 (x) Nothing in this Section shall be construed to mean  
12 that an individual is a victim of abuse or neglect because of  
13 health care services appropriately provided or not provided by  
14 health care professionals.

15 (y) Nothing in this Section shall require a facility,  
16 including its employees, agents, medical staff members, and  
17 health care professionals, to provide a service to an  
18 individual in contravention of that individual's stated or  
19 implied objection to the provision of that service on the  
20 ground that that service conflicts with the individual's  
21 religious beliefs or practices, nor shall the failure to  
22 provide a service to an individual be considered abuse under  
23 this Section if the individual has objected to the provision  
24 of that service based on his or her religious beliefs or  
25 practices.

26 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21;

1 102-883, eff. 5-13-22; 102-1071, eff. 6-10-22; revised  
2 7-26-22.)

3 (20 ILCS 1305/1-75)

4 Sec. 1-75. Off-Hours Child Care Program.

5 (a) Legislative intent. The General Assembly finds that:

6 (1) Finding child care can be a challenge for  
7 firefighters, paramedics, police officers, nurses, and  
8 other third shift workers across the State who often work  
9 non-typical work hours. This can impact home life, school,  
10 bedtime routines, job safety, and the mental health of  
11 some of our most critical front line workers and their  
12 families.

13 (2) There is a need for increased options for  
14 off-hours child care in the State. A majority of the  
15 State's child care facilities do not provide care outside  
16 of normal work hours, with just 3,251 day care homes and  
17 435 group day care homes that provide night care.

18 (3) Illinois has a vested interest in ensuring that  
19 our first responders and working families can provide  
20 their children with appropriate care during off hours to  
21 improve the morale of existing first responders and to  
22 improve recruitment into the future.

23 (b) As used in this Section, "first responders" means  
24 emergency medical services personnel as defined in the  
25 Emergency Medical Services (EMS) Systems Act, firefighters,

1 law enforcement officers, and, as determined by the  
2 Department, any other workers who, on account of their work  
3 schedule, need child care outside of the hours when licensed  
4 child care facilities typically operate.

5 (c) Subject to appropriation, the Department of Human  
6 Services shall establish and administer an Off-Hours Child  
7 Care Program to help first responders and other workers  
8 identify and access off-hours, night, or sleep time child  
9 care. Services funded under the program must address the child  
10 care needs of first responders. Funding provided under the  
11 program may also be used to cover any capital and operating  
12 expenses related to the provision of off-hours, night, or  
13 sleep time child care for first responders. Funding awarded  
14 under this Section shall be funded through appropriations from  
15 the Off-Hours Child Care Program Fund created under subsection  
16 (d). The Department shall implement the program by July 1,  
17 2023. The Department may adopt any rules necessary to  
18 implement the program.

19 (d) The Off-Hours Child Care Program Fund is created as a  
20 special fund in the State treasury. The Fund shall consist of  
21 any moneys appropriated to the Department of Human Services  
22 for the Off-Hours Child Care Program. Moneys in the Fund shall  
23 be expended for the Off-Hours Child Care Program and for no  
24 other purpose. All interest earned on moneys in the Fund shall  
25 be deposited into the Fund.

26 (Source: P.A. 102-912, eff. 5-27-22.)

1 (20 ILCS 1305/1-80)

2 Sec. 1-80 ~~1-75~~. Homeless services and supportive housing;  
3 veterans data. The Department's Bureau of Homeless Services  
4 and Supportive Housing within the Office of Family Support  
5 Services shall annually review and collect data on the number  
6 of military veterans receiving services or benefits under the  
7 Emergency and Transitional Housing Program, the Emergency Food  
8 Program, the Homeless Prevention Program, the Supporting  
9 Housing Program, and the Prince Home at Manteno administered  
10 by the Department of Veterans' Affairs. The Bureau may request  
11 and receive the cooperation of the Department of Veterans'  
12 Affairs and any other State agency that is relevant to the  
13 collection of the data required under this Section. The Bureau  
14 shall annually submit to the General Assembly a written report  
15 that details the number of military veterans served under each  
16 program no later than December 31, 2023 and every December 31  
17 thereafter.

18 (Source: P.A. 102-961, eff. 1-1-23; revised 12-29-22.)

19 Section 95. The Mental Health and Developmental  
20 Disabilities Administrative Act is amended by changing Section  
21 74 as follows:

22 (20 ILCS 1705/74)

23 Sec. 74. Rates and reimbursements.

1           (a) Within 30 days after July 6, 2017 (the effective date  
2 of Public Act 100-23), the Department shall increase rates and  
3 reimbursements to fund a minimum of a \$0.75 per hour wage  
4 increase for front-line personnel, including, but not limited  
5 to, direct support professionals, aides, front-line  
6 supervisors, qualified intellectual disabilities  
7 professionals, nurses, and non-administrative support staff  
8 working in community-based provider organizations serving  
9 individuals with developmental disabilities. The Department  
10 shall adopt rules, including emergency rules under subsection  
11 (y) of Section 5-45 of the Illinois Administrative Procedure  
12 Act, to implement the provisions of this Section.

13           (b) Rates and reimbursements. Within 30 days after June 4,  
14 2018 (the effective date of Public Act 100-587) ~~this~~  
15 ~~amendatory Act of the 100th General Assembly~~, the Department  
16 shall increase rates and reimbursements to fund a minimum of a  
17 \$0.50 per hour wage increase for front-line personnel,  
18 including, but not limited to, direct support professionals,  
19 aides, front-line supervisors, qualified intellectual  
20 disabilities professionals, nurses, and non-administrative  
21 support staff working in community-based provider  
22 organizations serving individuals with developmental  
23 disabilities. The Department shall adopt rules, including  
24 emergency rules under subsection (bb) of Section 5-45 of the  
25 Illinois Administrative Procedure Act, to implement the  
26 provisions of this Section.

1           (c) Rates and reimbursements. Within 30 days after June 5,  
2 2019 (the effective date of Public Act 101-10) ~~this amendatory~~  
3 ~~Act of the 101st General Assembly,~~ subject to federal  
4 approval, the Department shall increase rates and  
5 reimbursements in effect on June 30, 2019 for community-based  
6 providers for persons with Developmental Disabilities by 3.5%  
7 The Department shall adopt rules, including emergency rules  
8 under subsection (jj) of Section 5-45 of the Illinois  
9 Administrative Procedure Act, to implement the provisions of  
10 this Section, including wage increases for direct care staff.

11           (d) For community-based providers serving persons with  
12 intellectual/developmental disabilities, subject to federal  
13 approval of any relevant Waiver Amendment, the rates taking  
14 effect for services delivered on or after January 1, 2022,  
15 shall include an increase in the rate methodology sufficient  
16 to provide a \$1.50 per hour wage increase for direct support  
17 professionals in residential settings and sufficient to  
18 provide wages for all residential non-executive direct care  
19 staff, excluding direct support professionals, at the federal  
20 Department of Labor, Bureau of Labor Statistics' average wage  
21 as defined in rule by the Department.

22           The establishment of and any changes to the rate  
23 methodologies for community-based services provided to persons  
24 with intellectual/developmental disabilities are subject to  
25 federal approval of any relevant Waiver Amendment and shall be  
26 defined in rule by the Department. The Department shall adopt

1 rules, including emergency rules as authorized by Section 5-45  
2 of the Illinois Administrative Procedure Act, to implement the  
3 provisions of this subsection (d).

4 (e) For community-based providers serving persons with  
5 intellectual/developmental disabilities, subject to federal  
6 approval of any relevant Waiver Amendment, the rates taking  
7 effect for services delivered on or after January 1, 2023,  
8 shall include an increase in the rate methodology sufficient  
9 to provide a \$1.00 per hour wage increase for all direct  
10 support professionals ~~personnel~~ and all other frontline  
11 personnel who are not subject to the Bureau of Labor  
12 Statistics' average wage increases, who work in residential  
13 and community day services settings, with at least \$0.50 of  
14 those funds to be provided as a direct increase to base wages,  
15 with the remaining \$0.50 to be used flexibly for base wage  
16 increases. In addition, the rates taking effect for services  
17 delivered on or after January 1, 2023 shall include an  
18 increase sufficient to provide wages for all residential  
19 non-executive direct care staff, excluding direct support  
20 professionals ~~personnel~~, at the federal Department of Labor,  
21 Bureau of Labor Statistics' average wage as defined in rule by  
22 the Department.

23 The establishment of and any changes to the rate  
24 methodologies for community-based services provided to persons  
25 with intellectual/developmental disabilities are subject to  
26 federal approval of any relevant Waiver Amendment and shall be



1 defined in rule by the Department. The Department shall adopt  
2 rules, including emergency rules as authorized by Section 5-45  
3 of the Illinois Administrative Procedure Act, to implement the  
4 provisions of this subsection.

5 (Source: P.A. 101-10, eff. 6-5-19; 102-16, eff. 6-17-21;  
6 102-699, eff. 4-19-22; 102-830, eff. 1-1-23; revised  
7 12-13-22.)

8 Section 100. The Department of Public Health Powers and  
9 Duties Law of the Civil Administrative Code of Illinois is  
10 amended by setting forth, renumbering, and changing multiple  
11 versions of Sections 2310-434 and 2310-710 as follows:

12 (20 ILCS 2310/2310-434)

13 Sec. 2310-434. Certified Nursing Assistant Intern Program.

14 (a) As used in this Section, "facility" means a facility  
15 licensed by the Department under the Nursing Home Care Act,  
16 the MC/DD Act, or the ID/DD Community Care Act or an  
17 establishment licensed under the Assisted Living and Shared  
18 Housing Act.

19 (b) The Department shall establish or approve a Certified  
20 Nursing Assistant Intern Program to address the increasing  
21 need for trained health care workers and provide additional  
22 pathways for individuals to become certified nursing  
23 assistants. Upon successful completion of the classroom  
24 education and on-the-job training requirements of the Program

1 required under this Section, an individual may provide, at a  
2 facility, the patient and resident care services determined  
3 under the Program and may perform the procedures listed under  
4 subsection (e).

5 (c) In order to qualify as a certified nursing assistant  
6 intern, an individual shall successfully complete at least 8  
7 hours of classroom education on the services and procedures  
8 determined under the Program and listed under subsection (e).  
9 The classroom education shall be:

10 (1) taken within the facility where the certified  
11 nursing assistant intern will be employed;

12 (2) proctored by either an advanced practice  
13 registered nurse or a registered nurse who holds a  
14 bachelor's degree in nursing, has a minimum of 3 years of  
15 continuous experience in geriatric care, or is certified  
16 as a nursing assistant instructor; and

17 (3) satisfied by the successful completion of an  
18 approved 8-hour online training course or in-person group  
19 training.

20 (d) In order to qualify as a certified nursing assistant  
21 intern, an individual shall successfully complete at least 24  
22 hours of on-the-job training in the services and procedures  
23 determined under the Program and listed under subsection (e),  
24 as follows:

25 (1) The training program instructor shall be either an  
26 advanced practice registered nurse or a registered nurse

1 who holds a bachelor's degree in nursing, has a minimum of  
2 3 years of continuous experience in geriatric care, or is  
3 certified as a nursing assistant instructor.

4 (2) The training program instructor shall ensure that  
5 the student meets the competencies determined under the  
6 Program and those listed under subsection (e). The  
7 instructor shall document the successful completion or  
8 failure of the competencies and any remediation that may  
9 allow for the successful completion of the competencies.

10 (3) All on-the-job training shall be under the direct  
11 observation of either an advanced practice registered  
12 nurse or a registered nurse who holds a bachelor's degree  
13 in nursing, has a minimum of 3 years of continuous  
14 experience in geriatric care, or is certified as a nursing  
15 assistant instructor.

16 (4) All on-the-job training shall be conducted at a  
17 facility that is licensed by the State of Illinois and  
18 that is the facility where the certified nursing assistant  
19 intern will be working.

20 (e) A certified nursing assistant intern shall receive  
21 classroom and on-the-job training on how to provide the  
22 patient or resident care services and procedures, as  
23 determined under the Program, that are required of a certified  
24 nursing assistant's performance skills, including, but not  
25 limited to, all of the following:

26 (1) Successful completion and maintenance of active

1 certification in both first aid and the American Red  
2 Cross' courses on cardiopulmonary resuscitation.

3 (2) Infection control and in-service training required  
4 at the facility.

5 (3) Washing a resident's hands.

6 (4) Performing oral hygiene on a resident.

7 (5) Shaving a resident with an electric razor.

8 (6) Giving a resident a partial bath.

9 (7) Making a bed that is occupied.

10 (8) Dressing a resident.

11 (9) Transferring a resident to a wheelchair using a  
12 gait belt or transfer belt.

13 (10) Ambulating a resident with a gait belt or  
14 transfer belt.

15 (11) Feeding a resident.

16 (12) Calculating a resident's intake and output.

17 (13) Placing a resident in a side-lying position.

18 (14) The Heimlich maneuver.

19 (f) A certified nursing assistant intern may not perform  
20 any of the following on a resident:

21 (1) Shaving with a nonelectric razor.

22 (2) Nail care.

23 (3) Perineal care.

24 (4) Transfer using a mechanical lift.

25 (5) Passive range of motion.

26 (g) A certified nursing assistant intern may only provide

1 the patient or resident care services and perform the  
2 procedures that he or she is deemed qualified to perform that  
3 are listed under subsection (e). A certified nursing assistant  
4 intern may not provide the procedures excluded under  
5 subsection (f).

6 (h) The Program is subject to the Health Care Worker  
7 Background Check Act and the Health Care Worker Background  
8 Check Code under 77 Ill. Adm. Code 955. Program participants  
9 and personnel shall be included on the Health Care Worker  
10 Registry.

11 (i) A Program participant who has completed the training  
12 required under paragraph (5) of subsection (a) of Section  
13 3-206 of the Nursing Home Care Act, has completed the Program  
14 from April 21, 2020 through September 18, 2020, and has shown  
15 competency in all of the performance skills listed under  
16 subsection (e) may be considered a certified nursing assistant  
17 intern once the observing advanced practice registered nurse  
18 or registered nurse educator has confirmed the Program  
19 participant's competency in all of those performance skills.

20 (j) The requirement under subsection (b) of Section  
21 395.400 of Title 77 of the Illinois Administrative Code that a  
22 student must pass a BNATP written competency examination  
23 within 12 months after the completion of the BNATP does not  
24 apply to a certified nursing assistant intern under this  
25 Section. However, upon a Program participant's enrollment in a  
26 certified nursing assistant course, the requirement under

1 subsection (b) of Section 395.400 of Title 77 of the Illinois  
2 Administrative Code that a student pass a BNATP written  
3 competency examination within 12 months after completion of  
4 the BNATP program applies.

5 (k) A certified nursing assistant intern shall enroll in a  
6 certified nursing assistant program within 6 months after  
7 completing his or her certified nursing assistant intern  
8 training under the Program. The individual may continue to  
9 work as a certified nursing assistant intern during his or her  
10 certified nursing assistant training. If the scope of work for  
11 a nurse assistant in training pursuant to 77 Ill. Adm. Code  
12 300.660 is broader in scope than the work permitted to be  
13 performed by a certified nursing assistant intern, then the  
14 certified nursing assistant intern enrolled in certified  
15 nursing assistant training may perform the work allowed under  
16 ~~77~~ Ill. Adm. Code 300.660 with written documentation that the  
17 certified nursing assistant intern has successfully passed the  
18 competencies necessary to perform such skills. The facility  
19 shall maintain documentation as to the additional jobs and  
20 duties the certified nursing assistant intern is authorized to  
21 perform, which shall be made available to the Department upon  
22 request. The individual shall receive one hour of credit for  
23 every hour employed as a certified nursing assistant intern or  
24 as a temporary nurse assistant, not to exceed 30 hours of  
25 credit, subject to the approval of an accredited certified  
26 nursing assistant training program.

1           (1) A facility that seeks to train and employ a certified  
2 nursing assistant intern at the facility must:

3           (1) not have received or applied for a registered  
4 nurse waiver under Section 3-303.1 of the Nursing Home  
5 Care Act, if applicable;

6           (2) not have been cited for a violation, except a  
7 citation for noncompliance with COVID-19 reporting  
8 requirements, that has caused severe harm to or the death  
9 of a resident within the 2 years prior to employing a  
10 certified nursing assistant; for purposes of this  
11 paragraph, the revocation of the facility's ability to  
12 hire and train a certified nursing assistant intern shall  
13 only occur if the underlying federal citation for the  
14 revocation remains substantiated following an informal  
15 dispute resolution or independent informal dispute  
16 resolution;

17           (3) not have been cited for a violation that resulted  
18 in a pattern of certified nursing assistants being removed  
19 from the Health Care Worker Registry as a result of  
20 resident abuse, neglect, or exploitation within the 2  
21 years prior to employing a certified nursing assistant  
22 intern;

23           (4) if the facility is a skilled nursing facility,  
24 meet a minimum staffing ratio of 3.8 hours of nursing and  
25 personal care time, as those terms are used in subsection  
26 (e) of Section 3-202.05 of the Nursing Home Care Act, each

1 day for a resident needing skilled care and 2.5 hours of  
2 nursing and personal care time each day for a resident  
3 needing intermediate care;

4 (5) not have lost the ability to offer a Nursing  
5 Assistant Training and Competency Evaluation Program as a  
6 result of an enforcement action;

7 (6) establish a certified nursing assistant intern  
8 mentoring program within the facility for the purposes of  
9 increasing education and retention, which must include an  
10 experienced certified nurse assistant who has at least 3  
11 years of active employment and is employed by the  
12 facility;

13 (7) not have a monitor or temporary management placed  
14 upon the facility by the Department;

15 (8) not have provided the Department with a notice of  
16 imminent closure; and

17 (9) not have had a termination action initiated by the  
18 federal Centers for Medicare and Medicaid Services or the  
19 Department for failing to comply with minimum regulatory  
20 or licensure requirements.

21 (m) A facility that does not meet the requirements of  
22 subsection (l) shall cease its new employment training,  
23 education, or onboarding of any employee under the Program.  
24 The facility may resume its new employment training,  
25 education, or onboarding of an employee under the Program once  
26 the Department determines that the facility is in compliance



1 with subsection (l).

2 (n) To study the effectiveness of the Program, the  
3 Department shall collect data from participating facilities  
4 and publish a report on the extent to which the Program brought  
5 individuals into continuing employment as certified nursing  
6 assistants in long-term care. Data collected from facilities  
7 shall include, but shall not be limited to, the number of  
8 certified nursing assistants employed, the number of persons  
9 who began participation in the Program, the number of persons  
10 who successfully completed the Program, and the number of  
11 persons who continue employment in a long-term care service or  
12 facility. The report shall be published no later than 6 months  
13 after the Program end date determined under subsection (p). A  
14 facility participating in the Program shall, twice annually,  
15 submit data under this subsection in a manner and time  
16 determined by the Department. Failure to submit data under  
17 this subsection shall result in suspension of the facility's  
18 Program.

19 (o) The Department may adopt emergency rules in accordance  
20 with Section 5-45.30 ~~5-45.21~~ of the Illinois Administrative  
21 Procedure Act.

22 (p) The Program shall end upon the termination of the  
23 Secretary of Health and Human Services' public health  
24 emergency declaration for COVID-19 or 3 years after the date  
25 that the Program becomes operational, whichever occurs later.

26 (q) This Section is inoperative 18 months after the

1 Program end date determined under subsection (p).

2 (Source: P.A. 102-1037, eff. 6-2-22; revised 7-26-22.)

3 (20 ILCS 2310/2310-436)

4 Sec. 2310-436 ~~2310-434~~. Homeless service providers.

5 (a) In this Section, "homeless service provider" means a  
6 person or entity who provides services to homeless persons  
7 under any of the programs of or identified by the Department of  
8 Human Services.

9 (b) The Department shall consider all homeless service  
10 providers in the State to be essential critical infrastructure  
11 workers in accordance with the most recent guidance from the  
12 federal Cybersecurity and Infrastructure Security Agency. The  
13 Department shall ensure that homeless service providers  
14 qualify for the same priority benefits afforded to frontline  
15 workers by the State, including, but not limited to:

16 (1) federal funding for relief relating to public  
17 health emergencies;

18 (2) personal protective equipment; and

19 (3) vaccinations.

20 (c) In accordance with this Section, during a federally  
21 designated ~~federally-designated~~ public health emergency or a  
22 public health disaster declared by a proclamation issued by  
23 the Governor under Section 7 of the Illinois Emergency  
24 Management Agency Act, the Department and the Illinois  
25 Emergency Management Agency shall offer recommendations to

1 their local counterparts, including local public health  
2 departments and local emergency management assistance  
3 agencies, encouraging them to consider homeless service  
4 providers when making determinations about providing  
5 assistance.

6 (d) The Department may adopt rules for the implementation  
7 and administration of this Section and to ensure that homeless  
8 service providers are considered essential critical  
9 infrastructure workers in the event of a pandemic.

10 (Source: P.A. 102-919, eff. 5-27-22; revised 7-26-22.)

11 (20 ILCS 2310/2310-437)

12 Sec. 2310-437 ~~2310-434~~. Governors State University; stroke  
13 awareness campaign.

14 (a) Subject to appropriation, the Department shall partner  
15 with Governors State University's College of Health and Human  
16 Services, and any additional partnership that may be  
17 necessary, in establishing a 12-month outreach and educational  
18 campaign focused on promoting the following:

19 (1) Stroke awareness for select communities determined  
20 by the Department to be at risk for strokes, particularly  
21 within Chicago's Southland community.

22 (2) Stroke recognition and prevention strategies.

23 (3) Access to reliable sources of information about  
24 strokes.

25 (b) An amount of the moneys appropriated to the Department

1 under subsection (a) shall be made available to the Governors  
2 State University's College of Health and Human Services in an  
3 amount to be mutually agreed upon between the Governors State  
4 University's College of Health and Human Services and the  
5 Department.

6 (Source: P.A. 102-1070, eff. 1-1-23; revised 7-26-22.)

7 (20 ILCS 2310/2310-710)

8 Sec. 2310-710. Emergency Medical Services personnel;  
9 continuing training on Alzheimer's disease and other  
10 dementias.

11 (a) In this Section, "Emergency Medical Services  
12 personnel" means a person licensed or registered under any of  
13 the levels of licensure defined in Section 3.50 of the  
14 Emergency Medical Services (EMS) Systems Act, including, but  
15 not limited to, Emergency Medical Technician, Emergency  
16 Medical Technician-Intermediate, Advanced Emergency Medical  
17 Technician, Paramedic (EMT-P), or Emergency Medical Responder.

18 (b) For license renewals occurring on or after January 1,  
19 2023, Emergency Medical Services personnel must complete at  
20 least one one-hour course of training on the diagnosis,  
21 treatment, and care of individuals with Alzheimer's disease or  
22 other dementias per license renewal period. This training  
23 shall include, but not be limited to, assessment and  
24 diagnosis, effective communication strategies, and management  
25 and care planning.

1 (c) Emergency Medical Services personnel may count one  
2 hour for completion of the course toward meeting the minimum  
3 credit hours required for Emergency Medical Services personnel  
4 relicensure requirements.

5 (d) Any training on Alzheimer's disease and other  
6 dementias applied to meet any other State licensure  
7 requirement, professional accreditation or certification  
8 requirement, or health care institutional practice agreement  
9 may count toward the continuing education required under this  
10 Section.

11 (e) The Department may adopt rules for the implementation  
12 of this Section.

13 (Source: P.A. 102-772, eff. 5-13-22.)

14 (20 ILCS 2310/2310-715)

15 Sec. 2310-715 ~~2310-710~~. Safety-Net Hospital Health Equity  
16 and Access Leadership (HEAL) Grant Program.

17 (a) Findings. The General Assembly finds that there are  
18 communities in Illinois that experience significant health  
19 care disparities, as recently emphasized by the COVID-19  
20 pandemic, aggravated by social determinants of health and a  
21 lack of sufficient access to high quality health care  
22 ~~healthcare~~ resources, particularly community-based services,  
23 preventive care, obstetric care, chronic disease management,  
24 and specialty care. Safety-net hospitals, as defined under the  
25 Illinois Public Aid Code, serve as the anchors of the health

1 care system for many of these communities. Safety-net  
2 hospitals not only care for their patients, they also are  
3 rooted in their communities by providing jobs and partnering  
4 with local organizations to help address the social  
5 determinants of health, such as food, housing, and  
6 transportation needs.

7 However, safety-net hospitals serve a significant number  
8 of Medicare, Medicaid, and uninsured patients, and therefore,  
9 are heavily dependent on underfunded government payers, and  
10 are heavily burdened by uncompensated care. At the same time,  
11 the overall cost of providing care has increased substantially  
12 in recent years, driven by increasing costs for staffing,  
13 prescription drugs, technology, and infrastructure.

14 For all of these reasons, the General Assembly finds that  
15 the long-term ~~long-term~~ sustainability of safety-net hospitals  
16 is threatened. While the General Assembly is providing funding  
17 to the Department to be paid to support the expenses of  
18 specific safety-net hospitals in State Fiscal Year 2023, such  
19 annual, ad hoc funding is not a reliable and stable source of  
20 funding that will enable safety-net hospitals to develop  
21 strategies to achieve long term sustainability. Such annual,  
22 ad hoc funding also does not provide the State with  
23 transparency and accountability to ensure that such funding is  
24 being used effectively and efficiently to maximize the benefit  
25 to members of the community.

26 Therefore, it is the intent of the General Assembly that

1 the Department of Public Health and the Department of  
2 Healthcare and Family Services jointly provide options and  
3 recommendations to the General Assembly by February 1, 2023,  
4 for the establishment of a permanent Safety-Net Hospital  
5 Health Equity and Access Leadership (HEAL) Grant Program, in  
6 accordance with this Section. It is the intention of the  
7 General Assembly that during State fiscal years 2024 through  
8 2029, the Safety-Net Hospital Health Equity and Access  
9 Leadership (HEAL) Grant Program shall be supported by an  
10 annual funding pool of up to \$100,000,000, subject to  
11 appropriation.

12 (b) By February 1, 2023, the Department of Public Health  
13 and the Department of Healthcare and Family Services shall  
14 provide a joint report to the General Assembly on options and  
15 recommendations for the establishment of a permanent  
16 Safety-Net Hospital Health Equity and Access Leadership (HEAL)  
17 Grant Program to be administered by the State. For this  
18 report, "safety-net hospital" means a hospital identified by  
19 the Department of Healthcare and Family Services under Section  
20 5-5e.1 of the Illinois Public Aid Code. The Departments of  
21 Public Health and Healthcare and Family Services may consult  
22 with the statewide association representing a majority of  
23 hospitals and safety-net hospitals on the report. The report  
24 may include, but need not be limited to:

25 (1) Criteria for a safety-net hospital to be eligible  
26 for the program, such as:

1 (A) The hospital is a participating provider in at  
2 least one Medicaid managed care plan.

3 (B) The hospital is located in a medically  
4 underserved area.

5 (C) The hospital's Medicaid utilization rate (for  
6 both inpatient and outpatient services).

7 (D) The hospital's Medicare utilization rate (for  
8 both inpatient and outpatient services).

9 (E) The hospital's uncompensated care percentage.

10 (F) The hospital's role in providing access to  
11 services, reducing health disparities, and improving  
12 health equity in its service area.

13 (G) The hospital's performance on quality  
14 indicators.

15 (2) Potential projects eligible for grant funds which  
16 may include projects to reduce health disparities, advance  
17 health equity, or improve access to or the quality of  
18 health care ~~healthcare~~ services.

19 (3) Potential policies, standards, and procedures to  
20 ensure accountability for the use of grant funds.

21 (4) Potential strategies to generate federal Medicaid  
22 matching funds for expenditures under the program.

23 (5) Potential policies, processes, and procedures for  
24 the administration of the program.

25 (Source: P.A. 102-886, eff. 5-17-22; revised 5-26-22.)



1           Section 105. The Illinois State Police Act is amended by  
2 changing Sections 9, 12.6, and 46 as follows:

3           (20 ILCS 2610/9) (from Ch. 121, par. 307.9)

4           Sec. 9. Appointment; qualifications.

5           (a) Except as otherwise provided in this Section, the  
6 appointment of Illinois State Police officers shall be made  
7 from those applicants who have been certified by the Board as  
8 being qualified for appointment. All persons so appointed  
9 shall, at the time of their appointment, be not less than 21  
10 years of age, or 20 years of age and have successfully  
11 completed an associate's degree or 60 credit hours at an  
12 accredited college or university. Any person appointed  
13 subsequent to successful completion of an associate's degree  
14 or 60 credit hours at an accredited college or university  
15 shall not have power of arrest, nor shall he or she be  
16 permitted to carry firearms, until he or she reaches 21 years  
17 of age. In addition, all persons so certified for appointment  
18 shall be of sound mind and body, be of good moral character, be  
19 citizens of the United States, have no criminal records,  
20 possess such prerequisites of training, education, and  
21 experience as the Board may from time to time prescribe so long  
22 as persons who have an associate's degree or 60 credit hours at  
23 an accredited college or university are not disqualified, and  
24 shall be required to pass successfully such mental and  
25 physical tests and examinations as may be prescribed by the

1 Board. All persons who meet one of the following requirements  
2 are deemed to have met the collegiate educational  
3 requirements:

4 (i) have been honorably discharged and who have been  
5 awarded a Southwest Asia Service Medal, Kosovo Campaign  
6 Medal, Korean Defense Service Medal, Afghanistan Campaign  
7 Medal, Iraq Campaign Medal, or Global War on Terrorism  
8 Expeditionary Medal by the United States Armed Forces;

9 (ii) are active members of the Illinois National Guard  
10 or a reserve component of the United States Armed Forces  
11 and who have been awarded a Southwest Asia Service Medal,  
12 Kosovo Campaign Medal, Korean Defense Service Medal,  
13 Afghanistan Campaign Medal, Iraq Campaign Medal, or Global  
14 War on Terrorism Expeditionary Medal as a result of  
15 honorable service during deployment on active duty;

16 (iii) have been honorably discharged who served in a  
17 combat mission by proof of hostile fire pay or imminent  
18 danger pay during deployment on active duty; or

19 (iv) have at least 3 years of full active and  
20 continuous military duty and received an honorable  
21 discharge before hiring.

22 Preference shall be given in such appointments to persons  
23 who have honorably served in the military or naval services of  
24 the United States. All appointees shall serve a probationary  
25 period of 12 months from the date of appointment and during  
26 that period may be discharged at the will of the Director.

1       However, the Director may in his or her sole discretion extend  
2       the probationary period of an officer up to an additional 6  
3       months when to do so is deemed in the best interest of the  
4       Illinois State Police. Nothing in this subsection (a) limits  
5       the Board's ability to prescribe education prerequisites or  
6       requirements to certify Illinois State Police officers for  
7       promotion as provided in Section 10 of this Act.

8       (b) Notwithstanding the other provisions of this Act,  
9       after July 1, 1977 and before July 1, 1980, the Director of  
10       State Police may appoint and promote not more than 20 persons  
11       having special qualifications as special agents as he or she  
12       deems necessary to carry out the Department's objectives. Any  
13       such appointment or promotion shall be ratified by the Board.

14       (c) During the 90 days following March 31, 1995 (the  
15       effective date of Public Act 89-9), the Director of State  
16       Police may appoint up to 25 persons as State Police officers.  
17       These appointments shall be made in accordance with the  
18       requirements of this subsection (c) and any additional  
19       criteria that may be established by the Director, but are not  
20       subject to any other requirements of this Act. The Director  
21       may specify the initial rank for each person appointed under  
22       this subsection.

23       All appointments under this subsection (c) shall be made  
24       from personnel certified by the Board. A person certified by  
25       the Board and appointed by the Director under this subsection  
26       must have been employed by the Illinois Commerce Commission on

1 November 30, 1994 in a job title subject to the Personnel Code  
2 and in a position for which the person was eligible to earn  
3 "eligible creditable service" as a "noncovered employee", as  
4 those terms are defined in Article 14 of the Illinois Pension  
5 Code.

6 Persons appointed under this subsection (c) shall  
7 thereafter be subject to the same requirements and procedures  
8 as other State police officers. A person appointed under this  
9 subsection must serve a probationary period of 12 months from  
10 the date of appointment, during which he or she may be  
11 discharged at the will of the Director.

12 This subsection (c) does not affect or limit the  
13 Director's authority to appoint other State Police officers  
14 under subsection (a) of this Section.

15 (d) During the 180 days following January 1, 2022 (the  
16 effective date of Public Act 101-652), the Director of the  
17 Illinois State Police may appoint current Illinois State  
18 Police employees serving in law enforcement officer positions  
19 previously within Central Management Services as State Police  
20 officers. These appointments shall be made in accordance with  
21 the requirements of this subsection (d) and any institutional  
22 criteria that may be established by the Director, but are not  
23 subject to any other requirements of this Act. All  
24 appointments under this subsection (d) shall be made from  
25 personnel certified by the Board. A person certified by the  
26 Board and appointed by the Director under this subsection must

1 have been employed by ~~the~~ a State agency, board, or commission  
2 on January 1, 2021 in a job title subject to the Personnel Code  
3 and in a position for which the person was eligible to earn  
4 "eligible creditable service" as a "noncovered employee", as  
5 those terms are defined in Article 14 of the Illinois Pension  
6 Code. Persons appointed under this subsection (d) shall  
7 thereafter be subject to the same requirements, and subject to  
8 the same contractual benefits and obligations, as other State  
9 police officers. This subsection (d) does not affect or limit  
10 the Director's authority to appoint other State Police  
11 officers under subsection (a) of this Section.

12 (e) The Merit Board shall review Illinois State Police  
13 Cadet applicants. The Illinois State Police may provide  
14 background check and investigation material to the Board for  
15 its review pursuant to this Section. The Board shall approve  
16 and ensure that no cadet applicant is certified unless the  
17 applicant is a person of good character and has not been  
18 convicted of, or entered a plea of guilty to, a felony offense,  
19 any of the misdemeanors specified in this Section or if  
20 committed in any other state would be an offense similar to  
21 Section 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14,  
22 11-14.1, 11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1,  
23 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in  
24 violation of any Section of Part E of Title III of the Criminal  
25 Code of 1961 or the Criminal Code of 2012, 32-4a, or 32-7 of  
26 the Criminal Code of 1961 or the Criminal Code of 2012, or

1 subsection (a) of Section 17-32 of the Criminal Code of 1961 or  
2 the Criminal Code of 2012, to Section 5 or 5.2 of the Cannabis  
3 Control Act, or any felony or misdemeanor in violation of  
4 federal law or the law of any state that is the equivalent of  
5 any of the offenses specified therein. The Officer  
6 Professional Conduct Database, provided for in Section 9.2 of  
7 the Illinois Police Training Act, shall be searched as part of  
8 this process. For purposes of this Section, "convicted of, or  
9 entered a plea of guilty" regardless of whether the  
10 adjudication of guilt or sentence is withheld or not entered  
11 thereon. This includes sentences of supervision, conditional  
12 discharge, or first offender probation, or any similar  
13 disposition provided for by law.

14 (f) The Board shall by rule establish an application fee  
15 waiver program for any person who meets one or more of the  
16 following criteria:

17 (1) his or her available personal income is 200% or  
18 less of the current poverty level; or

19 (2) he or she is, in the discretion of the Board,  
20 unable to proceed in an action with payment of application  
21 fee and payment of that fee would result in substantial  
22 hardship to the person or the person's family.

23 (Source: P.A. 101-374, eff. 1-1-20; 101-652, eff. 1-1-22;  
24 102-538, eff. 8-20-21; 102-694, eff. 1-7-22; 102-813, eff.  
25 5-13-22; revised 8-24-22.)

1 (20 ILCS 2610/12.6)

2 Sec. 12.6. Automatic termination of Illinois State Police  
3 officers. The Board shall terminate a State police officer  
4 convicted of a felony offense under the laws of this State or  
5 any other state which if committed in this State would be  
6 punishable as a felony. The Board must also terminate Illinois  
7 State Police officers who were convicted of, or entered a plea  
8 of guilty to, on or after January 1, 2022 (the effective date  
9 of Public Act 101-652) ~~this amendatory Act of the 101st~~  
10 ~~General Assembly~~, any misdemeanor specified in this Section or  
11 if committed in any other state would be an offense similar to  
12 Section 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14,  
13 11-14.1, 11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1,  
14 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in  
15 violation of any Section of Part E of Title III of the Criminal  
16 Code of 1961 or the Criminal Code of 2012, 32-4a, or 32-7 of  
17 the Criminal Code of 1961 or the Criminal Code of 2012, or  
18 subsection (a) of Section 17-32 of the Criminal Code of 1961 or  
19 the Criminal Code of 2012, to Section 5 or 5.2 of the Cannabis  
20 Control Act, or any felony or misdemeanor in violation of  
21 federal law or the law of any state that is the equivalent of  
22 any of the offenses specified therein. The Illinois State  
23 Police Merit Board shall report terminations under this  
24 Section to the Officer Professional Conduct Database provided  
25 in Section 9.2 of the Illinois Police Training Act. For  
26 purposes of this Section, "convicted of, or entered a plea of

1 guilty" regardless of whether the adjudication of guilt or  
2 sentence is withheld or not entered thereon. This includes  
3 sentences of supervision, conditional discharge, or first  
4 offender probation, or any similar disposition provided for by  
5 law.

6 (Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22;  
7 102-813, eff. 5-13-22; revised 8-25-22.)

8 (20 ILCS 2610/46)

9 Sec. 46. Officer Professional Conduct Database; reporting,  
10 transparency.

11 (a) The Illinois State Police Merit Board shall be  
12 responsible for reporting all required information contained  
13 in the Officer Professional Conduct Database provided in  
14 Section 9.2 of the Illinois Police Training Act.

15 (b) Before the Illinois State Police Merit Board certifies  
16 any Illinois State Police Cadet the Board shall conduct a  
17 search of all Illinois State Police Cadet applicants in the  
18 Officer Professional Conduct Database.

19 (c) The database, documents, materials, or other  
20 information in the possession or control of the Board that are  
21 obtained by or disclosed to the Board pursuant to this  
22 subsection shall be confidential by law and privileged, shall  
23 not be subject to subpoena, and shall not be subject to  
24 discovery or admissible in evidence in any private civil  
25 action. However, the Board is authorized to use such



1 documents, materials, or other information in furtherance of  
2 any regulatory or legal action brought as part of the Board's  
3 official duties. Unless otherwise required by law, the Board  
4 shall not disclose the database or make such documents,  
5 materials, or other information public without the prior  
6 written consent of the law enforcement agency and the law  
7 enforcement officer. The Board nor any person who received  
8 documents, materials or other information shared pursuant to  
9 this subsection shall be required to testify in any private  
10 civil action concerning the database or any confidential  
11 documents, materials, or information subject to this  
12 subsection.

13 Nothing in this Section shall exempt a law enforcement  
14 agency from which the Board has obtained data, documents,  
15 materials, or other information or that has disclosed data,  
16 documents, materials, or other information to the Board from  
17 disclosing public records in accordance with the Freedom of  
18 Information Act.

19 (Source: P.A. 101-652, eff. 1-1-22; 102-694, eff. 1-7-22;  
20 102-813, eff. 5-13-22; revised 8-24-22.)

21 Section 110. The Criminal Identification Act is amended by  
22 changing Section 5.2 as follows:

23 (20 ILCS 2630/5.2)

24 Sec. 5.2. Expungement, sealing, and immediate sealing.

1 (a) General Provisions.

2 (1) Definitions. In this Act, words and phrases have  
3 the meanings set forth in this subsection, except when a  
4 particular context clearly requires a different meaning.

5 (A) The following terms shall have the meanings  
6 ascribed to them in the following Sections of the  
7 Unified Code of Corrections:

8 Business Offense, Section 5-1-2.

9 Charge, Section 5-1-3.

10 Court, Section 5-1-6.

11 Defendant, Section 5-1-7.

12 Felony, Section 5-1-9.

13 Imprisonment, Section 5-1-10.

14 Judgment, Section 5-1-12.

15 Misdemeanor, Section 5-1-14.

16 Offense, Section 5-1-15.

17 Parole, Section 5-1-16.

18 Petty Offense, Section 5-1-17.

19 Probation, Section 5-1-18.

20 Sentence, Section 5-1-19.

21 Supervision, Section 5-1-21.

22 Victim, Section 5-1-22.

23 (B) As used in this Section, "charge not initiated  
24 by arrest" means a charge (as defined by Section 5-1-3  
25 of the Unified Code of Corrections) brought against a  
26 defendant where the defendant is not arrested prior to

1 or as a direct result of the charge.

2 (C) "Conviction" means a judgment of conviction or  
3 sentence entered upon a plea of guilty or upon a  
4 verdict or finding of guilty of an offense, rendered  
5 by a legally constituted jury or by a court of  
6 competent jurisdiction authorized to try the case  
7 without a jury. An order of supervision successfully  
8 completed by the petitioner is not a conviction. An  
9 order of qualified probation (as defined in subsection  
10 (a) (1) (J)) successfully completed by the petitioner is  
11 not a conviction. An order of supervision or an order  
12 of qualified probation that is terminated  
13 unsatisfactorily is a conviction, unless the  
14 unsatisfactory termination is reversed, vacated, or  
15 modified and the judgment of conviction, if any, is  
16 reversed or vacated.

17 (D) "Criminal offense" means a petty offense,  
18 business offense, misdemeanor, felony, or municipal  
19 ordinance violation (as defined in subsection  
20 (a) (1) (H)). As used in this Section, a minor traffic  
21 offense (as defined in subsection (a) (1) (G)) shall not  
22 be considered a criminal offense.

23 (E) "Expunge" means to physically destroy the  
24 records or return them to the petitioner and to  
25 obliterate the petitioner's name from any official  
26 index or public record, or both. Nothing in this Act

1 shall require the physical destruction of the circuit  
2 court file, but such records relating to arrests or  
3 charges, or both, ordered expunged shall be impounded  
4 as required by subsections (d)(9)(A)(ii) and  
5 (d)(9)(B)(ii).

6 (F) As used in this Section, "last sentence" means  
7 the sentence, order of supervision, or order of  
8 qualified probation (as defined by subsection  
9 (a)(1)(J)), for a criminal offense (as defined by  
10 subsection (a)(1)(D)) that terminates last in time in  
11 any jurisdiction, regardless of whether the petitioner  
12 has included the criminal offense for which the  
13 sentence or order of supervision or qualified  
14 probation was imposed in his or her petition. If  
15 multiple sentences, orders of supervision, or orders  
16 of qualified probation terminate on the same day and  
17 are last in time, they shall be collectively  
18 considered the "last sentence" regardless of whether  
19 they were ordered to run concurrently.

20 (G) "Minor traffic offense" means a petty offense,  
21 business offense, or Class C misdemeanor under the  
22 Illinois Vehicle Code or a similar provision of a  
23 municipal or local ordinance.

24 (G-5) "Minor Cannabis Offense" means a violation  
25 of Section 4 or 5 of the Cannabis Control Act  
26 concerning not more than 30 grams of any substance

1 containing cannabis, provided the violation did not  
2 include a penalty enhancement under Section 7 of the  
3 Cannabis Control Act and is not associated with an  
4 arrest, conviction or other disposition for a violent  
5 crime as defined in subsection (c) of Section 3 of the  
6 Rights of Crime Victims and Witnesses Act.

7 (H) "Municipal ordinance violation" means an  
8 offense defined by a municipal or local ordinance that  
9 is criminal in nature and with which the petitioner  
10 was charged or for which the petitioner was arrested  
11 and released without charging.

12 (I) "Petitioner" means an adult or a minor  
13 prosecuted as an adult who has applied for relief  
14 under this Section.

15 (J) "Qualified probation" means an order of  
16 probation under Section 10 of the Cannabis Control  
17 Act, Section 410 of the Illinois Controlled Substances  
18 Act, Section 70 of the Methamphetamine Control and  
19 Community Protection Act, Section 5-6-3.3 or 5-6-3.4  
20 of the Unified Code of Corrections, Section  
21 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as  
22 those provisions existed before their deletion by  
23 Public Act 89-313), Section 10-102 of the Illinois  
24 Alcoholism and Other Drug Dependency Act, Section  
25 40-10 of the Substance Use Disorder Act, or Section 10  
26 of the Steroid Control Act. For the purpose of this

1           Section, "successful completion" of an order of  
2           qualified probation under Section 10-102 of the  
3           Illinois Alcoholism and Other Drug Dependency Act and  
4           Section 40-10 of the Substance Use Disorder Act means  
5           that the probation was terminated satisfactorily and  
6           the judgment of conviction was vacated.

7           (K) "Seal" means to physically and electronically  
8           maintain the records, unless the records would  
9           otherwise be destroyed due to age, but to make the  
10          records unavailable without a court order, subject to  
11          the exceptions in Sections 12 and 13 of this Act. The  
12          petitioner's name shall also be obliterated from the  
13          official index required to be kept by the circuit  
14          court clerk under Section 16 of the Clerks of Courts  
15          Act, but any index issued by the circuit court clerk  
16          before the entry of the order to seal shall not be  
17          affected.

18          (L) "Sexual offense committed against a minor"  
19          includes, but is not limited to, the offenses of  
20          indecent solicitation of a child or criminal sexual  
21          abuse when the victim of such offense is under 18 years  
22          of age.

23          (M) "Terminate" as it relates to a sentence or  
24          order of supervision or qualified probation includes  
25          either satisfactory or unsatisfactory termination of  
26          the sentence, unless otherwise specified in this

1           Section. A sentence is terminated notwithstanding any  
2           outstanding financial legal obligation.

3           (2) Minor Traffic Offenses. Orders of supervision or  
4           convictions for minor traffic offenses shall not affect a  
5           petitioner's eligibility to expunge or seal records  
6           pursuant to this Section.

7           (2.5) Commencing 180 days after July 29, 2016 (the  
8           effective date of Public Act 99-697), the law enforcement  
9           agency issuing the citation shall automatically expunge,  
10          on or before January 1 and July 1 of each year, the law  
11          enforcement records of a person found to have committed a  
12          civil law violation of subsection (a) of Section 4 of the  
13          Cannabis Control Act or subsection (c) of Section 3.5 of  
14          the Drug Paraphernalia Control Act in the law enforcement  
15          agency's possession or control and which contains the  
16          final satisfactory disposition which pertain to the person  
17          issued a citation for that offense. The law enforcement  
18          agency shall provide by rule the process for access,  
19          review, and to confirm the automatic expungement by the  
20          law enforcement agency issuing the citation. Commencing  
21          180 days after July 29, 2016 (the effective date of Public  
22          Act 99-697), the clerk of the circuit court shall expunge,  
23          upon order of the court, or in the absence of a court order  
24          on or before January 1 and July 1 of each year, the court  
25          records of a person found in the circuit court to have  
26          committed a civil law violation of subsection (a) of

1 Section 4 of the Cannabis Control Act or subsection (c) of  
2 Section 3.5 of the Drug Paraphernalia Control Act in the  
3 clerk's possession or control and which contains the final  
4 satisfactory disposition which pertain to the person  
5 issued a citation for any of those offenses.

6 (3) Exclusions. Except as otherwise provided in  
7 subsections (b)(5), (b)(6), (b)(8), (e), (e-5), and (e-6)  
8 of this Section, the court shall not order:

9 (A) the sealing or expungement of the records of  
10 arrests or charges not initiated by arrest that result  
11 in an order of supervision for or conviction of: (i)  
12 any sexual offense committed against a minor; (ii)  
13 Section 11-501 of the Illinois Vehicle Code or a  
14 similar provision of a local ordinance; or (iii)  
15 Section 11-503 of the Illinois Vehicle Code or a  
16 similar provision of a local ordinance, unless the  
17 arrest or charge is for a misdemeanor violation of  
18 subsection (a) of Section 11-503 or a similar  
19 provision of a local ordinance, that occurred prior to  
20 the offender reaching the age of 25 years and the  
21 offender has no other conviction for violating Section  
22 11-501 or 11-503 of the Illinois Vehicle Code or a  
23 similar provision of a local ordinance.

24 (B) the sealing or expungement of records of minor  
25 traffic offenses (as defined in subsection (a)(1)(G)),  
26 unless the petitioner was arrested and released



1 without charging.

2 (C) the sealing of the records of arrests or  
3 charges not initiated by arrest which result in an  
4 order of supervision or a conviction for the following  
5 offenses:

6 (i) offenses included in Article 11 of the  
7 Criminal Code of 1961 or the Criminal Code of 2012  
8 or a similar provision of a local ordinance,  
9 except Section 11-14 and a misdemeanor violation  
10 of Section 11-30 of the Criminal Code of 1961 or  
11 the Criminal Code of 2012, or a similar provision  
12 of a local ordinance;

13 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
14 26-5, or 48-1 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012, or a similar provision of a  
16 local ordinance;

17 (iii) Section ~~Sections~~ 12-3.1 or 12-3.2 of the  
18 Criminal Code of 1961 or the Criminal Code of  
19 2012, or Section 125 of the Stalking No Contact  
20 Order Act, or Section 219 of the Civil No Contact  
21 Order Act, or a similar provision of a local  
22 ordinance;

23 (iv) Class A misdemeanors or felony offenses  
24 under the Humane Care for Animals Act; or

25 (v) any offense or attempted offense that  
26 would subject a person to registration under the

1 Sex Offender Registration Act.

2 (D) (blank).

3 (b) Expungement.

4 (1) A petitioner may petition the circuit court to  
5 expunge the records of his or her arrests and charges not  
6 initiated by arrest when each arrest or charge not  
7 initiated by arrest sought to be expunged resulted in: (i)  
8 acquittal, dismissal, or the petitioner's release without  
9 charging, unless excluded by subsection (a)(3)(B); (ii) a  
10 conviction which was vacated or reversed, unless excluded  
11 by subsection (a)(3)(B); (iii) an order of supervision and  
12 such supervision was successfully completed by the  
13 petitioner, unless excluded by subsection (a)(3)(A) or  
14 (a)(3)(B); or (iv) an order of qualified probation (as  
15 defined in subsection (a)(1)(J)) and such probation was  
16 successfully completed by the petitioner.

17 (1.5) When a petitioner seeks to have a record of  
18 arrest expunged under this Section, and the offender has  
19 been convicted of a criminal offense, the State's Attorney  
20 may object to the expungement on the grounds that the  
21 records contain specific relevant information aside from  
22 the mere fact of the arrest.

23 (2) Time frame for filing a petition to expunge.

24 (A) When the arrest or charge not initiated by  
25 arrest sought to be expunged resulted in an acquittal,  
26 dismissal, the petitioner's release without charging,

1           or the reversal or vacation of a conviction, there is  
2           no waiting period to petition for the expungement of  
3           such records.

4           (B) When the arrest or charge not initiated by  
5           arrest sought to be expunged resulted in an order of  
6           supervision, successfully completed by the petitioner,  
7           the following time frames will apply:

8                   (i) Those arrests or charges that resulted in  
9                   orders of supervision under Section 3-707, 3-708,  
10                  3-710, or 5-401.3 of the Illinois Vehicle Code or  
11                  a similar provision of a local ordinance, or under  
12                  Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
13                  Code of 1961 or the Criminal Code of 2012, or a  
14                  similar provision of a local ordinance, shall not  
15                  be eligible for expungement until 5 years have  
16                  passed following the satisfactory termination of  
17                  the supervision.

18                   (i-5) Those arrests or charges that resulted  
19                   in orders of supervision for a misdemeanor  
20                   violation of subsection (a) of Section 11-503 of  
21                   the Illinois Vehicle Code or a similar provision  
22                   of a local ordinance, that occurred prior to the  
23                   offender reaching the age of 25 years and the  
24                   offender has no other conviction for violating  
25                   Section 11-501 or 11-503 of the Illinois Vehicle  
26                   Code or a similar provision of a local ordinance

1           shall not be eligible for expungement until the  
2           petitioner has reached the age of 25 years.

3           (ii) Those arrests or charges that resulted in  
4           orders of supervision for any other offenses shall  
5           not be eligible for expungement until 2 years have  
6           passed following the satisfactory termination of  
7           the supervision.

8           (C) When the arrest or charge not initiated by  
9           arrest sought to be expunged resulted in an order of  
10          qualified probation, successfully completed by the  
11          petitioner, such records shall not be eligible for  
12          expungement until 5 years have passed following the  
13          satisfactory termination of the probation.

14          (3) Those records maintained by the Illinois State  
15          Police for persons arrested prior to their 17th birthday  
16          shall be expunged as provided in Section 5-915 of the  
17          Juvenile Court Act of 1987.

18          (4) Whenever a person has been arrested for or  
19          convicted of any offense, in the name of a person whose  
20          identity he or she has stolen or otherwise come into  
21          possession of, the aggrieved person from whom the identity  
22          was stolen or otherwise obtained without authorization,  
23          upon learning of the person having been arrested using his  
24          or her identity, may, upon verified petition to the chief  
25          judge of the circuit wherein the arrest was made, have a  
26          court order entered nunc pro tunc by the Chief Judge to

1 correct the arrest record, conviction record, if any, and  
2 all official records of the arresting authority, the  
3 Illinois State Police, other criminal justice agencies,  
4 the prosecutor, and the trial court concerning such  
5 arrest, if any, by removing his or her name from all such  
6 records in connection with the arrest and conviction, if  
7 any, and by inserting in the records the name of the  
8 offender, if known or ascertainable, in lieu of the  
9 aggrieved's name. The records of the circuit court clerk  
10 shall be sealed until further order of the court upon good  
11 cause shown and the name of the aggrieved person  
12 obliterated on the official index required to be kept by  
13 the circuit court clerk under Section 16 of the Clerks of  
14 Courts Act, but the order shall not affect any index  
15 issued by the circuit court clerk before the entry of the  
16 order. Nothing in this Section shall limit the Illinois  
17 State Police or other criminal justice agencies or  
18 prosecutors from listing under an offender's name the  
19 false names he or she has used.

20 (5) Whenever a person has been convicted of criminal  
21 sexual assault, aggravated criminal sexual assault,  
22 predatory criminal sexual assault of a child, criminal  
23 sexual abuse, or aggravated criminal sexual abuse, the  
24 victim of that offense may request that the State's  
25 Attorney of the county in which the conviction occurred  
26 file a verified petition with the presiding trial judge at

1 the petitioner's trial to have a court order entered to  
2 seal the records of the circuit court clerk in connection  
3 with the proceedings of the trial court concerning that  
4 offense. However, the records of the arresting authority  
5 and the Illinois State Police concerning the offense shall  
6 not be sealed. The court, upon good cause shown, shall  
7 make the records of the circuit court clerk in connection  
8 with the proceedings of the trial court concerning the  
9 offense available for public inspection.

10 (6) If a conviction has been set aside on direct  
11 review or on collateral attack and the court determines by  
12 clear and convincing evidence that the petitioner was  
13 factually innocent of the charge, the court that finds the  
14 petitioner factually innocent of the charge shall enter an  
15 expungement order for the conviction for which the  
16 petitioner has been determined to be innocent as provided  
17 in subsection (b) of Section 5-5-4 of the Unified Code of  
18 Corrections.

19 (7) Nothing in this Section shall prevent the Illinois  
20 State Police from maintaining all records of any person  
21 who is admitted to probation upon terms and conditions and  
22 who fulfills those terms and conditions pursuant to  
23 Section 10 of the Cannabis Control Act, Section 410 of the  
24 Illinois Controlled Substances Act, Section 70 of the  
25 Methamphetamine Control and Community Protection Act,  
26 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of

1 Corrections, Section 12-4.3 or subdivision (b)(1) of  
2 Section 12-3.05 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012, Section 10-102 of the Illinois  
4 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
5 the Substance Use Disorder Act, or Section 10 of the  
6 Steroid Control Act.

7 (8) If the petitioner has been granted a certificate  
8 of innocence under Section 2-702 of the Code of Civil  
9 Procedure, the court that grants the certificate of  
10 innocence shall also enter an order expunging the  
11 conviction for which the petitioner has been determined to  
12 be innocent as provided in subsection (h) of Section 2-702  
13 of the Code of Civil Procedure.

14 (c) Sealing.

15 (1) Applicability. Notwithstanding any other provision  
16 of this Act to the contrary, and cumulative with any  
17 rights to expungement of criminal records, this subsection  
18 authorizes the sealing of criminal records of adults and  
19 of minors prosecuted as adults. Subsection (g) of this  
20 Section provides for immediate sealing of certain records.

21 (2) Eligible Records. The following records may be  
22 sealed:

23 (A) All arrests resulting in release without  
24 charging;

25 (B) Arrests or charges not initiated by arrest  
26 resulting in acquittal, dismissal, or conviction when

1 the conviction was reversed or vacated, except as  
2 excluded by subsection (a) (3) (B);

3 (C) Arrests or charges not initiated by arrest  
4 resulting in orders of supervision, including orders  
5 of supervision for municipal ordinance violations,  
6 successfully completed by the petitioner, unless  
7 excluded by subsection (a) (3);

8 (D) Arrests or charges not initiated by arrest  
9 resulting in convictions, including convictions on  
10 municipal ordinance violations, unless excluded by  
11 subsection (a) (3);

12 (E) Arrests or charges not initiated by arrest  
13 resulting in orders of first offender probation under  
14 Section 10 of the Cannabis Control Act, Section 410 of  
15 the Illinois Controlled Substances Act, Section 70 of  
16 the Methamphetamine Control and Community Protection  
17 Act, or Section 5-6-3.3 of the Unified Code of  
18 Corrections; and

19 (F) Arrests or charges not initiated by arrest  
20 resulting in felony convictions unless otherwise  
21 excluded by subsection (a) paragraph (3) of this  
22 Section.

23 (3) When Records Are Eligible to Be Sealed. Records  
24 identified as eligible under subsection (c) (2) may be  
25 sealed as follows:

26 (A) Records identified as eligible under



1            ~~subsections~~ subsection (c) (2) (A) and (c) (2) (B) may be  
2            sealed at any time.

3            (B) Except as otherwise provided in subparagraph  
4            (E) of this paragraph (3), records identified as  
5            eligible under subsection (c) (2) (C) may be sealed 2  
6            years after the termination of petitioner's last  
7            sentence (as defined in subsection (a) (1) (F)).

8            (C) Except as otherwise provided in subparagraph  
9            (E) of this paragraph (3), records identified as  
10           eligible under subsections (c) (2) (D), (c) (2) (E), and  
11           (c) (2) (F) may be sealed 3 years after the termination  
12           of the petitioner's last sentence (as defined in  
13           subsection (a) (1) (F)). Convictions requiring public  
14           registration under the Arsonist Registration Act, the  
15           Sex Offender Registration Act, or the Murderer and  
16           Violent Offender Against Youth Registration Act may  
17           not be sealed until the petitioner is no longer  
18           required to register under that relevant Act.

19           (D) Records identified in subsection  
20           (a) (3) (A) (iii) may be sealed after the petitioner has  
21           reached the age of 25 years.

22           (E) Records identified as eligible under  
23           subsection ~~subsections~~ (c) (2) (C), (c) (2) (D),  
24           (c) (2) (E), or (c) (2) (F) may be sealed upon termination  
25           of the petitioner's last sentence if the petitioner  
26           earned a high school diploma, associate's degree,

1 career certificate, vocational technical  
2 certification, or bachelor's degree, or passed the  
3 high school level Test of General Educational  
4 Development, during the period of his or her sentence  
5 or mandatory supervised release. This subparagraph  
6 shall apply only to a petitioner who has not completed  
7 the same educational goal prior to the period of his or  
8 her sentence or mandatory supervised release. If a  
9 petition for sealing eligible records filed under this  
10 subparagraph is denied by the court, the time periods  
11 under subparagraph (B) or (C) shall apply to any  
12 subsequent petition for sealing filed by the  
13 petitioner.

14 (4) Subsequent felony convictions. A person may not  
15 have subsequent felony conviction records sealed as  
16 provided in this subsection (c) if he or she is convicted  
17 of any felony offense after the date of the sealing of  
18 prior felony convictions as provided in this subsection  
19 (c). The court may, upon conviction for a subsequent  
20 felony offense, order the unsealing of prior felony  
21 conviction records previously ordered sealed by the court.

22 (5) Notice of eligibility for sealing. Upon entry of a  
23 disposition for an eligible record under this subsection  
24 (c), the petitioner shall be informed by the court of the  
25 right to have the records sealed and the procedures for  
26 the sealing of the records.

1 (d) Procedure. The following procedures apply to  
2 expungement under subsections (b), (e), and (e-6) and sealing  
3 under subsections (c) and (e-5):

4 (1) Filing the petition. Upon becoming eligible to  
5 petition for the expungement or sealing of records under  
6 this Section, the petitioner shall file a petition  
7 requesting the expungement or sealing of records with the  
8 clerk of the court where the arrests occurred or the  
9 charges were brought, or both. If arrests occurred or  
10 charges were brought in multiple jurisdictions, a petition  
11 must be filed in each such jurisdiction. The petitioner  
12 shall pay the applicable fee, except no fee shall be  
13 required if the petitioner has obtained a court order  
14 waiving fees under Supreme Court Rule 298 or it is  
15 otherwise waived.

16 (1.5) County fee waiver pilot program. From August 9,  
17 2019 (the effective date of Public Act 101-306) through  
18 December 31, 2020, in a county of 3,000,000 or more  
19 inhabitants, no fee shall be required to be paid by a  
20 petitioner if the records sought to be expunged or sealed  
21 were arrests resulting in release without charging or  
22 arrests or charges not initiated by arrest resulting in  
23 acquittal, dismissal, or conviction when the conviction  
24 was reversed or vacated, unless excluded by subsection  
25 (a)(3)(B). The provisions of this paragraph (1.5), other  
26 than this sentence, are inoperative on and after January

1 1, 2022.

2 (2) Contents of petition. The petition shall be  
3 verified and shall contain the petitioner's name, date of  
4 birth, current address and, for each arrest or charge not  
5 initiated by arrest sought to be sealed or expunged, the  
6 case number, the date of arrest (if any), the identity of  
7 the arresting authority, and such other information as the  
8 court may require. During the pendency of the proceeding,  
9 the petitioner shall promptly notify the circuit court  
10 clerk of any change of his or her address. If the  
11 petitioner has received a certificate of eligibility for  
12 sealing from the Prisoner Review Board under paragraph  
13 (10) of subsection (a) of Section 3-3-2 of the Unified  
14 Code of Corrections, the certificate shall be attached to  
15 the petition.

16 (3) Drug test. The petitioner must attach to the  
17 petition proof that the petitioner has taken within 30  
18 days before the filing of the petition a test showing the  
19 absence within his or her body of all illegal substances  
20 as defined by the Illinois Controlled Substances Act and  
21 the Methamphetamine Control and Community Protection Act  
22 if he or she is petitioning to:

23 (A) seal felony records under clause (c) (2) (E);

24 (B) seal felony records for a violation of the  
25 Illinois Controlled Substances Act, the  
26 Methamphetamine Control and Community Protection Act,

1           or the Cannabis Control Act under clause (c) (2) (F);  
2           (C) seal felony records under subsection (e-5); or  
3           (D) expunge felony records of a qualified  
4           probation under clause (b) (1) (iv).

5           (4) Service of petition. The circuit court clerk shall  
6           promptly serve a copy of the petition and documentation to  
7           support the petition under subsection (e-5) or (e-6) on  
8           the State's Attorney or prosecutor charged with the duty  
9           of prosecuting the offense, the Illinois State Police, the  
10          arresting agency and the chief legal officer of the unit  
11          of local government effecting the arrest.

12          (5) Objections.

13           (A) Any party entitled to notice of the petition  
14           may file an objection to the petition. All objections  
15           shall be in writing, shall be filed with the circuit  
16           court clerk, and shall state with specificity the  
17           basis of the objection. Whenever a person who has been  
18           convicted of an offense is granted a pardon by the  
19           Governor which specifically authorizes expungement, an  
20           objection to the petition may not be filed.

21           (B) Objections to a petition to expunge or seal  
22           must be filed within 60 days of the date of service of  
23           the petition.

24          (6) Entry of order.

25           (A) The Chief Judge of the circuit wherein the  
26           charge was brought, any judge of that circuit

1 designated by the Chief Judge, or in counties of less  
2 than 3,000,000 inhabitants, the presiding trial judge  
3 at the petitioner's trial, if any, shall rule on the  
4 petition to expunge or seal as set forth in this  
5 subsection (d) (6).

6 (B) Unless the State's Attorney or prosecutor, the  
7 Illinois State Police, the arresting agency, or the  
8 chief legal officer files an objection to the petition  
9 to expunge or seal within 60 days from the date of  
10 service of the petition, the court shall enter an  
11 order granting or denying the petition.

12 (C) Notwithstanding any other provision of law,  
13 the court shall not deny a petition for sealing under  
14 this Section because the petitioner has not satisfied  
15 an outstanding legal financial obligation established,  
16 imposed, or originated by a court, law enforcement  
17 agency, or a municipal, State, county, or other unit  
18 of local government, including, but not limited to,  
19 any cost, assessment, fine, or fee. An outstanding  
20 legal financial obligation does not include any court  
21 ordered restitution to a victim under Section 5-5-6 of  
22 the Unified Code of Corrections, unless the  
23 restitution has been converted to a civil judgment.  
24 Nothing in this subparagraph (C) waives, rescinds, or  
25 abrogates a legal financial obligation or otherwise  
26 eliminates or affects the right of the holder of any

1 financial obligation to pursue collection under  
2 applicable federal, State, or local law.

3 (D) Notwithstanding any other provision of law,  
4 the court shall not deny a petition to expunge or seal  
5 under this Section because the petitioner has  
6 submitted a drug test taken within 30 days before the  
7 filing of the petition to expunge or seal that  
8 indicates a positive test for the presence of cannabis  
9 within the petitioner's body. In this subparagraph  
10 (D), "cannabis" has the meaning ascribed to it in  
11 Section 3 of the Cannabis Control Act.

12 (7) Hearings. If an objection is filed, the court  
13 shall set a date for a hearing and notify the petitioner  
14 and all parties entitled to notice of the petition of the  
15 hearing date at least 30 days prior to the hearing. Prior  
16 to the hearing, the State's Attorney shall consult with  
17 the Illinois State Police as to the appropriateness of the  
18 relief sought in the petition to expunge or seal. At the  
19 hearing, the court shall hear evidence on whether the  
20 petition should or should not be granted, and shall grant  
21 or deny the petition to expunge or seal the records based  
22 on the evidence presented at the hearing. The court may  
23 consider the following:

24 (A) the strength of the evidence supporting the  
25 defendant's conviction;

26 (B) the reasons for retention of the conviction

1 records by the State;

2 (C) the petitioner's age, criminal record history,  
3 and employment history;

4 (D) the period of time between the petitioner's  
5 arrest on the charge resulting in the conviction and  
6 the filing of the petition under this Section; and

7 (E) the specific adverse consequences the  
8 petitioner may be subject to if the petition is  
9 denied.

10 (8) Service of order. After entering an order to  
11 expunge or seal records, the court must provide copies of  
12 the order to the Illinois State Police, in a form and  
13 manner prescribed by the Illinois State Police, to the  
14 petitioner, to the State's Attorney or prosecutor charged  
15 with the duty of prosecuting the offense, to the arresting  
16 agency, to the chief legal officer of the unit of local  
17 government effecting the arrest, and to such other  
18 criminal justice agencies as may be ordered by the court.

19 (9) Implementation of order.

20 (A) Upon entry of an order to expunge records  
21 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or  
22 both:

23 (i) the records shall be expunged (as defined  
24 in subsection (a) (1) (E)) by the arresting agency,  
25 the Illinois State Police, and any other agency as  
26 ordered by the court, within 60 days of the date of



1 service of the order, unless a motion to vacate,  
2 modify, or reconsider the order is filed pursuant  
3 to paragraph (12) of subsection (d) of this  
4 Section;

5 (ii) the records of the circuit court clerk  
6 shall be impounded until further order of the  
7 court upon good cause shown and the name of the  
8 petitioner obliterated on the official index  
9 required to be kept by the circuit court clerk  
10 under Section 16 of the Clerks of Courts Act, but  
11 the order shall not affect any index issued by the  
12 circuit court clerk before the entry of the order;  
13 and

14 (iii) in response to an inquiry for expunged  
15 records, the court, the Illinois State Police, or  
16 the agency receiving such inquiry, shall reply as  
17 it does in response to inquiries when no records  
18 ever existed.

19 (B) Upon entry of an order to expunge records  
20 pursuant to subsection (b) (2) (B) (i) or (b) (2) (C), or  
21 both:

22 (i) the records shall be expunged (as defined  
23 in subsection (a) (1) (E)) by the arresting agency  
24 and any other agency as ordered by the court,  
25 within 60 days of the date of service of the order,  
26 unless a motion to vacate, modify, or reconsider

1           the order is filed pursuant to paragraph (12) of  
2           subsection (d) of this Section;

3           (ii) the records of the circuit court clerk  
4           shall be impounded until further order of the  
5           court upon good cause shown and the name of the  
6           petitioner obliterated on the official index  
7           required to be kept by the circuit court clerk  
8           under Section 16 of the Clerks of Courts Act, but  
9           the order shall not affect any index issued by the  
10          circuit court clerk before the entry of the order;

11          (iii) the records shall be impounded by the  
12          Illinois State Police within 60 days of the date  
13          of service of the order as ordered by the court,  
14          unless a motion to vacate, modify, or reconsider  
15          the order is filed pursuant to paragraph (12) of  
16          subsection (d) of this Section;

17          (iv) records impounded by the Illinois State  
18          Police may be disseminated by the Illinois State  
19          Police only as required by law or to the arresting  
20          authority, the State's Attorney, and the court  
21          upon a later arrest for the same or a similar  
22          offense or for the purpose of sentencing for any  
23          subsequent felony, and to the Department of  
24          Corrections upon conviction for any offense; and

25          (v) in response to an inquiry for such records  
26          from anyone not authorized by law to access such

1 records, the court, the Illinois State Police, or  
2 the agency receiving such inquiry shall reply as  
3 it does in response to inquiries when no records  
4 ever existed.

5 (B-5) Upon entry of an order to expunge records  
6 under subsection (e-6):

7 (i) the records shall be expunged (as defined  
8 in subsection (a)(1)(E)) by the arresting agency  
9 and any other agency as ordered by the court,  
10 within 60 days of the date of service of the order,  
11 unless a motion to vacate, modify, or reconsider  
12 the order is filed under paragraph (12) of  
13 subsection (d) of this Section;

14 (ii) the records of the circuit court clerk  
15 shall be impounded until further order of the  
16 court upon good cause shown and the name of the  
17 petitioner obliterated on the official index  
18 required to be kept by the circuit court clerk  
19 under Section 16 of the Clerks of Courts Act, but  
20 the order shall not affect any index issued by the  
21 circuit court clerk before the entry of the order;

22 (iii) the records shall be impounded by the  
23 Illinois State Police within 60 days of the date  
24 of service of the order as ordered by the court,  
25 unless a motion to vacate, modify, or reconsider  
26 the order is filed under paragraph (12) of

1 subsection (d) of this Section;

2 (iv) records impounded by the Illinois State  
3 Police may be disseminated by the Illinois State  
4 Police only as required by law or to the arresting  
5 authority, the State's Attorney, and the court  
6 upon a later arrest for the same or a similar  
7 offense or for the purpose of sentencing for any  
8 subsequent felony, and to the Department of  
9 Corrections upon conviction for any offense; and

10 (v) in response to an inquiry for these  
11 records from anyone not authorized by law to  
12 access the records, the court, the Illinois State  
13 Police, or the agency receiving the inquiry shall  
14 reply as it does in response to inquiries when no  
15 records ever existed.

16 (C) Upon entry of an order to seal records under  
17 subsection (c), the arresting agency, any other agency  
18 as ordered by the court, the Illinois State Police,  
19 and the court shall seal the records (as defined in  
20 subsection (a)(1)(K)). In response to an inquiry for  
21 such records, from anyone not authorized by law to  
22 access such records, the court, the Illinois State  
23 Police, or the agency receiving such inquiry shall  
24 reply as it does in response to inquiries when no  
25 records ever existed.

26 (D) The Illinois State Police shall send written

1 notice to the petitioner of its compliance with each  
2 order to expunge or seal records within 60 days of the  
3 date of service of that order or, if a motion to  
4 vacate, modify, or reconsider is filed, within 60 days  
5 of service of the order resolving the motion, if that  
6 order requires the Illinois State Police to expunge or  
7 seal records. In the event of an appeal from the  
8 circuit court order, the Illinois State Police shall  
9 send written notice to the petitioner of its  
10 compliance with an Appellate Court or Supreme Court  
11 judgment to expunge or seal records within 60 days of  
12 the issuance of the court's mandate. The notice is not  
13 required while any motion to vacate, modify, or  
14 reconsider, or any appeal or petition for  
15 discretionary appellate review, is pending.

16 (E) Upon motion, the court may order that a sealed  
17 judgment or other court record necessary to  
18 demonstrate the amount of any legal financial  
19 obligation due and owing be made available for the  
20 limited purpose of collecting any legal financial  
21 obligations owed by the petitioner that were  
22 established, imposed, or originated in the criminal  
23 proceeding for which those records have been sealed.  
24 The records made available under this subparagraph (E)  
25 shall not be entered into the official index required  
26 to be kept by the circuit court clerk under Section 16

1 of the Clerks of Courts Act and shall be immediately  
2 re-impounded upon the collection of the outstanding  
3 financial obligations.

4 (F) Notwithstanding any other provision of this  
5 Section, a circuit court clerk may access a sealed  
6 record for the limited purpose of collecting payment  
7 for any legal financial obligations that were  
8 established, imposed, or originated in the criminal  
9 proceedings for which those records have been sealed.

10 (10) Fees. The Illinois State Police may charge the  
11 petitioner a fee equivalent to the cost of processing any  
12 order to expunge or seal records. Notwithstanding any  
13 provision of the Clerks of Courts Act to the contrary, the  
14 circuit court clerk may charge a fee equivalent to the  
15 cost associated with the sealing or expungement of records  
16 by the circuit court clerk. From the total filing fee  
17 collected for the petition to seal or expunge, the circuit  
18 court clerk shall deposit \$10 into the Circuit Court Clerk  
19 Operation and Administrative Fund, to be used to offset  
20 the costs incurred by the circuit court clerk in  
21 performing the additional duties required to serve the  
22 petition to seal or expunge on all parties. The circuit  
23 court clerk shall collect and remit the Illinois State  
24 Police portion of the fee to the State Treasurer and it  
25 shall be deposited in the State Police Services Fund. If  
26 the record brought under an expungement petition was

1           previously sealed under this Section, the fee for the  
2           expungement petition for that same record shall be waived.

3           (11) Final Order. No court order issued under the  
4           expungement or sealing provisions of this Section shall  
5           become final for purposes of appeal until 30 days after  
6           service of the order on the petitioner and all parties  
7           entitled to notice of the petition.

8           (12) Motion to Vacate, Modify, or Reconsider. Under  
9           Section 2-1203 of the Code of Civil Procedure, the  
10          petitioner or any party entitled to notice may file a  
11          motion to vacate, modify, or reconsider the order granting  
12          or denying the petition to expunge or seal within 60 days  
13          of service of the order. If filed more than 60 days after  
14          service of the order, a petition to vacate, modify, or  
15          reconsider shall comply with subsection (c) of Section  
16          2-1401 of the Code of Civil Procedure. Upon filing of a  
17          motion to vacate, modify, or reconsider, notice of the  
18          motion shall be served upon the petitioner and all parties  
19          entitled to notice of the petition.

20          (13) Effect of Order. An order granting a petition  
21          under the expungement or sealing provisions of this  
22          Section shall not be considered void because it fails to  
23          comply with the provisions of this Section or because of  
24          any error asserted in a motion to vacate, modify, or  
25          reconsider. The circuit court retains jurisdiction to  
26          determine whether the order is voidable and to vacate,

1 modify, or reconsider its terms based on a motion filed  
2 under paragraph (12) of this subsection (d).

3 (14) Compliance with Order Granting Petition to Seal  
4 Records. Unless a court has entered a stay of an order  
5 granting a petition to seal, all parties entitled to  
6 notice of the petition must fully comply with the terms of  
7 the order within 60 days of service of the order even if a  
8 party is seeking relief from the order through a motion  
9 filed under paragraph (12) of this subsection (d) or is  
10 appealing the order.

11 (15) Compliance with Order Granting Petition to  
12 Expunge Records. While a party is seeking relief from the  
13 order granting the petition to expunge through a motion  
14 filed under paragraph (12) of this subsection (d) or is  
15 appealing the order, and unless a court has entered a stay  
16 of that order, the parties entitled to notice of the  
17 petition must seal, but need not expunge, the records  
18 until there is a final order on the motion for relief or,  
19 in the case of an appeal, the issuance of that court's  
20 mandate.

21 (16) The changes to this subsection (d) made by Public  
22 Act 98-163 apply to all petitions pending on August 5,  
23 2013 (the effective date of Public Act 98-163) and to all  
24 orders ruling on a petition to expunge or seal on or after  
25 August 5, 2013 (the effective date of Public Act 98-163).

26 (e) Whenever a person who has been convicted of an offense



1 is granted a pardon by the Governor which specifically  
2 authorizes expungement, he or she may, upon verified petition  
3 to the Chief Judge of the circuit where the person had been  
4 convicted, any judge of the circuit designated by the Chief  
5 Judge, or in counties of less than 3,000,000 inhabitants, the  
6 presiding trial judge at the defendant's trial, have a court  
7 order entered expunging the record of arrest from the official  
8 records of the arresting authority and order that the records  
9 of the circuit court clerk and the Illinois State Police be  
10 sealed until further order of the court upon good cause shown  
11 or as otherwise provided herein, and the name of the defendant  
12 obliterated from the official index requested to be kept by  
13 the circuit court clerk under Section 16 of the Clerks of  
14 Courts Act in connection with the arrest and conviction for  
15 the offense for which he or she had been pardoned but the order  
16 shall not affect any index issued by the circuit court clerk  
17 before the entry of the order. All records sealed by the  
18 Illinois State Police may be disseminated by the Illinois  
19 State Police only to the arresting authority, the State's  
20 Attorney, and the court upon a later arrest for the same or  
21 similar offense or for the purpose of sentencing for any  
22 subsequent felony. Upon conviction for any subsequent offense,  
23 the Department of Corrections shall have access to all sealed  
24 records of the Illinois State Police pertaining to that  
25 individual. Upon entry of the order of expungement, the  
26 circuit court clerk shall promptly mail a copy of the order to

1 the person who was pardoned.

2 (e-5) Whenever a person who has been convicted of an  
3 offense is granted a certificate of eligibility for sealing by  
4 the Prisoner Review Board which specifically authorizes  
5 sealing, he or she may, upon verified petition to the Chief  
6 Judge of the circuit where the person had been convicted, any  
7 judge of the circuit designated by the Chief Judge, or in  
8 counties of less than 3,000,000 inhabitants, the presiding  
9 trial judge at the petitioner's trial, have a court order  
10 entered sealing the record of arrest from the official records  
11 of the arresting authority and order that the records of the  
12 circuit court clerk and the Illinois State Police be sealed  
13 until further order of the court upon good cause shown or as  
14 otherwise provided herein, and the name of the petitioner  
15 obliterated from the official index requested to be kept by  
16 the circuit court clerk under Section 16 of the Clerks of  
17 Courts Act in connection with the arrest and conviction for  
18 the offense for which he or she had been granted the  
19 certificate but the order shall not affect any index issued by  
20 the circuit court clerk before the entry of the order. All  
21 records sealed by the Illinois State Police may be  
22 disseminated by the Illinois State Police only as required by  
23 this Act or to the arresting authority, a law enforcement  
24 agency, the State's Attorney, and the court upon a later  
25 arrest for the same or similar offense or for the purpose of  
26 sentencing for any subsequent felony. Upon conviction for any

1 subsequent offense, the Department of Corrections shall have  
2 access to all sealed records of the Illinois State Police  
3 pertaining to that individual. Upon entry of the order of  
4 sealing, the circuit court clerk shall promptly mail a copy of  
5 the order to the person who was granted the certificate of  
6 eligibility for sealing.

7 (e-6) Whenever a person who has been convicted of an  
8 offense is granted a certificate of eligibility for  
9 expungement by the Prisoner Review Board which specifically  
10 authorizes expungement, he or she may, upon verified petition  
11 to the Chief Judge of the circuit where the person had been  
12 convicted, any judge of the circuit designated by the Chief  
13 Judge, or in counties of less than 3,000,000 inhabitants, the  
14 presiding trial judge at the petitioner's trial, have a court  
15 order entered expunging the record of arrest from the official  
16 records of the arresting authority and order that the records  
17 of the circuit court clerk and the Illinois State Police be  
18 sealed until further order of the court upon good cause shown  
19 or as otherwise provided herein, and the name of the  
20 petitioner obliterated from the official index requested to be  
21 kept by the circuit court clerk under Section 16 of the Clerks  
22 of Courts Act in connection with the arrest and conviction for  
23 the offense for which he or she had been granted the  
24 certificate but the order shall not affect any index issued by  
25 the circuit court clerk before the entry of the order. All  
26 records sealed by the Illinois State Police may be

1 disseminated by the Illinois State Police only as required by  
2 this Act or to the arresting authority, a law enforcement  
3 agency, the State's Attorney, and the court upon a later  
4 arrest for the same or similar offense or for the purpose of  
5 sentencing for any subsequent felony. Upon conviction for any  
6 subsequent offense, the Department of Corrections shall have  
7 access to all expunged records of the Illinois State Police  
8 pertaining to that individual. Upon entry of the order of  
9 expungement, the circuit court clerk shall promptly mail a  
10 copy of the order to the person who was granted the certificate  
11 of eligibility for expungement.

12 (f) Subject to available funding, the Illinois Department  
13 of Corrections shall conduct a study of the impact of sealing,  
14 especially on employment and recidivism rates, utilizing a  
15 random sample of those who apply for the sealing of their  
16 criminal records under Public Act 93-211. At the request of  
17 the Illinois Department of Corrections, records of the  
18 Illinois Department of Employment Security shall be utilized  
19 as appropriate to assist in the study. The study shall not  
20 disclose any data in a manner that would allow the  
21 identification of any particular individual or employing unit.  
22 The study shall be made available to the General Assembly no  
23 later than September 1, 2010.

24 (g) Immediate Sealing.

25 (1) Applicability. Notwithstanding any other provision  
26 of this Act to the contrary, and cumulative with any

1 rights to expungement or sealing of criminal records, this  
2 subsection authorizes the immediate sealing of criminal  
3 records of adults and of minors prosecuted as adults.

4 (2) Eligible Records. Arrests or charges not initiated  
5 by arrest resulting in acquittal or dismissal with  
6 prejudice, except as excluded by subsection (a)(3)(B),  
7 that occur on or after January 1, 2018 (the effective date  
8 of Public Act 100-282), may be sealed immediately if the  
9 petition is filed with the circuit court clerk on the same  
10 day and during the same hearing in which the case is  
11 disposed.

12 (3) When Records are Eligible to be Immediately  
13 Sealed. Eligible records under paragraph (2) of this  
14 subsection (g) may be sealed immediately after entry of  
15 the final disposition of a case, notwithstanding the  
16 disposition of other charges in the same case.

17 (4) Notice of Eligibility for Immediate Sealing. Upon  
18 entry of a disposition for an eligible record under this  
19 subsection (g), the defendant shall be informed by the  
20 court of his or her right to have eligible records  
21 immediately sealed and the procedure for the immediate  
22 sealing of these records.

23 (5) Procedure. The following procedures apply to  
24 immediate sealing under this subsection (g).

25 (A) Filing the Petition. Upon entry of the final  
26 disposition of the case, the defendant's attorney may

1 immediately petition the court, on behalf of the  
2 defendant, for immediate sealing of eligible records  
3 under paragraph (2) of this subsection (g) that are  
4 entered on or after January 1, 2018 (the effective  
5 date of Public Act 100-282). The immediate sealing  
6 petition may be filed with the circuit court clerk  
7 during the hearing in which the final disposition of  
8 the case is entered. If the defendant's attorney does  
9 not file the petition for immediate sealing during the  
10 hearing, the defendant may file a petition for sealing  
11 at any time as authorized under subsection (c) (3) (A).

12 (B) Contents of Petition. The immediate sealing  
13 petition shall be verified and shall contain the  
14 petitioner's name, date of birth, current address, and  
15 for each eligible record, the case number, the date of  
16 arrest if applicable, the identity of the arresting  
17 authority if applicable, and other information as the  
18 court may require.

19 (C) Drug Test. The petitioner shall not be  
20 required to attach proof that he or she has passed a  
21 drug test.

22 (D) Service of Petition. A copy of the petition  
23 shall be served on the State's Attorney in open court.  
24 The petitioner shall not be required to serve a copy of  
25 the petition on any other agency.

26 (E) Entry of Order. The presiding trial judge

1 shall enter an order granting or denying the petition  
2 for immediate sealing during the hearing in which it  
3 is filed. Petitions for immediate sealing shall be  
4 ruled on in the same hearing in which the final  
5 disposition of the case is entered.

6 (F) Hearings. The court shall hear the petition  
7 for immediate sealing on the same day and during the  
8 same hearing in which the disposition is rendered.

9 (G) Service of Order. An order to immediately seal  
10 eligible records shall be served in conformance with  
11 subsection (d) (8).

12 (H) Implementation of Order. An order to  
13 immediately seal records shall be implemented in  
14 conformance with subsections (d) (9) (C) and (d) (9) (D).

15 (I) Fees. The fee imposed by the circuit court  
16 clerk and the Illinois State Police shall comply with  
17 paragraph (1) of subsection (d) of this Section.

18 (J) Final Order. No court order issued under this  
19 subsection (g) shall become final for purposes of  
20 appeal until 30 days after service of the order on the  
21 petitioner and all parties entitled to service of the  
22 order in conformance with subsection (d) (8).

23 (K) Motion to Vacate, Modify, or Reconsider. Under  
24 Section 2-1203 of the Code of Civil Procedure, the  
25 petitioner, State's Attorney, or the Illinois State  
26 Police may file a motion to vacate, modify, or

1 reconsider the order denying the petition to  
2 immediately seal within 60 days of service of the  
3 order. If filed more than 60 days after service of the  
4 order, a petition to vacate, modify, or reconsider  
5 shall comply with subsection (c) of Section 2-1401 of  
6 the Code of Civil Procedure.

7 (L) Effect of Order. An order granting an  
8 immediate sealing petition shall not be considered  
9 void because it fails to comply with the provisions of  
10 this Section or because of an error asserted in a  
11 motion to vacate, modify, or reconsider. The circuit  
12 court retains jurisdiction to determine whether the  
13 order is voidable, and to vacate, modify, or  
14 reconsider its terms based on a motion filed under  
15 subparagraph (L) of this subsection (g).

16 (M) Compliance with Order Granting Petition to  
17 Seal Records. Unless a court has entered a stay of an  
18 order granting a petition to immediately seal, all  
19 parties entitled to service of the order must fully  
20 comply with the terms of the order within 60 days of  
21 service of the order.

22 (h) Sealing; trafficking victims.

23 (1) A trafficking victim as defined by paragraph (10)  
24 of subsection (a) of Section 10-9 of the Criminal Code of  
25 2012 shall be eligible to petition for immediate sealing  
26 of his or her criminal record upon the completion of his or



1 her last sentence if his or her participation in the  
2 underlying offense was a direct result of human  
3 trafficking under Section 10-9 of the Criminal Code of  
4 2012 or a severe form of trafficking under the federal  
5 Trafficking Victims Protection Act.

6 (2) A petitioner under this subsection (h), in  
7 addition to the requirements provided under paragraph (4)  
8 of subsection (d) of this Section, shall include in his or  
9 her petition a clear and concise statement that: (A) he or  
10 she was a victim of human trafficking at the time of the  
11 offense; and (B) that his or her participation in the  
12 offense was a direct result of human trafficking under  
13 Section 10-9 of the Criminal Code of 2012 or a severe form  
14 of trafficking under the federal Trafficking Victims  
15 Protection Act.

16 (3) If an objection is filed alleging that the  
17 petitioner is not entitled to immediate sealing under this  
18 subsection (h), the court shall conduct a hearing under  
19 paragraph (7) of subsection (d) of this Section and the  
20 court shall determine whether the petitioner is entitled  
21 to immediate sealing under this subsection (h). A  
22 petitioner is eligible for immediate relief under this  
23 subsection (h) if he or she shows, by a preponderance of  
24 the evidence, that: (A) he or she was a victim of human  
25 trafficking at the time of the offense; and (B) that his or  
26 her participation in the offense was a direct result of

1 human trafficking under Section 10-9 of the Criminal Code  
2 of 2012 or a severe form of trafficking under the federal  
3 Trafficking Victims Protection Act.

4 (i) Minor Cannabis Offenses under the Cannabis Control  
5 Act.

6 (1) Expungement of Arrest Records of Minor Cannabis  
7 Offenses.

8 (A) The Illinois State Police and all law  
9 enforcement agencies within the State shall  
10 automatically expunge all criminal history records of  
11 an arrest, charge not initiated by arrest, order of  
12 supervision, or order of qualified probation for a  
13 Minor Cannabis Offense committed prior to June 25,  
14 2019 (the effective date of Public Act 101-27) if:

15 (i) One year or more has elapsed since the  
16 date of the arrest or law enforcement interaction  
17 documented in the records; and

18 (ii) No criminal charges were filed relating  
19 to the arrest or law enforcement interaction or  
20 criminal charges were filed and subsequently  
21 dismissed or vacated or the arrestee was  
22 acquitted.

23 (B) If the law enforcement agency is unable to  
24 verify satisfaction of condition (ii) in paragraph  
25 (A), records that satisfy condition (i) in paragraph  
26 (A) shall be automatically expunged.

1 (C) Records shall be expunged by the law  
2 enforcement agency under the following timelines:

3 (i) Records created prior to June 25, 2019  
4 (the effective date of Public Act 101-27), but on  
5 or after January 1, 2013, shall be automatically  
6 expunged prior to January 1, 2021;

7 (ii) Records created prior to January 1, 2013,  
8 but on or after January 1, 2000, shall be  
9 automatically expunged prior to January 1, 2023;

10 (iii) Records created prior to January 1, 2000  
11 shall be automatically expunged prior to January  
12 1, 2025.

13 In response to an inquiry for expunged records,  
14 the law enforcement agency receiving such inquiry  
15 shall reply as it does in response to inquiries when no  
16 records ever existed; however, it shall provide a  
17 certificate of disposition or confirmation that the  
18 record was expunged to the individual whose record was  
19 expunged if such a record exists.

20 (D) Nothing in this Section shall be construed to  
21 restrict or modify an individual's right to have that  
22 individual's records expunged except as otherwise may  
23 be provided in this Act, or diminish or abrogate any  
24 rights or remedies otherwise available to the  
25 individual.

26 (2) Pardons Authorizing Expungement of Minor Cannabis

1 Offenses.

2 (A) Upon June 25, 2019 (the effective date of  
3 Public Act 101-27), the Department of State Police  
4 shall review all criminal history record information  
5 and identify all records that meet all of the  
6 following criteria:

7 (i) one or more convictions for a Minor  
8 Cannabis Offense;

9 (ii) the conviction identified in paragraph  
10 (2)(A)(i) did not include a penalty enhancement  
11 under Section 7 of the Cannabis Control Act; and

12 (iii) the conviction identified in paragraph  
13 (2)(A)(i) is not associated with a conviction for  
14 a violent crime as defined in subsection (c) of  
15 Section 3 of the Rights of Crime Victims and  
16 Witnesses Act.

17 (B) Within 180 days after June 25, 2019 (the  
18 effective date of Public Act 101-27), the Department  
19 of State Police shall notify the Prisoner Review Board  
20 of all such records that meet the criteria established  
21 in paragraph (2)(A).

22 (i) The Prisoner Review Board shall notify the  
23 State's Attorney of the county of conviction of  
24 each record identified by State Police in  
25 paragraph (2)(A) that is classified as a Class 4  
26 felony. The State's Attorney may provide a written

1 objection to the Prisoner Review Board on the sole  
2 basis that the record identified does not meet the  
3 criteria established in paragraph (2) (A). Such an  
4 objection must be filed within 60 days or by such  
5 later date set by the Prisoner Review Board in the  
6 notice after the State's Attorney received notice  
7 from the Prisoner Review Board.

8 (ii) In response to a written objection from a  
9 State's Attorney, the Prisoner Review Board is  
10 authorized to conduct a non-public hearing to  
11 evaluate the information provided in the  
12 objection.

13 (iii) The Prisoner Review Board shall make a  
14 confidential and privileged recommendation to the  
15 Governor as to whether to grant a pardon  
16 authorizing expungement for each of the records  
17 identified by the Department of State Police as  
18 described in paragraph (2) (A).

19 (C) If an individual has been granted a pardon  
20 authorizing expungement as described in this Section,  
21 the Prisoner Review Board, through the Attorney  
22 General, shall file a petition for expungement with  
23 the Chief Judge of the circuit or any judge of the  
24 circuit designated by the Chief Judge where the  
25 individual had been convicted. Such petition may  
26 include more than one individual. Whenever an

1 individual who has been convicted of an offense is  
2 granted a pardon by the Governor that specifically  
3 authorizes expungement, an objection to the petition  
4 may not be filed. Petitions to expunge under this  
5 subsection (i) may include more than one individual.  
6 Within 90 days of the filing of such a petition, the  
7 court shall enter an order expunging the records of  
8 arrest from the official records of the arresting  
9 authority and order that the records of the circuit  
10 court clerk and the Illinois State Police be expunged  
11 and the name of the defendant obliterated from the  
12 official index requested to be kept by the circuit  
13 court clerk under Section 16 of the Clerks of Courts  
14 Act in connection with the arrest and conviction for  
15 the offense for which the individual had received a  
16 pardon but the order shall not affect any index issued  
17 by the circuit court clerk before the entry of the  
18 order. Upon entry of the order of expungement, the  
19 circuit court clerk shall promptly provide a copy of  
20 the order and a certificate of disposition to the  
21 individual who was pardoned to the individual's last  
22 known address or by electronic means (if available) or  
23 otherwise make it available to the individual upon  
24 request.

25 (D) Nothing in this Section is intended to  
26 diminish or abrogate any rights or remedies otherwise

1           available to the individual.

2           (3) Any individual may file a motion to vacate and  
3 expunge a conviction for a misdemeanor or Class 4 felony  
4 violation of Section 4 or Section 5 of the Cannabis  
5 Control Act. Motions to vacate and expunge under this  
6 subsection (i) may be filed with the circuit court, Chief  
7 Judge of a judicial circuit or any judge of the circuit  
8 designated by the Chief Judge. The circuit court clerk  
9 shall promptly serve a copy of the motion to vacate and  
10 expunge, and any supporting documentation, on the State's  
11 Attorney or prosecutor charged with the duty of  
12 prosecuting the offense. When considering such a motion to  
13 vacate and expunge, a court shall consider the following:  
14 the reasons to retain the records provided by law  
15 enforcement, the petitioner's age, the petitioner's age at  
16 the time of offense, the time since the conviction, and  
17 the specific adverse consequences if denied. An individual  
18 may file such a petition after the completion of any  
19 non-financial sentence or non-financial condition imposed  
20 by the conviction. Within 60 days of the filing of such  
21 motion, a State's Attorney may file an objection to such a  
22 petition along with supporting evidence. If a motion to  
23 vacate and expunge is granted, the records shall be  
24 expunged in accordance with subparagraphs (d)(8) and  
25 (d)(9)(A) of this Section. An agency providing civil legal  
26 aid, as defined by Section 15 of the Public Interest

1 Attorney Assistance Act, assisting individuals seeking to  
2 file a motion to vacate and expunge under this subsection  
3 may file motions to vacate and expunge with the Chief  
4 Judge of a judicial circuit or any judge of the circuit  
5 designated by the Chief Judge, and the motion may include  
6 more than one individual. Motions filed by an agency  
7 providing civil legal aid concerning more than one  
8 individual may be prepared, presented, and signed  
9 electronically.

10 (4) Any State's Attorney may file a motion to vacate  
11 and expunge a conviction for a misdemeanor or Class 4  
12 felony violation of Section 4 or Section 5 of the Cannabis  
13 Control Act. Motions to vacate and expunge under this  
14 subsection (i) may be filed with the circuit court, Chief  
15 Judge of a judicial circuit or any judge of the circuit  
16 designated by the Chief Judge, and may include more than  
17 one individual. Motions filed by a State's Attorney  
18 concerning more than one individual may be prepared,  
19 presented, and signed electronically. When considering  
20 such a motion to vacate and expunge, a court shall  
21 consider the following: the reasons to retain the records  
22 provided by law enforcement, the individual's age, the  
23 individual's age at the time of offense, the time since  
24 the conviction, and the specific adverse consequences if  
25 denied. Upon entry of an order granting a motion to vacate  
26 and expunge records pursuant to this Section, the State's



1 Attorney shall notify the Prisoner Review Board within 30  
2 days. Upon entry of the order of expungement, the circuit  
3 court clerk shall promptly provide a copy of the order and  
4 a certificate of disposition to the individual whose  
5 records will be expunged to the individual's last known  
6 address or by electronic means (if available) or otherwise  
7 make available to the individual upon request. If a motion  
8 to vacate and expunge is granted, the records shall be  
9 expunged in accordance with subparagraphs (d)(8) and  
10 (d)(9)(A) of this Section.

11 (5) In the public interest, the State's Attorney of a  
12 county has standing to file motions to vacate and expunge  
13 pursuant to this Section in the circuit court with  
14 jurisdiction over the underlying conviction.

15 (6) If a person is arrested for a Minor Cannabis  
16 Offense as defined in this Section before June 25, 2019  
17 (the effective date of Public Act 101-27) and the person's  
18 case is still pending but a sentence has not been imposed,  
19 the person may petition the court in which the charges are  
20 pending for an order to summarily dismiss those charges  
21 against him or her, and expunge all official records of  
22 his or her arrest, plea, trial, conviction, incarceration,  
23 supervision, or expungement. If the court determines, upon  
24 review, that: (A) the person was arrested before June 25,  
25 2019 (the effective date of Public Act 101-27) for an  
26 offense that has been made eligible for expungement; (B)

1 the case is pending at the time; and (C) the person has not  
2 been sentenced of the minor cannabis violation eligible  
3 for expungement under this subsection, the court shall  
4 consider the following: the reasons to retain the records  
5 provided by law enforcement, the petitioner's age, the  
6 petitioner's age at the time of offense, the time since  
7 the conviction, and the specific adverse consequences if  
8 denied. If a motion to dismiss and expunge is granted, the  
9 records shall be expunged in accordance with subparagraph  
10 (d) (9) (A) of this Section.

11 (7) A person imprisoned solely as a result of one or  
12 more convictions for Minor Cannabis Offenses under this  
13 subsection (i) shall be released from incarceration upon  
14 the issuance of an order under this subsection.

15 (8) The Illinois State Police shall allow a person to  
16 use the access and review process, established in the  
17 Illinois State Police, for verifying that his or her  
18 records relating to Minor Cannabis Offenses of the  
19 Cannabis Control Act eligible under this Section have been  
20 expunged.

21 (9) No conviction vacated pursuant to this Section  
22 shall serve as the basis for damages for time unjustly  
23 served as provided in the Court of Claims Act.

24 (10) Effect of Expungement. A person's right to  
25 expunge an expungeable offense shall not be limited under  
26 this Section. The effect of an order of expungement shall

1 be to restore the person to the status he or she occupied  
2 before the arrest, charge, or conviction.

3 (11) Information. The Illinois State Police shall post  
4 general information on its website about the expungement  
5 process described in this subsection (i).

6 (j) Felony Prostitution Convictions.

7 (1) Any individual may file a motion to vacate and  
8 expunge a conviction for a prior Class 4 felony violation  
9 of prostitution. Motions to vacate and expunge under this  
10 subsection (j) may be filed with the circuit court, Chief  
11 Judge of a judicial circuit, or any judge of the circuit  
12 designated by the Chief Judge. When considering the motion  
13 to vacate and expunge, a court shall consider the  
14 following:

15 (A) the reasons to retain the records provided by  
16 law enforcement;

17 (B) the petitioner's age;

18 (C) the petitioner's age at the time of offense;  
19 and

20 (D) the time since the conviction, and the  
21 specific adverse consequences if denied. An individual  
22 may file the petition after the completion of any  
23 sentence or condition imposed by the conviction.  
24 Within 60 days of the filing of the motion, a State's  
25 Attorney may file an objection to the petition along  
26 with supporting evidence. If a motion to vacate and

1 expunge is granted, the records shall be expunged in  
2 accordance with subparagraph (d)(9)(A) of this  
3 Section. An agency providing civil legal aid, as  
4 defined in Section 15 of the Public Interest Attorney  
5 Assistance Act, assisting individuals seeking to file  
6 a motion to vacate and expunge under this subsection  
7 may file motions to vacate and expunge with the Chief  
8 Judge of a judicial circuit or any judge of the circuit  
9 designated by the Chief Judge, and the motion may  
10 include more than one individual.

11 (2) Any State's Attorney may file a motion to vacate  
12 and expunge a conviction for a Class 4 felony violation of  
13 prostitution. Motions to vacate and expunge under this  
14 subsection (j) may be filed with the circuit court, Chief  
15 Judge of a judicial circuit, or any judge of the circuit  
16 court designated by the Chief Judge, and may include more  
17 than one individual. When considering the motion to vacate  
18 and expunge, a court shall consider the following reasons:

19 (A) the reasons to retain the records provided by  
20 law enforcement;

21 (B) the petitioner's age;

22 (C) the petitioner's age at the time of offense;

23 (D) the time since the conviction; and

24 (E) the specific adverse consequences if denied.

25 If the State's Attorney files a motion to vacate and  
26 expunge records for felony prostitution convictions

1       pursuant to this Section, the State's Attorney shall  
2       notify the Prisoner Review Board within 30 days of the  
3       filing. If a motion to vacate and expunge is granted, the  
4       records shall be expunged in accordance with subparagraph  
5       (d) (9) (A) of this Section.

6       (3) In the public interest, the State's Attorney of a  
7       county has standing to file motions to vacate and expunge  
8       pursuant to this Section in the circuit court with  
9       jurisdiction over the underlying conviction.

10       (4) The Illinois State Police shall allow a person to  
11       a use the access and review process, established in the  
12       Illinois State Police, for verifying that his or her  
13       records relating to felony prostitution eligible under  
14       this Section have been expunged.

15       (5) No conviction vacated pursuant to this Section  
16       shall serve as the basis for damages for time unjustly  
17       served as provided in the Court of Claims Act.

18       (6) Effect of Expungement. A person's right to expunge  
19       an expungeable offense shall not be limited under this  
20       Section. The effect of an order of expungement shall be to  
21       restore the person to the status he or she occupied before  
22       the arrest, charge, or conviction.

23       (7) Information. The Illinois State Police shall post  
24       general information on its website about the expungement  
25       process described in this subsection (j).

26       (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;

1 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.  
2 12-4-19; 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;  
3 102-558, 8-20-21; 102-639, eff. 8-27-21; 102-813, eff.  
4 5-13-22; 102-933, eff. 1-1-23; revised 12-8-22.)

5 Section 115. The Illinois Emergency Management Agency Act  
6 is amended by changing Section 23 as follows:

7 (20 ILCS 3305/23)

8 (Section scheduled to be repealed on January 1, 2032)

9 Sec. 23. Access and Functional Needs Advisory Committee.

10 (a) In this Section, "Advisory Committee" means the Access  
11 and Functional Needs Advisory Committee.

12 (b) The Access and Functional Needs Advisory Committee is  
13 created.

14 (c) The Advisory Committee shall:

15 (1) Coordinate meetings occurring, at a minimum, 3  
16 times each year, in addition to emergency meetings called  
17 by the chairperson of the Advisory Committee.

18 (2) Research and provide recommendations for  
19 identifying and effectively responding to the needs of  
20 persons with access and functional needs before, during,  
21 and after a disaster using an intersectional lens for  
22 equity.

23 (3) Provide recommendations to the Illinois Emergency  
24 Management Agency regarding how to ensure that persons

1 with a disability are included in disaster strategies and  
2 emergency management plans, including updates and  
3 implementation of disaster strategies and emergency  
4 management plans.

5 (4) Review and provide recommendations for the  
6 Illinois Emergency Management Agency, and all relevant  
7 State agencies that are involved in drafting and  
8 implementing the Illinois Emergency Operation Plan, to  
9 integrate access and functional needs into State and local  
10 emergency plans.

11 (d) The Advisory Committee shall be composed of the  
12 Director of the Illinois Emergency Management Agency or his or  
13 her designee, the Attorney General or his or her designee, the  
14 Secretary of Human Services or his or her designee, the  
15 Director of ~~on~~ Aging or his or her designee, and the Director  
16 of Public Health or his or her designee, together with the  
17 following members appointed by the Governor on or before  
18 January 1, 2022:

19 (1) Two members, either from a municipal or  
20 county-level emergency agency or a local emergency  
21 management coordinator.

22 (2) Nine members from the community of persons with a  
23 disability who represent persons with different types of  
24 disabilities, including, but not limited to, individuals  
25 with mobility and physical disabilities, hearing and  
26 visual disabilities, deafness or who are hard of hearing,

1           blindness or who have low vision, mental health  
2           disabilities, and intellectual or developmental  
3           disabilities. Members appointed under this paragraph shall  
4           reflect a diversity of age, gender, race, and ethnic  
5           background.

6           (3) Four members who represent first responders from  
7           different geographical regions around the State.

8           (e) Of those members appointed by the Governor, the  
9           initial appointments of 6 members shall be for terms of 2 years  
10          and the initial appointments of 5 members shall be for terms of  
11          4 years. Thereafter, members shall be appointed for terms of 4  
12          years. A member shall serve until his or her successor is  
13          appointed and qualified. If a vacancy occurs in the Advisory  
14          Committee membership, the vacancy shall be filled in the same  
15          manner as the original appointment for the remainder of the  
16          unexpired term.

17          (f) After all the members are appointed, and annually  
18          thereafter, they shall elect a chairperson from among the  
19          members appointed under paragraph (2) of subsection (d).

20          (g) The initial meeting of the Advisory Committee shall be  
21          convened by the Director of the Illinois Emergency Management  
22          Agency no later than February 1, 2022.

23          (h) Advisory Committee members shall serve without  
24          compensation.

25          (i) The Illinois Emergency Management Agency shall provide  
26          administrative support to the Advisory Committee.



1           (j) The Advisory Committee shall prepare and deliver a  
2 report to the General Assembly, the Governor's Office, and the  
3 Illinois Emergency Management Agency by July 1, 2022, and  
4 annually thereafter. The report shall include the following:

5           (1) Identification of core emergency management  
6 services that need to be updated or changed to ensure the  
7 needs of persons with a disability are met, and shall  
8 include disaster strategies in State and local emergency  
9 plans.

10           (2) Any proposed changes in State policies, laws,  
11 rules, or regulations necessary to fulfill the purposes of  
12 this Act.

13           (3) Recommendations on improving the accessibility and  
14 effectiveness of disaster and emergency communication.

15           (4) Recommendations on comprehensive training for  
16 first responders and other frontline workers when working  
17 with persons with a disability during emergency situations  
18 or disasters, as defined in Section 4 of the Illinois  
19 Emergency Management Agency Act.

20           (5) Any additional recommendations regarding emergency  
21 management and persons with a disability that the Advisory  
22 Committee deems necessary.

23           (k) The annual report prepared and delivered under  
24 subsection (j) shall be annually considered by the Illinois  
25 Emergency Management Agency when developing new State and  
26 local emergency plans or updating existing State and local

1 emergency plans.

2 (1) The Advisory Committee is dissolved and this Section  
3 is repealed on January 1, 2032.

4 (Source: P.A. 102-361, eff. 8-13-21; 102-671, eff. 11-30-21;  
5 revised 8-24-22.)

6 Section 120. The Illinois State Agency Historic Resources  
7 Preservation Act is amended by changing Section 5 as follows:

8 (20 ILCS 3420/5) (from Ch. 127, par. 133c25)

9 Sec. 5. Responsibilities of the Department of Natural  
10 Resources.

11 (a) The Director shall include in the Department's annual  
12 report an outline of State agency actions on which comment was  
13 requested or issued under this Act.

14 (b) The Director shall maintain a current list of all  
15 historic resources owned, operated, or leased by the State and  
16 appropriate maps indicating the location of all such  
17 resources. These maps shall be in a form available to the  
18 public and State agencies, except that the location of  
19 archaeological resources shall be excluded.

20 (c) The Director shall make rules and issue appropriate  
21 guidelines to implement this Act. These shall include, but not  
22 be limited to, regulations for holding on-site inspections,  
23 public information meetings and procedures for consultation,  
24 mediation, and resolutions by the Committee pursuant to

1 subsections (e) and (f) of Section 4.

2 (d) The Director shall (1) assist, to the fullest extent  
3 possible, the State agencies in their identification of  
4 properties for inclusion in an inventory of historic  
5 resources, including provision of criteria for evaluation; (2)  
6 provide information concerning professional methods and  
7 techniques for preserving, improving, restoring, and  
8 maintaining historic resources when requested by State  
9 agencies; and (3) help facilitate State agency compliance with  
10 this Act.

11 (e) The Director shall monitor the implementation of  
12 actions of each State agency which have an effect, either  
13 adverse or beneficial, on a ~~an~~ historic resource.

14 (f) The Department of Natural Resources shall manage and  
15 control the preservation, conservation, inventory, and  
16 analysis of fine and decorative arts, furnishings, and  
17 artifacts of the Illinois Executive Mansion in Springfield,  
18 the Governor's offices in the Capitol in Springfield and the  
19 James R. Thompson Center in Chicago, and the Hayes House in  
20 DuQuoin. The Department of Natural Resources shall manage the  
21 preservation and conservation of the buildings and grounds of  
22 the Illinois Executive Mansion in Springfield. The Governor  
23 shall appoint a Curator of the Executive Mansion, with the  
24 advice and consent of the Senate, to assist the Department of  
25 Natural Resources in carrying out the duties under this item  
26 (f). The person appointed Curator must have experience in

1 historic preservation or as a curator. The Curator shall serve  
2 at the pleasure of the Governor. The Governor shall determine  
3 the compensation of the Curator, which shall not be diminished  
4 during the term of appointment.

5 (Source: P.A. 102-1005, eff. 5-27-22; revised 8-22-22.)

6 Section 125. The Illinois Power Agency Act is amended by  
7 changing Section 1-10 as follows:

8 (20 ILCS 3855/1-10)

9 Sec. 1-10. Definitions.

10 "Agency" means the Illinois Power Agency.

11 "Agency loan agreement" means any agreement pursuant to  
12 which the Illinois Finance Authority agrees to loan the  
13 proceeds of revenue bonds issued with respect to a project to  
14 the Agency upon terms providing for loan repayment  
15 installments at least sufficient to pay when due all principal  
16 of, interest and premium, if any, on those revenue bonds, and  
17 providing for maintenance, insurance, and other matters in  
18 respect of the project.

19 "Authority" means the Illinois Finance Authority.

20 "Brownfield site photovoltaic project" means photovoltaics  
21 that are either:

22 (1) interconnected to an electric utility as defined  
23 in this Section, a municipal utility as defined in this  
24 Section, a public utility as defined in Section 3-105 of

1 the Public Utilities Act, or an electric cooperative as  
2 defined in Section 3-119 of the Public Utilities Act and  
3 located at a site that is regulated by any of the following  
4 entities under the following programs:

5 (A) the United States Environmental Protection  
6 Agency under the federal Comprehensive Environmental  
7 Response, Compensation, and Liability Act of 1980, as  
8 amended;

9 (B) the United States Environmental Protection  
10 Agency under the Corrective Action Program of the  
11 federal Resource Conservation and Recovery Act, as  
12 amended;

13 (C) the Illinois Environmental Protection Agency  
14 under the Illinois Site Remediation Program; or

15 (D) the Illinois Environmental Protection Agency  
16 under the Illinois Solid Waste Program; or

17 (2) located at the site of a coal mine that has  
18 permanently ceased coal production, permanently halted any  
19 re-mining operations, and is no longer accepting any coal  
20 combustion residues; has both completed all clean-up and  
21 remediation obligations under the federal Surface Mining  
22 and Reclamation Act of 1977 and all applicable Illinois  
23 rules and any other clean-up, remediation, or ongoing  
24 monitoring to safeguard the health and well-being of the  
25 people of the State of Illinois, as well as demonstrated  
26 compliance with all applicable federal and State

1 environmental rules and regulations, including, but not  
2 limited, to 35 Ill. Adm. Code Part 845 and any rules for  
3 historic fill of coal combustion residuals, including any  
4 rules finalized in Subdocket A of Illinois Pollution  
5 Control Board docket R2020-019.

6 "Clean coal facility" means an electric generating  
7 facility that uses primarily coal as a feedstock and that  
8 captures and sequesters carbon dioxide emissions at the  
9 following levels: at least 50% of the total carbon dioxide  
10 emissions that the facility would otherwise emit if, at the  
11 time construction commences, the facility is scheduled to  
12 commence operation before 2016, at least 70% of the total  
13 carbon dioxide emissions that the facility would otherwise  
14 emit if, at the time construction commences, the facility is  
15 scheduled to commence operation during 2016 or 2017, and at  
16 least 90% of the total carbon dioxide emissions that the  
17 facility would otherwise emit if, at the time construction  
18 commences, the facility is scheduled to commence operation  
19 after 2017. The power block of the clean coal facility shall  
20 not exceed allowable emission rates for sulfur dioxide,  
21 nitrogen oxides, carbon monoxide, particulates and mercury for  
22 a natural gas-fired combined-cycle facility the same size as  
23 and in the same location as the clean coal facility at the time  
24 the clean coal facility obtains an approved air permit. All  
25 coal used by a clean coal facility shall have high volatile  
26 bituminous rank and greater than 1.7 pounds of sulfur per

1 million Btu ~~btu~~ content, unless the clean coal facility does  
2 not use gasification technology and was operating as a  
3 conventional coal-fired electric generating facility on June  
4 1, 2009 (the effective date of Public Act 95-1027).

5 "Clean coal SNG brownfield facility" means a facility that  
6 (1) has commenced construction by July 1, 2015 on an urban  
7 brownfield site in a municipality with at least 1,000,000  
8 residents; (2) uses a gasification process to produce  
9 substitute natural gas; (3) uses coal as at least 50% of the  
10 total feedstock over the term of any sourcing agreement with a  
11 utility and the remainder of the feedstock may be either  
12 petroleum coke or coal, with all such coal having a high  
13 bituminous rank and greater than 1.7 pounds of sulfur per  
14 million Btu content unless the facility reasonably determines  
15 that it is necessary to use additional petroleum coke to  
16 deliver additional consumer savings, in which case the  
17 facility shall use coal for at least 35% of the total feedstock  
18 over the term of any sourcing agreement; and (4) captures and  
19 sequesters at least 85% of the total carbon dioxide emissions  
20 that the facility would otherwise emit.

21 "Clean coal SNG facility" means a facility that uses a  
22 gasification process to produce substitute natural gas, that  
23 sequesters at least 90% of the total carbon dioxide emissions  
24 that the facility would otherwise emit, that uses at least 90%  
25 coal as a feedstock, with all such coal having a high  
26 bituminous rank and greater than 1.7 pounds of sulfur per

1 million Btu ~~btu~~ content, and that has a valid and effective  
2 permit to construct emission sources and air pollution control  
3 equipment and approval with respect to the federal regulations  
4 for Prevention of Significant Deterioration of Air Quality  
5 (PSD) for the plant pursuant to the federal Clean Air Act;  
6 provided, however, a clean coal SNG brownfield facility shall  
7 not be a clean coal SNG facility.

8 "Clean energy" means energy generation that is 90% or  
9 greater free of carbon dioxide emissions.

10 "Commission" means the Illinois Commerce Commission.

11 "Community renewable generation project" means an electric  
12 generating facility that:

13 (1) is powered by wind, solar thermal energy,  
14 photovoltaic cells or panels, biodiesel, crops and  
15 untreated and unadulterated organic waste biomass, and  
16 hydropower that does not involve new construction or  
17 significant expansion of hydropower dams;

18 (2) is interconnected at the distribution system level  
19 of an electric utility as defined in this Section, a  
20 municipal utility as defined in this Section that owns or  
21 operates electric distribution facilities, a public  
22 utility as defined in Section 3-105 of the Public  
23 Utilities Act, or an electric cooperative, as defined in  
24 Section 3-119 of the Public Utilities Act;

25 (3) credits the value of electricity generated by the  
26 facility to the subscribers of the facility; and



1           (4) is limited in nameplate capacity to less than or  
2           equal to 5,000 kilowatts.

3           "Costs incurred in connection with the development and  
4           construction of a facility" means:

5           (1) the cost of acquisition of all real property,  
6           fixtures, and improvements in connection therewith and  
7           equipment, personal property, and other property, rights,  
8           and easements acquired that are deemed necessary for the  
9           operation and maintenance of the facility;

10          (2) financing costs with respect to bonds, notes, and  
11          other evidences of indebtedness of the Agency;

12          (3) all origination, commitment, utilization,  
13          facility, placement, underwriting, syndication, credit  
14          enhancement, and rating agency fees;

15          (4) engineering, design, procurement, consulting,  
16          legal, accounting, title insurance, survey, appraisal,  
17          escrow, trustee, collateral agency, interest rate hedging,  
18          interest rate swap, capitalized interest, contingency, as  
19          required by lenders, and other financing costs, and other  
20          expenses for professional services; and

21          (5) the costs of plans, specifications, site study and  
22          investigation, installation, surveys, other Agency costs  
23          and estimates of costs, and other expenses necessary or  
24          incidental to determining the feasibility of any project,  
25          together with such other expenses as may be necessary or  
26          incidental to the financing, insuring, acquisition, and

1 construction of a specific project and starting up,  
2 commissioning, and placing that project in operation.

3 "Delivery services" has the same definition as found in  
4 Section 16-102 of the Public Utilities Act.

5 "Delivery year" means the consecutive 12-month period  
6 beginning June 1 of a given year and ending May 31 of the  
7 following year.

8 "Department" means the Department of Commerce and Economic  
9 Opportunity.

10 "Director" means the Director of the Illinois Power  
11 Agency.

12 "Demand-response" means measures that decrease peak  
13 electricity demand or shift demand from peak to off-peak  
14 periods.

15 "Distributed renewable energy generation device" means a  
16 device that is:

17 (1) powered by wind, solar thermal energy,  
18 photovoltaic cells or panels, biodiesel, crops and  
19 untreated and unadulterated organic waste biomass, tree  
20 waste, and hydropower that does not involve new  
21 construction or significant expansion of hydropower dams,  
22 waste heat to power systems, or qualified combined heat  
23 and power systems;

24 (2) interconnected at the distribution system level of  
25 either an electric utility as defined in this Section, a  
26 municipal utility as defined in this Section that owns or

1 operates electric distribution facilities, or a rural  
2 electric cooperative as defined in Section 3-119 of the  
3 Public Utilities Act;

4 (3) located on the customer side of the customer's  
5 electric meter and is primarily used to offset that  
6 customer's electricity load; and

7 (4) (blank).

8 "Energy efficiency" means measures that reduce the amount  
9 of electricity or natural gas consumed in order to achieve a  
10 given end use. "Energy efficiency" includes voltage  
11 optimization measures that optimize the voltage at points on  
12 the electric distribution voltage system and thereby reduce  
13 electricity consumption by electric customers' end use  
14 devices. "Energy efficiency" also includes measures that  
15 reduce the total Btus of electricity, natural gas, and other  
16 fuels needed to meet the end use or uses.

17 "Electric utility" has the same definition as found in  
18 Section 16-102 of the Public Utilities Act.

19 "Equity investment eligible community" or "eligible  
20 community" are synonymous and mean the geographic areas  
21 throughout Illinois which would most benefit from equitable  
22 investments by the State designed to combat discrimination.  
23 Specifically, the eligible communities shall be defined as the  
24 following areas:

25 (1) R3 Areas as established pursuant to Section 10-40  
26 of the Cannabis Regulation and Tax Act, where residents

1 have historically been excluded from economic  
2 opportunities, including opportunities in the energy  
3 sector; and

4 (2) environmental ~~Environmental~~ justice communities,  
5 as defined by the Illinois Power Agency pursuant to the  
6 Illinois Power Agency Act, where residents have  
7 historically been subject to disproportionate burdens of  
8 pollution, including pollution from the energy sector.

9 "Equity eligible persons" or "eligible persons" means  
10 persons who would most benefit from equitable investments by  
11 the State designed to combat discrimination, specifically:

12 (1) persons who graduate from or are current or former  
13 participants in the Clean Jobs Workforce Network Program,  
14 the Clean Energy Contractor Incubator Program, the  
15 Illinois Climate Works Preapprenticeship Program,  
16 Returning Residents Clean Jobs Training Program, or the  
17 Clean Energy Primes Contractor Accelerator Program, and  
18 the solar training pipeline and multi-cultural jobs  
19 program created in paragraphs (a) (1) and (a) (3) of Section  
20 16-208.12 ~~16-108.21~~ of the Public Utilities Act;

21 (2) persons who are graduates of or currently enrolled  
22 in the foster care system;

23 (3) persons who were formerly incarcerated;

24 (4) persons whose primary residence is in an equity  
25 investment eligible community.

26 "Equity eligible contractor" means a business that is

1 majority-owned by eligible persons, or a nonprofit or  
2 cooperative that is majority-governed by eligible persons, or  
3 is a natural person that is an eligible person offering  
4 personal services as an independent contractor.

5 "Facility" means an electric generating unit or a  
6 co-generating unit that produces electricity along with  
7 related equipment necessary to connect the facility to an  
8 electric transmission or distribution system.

9 "General contractor ~~Contractor~~" means the entity or  
10 organization with main responsibility for the building of a  
11 construction project and who is the party signing the prime  
12 construction contract for the project.

13 "Governmental aggregator" means one or more units of local  
14 government that individually or collectively procure  
15 electricity to serve residential retail electrical loads  
16 located within its or their jurisdiction.

17 "High voltage direct current converter station" means the  
18 collection of equipment that converts direct current energy  
19 from a high voltage direct current transmission line into  
20 alternating current using Voltage Source Conversion technology  
21 and that is interconnected with transmission or distribution  
22 assets located in Illinois.

23 "High voltage direct current renewable energy credit"  
24 means a renewable energy credit associated with a renewable  
25 energy resource where the renewable energy resource has  
26 entered into a contract to transmit the energy associated with

1 such renewable energy credit over high voltage direct current  
2 transmission facilities.

3 "High voltage direct current transmission facilities"  
4 means the collection of installed equipment that converts  
5 alternating current energy in one location to direct current  
6 and transmits that direct current energy to a high voltage  
7 direct current converter station using Voltage Source  
8 Conversion technology. "High voltage direct current  
9 transmission facilities" includes the high voltage direct  
10 current converter station itself and associated high voltage  
11 direct current transmission lines. Notwithstanding the  
12 preceding, after September 15, 2021 (the effective date of  
13 Public Act 102-662) ~~this amendatory Act of the 102nd General~~  
14 ~~Assembly~~, an otherwise qualifying collection of equipment does  
15 not qualify as high voltage direct current transmission  
16 facilities unless its developer entered into a project labor  
17 agreement, is capable of transmitting electricity at 525kv  
18 with an Illinois converter station located and interconnected  
19 in the region of the PJM Interconnection, LLC, and the system  
20 does not operate as a public utility, as that term is defined  
21 in Section 3-105 of the Public Utilities Act.

22 "Index price" means the real-time energy settlement price  
23 at the applicable Illinois trading hub, such as PJM-NIHUB or  
24 MISO-IL, for a given settlement period.

25 "Indexed renewable energy credit" means a tradable credit  
26 that represents the environmental attributes of one megawatt

1 hour of energy produced from a renewable energy resource, the  
2 price of which shall be calculated by subtracting the strike  
3 price offered by a new utility-scale wind project or a new  
4 utility-scale photovoltaic project from the index price in a  
5 given settlement period.

6 "Indexed renewable energy credit counterparty" has the  
7 same meaning as "public utility" as defined in Section 3-105  
8 of the Public Utilities Act.

9 "Local government" means a unit of local government as  
10 defined in Section 1 of Article VII of the Illinois  
11 Constitution.

12 "Municipality" means a city, village, or incorporated  
13 town.

14 "Municipal utility" means a public utility owned and  
15 operated by any subdivision or municipal corporation of this  
16 State.

17 "Nameplate capacity" means the aggregate inverter  
18 nameplate capacity in kilowatts AC.

19 "Person" means any natural person, firm, partnership,  
20 corporation, either domestic or foreign, company, association,  
21 limited liability company, joint stock company, or association  
22 and includes any trustee, receiver, assignee, or personal  
23 representative thereof.

24 "Project" means the planning, bidding, and construction of  
25 a facility.

26 "Project labor agreement" means a pre-hire collective

1 bargaining agreement that covers all terms and conditions of  
2 employment on a specific construction project and must include  
3 the following:

4 (1) provisions establishing the minimum hourly wage  
5 for each class of labor organization employee;

6 (2) provisions establishing the benefits and other  
7 compensation for each class of labor organization  
8 employee;

9 (3) provisions establishing that no strike or disputes  
10 will be engaged in by the labor organization employees;

11 (4) provisions establishing that no lockout or  
12 disputes will be engaged in by the general contractor  
13 building the project; and

14 (5) provisions for minorities and women, as defined  
15 under the Business Enterprise for Minorities, Women, and  
16 Persons with Disabilities Act, setting forth goals for  
17 apprenticeship hours to be performed by minorities and  
18 women and setting forth goals for total hours to be  
19 performed by underrepresented minorities and women.

20 A labor organization and the general contractor building  
21 the project shall have the authority to include other terms  
22 and conditions as they deem necessary.

23 "Public utility" has the same definition as found in  
24 Section 3-105 of the Public Utilities Act.

25 "Qualified combined heat and power systems" means systems  
26 that, either simultaneously or sequentially, produce



1 electricity and useful thermal energy from a single fuel  
2 source. Such systems are eligible for "renewable energy  
3 credits" in an amount equal to its total energy output where a  
4 renewable fuel is consumed or in an amount equal to the net  
5 reduction in nonrenewable fuel consumed on a total energy  
6 output basis.

7 "Real property" means any interest in land together with  
8 all structures, fixtures, and improvements thereon, including  
9 lands under water and riparian rights, any easements,  
10 covenants, licenses, leases, rights-of-way, uses, and other  
11 interests, together with any liens, judgments, mortgages, or  
12 other claims or security interests related to real property.

13 "Renewable energy credit" means a tradable credit that  
14 represents the environmental attributes of one megawatt hour  
15 of energy produced from a renewable energy resource.

16 "Renewable energy resources" includes energy and its  
17 associated renewable energy credit or renewable energy credits  
18 from wind, solar thermal energy, photovoltaic cells and  
19 panels, biodiesel, anaerobic digestion, crops and untreated  
20 and unadulterated organic waste biomass, and hydropower that  
21 does not involve new construction or significant expansion of  
22 hydropower dams, waste heat to power systems, or qualified  
23 combined heat and power systems. For purposes of this Act,  
24 landfill gas produced in the State is considered a renewable  
25 energy resource. "Renewable energy resources" does not include  
26 the incineration or burning of tires, garbage, general

1 household, institutional, and commercial waste, industrial  
2 lunchroom or office waste, landscape waste, railroad  
3 crossties, utility poles, or construction or demolition  
4 debris, other than untreated and unadulterated waste wood.  
5 "Renewable energy resources" also includes high voltage direct  
6 current renewable energy credits and the associated energy  
7 converted to alternating current by a high voltage direct  
8 current converter station to the extent that: (1) the  
9 generator of such renewable energy resource contracted with a  
10 third party to transmit the energy over the high voltage  
11 direct current transmission facilities, and (2) the  
12 third-party contracting for delivery of renewable energy  
13 resources over the high voltage direct current transmission  
14 facilities have ownership rights over the unretired associated  
15 high voltage direct current renewable energy credit.

16 "Retail customer" has the same definition as found in  
17 Section 16-102 of the Public Utilities Act.

18 "Revenue bond" means any bond, note, or other evidence of  
19 indebtedness issued by the Authority, the principal and  
20 interest of which is payable solely from revenues or income  
21 derived from any project or activity of the Agency.

22 "Sequester" means permanent storage of carbon dioxide by  
23 injecting it into a saline aquifer, a depleted gas reservoir,  
24 or an oil reservoir, directly or through an enhanced oil  
25 recovery process that may involve intermediate storage,  
26 regardless of whether these activities are conducted by a

1 clean coal facility, a clean coal SNG facility, a clean coal  
2 SNG brownfield facility, or a party with which a clean coal  
3 facility, clean coal SNG facility, or clean coal SNG  
4 brownfield facility has contracted for such purposes.

5 "Service area" has the same definition as found in Section  
6 16-102 of the Public Utilities Act.

7 "Settlement period" means the period of time utilized by  
8 MISO and PJM and their successor organizations as the basis  
9 for settlement calculations in the real-time energy market.

10 "Sourcing agreement" means (i) in the case of an electric  
11 utility, an agreement between the owner of a clean coal  
12 facility and such electric utility, which agreement shall have  
13 terms and conditions meeting the requirements of paragraph (3)  
14 of subsection (d) of Section 1-75, (ii) in the case of an  
15 alternative retail electric supplier, an agreement between the  
16 owner of a clean coal facility and such alternative retail  
17 electric supplier, which agreement shall have terms and  
18 conditions meeting the requirements of Section 16-115(d)(5) of  
19 the Public Utilities Act, and (iii) in case of a gas utility,  
20 an agreement between the owner of a clean coal SNG brownfield  
21 facility and the gas utility, which agreement shall have the  
22 terms and conditions meeting the requirements of subsection  
23 (h-1) of Section 9-220 of the Public Utilities Act.

24 "Strike price" means a contract price for energy and  
25 renewable energy credits from a new utility-scale wind project  
26 or a new utility-scale photovoltaic project.

1 "Subscriber" means a person who (i) takes delivery service  
2 from an electric utility, and (ii) has a subscription of no  
3 less than 200 watts to a community renewable generation  
4 project that is located in the electric utility's service  
5 area. No subscriber's subscriptions may total more than 40% of  
6 the nameplate capacity of an individual community renewable  
7 generation project. Entities that are affiliated by virtue of  
8 a common parent shall not represent multiple subscriptions  
9 that total more than 40% of the nameplate capacity of an  
10 individual community renewable generation project.

11 "Subscription" means an interest in a community renewable  
12 generation project expressed in kilowatts, which is sized  
13 primarily to offset part or all of the subscriber's  
14 electricity usage.

15 "Substitute natural gas" or "SNG" means a gas manufactured  
16 by gasification of hydrocarbon feedstock, which is  
17 substantially interchangeable in use and distribution with  
18 conventional natural gas.

19 "Total resource cost test" or "TRC test" means a standard  
20 that is met if, for an investment in energy efficiency or  
21 demand-response measures, the benefit-cost ratio is greater  
22 than one. The benefit-cost ratio is the ratio of the net  
23 present value of the total benefits of the program to the net  
24 present value of the total costs as calculated over the  
25 lifetime of the measures. A total resource cost test compares  
26 the sum of avoided electric utility costs, representing the

1 benefits that accrue to the system and the participant in the  
2 delivery of those efficiency measures and including avoided  
3 costs associated with reduced use of natural gas or other  
4 fuels, avoided costs associated with reduced water  
5 consumption, and avoided costs associated with reduced  
6 operation and maintenance costs, as well as other quantifiable  
7 societal benefits, to the sum of all incremental costs of  
8 end-use measures that are implemented due to the program  
9 (including both utility and participant contributions), plus  
10 costs to administer, deliver, and evaluate each demand-side  
11 program, to quantify the net savings obtained by substituting  
12 the demand-side program for supply resources. In calculating  
13 avoided costs of power and energy that an electric utility  
14 would otherwise have had to acquire, reasonable estimates  
15 shall be included of financial costs likely to be imposed by  
16 future regulations and legislation on emissions of greenhouse  
17 gases. In discounting future societal costs and benefits for  
18 the purpose of calculating net present values, a societal  
19 discount rate based on actual, long-term Treasury bond yields  
20 should be used. Notwithstanding anything to the contrary, the  
21 TRC test shall not include or take into account a calculation  
22 of market price suppression effects or demand reduction  
23 induced price effects.

24 "Utility-scale solar project" means an electric generating  
25 facility that:

- 26 (1) generates electricity using photovoltaic cells;

1 and

2 (2) has a nameplate capacity that is greater than  
3 5,000 kilowatts.

4 "Utility-scale wind project" means an electric generating  
5 facility that:

6 (1) generates electricity using wind; and

7 (2) has a nameplate capacity that is greater than  
8 5,000 kilowatts.

9 "Waste Heat to Power Systems" means systems that capture  
10 and generate electricity from energy that would otherwise be  
11 lost to the atmosphere without the use of additional fuel.

12 "Zero emission credit" means a tradable credit that  
13 represents the environmental attributes of one megawatt hour  
14 of energy produced from a zero emission facility.

15 "Zero emission facility" means a facility that: (1) is  
16 fueled by nuclear power; and (2) is interconnected with PJM  
17 Interconnection, LLC or the Midcontinent Independent System  
18 Operator, Inc., or their successors.

19 (Source: P.A. 102-662, eff. 9-15-21; revised 6-2-22.)

20 Section 130. The Illinois African-American Family  
21 Commission Act is amended by changing Section 5 as follows:

22 (20 ILCS 3903/5)

23 Sec. 5. Legislative findings. It is the policy of this  
24 State to promote family preservation and to preserve and

1 strengthen families.

2 (a) Over 12 million people live in Illinois.  
3 African-Americans represent 15% of the population and 26% of  
4 the residents living in Cook County. Despite some progress  
5 over the last few decades, African-Americans in Illinois  
6 continue to lag behind other racial groups relative to  
7 indicators of well-being in education, employment, income, and  
8 health. According to the 2000 U.S. Census, just 26% of the  
9 African-American population over 25 years of age in Illinois  
10 completed their high school education; 6% held an associate's  
11 degree; less than 10% (9%) held a bachelor's degree; less than  
12 5% (3%) held a master's degree; and less than one percent held  
13 either a professional (.8%) or doctoral (.4%) degree.

14 These levels of education attainment reflect more  
15 fundamental problems with retaining African-Americans in  
16 school. The Illinois State Board of Education reported that  
17 for the 2001-2002 school year, 36,373, or 6%, of students  
18 enrolled in public high schools dropped out. Thirty-nine  
19 percent of these students were African-Americans; 38% were  
20 White; 21% were Hispanic; and 2% were classified as Other.

21 Although African-Americans make up 18% of the high school  
22 population, they are disproportionately represented in the  
23 number of students who are suspended and expelled. In the  
24 2001-2002 school year, 29,068 students were suspended from  
25 school. Forty-seven percent were White, 37% were  
26 African-American, 14% were Hispanic, and 1% were classified as

1 Other. In regards to expulsions Statewide, the total number of  
2 high school students expelled was 1,651. Forty-three percent  
3 were African-American, 41% were White, 14% were Hispanic, and  
4 2% were classified as Other. Within Chicago public schools,  
5 448 students were expelled. Seventy-seven of these students  
6 were African-American; 27% were White; 14% were Hispanic; and  
7 4% were classified as Other. The fact that African-Americans  
8 are more likely to be suspended or expelled from school also  
9 contributes to the high dropout rate among African-American  
10 high school students.

11 In addition to educational challenges, African-Americans  
12 face challenges in the areas of employment and income. In the  
13 year 2000, the unemployment rate for African-Americans age 16  
14 years or older was 15% compared to only 6% for the total  
15 Illinois population. Moreover, the median household income of  
16 African-Americans in Illinois was \$31,699 compared to \$46,590  
17 for the total Illinois population, and the percentage of  
18 African-American families below the poverty level in Illinois  
19 was 26% ~~percent~~ in 1999 compared to 10.7% for the total  
20 Illinois population in that same year.

21 Indicators of child welfare and criminal justice reveal  
22 still more challenges that African-American families face in  
23 Illinois. In 2000, African-American children represented 18%  
24 of children 18 years of age and under, but comprised 73% of  
25 children in substitute care. African-Americans are also  
26 overrepresented in the criminal justice population. Of the



1 total Illinois adult inmate population in the year 2000, 65%  
2 were African-American. During this same time period,  
3 African-American youth represented 58% of the juvenile inmate  
4 population in Illinois.

5 While the leading causes of death among African-Americans  
6 are the same as those for the general population in Illinois,  
7 African-Americans have a higher rate of death per 100,000  
8 residents. The rate of overall deaths per 100,000 residents  
9 among African-Americans in the year 2000 was 1,181; 847 for  
10 Whites; and 411 for those classified as Other. The rate of  
11 cancer-related deaths per 100,000 residents by racial or  
12 ethnic groups in 2000 was: 278 African-Americans; 206 Whites;  
13 and 110 of those classified as Other. The rate of  
14 diabetes-related deaths per 100,000 residents among  
15 African-Americans in 2000 was 41 compared to 23 for Whites and  
16 13 for those classified as Other. The rate of deaths per  
17 100,000 residents by heart disease among African-Americans in  
18 2000 was 352 compared to 257 for Whites and 120 for those  
19 classified as Other. The rate of deaths per 100,000 residents  
20 by stroke among African-Americans in 2000 was 75; 60 for  
21 Whites; and 35 for those classified as Other.

22 African-Americans had higher rates of smoking and obesity  
23 than other racial groups in Illinois in 2001.  
24 African-Americans accounted for more of the new  
25 adult/adolescent AIDS cases, cumulative adult/adolescent AIDS  
26 cases, and number of people living with AIDS than other racial

1 groups in Illinois in the year 2002. Still, 23% of uninsured  
2 persons in Illinois are African-American.

3 (b) The Illinois African-American Family Commission  
4 continues to be an essential key to promoting the preservation  
5 and strengthening of families. As of January 1, 2015 (the  
6 effective date of Public Act 98-693) ~~this amendatory Act of~~  
7 ~~the 98th General Assembly~~, just under 13 million people live  
8 in Illinois. African-Americans represent 15% of the population  
9 and 25% of the residents living in Cook County. Despite some  
10 progress over the last few decades, African-Americans in  
11 Illinois continue to lag behind other racial groups relative  
12 to indicators of well-being in education, employment, income,  
13 and health. According to the 2010 federal decennial census:  
14 just 28% of the African-American population over 25 years of  
15 age in Illinois completed their high school education; 36% had  
16 some college or an associate's degree; less than 12% held a  
17 bachelor's degree; less than 8% held either a graduate or  
18 professional degree.

19 These levels of education attainment reflect more  
20 fundamental problems with retaining African-Americans in  
21 school. The State Board of Education reported that for the  
22 2010-2011 school year, 18,210, or 2.77%, of students enrolled  
23 in public high schools dropped out. 39.3% of these students  
24 were African-Americans; 32.6% were White; 24.2% were Hispanic;  
25 and 2% were classified as Other.

26 Although African-Americans make up 20% of the high school

1 population, they are disproportionately represented in the  
2 number of students who are suspended and expelled. In the  
3 2011-2012 school year, 29,928 students were suspended from  
4 school. 36% were White, 34% were African-American, 26% were  
5 Hispanic, and 4% were classified as Other. With regard to  
6 expulsions statewide, the total number of high school students  
7 expelled was 982. 37% were African-American, 41% were White,  
8 21% were Hispanic, and 2% were classified as Other. Within  
9 Chicago public schools, 294 students were expelled. 80% of  
10 these students were African-American; none were White; 17%  
11 were Hispanic; and 3% were classified as Other. The fact that  
12 African-Americans are more likely to be suspended or expelled  
13 from school also contributes to the high dropout rate among  
14 African-American high school students.

15 In addition to educational challenges, African-Americans  
16 face challenges in the areas of employment and income. In the  
17 year 2010, the unemployment rate for African-Americans age 16  
18 years or older was 16% compared to only 9% for the total  
19 Illinois population. Moreover, the median household income of  
20 African-Americans in Illinois was \$34,874 compared to \$60,433  
21 for the total Illinois population, and the percentage of  
22 African-American families below the poverty level in Illinois  
23 was 32% ~~percent~~ in 2012 compared to 15% for the total Illinois  
24 population in that same year.

25 Indicators of child welfare and criminal justice reveal  
26 still more challenges that African-American families face in

1 Illinois. In 2010, African-American children represented 14%  
2 of children 18 years of age and under, but comprised 56% of  
3 children in substitute care. African-Americans are also  
4 overrepresented in the criminal justice population. Of the  
5 total Illinois adult inmate population in the year 2012, 57%  
6 were African-American. During this same time period,  
7 African-American youth represented 66% of the juvenile inmate  
8 population in Illinois.

9 While the leading causes of death among African-Americans  
10 are the same as those for the general population in Illinois,  
11 African-Americans have a higher rate of death per 100,000  
12 residents. The rate of overall deaths per 100,000 residents  
13 among African-Americans in the year 2010 was 898; 741 for  
14 Whites; and 458 for those classified as Other. The rate of  
15 cancer-related deaths per 100,000 residents by racial or  
16 ethnic groups in 2010 was 216 for African-Americans; 179 for  
17 Whites; and 124 for those classified as Other. The rate of  
18 diabetes-related deaths per 100,000 residents among  
19 African-Americans in 2010 was 114 compared to 66 for Whites  
20 and 75 for those classified as Other. The rate of deaths per  
21 100,000 residents by heart disease among African-Americans in  
22 2010 was 232 compared to 179 for Whites and 121 for those  
23 classified as Other. The rate of deaths per 100,000 residents  
24 by stroke among African-Americans in 2010 was 108; 73 for  
25 Whites; and 56 for those classified as Other.

26 African-Americans had higher rates of smoking and obesity

1 than other racial groups in Illinois in 2013.  
2 African-Americans accounted for more of the new  
3 adult/adolescent AIDS cases, cumulative adult/adolescent AIDS  
4 cases, and number of people living with AIDS than other racial  
5 groups in Illinois in the year 2013. Still, 24% of uninsured  
6 persons in Illinois are African-American.

7 (c) These huge disparities in education, employment,  
8 income, child welfare, criminal justice, and health  
9 demonstrate the tremendous challenges facing the  
10 African-American family in Illinois. These challenges are  
11 severe. There is a need for government, child and family  
12 advocates, and other key stakeholders to create and implement  
13 public policies to address the health and social crises facing  
14 African-American families. The development of given solutions  
15 clearly transcends any one State agency and requires a  
16 coordinated effort. The Illinois African-American Family  
17 Commission shall assist State agencies with this task.

18 The African-American Family Commission was created in  
19 October 1994 by Executive Order to assist the Illinois  
20 Department of Children and Family Services in developing and  
21 implementing programs and public policies that affect the  
22 State's child welfare system. The Commission has a proven  
23 track record of bringing State agencies, community providers,  
24 and consumers together to address child welfare issues. The  
25 ability of the Commission to address the above-mentioned  
26 health issues, community factors, and the personal well-being

1 of African-American families and children has been limited due  
2 to the Executive Order's focus on child welfare. It is  
3 apparent that broader issues of health, mental health,  
4 criminal justice, education, and economic development also  
5 directly affect the health and well-being of African-American  
6 families and children. Accordingly, the role of the Illinois  
7 African-American Family Commission is hereby expanded to  
8 encompass working relationships with every department, agency,  
9 and commission within State government if any of its  
10 activities impact African-American children and families. The  
11 focus of the Commission is hereby restructured and shall exist  
12 by legislative mandate to engage State agencies in its efforts  
13 to preserve and strengthen African-American families.

14 (Source: P.A. 98-693, eff. 1-1-15; revised 9-14-22.)

15 Section 135. The Illinois Vehicle Hijacking and Motor  
16 Vehicle Theft Prevention and Insurance Verification Act is  
17 amended by changing Sections 8.5 and 8.6 as follows:

18 (20 ILCS 4005/8.5)

19 (Section scheduled to be repealed on January 1, 2025)

20 Sec. 8.5. State Police Vehicle Hijacking and Motor Vehicle  
21 Theft Prevention Trust Fund. The State Police Vehicle  
22 Hijacking and Motor Vehicle Theft Prevention Trust Fund is  
23 created as a trust fund in the State treasury. The State  
24 Treasurer shall be the custodian of the Fund. The State Police

1 Vehicle Hijacking and Motor Vehicle Theft Prevention Trust  
2 Fund is established to receive funds from the Illinois Vehicle  
3 Hijacking and Motor Vehicle Theft Prevention and Insurance  
4 Verification Council. All interest earned from the investment  
5 or deposit of moneys accumulated in the Fund shall be  
6 deposited into the Fund. Moneys in the Fund shall be used by  
7 the Illinois State Police for motor vehicle theft prevention  
8 purposes.

9 (Source: P.A. 102-538, eff. 8-20-21; 102-775, eff. 5-13-22;  
10 102-904, eff. 1-1-23; revised 12-13-22.)

11 (20 ILCS 4005/8.6)

12 Sec. 8.6. State Police Training and Academy Fund; Law  
13 Enforcement Training Fund. Before April 1 of each year, each  
14 insurer engaged in writing private passenger motor vehicle  
15 insurance coverage that is included in Class 2 and Class 3 of  
16 Section 4 of the Illinois Insurance Code, as a condition of its  
17 authority to transact business in this State, may collect and  
18 shall pay to the Department of Insurance an amount equal to \$4,  
19 or a lesser amount determined by the Illinois Law Enforcement  
20 Training Standards Board by rule, multiplied by the insurer's  
21 total earned car years of private passenger motor vehicle  
22 insurance policies providing physical damage insurance  
23 coverage written in this State during the preceding calendar  
24 year. Of the amounts collected under this Section, the  
25 Department of Insurance shall deposit 10% into the State

1 Police Training and Academy Fund and 90% into the Law  
2 Enforcement Training Fund.

3 (Source: P.A. 102-16, eff. 6-17-21; 102-775, eff. 5-13-22;  
4 102-1071, eff. 6-10-22; revised 9-1-22.)

5 Section 140. The Task Force on Missing and Murdered  
6 Chicago Women Act is amended by changing Section 10 as  
7 follows:

8 (20 ILCS 4119/10)

9 Sec. 10. Task Force on Missing and Murdered Chicago Women.

10 (a) The Executive Director of the Illinois Criminal  
11 Justice Information Authority or the Executive Director's  
12 designee, in consultation with the Director of the Illinois  
13 State Police and the Chicago Police Superintendent, shall  
14 appoint the non-legislative members to the Task Force on  
15 Missing and Murdered Chicago Women to advise the Director and  
16 the Chicago Police Superintendent and to report to the General  
17 Assembly on recommendations to reduce and end violence against  
18 Chicago women and girls. The Task Force may also serve as a  
19 liaison between the Director, the Chicago Police  
20 Superintendent, and agencies and nongovernmental organizations  
21 that provide services to victims, victims' families, and  
22 victims' communities. Task Force members shall serve without  
23 compensation but may, subject to appropriation, receive  
24 reimbursement for their expenses as members of the Task Force.



1 (b) There is created the Task Force on Missing and  
2 Murdered Chicago Women, which shall consist of the following  
3 individuals, or their designees, who are knowledgeable in  
4 crime victims' rights or violence protection and, unless  
5 otherwise specified, members shall be appointed for 2-year  
6 terms as follows:

7 (1) Two members of the Senate, one appointed by the  
8 President of the Senate and one appointed by the Minority  
9 Leader of the Senate;~~;~~

10 (2) Two members of the House of Representatives, one  
11 appointed by the Speaker of the House of Representatives  
12 and one appointed by the Minority Leader of the House of  
13 Representatives;~~;~~

14 (3) Two members from among the following appointed by  
15 the Executive Director of the Illinois Criminal Justice  
16 Information Authority or the Executive Director's  
17 designee:

18 (A) an association representing Illinois chiefs of  
19 police;

20 (B) an association representing Illinois sheriffs;

21 (C) an officer who is employed by the Illinois  
22 State Police; or

23 (D) an Illinois peace officer's association;~~;~~

24 (4) One or more representatives from among the  
25 following:

26 (A) an association representing State's Attorneys;

1           (B) an attorney representing the United States  
2 Attorney's Office in Chicago; or

3           (C) a circuit judge, associate judge, or attorney  
4 working in juvenile court;

5           (D) the Cook County Medical Examiner, or his or  
6 her designee, or a representative from a statewide  
7 coroner's or medical examiner's association or a  
8 representative of the Department of Public Health;

9           (5) Two representatives for victims, with a focus on  
10 individuals who work with victims of violence or their  
11 families appointed by the Executive Director of the  
12 Illinois Criminal Justice Information Authority or the  
13 Executive Director's designee; and

14           (6) Four or more members from among the following  
15 appointed by the Executive Director of the Illinois  
16 Criminal Justice Information Authority or the Executive  
17 Director's designee:

18           (A) a statewide or local organization that  
19 provides legal services to Chicago women and girls;

20           (B) a statewide or local organization that  
21 provides advocacy or counseling for Chicago women and  
22 girls who have been victims of violence;

23           (C) a statewide or local organization that  
24 provides healthcare services to Chicago women and  
25 girls;

26           (D) a statewide organization that represents women

1           and girls who have been sexually assaulted;

2                   (E) a women's health organization or agency; or

3                   (F) a Chicago woman who is a survivor of  
4           gender-related violence.

5           (c) Vacancies in positions appointed by the Executive  
6           Director of the Illinois Criminal Justice Information  
7           Authority or the Executive Director's designee shall be filled  
8           by the Executive Director of the Illinois Criminal Justice  
9           Information Authority or the Executive Director's designee  
10          consistent with the qualifications of the vacating member  
11          required by this Section.

12          (d) Task Force members shall annually elect a chair and  
13          vice-chair from among the Task Force's members, and may elect  
14          other officers as necessary. The Task Force shall meet at  
15          least quarterly, or upon the call of its chair, and may hold  
16          meetings throughout the City of Chicago. The Task Force shall  
17          meet frequently enough to accomplish the tasks identified in  
18          this Section. Meetings of the Task Force are subject to the  
19          Open Meetings Act. The Task Force shall seek out and enlist the  
20          cooperation and assistance of nongovernmental organizations,  
21          community, and advocacy organizations working with the Chicago  
22          community, and academic researchers and experts, specifically  
23          those specializing in violence against Chicago women and  
24          girls, representing diverse communities disproportionately  
25          affected by violence against women and girls, or focusing on  
26          issues related to gender-related violence and violence against

1 Chicago women and girls.

2 (e) The Executive Director of the Illinois Criminal  
3 Justice Information Authority or the Executive Director's  
4 designee shall convene the first meeting of the Task Force no  
5 later than 30 days after the appointment of a majority of the  
6 members of the Task Force. The Illinois Criminal Justice  
7 Information Authority shall provide meeting space and  
8 administrative assistance as necessary for the Task Force to  
9 conduct its work. The chair of the Task Force may call  
10 electronic meetings of the Task Force. A member of the Task  
11 Force participating electronically shall be deemed present for  
12 purposes of establishing a quorum and voting.

13 (f) The Task Force must examine and report on the  
14 following:

15 (1) the systemic causes behind violence that Chicago  
16 women and girls experience, including patterns and  
17 underlying factors that explain why disproportionately  
18 high levels of violence occur against Chicago women and  
19 girls, including underlying historical, social, economic,  
20 institutional, and cultural factors that may contribute to  
21 the violence;

22 (2) appropriate methods for tracking and collecting  
23 data on violence against Chicago women and girls,  
24 including data on missing and murdered Chicago women and  
25 girls;

26 (3) policies and institutions such as policing, child

1 welfare, medical examiner practices, and other  
2 governmental practices that impact violence against  
3 Chicago women and girls and the investigation and  
4 prosecution of crimes of gender-related violence against  
5 Chicago residents;

6 (4) measures necessary to address and reduce violence  
7 against Chicago women and girls; and

8 (5) measures to help victims, victims' families, and  
9 victims' communities prevent and heal from violence that  
10 occurs against Chicago women and girls.

11 (g) The Task Force shall report on or before December 31 of  
12 2024, and on or before December 31 of each year thereafter, to  
13 the General Assembly and the Governor on the work of the Task  
14 Force, including, but not limited to, the issues to be  
15 examined in subsection (g), and shall include in the annual  
16 report recommendations regarding institutional policies and  
17 practices or proposed institutional policies and practices  
18 that are effective in reducing gender-related violence and  
19 increasing the safety of Chicago women and girls. The report  
20 shall include recommendations to reduce and end violence  
21 against Chicago women and girls and help victims and  
22 communities heal from gender-related violence and violence  
23 against Chicago women and girls.

24 (Source: P.A. 102-1057, eff. 1-1-23; revised 12-16-22.)

25 Section 150. The Legislative Audit Commission Act is

1 amended by changing Section 3 as follows:

2 (25 ILCS 150/3) (from Ch. 63, par. 106)

3 Sec. 3. The Commission shall receive the reports of the  
4 Auditor General and other financial statements and shall  
5 determine what remedial measures, if any, are needed, and  
6 whether special studies and investigations are necessary. If  
7 the Commission shall deem such studies and investigations to  
8 be necessary, the Commission may direct the Auditor General to  
9 undertake such studies or investigations.

10 When a disagreement between the Audit Commission and an  
11 agency under the Governor's jurisdiction arises in the process  
12 of the Audit Commission's review of audit reports relating to  
13 such agency, the Audit Commission shall promptly advise the  
14 Governor of such areas of disagreement. The Governor shall  
15 respond to the Audit Commission within a reasonable period of  
16 time, and in no event later than 60 days, expressing his views  
17 concerning such areas of disagreement and indicating the  
18 corrective action taken by his office with reference thereto  
19 or, if no action is taken, indicating the reasons therefor.

20 The Audit Commission also promptly shall advise all other  
21 responsible officials of the Executive, Judicial, and  
22 Legislative branches of the State government of areas of  
23 disagreement arising in the process of the Commission's review  
24 of their respective audit reports. With reference to his  
25 particular office, each such responsible official shall

1 respond to the Audit Commission within a reasonable period of  
2 time, and in no event later than 60 days, expressing his view  
3 concerning such areas of disagreement and indicating the  
4 corrective action taken with reference thereto or stating the  
5 reasons that no action has been taken.

6 The Commission shall report its activities to the General  
7 Assembly including such remedial measures as it deems to be  
8 necessary. The report of the Commission shall be made to the  
9 General Assembly not less often than annually and not later  
10 than March 1 in each year.

11 The requirement for reporting to the General Assembly  
12 shall be satisfied by filing copies of the report as required  
13 by Section 3.1 of the General Assembly Organization Act, and  
14 filing such additional copies with the State Government Report  
15 Distribution Center for the General Assembly as is required  
16 under paragraph (t) of Section 7 of the State Library Act.

17 In addition, the Commission has the powers and duties  
18 provided for in the ~~"Illinois State Auditing Act", enacted by~~  
19 ~~the 78th General Assembly,~~ and, if the provisions of that Act  
20 ~~are~~ conflict with those of this Act, that Act prevails.

21 (Source: P.A. 100-1148, eff. 12-10-18; revised 9-12-22.)

22 Section 155. The State Finance Act is amended by setting  
23 forth and renumbering multiple versions of Sections 5.935,  
24 5.970, 5.971, 5.972, 5.973, 5.974, 5.975, 5.976, and 6z-131,  
25 by changing Sections 6z-18, 6z-64, 6z-126, and 29a, and by

1 setting forth, renumbering, and changing multiple versions of  
2 Section 6z-130 as follows:

3 (30 ILCS 105/5.935)

4 Sec. 5.935. The Freedom Schools Fund.

5 (Source: P.A. 101-654, eff. 3-8-21; 102-813, eff. 5-13-22.)

6 (30 ILCS 105/5.965)

7 Sec. 5.965 ~~5.935~~. The 100 Club of Illinois Fund.

8 (Source: P.A. 102-1060, eff. 6-10-22; revised 7-27-22.)

9 (30 ILCS 105/5.966)

10 Sec. 5.966 ~~5.970~~. The Serve Illinois Commission Fund.

11 (Source: P.A. 102-699, eff. 4-19-22; revised 7-27-22.)

12 (30 ILCS 105/5.967)

13 Sec. 5.967 ~~5.970~~. The Illinois Production Workforce  
14 Development Fund.

15 (Source: P.A. 102-700, eff. 4-19-22; revised 7-27-22.)

16 (30 ILCS 105/5.968)

17 Sec. 5.968 ~~5.970~~. The Law Enforcement Recruitment and  
18 Retention Fund.

19 (Source: P.A. 102-755, eff. 5-10-22; revised 7-27-22.)

20 (30 ILCS 105/5.969)



1           Sec. 5.969 ~~5.970~~. The Organized Retail Crime Enforcement  
2 Fund.

3           (Source: P.A. 102-757, eff. 1-1-23; revised 1-10-23.)

4           (30 ILCS 105/5.970)

5           Sec. 5.970. The Future Farmers of America Fund.

6           (Source: P.A. 102-809, eff. 1-1-23.)

7           (30 ILCS 105/5.971)

8           Sec. 5.971. The Statewide 9-8-8 Trust Fund.

9           (Source: P.A. 102-699, eff. 4-19-22.)

10          (30 ILCS 105/5.972)

11          Sec. 5.972. The Board of Higher Education State Contracts  
12 and Grants Fund.

13          (Source: P.A. 102-699, eff. 4-19-22.)

14          (30 ILCS 105/5.973)

15          Sec. 5.973. The Agriculture Federal Projects Fund.

16          (Source: P.A. 102-699, eff. 4-19-22.)

17          (30 ILCS 105/5.974)

18          Sec. 5.974. The DNR Federal Projects Fund.

19          (Source: P.A. 102-699, eff. 4-19-22.)

20          (30 ILCS 105/5.975)

1           Sec. 5.975. The Illinois Opioid Remediation State Trust  
2 Fund.

3 (Source: P.A. 102-699, eff. 4-19-22.)

4           (30 ILCS 105/5.976)

5           Sec. 5.976. The General Assembly Technology Fund.

6 (Source: P.A. 102-699, eff. 4-19-22.)

7           (30 ILCS 105/5.977)

8           Sec. 5.977 ~~5.970~~. The First Responder Behavioral Health  
9 Grant Fund.

10 (Source: P.A. 102-911, eff. 1-1-23; revised 1-10-23.)

11           (30 ILCS 105/5.978)

12           Sec. 5.978 ~~5.970~~. The Off-Hours Child Care Program Fund.

13 (Source: P.A. 102-912, eff. 5-27-22; revised 7-27-22.)

14           (30 ILCS 105/5.979)

15           Sec. 5.979 ~~5.970~~. The Division of Real Estate General  
16 Fund.

17 (Source: P.A. 102-970, eff. 5-27-22; revised 7-27-22.)

18           (30 ILCS 105/5.980)

19           Sec. 5.980 ~~5.970~~. The Aeronautics Fund.

20 (Source: P.A. 102-1071, eff. 6-10-22; revised 7-27-22.)

1 (30 ILCS 105/5.981)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 5.981 ~~5.971~~. The Grocery Tax Replacement Fund. This  
4 Section is repealed January 1, 2024.

5 (Source: P.A. 102-700, eff. 4-19-22; revised 7-28-22.)

6 (30 ILCS 105/5.982)

7 Sec. 5.982 ~~5.971~~. The Emergency Planning and Training  
8 Fund.

9 (Source: P.A. 102-1071, eff. 6-10-22; revised 7-28-22.)

10 (30 ILCS 105/5.983)

11 Sec. 5.983 ~~5.972~~. The ISAC Accounts Receivable Fund.

12 (Source: P.A. 102-1071, eff. 6-10-22; revised 7-28-22.)

13 (30 ILCS 105/5.984)

14 Sec. 5.984 ~~5.973~~. The Motor Fuel and Petroleum Standards  
15 Fund.

16 (Source: P.A. 102-1071, eff. 6-10-22; revised 7-28-22.)

17 (30 ILCS 105/5.985)

18 Sec. 5.985 ~~5.974~~. The State Small Business Credit  
19 Initiative Fund.

20 (Source: P.A. 102-1071, eff. 6-10-22; revised 7-28-22.)

21 (30 ILCS 105/5.986)

1           Sec. 5.986 ~~5.975~~. The Public Pension Regulation Fund.

2           (Source: P.A. 102-1071, eff. 6-10-22; revised 7-28-22.)

3           (30 ILCS 105/5.987)

4           Sec. 5.987 ~~5.976~~. The Vehicle Inspection Fund.

5           (Source: P.A. 102-1071, eff. 6-10-22; revised 7-28-22.)

6           (30 ILCS 105/6z-18) (from Ch. 127, par. 142z-18)

7           Sec. 6z-18. Local Government Tax Fund. A portion of the  
8 money paid into the Local Government Tax Fund from sales of  
9 tangible personal property taxed at the 1% rate under the  
10 Retailers' Occupation Tax Act and the Service Occupation Tax  
11 Act, which occurred in municipalities, shall be distributed to  
12 each municipality based upon the sales which occurred in that  
13 municipality. The remainder shall be distributed to each  
14 county based upon the sales which occurred in the  
15 unincorporated area of that county.

16           Moneys transferred from the Grocery Tax Replacement Fund  
17 to the Local Government Tax Fund under Section 6z-130 shall be  
18 treated under this Section in the same manner as if they had  
19 been remitted with the return on which they were reported.

20           A portion of the money paid into the Local Government Tax  
21 Fund from the 6.25% general use tax rate on the selling price  
22 of tangible personal property which is purchased outside  
23 Illinois at retail from a retailer and which is titled or  
24 registered by any agency of this State's government shall be

1 distributed to municipalities as provided in this paragraph.  
2 Each municipality shall receive the amount attributable to  
3 sales for which Illinois addresses for titling or registration  
4 purposes are given as being in such municipality. The  
5 remainder of the money paid into the Local Government Tax Fund  
6 from such sales shall be distributed to counties. Each county  
7 shall receive the amount attributable to sales for which  
8 Illinois addresses for titling or registration purposes are  
9 given as being located in the unincorporated area of such  
10 county.

11 A portion of the money paid into the Local Government Tax  
12 Fund from the 6.25% general rate (and, beginning July 1, 2000  
13 and through December 31, 2000, the 1.25% rate on motor fuel and  
14 gasohol, and beginning on August 6, 2010 through August 15,  
15 2010, and beginning again on August 5, 2022 through August 14,  
16 2022, the 1.25% rate on sales tax holiday items) on sales  
17 subject to taxation under the Retailers' Occupation Tax Act  
18 and the Service Occupation Tax Act, which occurred in  
19 municipalities, shall be distributed to each municipality,  
20 based upon the sales which occurred in that municipality. The  
21 remainder shall be distributed to each county, based upon the  
22 sales which occurred in the unincorporated area of such  
23 county.

24 For the purpose of determining allocation to the local  
25 government unit, a retail sale by a producer of coal or other  
26 mineral mined in Illinois is a sale at retail at the place

1 where the coal or other mineral mined in Illinois is extracted  
2 from the earth. This paragraph does not apply to coal or other  
3 mineral when it is delivered or shipped by the seller to the  
4 purchaser at a point outside Illinois so that the sale is  
5 exempt under the United States Constitution as a sale in  
6 interstate or foreign commerce.

7 Whenever the Department determines that a refund of money  
8 paid into the Local Government Tax Fund should be made to a  
9 claimant instead of issuing a credit memorandum, the  
10 Department shall notify the State Comptroller, who shall cause  
11 the order to be drawn for the amount specified, and to the  
12 person named, in such notification from the Department. Such  
13 refund shall be paid by the State Treasurer out of the Local  
14 Government Tax Fund.

15 As soon as possible after the first day of each month,  
16 beginning January 1, 2011, upon certification of the  
17 Department of Revenue, the Comptroller shall order  
18 transferred, and the Treasurer shall transfer, to the STAR  
19 Bonds Revenue Fund the local sales tax increment, as defined  
20 in the Innovation Development and Economy Act, collected  
21 during the second preceding calendar month for sales within a  
22 STAR bond district and deposited into the Local Government Tax  
23 Fund, less 3% of that amount, which shall be transferred into  
24 the Tax Compliance and Administration Fund and shall be used  
25 by the Department, subject to appropriation, to cover the  
26 costs of the Department in administering the Innovation

1 Development and Economy Act.

2 After the monthly transfer to the STAR Bonds Revenue Fund,  
3 on or before the 25th day of each calendar month, the  
4 Department shall prepare and certify to the Comptroller the  
5 disbursement of stated sums of money to named municipalities  
6 and counties, the municipalities and counties to be those  
7 entitled to distribution of taxes or penalties paid to the  
8 Department during the second preceding calendar month. The  
9 amount to be paid to each municipality or county shall be the  
10 amount (not including credit memoranda) collected during the  
11 second preceding calendar month by the Department and paid  
12 into the Local Government Tax Fund, plus an amount the  
13 Department determines is necessary to offset any amounts which  
14 were erroneously paid to a different taxing body, and not  
15 including an amount equal to the amount of refunds made during  
16 the second preceding calendar month by the Department, and not  
17 including any amount which the Department determines is  
18 necessary to offset any amounts which are payable to a  
19 different taxing body but were erroneously paid to the  
20 municipality or county, and not including any amounts that are  
21 transferred to the STAR Bonds Revenue Fund. Within 10 days  
22 after receipt, by the Comptroller, of the disbursement  
23 certification to the municipalities and counties, provided for  
24 in this Section to be given to the Comptroller by the  
25 Department, the Comptroller shall cause the orders to be drawn  
26 for the respective amounts in accordance with the directions

1 contained in such certification.

2 When certifying the amount of monthly disbursement to a  
3 municipality or county under this Section, the Department  
4 shall increase or decrease that amount by an amount necessary  
5 to offset any misallocation of previous disbursements. The  
6 offset amount shall be the amount erroneously disbursed within  
7 the 6 months preceding the time a misallocation is discovered.

8 The provisions directing the distributions from the  
9 special fund in the State treasury ~~Treasury~~ provided for in  
10 this Section shall constitute an irrevocable and continuing  
11 appropriation of all amounts as provided herein. The State  
12 Treasurer and State Comptroller are hereby authorized to make  
13 distributions as provided in this Section.

14 In construing any development, redevelopment, annexation,  
15 preannexation, or other lawful agreement in effect prior to  
16 September 1, 1990, which describes or refers to receipts from  
17 a county or municipal retailers' occupation tax, use tax or  
18 service occupation tax which now cannot be imposed, such  
19 description or reference shall be deemed to include the  
20 replacement revenue for such abolished taxes, distributed from  
21 the Local Government Tax Fund.

22 As soon as possible after March 8, 2013 (the effective  
23 date of Public Act 98-3) ~~this amendatory Act of the 98th~~  
24 ~~General Assembly~~, the State Comptroller shall order and the  
25 State Treasurer shall transfer \$6,600,000 from the Local  
26 Government Tax Fund to the Illinois State Medical Disciplinary



1 Fund.

2 (Source: P.A. 102-700, Article 60, Section 60-10, eff.  
3 4-19-22; 102-700, Article 65, Section 65-15, eff. 4-19-22;  
4 revised 6-2-22.)

5 (30 ILCS 105/6z-64)

6 Sec. 6z-64. The Workers' Compensation Revolving Fund.

7 (a) The Workers' Compensation Revolving Fund is created as  
8 a revolving fund, not subject to fiscal year limitations, in  
9 the State treasury. The following moneys shall be deposited  
10 into the Fund:

11 (1) amounts authorized for transfer to the Fund from  
12 the General Revenue Fund and other State funds (except for  
13 funds classified by the Comptroller as federal trust funds  
14 or State trust funds) pursuant to State law or Executive  
15 Order;

16 (2) federal funds received by the Department of  
17 Central Management Services (the "Department") as a result  
18 of expenditures from the Fund;

19 (3) interest earned on moneys in the Fund;

20 (4) receipts or inter-fund transfers resulting from  
21 billings issued to State agencies, officers, boards,  
22 commissions, and universities for the cost of workers'  
23 compensation services that are not compensated through the  
24 specific fund transfers authorized by this Section, if  
25 any;

1 (5) amounts received from a State agency, officer,  
2 board, commission, or university for workers' compensation  
3 payments for temporary total disability, as provided in  
4 Section 405-105 of the Department of Central Management  
5 Services Law of the Civil Administrative Code of Illinois;  
6 and

7 (6) amounts recovered through subrogation in workers'  
8 compensation and workers' occupational disease cases.

9 (b) Moneys in the Fund may be used by the Department for  
10 reimbursement or payment for:

11 (1) providing workers' compensation services to State  
12 agencies, officers, boards, commissions, and universities;  
13 or

14 (2) providing for payment of administrative and other  
15 expenses (and, beginning January 1, 2013, fees and charges  
16 made pursuant to a contract with a private vendor)  
17 incurred in providing workers' compensation services. The  
18 Department, or any successor agency designated to enter  
19 into contracts with one or more private vendors for the  
20 administration of the workers' compensation program for  
21 State employees pursuant to subdivision (10b) ~~subsection~~  
22 ~~10b~~ of Section 405-105 of the Department of Central  
23 Management Services Law of the Civil Administrative Code  
24 of Illinois, is authorized to establish one or more  
25 special funds, as separate accounts provided by any bank  
26 or banks as defined by the Illinois Banking Act, any

1 savings and loan association or associations as defined by  
2 the Illinois Savings and Loan Act of 1985, or any credit  
3 union as defined by the Illinois Credit Union Act, to be  
4 held by the Director outside of the State treasury, for  
5 the purpose of receiving the transfer of moneys from the  
6 Workers' Compensation Revolving Fund. The Department may  
7 promulgate rules further defining the methodology for the  
8 transfers. Any interest earned by moneys in the funds or  
9 accounts shall be deposited into the Workers' Compensation  
10 Revolving Fund. The transferred moneys, and interest  
11 accrued thereon, shall be used exclusively for transfers  
12 to contracted private vendors or their financial  
13 institutions for payments to workers' compensation  
14 claimants and providers for workers' compensation  
15 services, claims, and benefits pursuant to this Section  
16 and subdivision (9) ~~subsection 9~~ of Section 405-105 of the  
17 Department of Central Management Services Law of the Civil  
18 Administrative Code of Illinois. The transferred moneys,  
19 and interest accrued thereon, shall not be used for any  
20 other purpose, including, but not limited to,  
21 reimbursement or payment of administrative fees due the  
22 contracted vendor pursuant to its contract or contracts  
23 with the Department.

24 (c) State agencies, officers, boards, and commissions may  
25 direct the Comptroller to process inter-fund transfers or make  
26 payment through the voucher and warrant process to the

1 Workers' Compensation Revolving Fund in satisfaction of  
2 billings issued under subsection (a) of this Section.

3 (d) (Blank~~ed~~).  

4 (d-5) (Blank~~ed~~).  

5 (d-10) (Blank~~ed~~).  

6 (d-12) (Blank~~ed~~).  

7 (d-15) (Blank~~ed~~).  

8 (d-20) (Blank~~ed~~).  

9 (d-25) (Blank~~ed~~).  

10 (d-30) (Blank~~ed~~).  

11 (d-35) (Blank~~ed~~).  

12 (d-40) (Blank~~ed~~).  

13 (d-45) (Blank~~ed~~).  

14 (d-50) (Blank~~ed~~).  

15 (d-55) (Blank~~ed~~).  

16 (e) The term "workers' compensation services" means  
17 services, claims expenses, and related administrative costs  
18 incurred in performing the duties under Sections 405-105 and  
19 405-411 of the Department of Central Management Services Law  
20 of the Civil Administrative Code of Illinois.

21 (Source: P.A. 102-767, eff. 5-13-22; revised 9-13-22.)

22 (30 ILCS 105/6z-126)

23 Sec. 6z-126. Law Enforcement Training Fund. The Law  
24 Enforcement Training Fund is hereby created as a special fund  
25 in the State treasury. Moneys in the Fund shall consist of: (i)

1 90% of the revenue from increasing the insurance producer  
2 license fees, as provided under subsection (a-5) of Section  
3 500-135 of the Illinois Insurance Code; and (ii) 90% of the  
4 moneys collected from auto insurance policy fees under Section  
5 8.6 of the Illinois Vehicle Hijacking and Motor Vehicle Theft  
6 Prevention and Insurance Verification Act. This Fund shall be  
7 used by the Illinois Law Enforcement Training Standards Board  
8 to fund law enforcement certification compliance and the  
9 development and provision of basic courses by Board-approved  
10 academics, and in-service courses by approved academies.

11 (Source: P.A. 102-16, eff. 6-17-21; 102-904, eff. 1-1-23;  
12 102-1071, eff. 6-10-22; revised 12-13-22.)

13 (30 ILCS 105/6z-130)

14 (Section scheduled to be repealed on January 1, 2024)

15 Sec. 6z-130. Grocery Tax Replacement Fund.

16 (a) The Grocery Tax Replacement Fund is hereby created as  
17 a special fund in the State Treasury.

18 (b) On April 19, 2022 (the effective date of Public Act  
19 102-700) ~~this amendatory Act of the 102nd General Assembly~~, or  
20 as soon thereafter as practical, but no later than June 30,  
21 2022, the State Comptroller shall direct and the State  
22 Treasurer shall transfer the sum of \$325,000,000 from the  
23 General Revenue Fund to the Grocery Tax Replacement Fund.

24 (c) On July 1, 2022, or as soon thereafter as practical,  
25 the State Comptroller shall direct and the State Treasurer

1 shall transfer the sum of \$75,000,000 from the General Revenue  
2 Fund to the Grocery Tax Replacement Fund.

3 (d) In addition to any other transfers that may be  
4 provided for by law, beginning on April 19, 2022 (the  
5 effective date of Public Act 102-700) ~~this amendatory Act of~~  
6 ~~the 102nd General Assembly~~ and until November 30, 2023, the  
7 Director may certify additional transfer amounts needed beyond  
8 the amounts specified in subsections (b) and (c) to cover any  
9 additional amounts needed to equal the net revenue that, but  
10 for the reduction of the rate to 0% in the Use Tax Act, the  
11 Service Use Tax Act, the Service Occupation Tax Act, and the  
12 Retailers' Occupation Tax Act under Public Act 102-700 ~~this~~  
13 ~~amendatory Act of the 102nd General Assembly~~, would have been  
14 realized if the items that are subject to the rate reduction  
15 had been taxed at the 1% rate during the period of the  
16 reduction. The State Comptroller shall direct and the State  
17 Treasurer shall transfer the amounts certified by the Director  
18 from the General Revenue Fund to the Grocery Tax Replacement  
19 Fund.

20 (e) In addition to any other transfers that may be  
21 provided for by law, beginning on July 1, 2022 and until  
22 December 1, 2023, at the direction of the Department of  
23 Revenue, the State Comptroller shall direct and the State  
24 Treasurer shall transfer from the Grocery Tax Replacement Fund  
25 to the State and Local Sales Tax Reform Fund any amounts needed  
26 to equal the net revenue that, but for the reduction of the

1 rate to 0% in the Use Tax Act and Service Use Tax Act under  
2 Public Act 102-700 ~~this amendatory Act of the 102nd General~~  
3 ~~Assembly~~, would have been deposited into the State and Local  
4 Sales Tax Reform Fund if the items that are subject to the rate  
5 reduction had been taxed at the 1% rate during the period of  
6 the reduction.

7 (f) In addition to any other transfers that may be  
8 provided for by law, beginning on July 1, 2022 and until  
9 December 1, 2023, at the direction of the Department of  
10 Revenue, the State Comptroller shall direct and the State  
11 Treasurer shall transfer from the Grocery Tax Replacement Fund  
12 to the Local Government Tax Fund any amounts needed to equal  
13 the net revenue that, but for the reduction of the rate to 0%  
14 in the Service Occupation Tax Act and the Retailers'  
15 Occupation Tax Act under Public Act 102-700 ~~this amendatory~~  
16 ~~Act of the 102nd General Assembly~~, would have been deposited  
17 into the Local Government Tax Fund if the items that are  
18 subject to the rate reduction had been taxed at the 1% rate  
19 during the period of the reduction.

20 (g) The State Comptroller shall direct and the State  
21 Treasurer shall transfer the remaining balance in the Grocery  
22 Tax Replacement Fund to the General Revenue Fund on December  
23 1, 2023, or as soon thereafter as practical. Upon completion  
24 of the transfer, the Grocery Tax Replacement Fund is  
25 dissolved.

26 (h) This Section is repealed on January 1, 2024.

1 (Source: P.A. 102-700, eff. 4-19-22; revised 8-1-22.)

2 (30 ILCS 105/6z-131)

3 Sec. 6z-131. Agriculture Federal Projects Fund. The  
4 Agriculture Federal Projects Fund is established as a federal  
5 trust fund in the State treasury. This Fund is established to  
6 receive funds from all federal departments and agencies,  
7 including grants and awards. In addition, the Fund may also  
8 receive interagency receipts from other State agencies and  
9 funds from other public and private sources. Moneys in the  
10 Agriculture Federal Projects Fund shall be held by the State  
11 Treasurer as ex officio custodian and shall be used for the  
12 specific purposes established by the terms and conditions of  
13 the federal grant or award and for other authorized expenses  
14 in accordance with federal requirements. Other moneys  
15 deposited into the Fund may be used for purposes associated  
16 with the federally financed projects.

17 (Source: P.A. 102-699, eff. 4-19-22.)

18 (30 ILCS 105/6z-135)

19 Sec. 6z-135 ~~6z-130~~. The Law Enforcement Recruitment and  
20 Retention Fund.

21 (a) The Law Enforcement Recruitment and Retention Fund is  
22 hereby created as a special fund in the State Treasury.

23 (b) Subject to appropriation, moneys in the Law  
24 Enforcement Recruitment and Retention Fund shall be used by



1 the Illinois Law Enforcement Training Standards Board to award  
2 grants to units of local government, public institutions of  
3 higher education, and qualified nonprofit entities for the  
4 purpose of hiring and retaining law enforcement officers.

5 (c) When awarding grants, the Board shall prioritize:

6 (1) grants that will be used to hire, retain, or hire  
7 and retain law enforcement officers in underserved areas  
8 and areas experiencing the most need;

9 (2) achieving demographic and geographic diversity of  
10 law enforcement officers that are recruited or hired by  
11 applicants that are awarded grants;

12 (3) maximizing the effects of moneys spent on the  
13 actual recruitment and retention of law enforcement  
14 officers; and

15 (4) providing grants that can impact multiple  
16 employers.

17 (d) Moneys received for the purposes of this Section,  
18 including, but not limited to, fee receipts, gifts, grants,  
19 and awards from any public or private entity, must be  
20 deposited into the Fund. Any interest earned on moneys in the  
21 Fund must be deposited into the Fund.

22 (e) The Illinois Law Enforcement Training Standards Board  
23 may, by rule, set requirements for the distribution of grant  
24 moneys and determine which entities are eligible.

25 (f) The Illinois Law Enforcement Training Standards Board  
26 shall consider compliance with the Uniform Crime Reporting Act

1 as a factor in awarding grant moneys.

2 (g) As used in this Section, "qualified nonprofit entity"  
3 means a nonprofit entity, as defined by the Board by rule, that  
4 has established experience in recruitment and retention of law  
5 enforcement officers in Illinois.

6 (Source: P.A. 102-755, eff. 5-10-22; revised 8-1-22.)

7 (30 ILCS 105/6z-136)

8 Sec. 6z-136 ~~6z-130~~. Industrial Biotechnology Human Capital  
9 Fund.

10 (a) The Industrial Biotechnology Human Capital Fund is  
11 created as a special fund in the State treasury and may receive  
12 funds from any source, public or private, including moneys  
13 appropriated for use by the Department of Commerce and  
14 Economic Opportunity and laboratories and institutions  
15 conducting industrial biotechnology research. Subject to  
16 appropriation, the Industrial Biotechnology Human Capital Fund  
17 shall receive moneys from the General Revenue Fund until June  
18 30, 2025. Each eligible entity receiving a grant under this  
19 Section shall, as a condition of receiving the grant,  
20 contribute moneys to the Fund as part of a cost-sharing  
21 agreement between the grantee and the Department of Commerce  
22 and Economic Opportunity in accordance with rules adopted by  
23 the Department of Commerce and Economic Opportunity. Grants  
24 issued under this ~~the~~ Section may be for a period of 2 years.  
25 An eligible entity issued a grant under this Section ~~Sections~~

1 shall be eligible for more than one such grant, but no more  
2 than one grant annually, for the purpose of hiring and  
3 retaining experts in residence ~~Experts in Residence~~; however,  
4 such entity may maintain more than one grant at any given time.

5 (b) Subject to appropriation, moneys in the Fund shall be  
6 used for providing grants to laboratories and research  
7 institutions for the purpose of hiring and retaining in-house  
8 specialists, to be known as experts in residence, with the  
9 knowledge and experience in moving industrial biotechnology  
10 products through the development phase.

11 (c) To be eligible for grants provided from the Fund, an  
12 entity must be a State-sponsored, university-affiliated  
13 laboratory or research institution conducting collaboratives  
14 or for-hire research in the development of biorenewable  
15 chemicals, bio-based polymers, materials, novel feeds, or  
16 additional value added biorenewables. Eligible entities must  
17 also establish that the expert in residence  
18 ~~Expert In Residence~~ they seek to hire or retain using the  
19 grant funds possesses expertise in fermentation engineering,  
20 process engineering, catalytic engineering, analytical  
21 chemistry, or is a scale-up specialist.

22 (d) On or before January 31 of the next calendar year to  
23 occur after the last day of any State fiscal year in which the  
24 Department of Commerce and Economic Opportunity receives State  
25 funding for the Program under this Section, the Department of  
26 Commerce and Economic Opportunity shall submit an annual

1 report to the General Assembly and the Governor on the use of  
2 moneys in the Fund. The report shall include, but not be  
3 limited to: (i) the number of laboratories or institutions  
4 utilizing moneys in the Fund, including the name of such  
5 entities; (ii) the number of experts in residence hired by  
6 each laboratory or institution; (iii) the expertise or  
7 specialty area of each expert in residence hired or retained;  
8 and (iv) a summary of the benefit to the economy of the State  
9 of Illinois economy in providing the grants.

10 (e) The Department of Commerce and Economic Opportunity  
11 shall adopt all rules necessary for the implementation of this  
12 Section.

13 (Source: P.A. 102-991, eff. 1-1-23; revised 8-1-22.)

14 (30 ILCS 105/6z-137)

15 Sec. 6z-137 ~~6z-131~~. Industrial Biotechnology Capital  
16 Maintenance Fund.

17 (a) The Industrial Biotechnology Capital Maintenance Fund  
18 is created as a special fund in the State treasury and may  
19 receive funds from any source, public or private, including  
20 from moneys appropriated for use by the Department of Commerce  
21 and Economic Opportunity and laboratories and institutions  
22 conducting industrial biotechnology research.

23 (b) Subject to appropriation, moneys in the Fund shall be  
24 used for providing grants to laboratories and research  
25 institutions for the purpose of maintenance and repair of

1 capital assets. Such maintenance and repairs of capital assets  
2 shall be designed to extend the serviceable life of equipment  
3 and buildings and expand the capacity of equipment and  
4 buildings by at least 10%. For the purposes of this Section,  
5 "capital assets" means equipment or buildings that have a  
6 value greater than \$250,000.

7 (c) To be eligible for grants provided from the Fund, an  
8 entity must be a State-sponsored, university-affiliated  
9 laboratory or research institution conducting collaboratives  
10 or for-hire research in the development of biorenewable  
11 chemicals, bio-based polymers, materials, novel feeds, or  
12 additional value added biorenewables. The Department of  
13 Commerce and Economic Opportunity shall determine the  
14 disbursement of moneys for the purposes of this Section. Each  
15 eligible entity, as a condition of receiving a grant under  
16 this Section, shall match up to at least 50% of the moneys to  
17 be granted to the entity.

18 (d) On or before January 31 of the next calendar year to  
19 occur after the last day of any State fiscal year in which the  
20 Department of Commerce and Economic Opportunity receives State  
21 funding for the Program under this Section, the Department of  
22 Commerce and Economic Opportunity shall submit an annual  
23 report to the General Assembly and the Governor on the use of  
24 moneys in the Fund. The report shall include, but not be  
25 limited to: (i) the name of the institution or laboratory  
26 receiving funds; (ii) the capital assets that were maintained

1 or repaired at each institution or laboratory; (iii) the  
2 expected usable life extension of each maintained or repaired  
3 asset; and (iv) the capacity increase of each maintained or  
4 repaired asset.

5 (e) The Department of Commerce and Economic Opportunity  
6 shall adopt all rules necessary for the implementation of this  
7 Section.

8 (Source: P.A. 102-991, eff. 1-1-23; revised 8-1-22.)

9 (30 ILCS 105/29a) (from Ch. 127, par. 165a)

10 Sec. 29a. The Department of Transportation is authorized  
11 to contract with any bank or banks in the State for the payment  
12 by such banks for the labor and services of day laborers  
13 engaged in State road construction and maintenance work and  
14 for emergency purchases in such work. Any such emergency  
15 purchase shall not be for an amount in excess of \$25.00. Such  
16 bank or banks shall be reimbursed out of appropriations made  
17 to the Department in accordance with the provisions of this  
18 Act, and shall be paid such reasonable compensation for its  
19 services as may be agreed on by the Department and the bank.

20 Such payments by any bank shall be made only upon the  
21 authorization of some employee ~~employe~~ or agent of the  
22 Department duly designated by it for this purpose. Such  
23 employee ~~employe~~ or agent shall be required to furnish to the  
24 Department a bond, to be paid for by the Department, in an  
25 amount equal to twice the total of such payments at any one

1 time.

2 (Source: P.A. 81-840; revised 9-9-22.)

3 Section 160. The Illinois Procurement Code is amended by  
4 changing Sections 35-40 and 45-23 as follows:

5 (30 ILCS 500/35-40)

6 Sec. 35-40. Subcontractors.

7 (a) Any contract granted under this Article shall state  
8 whether the services of a subcontractor will be used. The  
9 contract shall include the names and addresses of all  
10 subcontractors with an annual value that exceeds the small  
11 purchase maximum established by Section 20-20 of this Code,  
12 the general type of work to be performed by these  
13 subcontractors, and the expected amount of money each will  
14 receive under the contract. Upon the request of the chief  
15 procurement officer appointed pursuant to paragraph (2) of  
16 subsection (a) of Section 10-20, the contractor shall provide  
17 the chief procurement officer a copy of a subcontract so  
18 identified within 15 calendar days after the request is made.  
19 A subcontractor, or contractor on behalf of a subcontractor,  
20 may identify information that is deemed proprietary or  
21 confidential. If the chief procurement officer determines the  
22 information is not relevant to the primary contract, the chief  
23 procurement officer may excuse the inclusion of the  
24 information. If the chief procurement officer determines the

1 information is proprietary or could harm the business interest  
2 of the subcontractor, the chief procurement officer may, in  
3 his or her discretion, redact the information. Redacted  
4 information shall not become part of the public record.

5 (b) If at any time during the term of a contract, a  
6 contractor adds or changes any subcontractors, he or she shall  
7 promptly notify, in writing, the chief procurement officer for  
8 matters other than construction or the higher education chief  
9 procurement officer, whichever is appropriate, and the  
10 responsible State purchasing officer, or their designee of the  
11 names and addresses and the expected amount of money each new  
12 or replaced subcontractor will receive. Upon request of the  
13 chief procurement officer appointed pursuant to paragraph (2)  
14 of subsection (a) of Section 10-20, the contractor shall  
15 provide the chief procurement officer a copy of any new or  
16 amended subcontract so identified within 15 calendar days  
17 after the request is made.

18 (c) In addition to any other requirements of this Code, a  
19 subcontract subject to this Section must include all of the  
20 subcontractor's certifications required by Article 50 of this  
21 Code.

22 (d) For purposes of this Section, the changes made by  
23 Public Act 98-1076 ~~this amendatory Act of the 98th General~~  
24 ~~Assembly~~ apply to procurements solicited on or after January  
25 1, 2015 (the effective date of Public Act 98-1076) ~~this~~  
26 ~~amendatory Act of the 98th General Assembly.~~



1 (Source: P.A. 102-721, eff. 1-1-23; revised 12-9-22.)

2 (30 ILCS 500/45-23)

3 Sec. 45-23. Single-use plastics prohibition; preference.

4 (a) For the purposes of this Section:

5 "Compostable" means that the item meets the ASTM D6400  
6 standard of compostability and has been certified by the  
7 Biodegradable Products Institute as compostable.

8 "Compostable foodware" means containers, bowls, straws,  
9 plates, trays, cartons, cups, lids, forks, spoons, knives, and  
10 other items that are designed for one-time use for beverages,  
11 prepared food, or leftovers from meals that are compostable.

12 "Plastic" means a synthetic material made from linking  
13 monomers through a chemical reaction to create an organic  
14 polymer chain that can be molded or extruded at high heat into  
15 various solid forms retaining their defined shapes during  
16 their life cycle and after disposal.

17 "Recyclable foodware" means items that are designed for  
18 one-time use for beverages, prepared food, or leftovers from  
19 meals and that are commonly accepted in local curbside  
20 residential recycling pickup ~~pick up~~.

21 "Single-use plastic disposable foodware" means containers,  
22 bowls, straws, plates, trays, cartons, cups, lids, forks,  
23 spoons, knives, and other items that are designed for one-time  
24 use for beverages, prepared food, or leftovers from meals and  
25 that are made of plastic, are not compostable, and are not

1 accepted in residential curbside recycling pickup ~~pick-up~~.

2 (b) When a State agency or institution of higher education  
3 is to award a contract to the lowest responsible bidder, an  
4 otherwise qualified bidder who will fulfill the contract  
5 through the use of compostable foodware or recyclable foodware  
6 may be given preference over other bidders unable to do so;  
7 provided that the bid is not more than 5% greater than the cost  
8 of products that are single-use plastic disposable foodware.  
9 The contract awarded the cost preference in this subsection  
10 (b) shall also include the option of providing the State  
11 agency or institution of higher education with single-use  
12 plastic straws.

13 (c) After January 1, 2023, State agencies and departments  
14 may not procure single-use plastic disposable foodware for use  
15 at any State parks or natural areas, and instead shall offer  
16 only compostable foodware or recyclable foodware for use at  
17 State parks or natural areas.

18 (d) After January 1, 2024, or at the renewal of its next  
19 contract, whichever occurs later, no vendor contracted through  
20 a State agency or department may provide customers with  
21 single-use plastic disposable foodware at any site located at  
22 a State park or a natural area, and instead shall offer only  
23 compostable foodware or recyclable foodware for use at State  
24 parks or natural areas.

25 (e) This Section does not apply to the procurement of  
26 supplies for the Illinois State Fair.

1 (Source: P.A. 102-1081, eff. 1-1-23; revised 12-16-22.)

2 Section 165. The Community Behavioral Health Center  
3 Infrastructure Act is amended by changing Section 5 as  
4 follows:

5 (30 ILCS 732/5)

6 Sec. 5. Definitions. In this Act:

7 "Behavioral health center site" means a physical site  
8 where a community behavioral health center shall provide  
9 behavioral healthcare services linked to a particular  
10 Department-contracted community behavioral healthcare  
11 provider, from which this provider delivers a  
12 Department-funded service and has the following  
13 characteristics:

14 (i) The site must be owned, leased, or otherwise  
15 controlled by a Department-funded provider.

16 (ii) A Department-funded provider may have multiple  
17 service sites.

18 (iii) A Department-funded provider may provide both  
19 Medicaid and non-Medicaid services for which they are  
20 certified or approved at a certified site.

21 "Board" means the Capital Development Board.

22 "Community behavioral healthcare provider" includes, but  
23 is not limited to, Department-contracted prevention,  
24 intervention, or treatment care providers of services and

1 supports for persons with mental health services, alcohol and  
2 substance abuse services, rehabilitation services, and early  
3 intervention services provided by a vendor.

4 For the purposes of this definition, "vendor" includes,  
5 but is not limited to, community providers, including  
6 community-based organizations that are licensed to provide  
7 prevention, intervention, or treatment services and support  
8 for persons with mental illness or substance abuse problems in  
9 this State, that comply with applicable federal, State, and  
10 local rules and statutes, including, but not limited to, the  
11 following:

12 (A) Federal requirements:

13 (1) Block Grants for Community Mental Health  
14 Services, Subpart I & III, Part B, Title XIX, P.H.S.  
15 Act/45 CFR ~~C.F.R.~~ Part 96.

16 (2) Medicaid (42 U.S.C. ~~U.S.C.A.~~ 1396 (1996)).

17 (3) 42 CFR ~~C.F.R.~~ 440 (Services: General  
18 Provision) and 456 (Utilization Control) (1996).

19 (4) Health Insurance Portability and  
20 Accountability Act (HIPAA) as specified in 45 CFR  
21 ~~C.F.R. Section~~ 160.310.

22 (5) The Substance Abuse Prevention Block Grant  
23 Regulations (45 CFR ~~C.F.R.~~ Part 96).

24 (6) Program Fraud Civil Remedies Act of 1986 (45  
25 CFR ~~C.F.R.~~ Part 79).

26 (7) Federal regulations regarding Opioid

1 Maintenance Therapy (21 CFR ~~C.F.R.~~ 29) (21 CFR ~~C.F.R.~~  
2 1301-1307 (D.E.A.)).

3 (8) Federal regulations regarding Diagnostic,  
4 Screening, Prevention, and Rehabilitation Services  
5 (Medicaid) (42 CFR ~~C.F.R.~~ 440.130).

6 (9) Charitable Choice: Providers that qualify as  
7 religious organizations under 42 CFR ~~C.F.R.~~ 54.2(b),  
8 who comply with the Charitable Choice Regulations as  
9 set forth in 42 CFR ~~C.F.R.~~ 54.1 et seq. with regard to  
10 funds provided directly to pay for substance abuse  
11 prevention and treatment services.

12 (B) State requirements:

13 (1) 59 Ill. Adm. ~~Admin.~~ Code 50, Office of  
14 Inspector General Investigations of Alleged Abuse or  
15 Neglect in State-Operated Facilities and Community  
16 Agencies.

17 (2) (Blank). ~~59 Ill. Admin. Code 51, Office of~~  
18 ~~Inspector General Adults with Disabilities Project.~~

19 (3) 59 Ill. Adm. ~~Admin.~~ Code 103, Grants.

20 (4) 59 Ill. Adm. ~~Admin.~~ Code 115, Standards and  
21 Licensure Requirements for Community-Integrated Living  
22 Arrangements.

23 (5) 59 Ill. Adm. ~~Admin.~~ Code 117, Family  
24 Assistance and Home-Based Support Programs for Persons  
25 with Mental Disabilities.

26 (6) 59 Ill. Adm. ~~Admin.~~ Code 125, Recipient

1 Discharge/Linkage/Aftercare.

2 (7) 59 Ill. Adm. ~~Admin.~~ Code 131, Children's  
3 Mental Health Screening, Assessment and Supportive  
4 Services Program.

5 (8) 59 Ill. Adm. ~~Admin.~~ Code 132, Medicaid  
6 Community Mental Health Services Program.

7 (9) (Blank). ~~59 Ill. Admin. Code 135, Individual~~  
8 ~~Care Grants for Mentally Ill Children.~~

9 (10) 89 Ill. Adm. ~~Admin.~~ Code 140, Medical  
10 Payment.

11 (11) 89 Ill. Adm. ~~Admin.~~ Code 140.642, Screening  
12 Assessment for Nursing Facility and Alternative  
13 Residential Settings and Services.

14 (12) 89 Ill. Adm. ~~Admin.~~ Code 507, Audit  
15 Requirements of Illinois Department of Human Services.

16 (13) 89 Ill. Adm. ~~Admin.~~ Code 509,  
17 Fiscal/Administrative Recordkeeping and Requirements.

18 (14) 89 Ill. Adm. ~~Admin.~~ Code 511, Grants and  
19 Grant Funds Recovery.

20 (15) 77 Ill. Adm. ~~Admin.~~ Code~~7~~ Parts 2030, 2060,  
21 and 2090.

22 (16) Title 77 Illinois Administrative Code:

23 (a) Part 630: Maternal and Child Health  
24 Services Code.

25 (b) Part 635: Family Planning Services Code.

26 (c) Part 672: WIC Vendor Management Code.

- 1 (d) Part 2030: Award and Monitoring of Funds.
- 2 (e) Part 2200: School Based/Linked Health  
3 Centers.
- 4 (17) Title 89 Illinois Administrative Code:
- 5 (a) Section ~~Part~~ 130.200: ~~Administration of~~  
6 ~~Social Service Programs,~~ Domestic Violence Shelter  
7 and Service Programs.
- 8 (b) Part 310: Delivery of Youth Services  
9 Funded by the Department of Human Services.
- 10 (c) Part 313: Community Services.
- 11 (d) Part 334: Administration and Funding of  
12 Community-Based Services to Youth.
- 13 (e) Part 500: Early Intervention Program.
- 14 (f) Part 501: Partner Abuse Intervention.
- 15 ~~(g) Part 507: Audit Requirements of DHS.~~
- 16 ~~(h) Part 509: Fiscal/Administrative~~  
17 ~~Recordkeeping and Requirements.~~
- 18 ~~(i) Part 511: Grants and Grant Funds Recovery.~~
- 19 (18) State statutes:
- 20 (a) The Mental Health and Developmental  
21 Disabilities Code.
- 22 (b) The Community Services Act.
- 23 (c) The Mental Health and Developmental  
24 Disabilities Confidentiality Act.
- 25 (d) The Substance Use Disorder Act.
- 26 (e) The Early Intervention Services System

1 Act.

2 (f) The Children and Family Services Act.

3 (g) The Illinois Commission on Volunteerism  
4 and Community Services Act.

5 (h) The Department of Human Services Act.

6 (i) The Domestic Violence Shelters Act.

7 (j) The Illinois Youthbuild Act.

8 (k) The Civil Administrative Code of Illinois.

9 (l) The Illinois Grant Funds Recovery Act.

10 (m) The Child Care Act of 1969.

11 (n) The Solicitation for Charity Act.

12 (o) Sections 9-1, 12-4.5 through 12-4.7, and  
13 12-13 of the ~~The~~ Illinois Public Aid Code ~~(305~~  
14 ~~ILCS 5/9-1, 12-4.5 through 12-4.7, and 12-13).~~

15 (p) The Abused and Neglected Child Reporting  
16 Act.

17 (q) The Charitable Trust Act.

18 ~~(r) The Illinois Alcoholism and Other Drug~~  
19 ~~Dependency Act.~~

20 (C) The Provider shall be in compliance with all  
21 applicable requirements for services and service reporting  
22 as specified in the following Department manuals or  
23 handbooks:

24 (1) DHS/DMH Provider Manual.

25 (2) DHS Mental Health CSA Program Manual.

26 (3) DHS/DMH PAS/MH Manual.



- 1 (4) Community Forensic Services Handbook.
  - 2 (5) Community Mental Health Service Definitions  
3 and Reimbursement Guide.
  - 4 (6) DHS/DMH Collaborative Provider Manual.
  - 5 (7) Handbook for Providers of Screening Assessment  
6 and Support Services, Chapter CMH-200 Policy and  
7 Procedures For Screening, Assessment and Support  
8 Services.
  - 9 (8) DHS Division of Substance Use Prevention and  
10 Recovery:
    - 11 (a) Contractual Policy Manual.
    - 12 (b) Medicaid Handbook.
    - 13 (c) DARTS Manual.
  - 14 (9) Division of Substance Use Prevention and  
15 Recovery Best Practice Program Guidelines for Specific  
16 Populations.
  - 17 (10) Division of Substance Use Prevention and  
18 Recovery Contract Program Manual.
- 19 "Community behavioral healthcare services" means any of  
20 the following:
- 21 (i) Behavioral health services, including, but not  
22 limited to, prevention, intervention, or treatment care  
23 services and support for eligible persons provided by a  
24 vendor of the Department.
  - 25 (ii) Referrals to providers of medical services and  
26 other health-related services, including substance abuse

1 and mental health services.

2 (iii) Patient case management services, including  
3 counseling, referral, and follow-up services, and other  
4 services designed to assist community behavioral health  
5 center patients in establishing eligibility for and  
6 gaining access to federal, State, and local programs that  
7 provide or financially support the provision of medical,  
8 social, educational, or other related services.

9 (iv) Services that enable individuals to use the  
10 services of the behavioral health center including  
11 outreach and transportation services and, if a substantial  
12 number of the individuals in the population are of limited  
13 English-speaking ability, the services of appropriate  
14 personnel fluent in the language spoken by a predominant  
15 number of those individuals.

16 (v) Education of patients and the general population  
17 served by the community behavioral health center regarding  
18 the availability and proper use of behavioral health  
19 services.

20 (vi) Additional behavioral healthcare services  
21 consisting of services that are appropriate to meet the  
22 health needs of the population served by the behavioral  
23 health center involved and that may include housing  
24 assistance.

25 "Department" means the Department of Human Services.

26 "Uninsured population" means persons who do not own

1 private healthcare insurance, are not part of a group  
2 insurance plan, and are not eligible for any State or federal  
3 government-sponsored healthcare program.

4 (Source: P.A. 100-759, eff. 1-1-19; revised 2-28-22.)

5 Section 170. The Downstate Public Transportation Act is  
6 amended by changing Section 2-7 as follows:

7 (30 ILCS 740/2-7) (from Ch. 111 2/3, par. 667)

8 Sec. 2-7. Quarterly reports; annual audit.

9 (a) Any Metro-East Transit District participant shall, no  
10 later than 60 days following the end of each quarter of any  
11 fiscal year, file with the Department on forms provided by the  
12 Department for that purpose, a report of the actual operating  
13 deficit experienced during that quarter. The Department shall,  
14 upon receipt of the quarterly report, determine whether the  
15 operating deficits were incurred in conformity with the  
16 program of proposed expenditures and services approved by the  
17 Department pursuant to Section 2-11. Any Metro-East District  
18 may either monthly or quarterly for any fiscal year file a  
19 request for the participant's eligible share, as allocated in  
20 accordance with Section 2-6, of the amounts transferred into  
21 the Metro-East Public Transportation Fund.

22 (b) Each participant other than any Metro-East Transit  
23 District participant shall, 30 days before the end of each  
24 quarter, file with the Department on forms provided by the

1 Department for such purposes a report of the projected  
2 eligible operating expenses to be incurred in the next quarter  
3 and 30 days before the third and fourth quarters of any fiscal  
4 year a statement of actual eligible operating expenses  
5 incurred in the preceding quarters. Except as otherwise  
6 provided in subsection (b-5), within 45 days of receipt by the  
7 Department of such quarterly report, the Comptroller shall  
8 order paid and the Treasurer shall pay from the Downstate  
9 Public Transportation Fund to each participant an amount equal  
10 to one-third of such participant's eligible operating  
11 expenses; provided, however, that in Fiscal Year 1997, the  
12 amount paid to each participant from the Downstate Public  
13 Transportation Fund shall be an amount equal to 47% of such  
14 participant's eligible operating expenses and shall be  
15 increased to 49% in Fiscal Year 1998, 51% in Fiscal Year 1999,  
16 53% in Fiscal Year 2000, 55% in Fiscal Years 2001 through 2007,  
17 and 65% in Fiscal Year 2008 and thereafter; however, in any  
18 year that a participant receives funding under subsection (i)  
19 of Section 2705-305 of the Department of Transportation Law  
20 (20 ILCS 2705/2705-305), that participant shall be eligible  
21 only for assistance equal to the following percentage of its  
22 eligible operating expenses: 42% in Fiscal Year 1997, 44% in  
23 Fiscal Year 1998, 46% in Fiscal Year 1999, 48% in Fiscal Year  
24 2000, and 50% in Fiscal Year 2001 and thereafter. Any such  
25 payment for the third and fourth quarters of any fiscal year  
26 shall be adjusted to reflect actual eligible operating

1 expenses for preceding quarters of such fiscal year. However,  
2 no participant shall receive an amount less than that which  
3 was received in the immediate prior year, provided in the  
4 event of a shortfall in the fund those participants receiving  
5 less than their full allocation pursuant to Section 2-6 of  
6 this Article shall be the first participants to receive an  
7 amount not less than that received in the immediate prior  
8 year.

9 (b-5) (Blank-).  

10 (b-10) On July 1, 2008, each participant shall receive an  
11 appropriation in an amount equal to 65% of its fiscal year 2008  
12 eligible operating expenses adjusted by the annual 10%  
13 increase required by Section 2-2.04 of this Act. In no case  
14 shall any participant receive an appropriation that is less  
15 than its fiscal year 2008 appropriation. Every fiscal year  
16 thereafter, each participant's appropriation shall increase by  
17 10% over the appropriation established for the preceding  
18 fiscal year as required by Section 2-2.04 of this Act.

19 (b-15) Beginning on July 1, 2007, and for each fiscal year  
20 thereafter, each participant shall maintain a minimum local  
21 share contribution (from farebox and all other local revenues)  
22 equal to the actual amount provided in Fiscal Year 2006 or, for  
23 new recipients, an amount equivalent to the local share  
24 provided in the first year of participation. The local share  
25 contribution shall be reduced by an amount equal to the total  
26 amount of lost revenue for services provided under Section

1 2-15.2 and Section 2-15.3 of this Act.

2 (b-20) Any participant in the Downstate Public  
3 Transportation Fund may use State operating assistance funding  
4 pursuant to this Section to provide transportation services  
5 within any county that is contiguous to its territorial  
6 boundaries as defined by the Department and subject to  
7 Departmental approval. Any such contiguous-area service  
8 provided by a participant after July 1, 2007 must meet the  
9 requirements of subsection (a) of Section 2-5.1.

10 (c) No later than 180 days following the last day of the  
11 participant's Fiscal Year each participant shall provide the  
12 Department with an audit prepared by a Certified Public  
13 Accountant covering that Fiscal Year. For those participants  
14 other than a Metro-East Transit District, any discrepancy  
15 between the funds paid and the percentage of the eligible  
16 operating expenses provided for by paragraph (b) of this  
17 Section shall be reconciled by appropriate payment or credit.  
18 In the case of any Metro-East Transit District, any amount of  
19 payments from the Metro-East Public Transportation Fund which  
20 exceed the eligible deficit of the participant shall be  
21 reconciled by appropriate payment or credit.

22 (d) Upon the Department's final reconciliation  
23 determination that identifies a discrepancy between the  
24 Downstate Operating Assistance Program funds paid and the  
25 percentage of the eligible operating expenses which results in  
26 a reimbursement payment due to the Department, the participant

1 shall remit the reimbursement payment to the Department no  
2 later than 90 days after written notification.

3 (e) Funds received by the Department from participants for  
4 reimbursement as a result of an overpayment ~~over payment~~ from  
5 a prior State fiscal year shall be deposited into the  
6 Downstate Public Transportation Fund in the fiscal year in  
7 which they are received and all unspent funds shall roll to  
8 following fiscal years.

9 (f) Upon the Department's final reconciliation  
10 determination that identifies a discrepancy between the  
11 Downstate Operating Assistance Program funds paid and the  
12 percentage of the eligible operating expenses which results in  
13 a reimbursement payment due to the participant, the Department  
14 shall remit the reimbursement payment to the participant no  
15 later than 90 days after written notifications.

16 (Source: P.A. 102-626, eff. 8-27-21; 102-790, eff. 1-1-23;  
17 revised 12-9-22.)

18 Section 175. The State Mandates Act is amended by changing  
19 Sections 8.45 as follows:

20 (30 ILCS 805/8.45)

21 (Text of Section before amendment by P.A. 102-466)

22 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and  
23 8 of this Act, no reimbursement by the State is required for  
24 the implementation of any mandate created by Public Act

1 102-16, 102-63, 102-81, 102-91, 102-97, 102-113, 102-125,  
2 102-202, 102-210, 102-263, 102-265, 102-293, 102-342, 102-540,  
3 102-552, ~~or~~ 102-636, or 102-822.

4 (Source: P.A. 102-16, eff. 6-17-21; 102-63, eff. 7-9-21;  
5 102-81, eff. 7-9-21; 102-91, eff. 7-9-21; 102-97, eff. 1-1-22;  
6 102-113, eff. 7-23-21; 102-125, eff. 7-23-21; 102-202, eff.  
7 7-30-21; 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-265,  
8 eff. 8-6-21; 102-293, eff. 8-6-21; 102-342, eff. 8-13-21;  
9 102-540, eff. 8-20-21; 102-552, eff. 1-1-22; 102-636, eff.  
10 8-27-21; 102-813, eff. 5-13-22; 102-822, eff. 5-13-22; revised  
11 7-26-22.)

12 (Text of Section after amendment by P.A. 102-466)

13 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and  
14 8 of this Act, no reimbursement by the State is required for  
15 the implementation of any mandate created by Public Act  
16 102-16, 102-63, 102-81, 102-91, 102-97, 102-113, 102-125,  
17 102-202, 102-210, 102-263, 102-265, 102-293, 102-342, 102-466,  
18 102-540, 102-552, ~~or~~ 102-636, or 102-822.

19 (Source: P.A. 102-16, eff. 6-17-21; 102-63, eff. 7-9-21;  
20 102-81, eff. 7-9-21; 102-91, eff. 7-9-21; 102-97, eff. 1-1-22;  
21 102-113, eff. 7-23-21; 102-125, eff. 7-23-21; 102-202, eff.  
22 7-30-21; 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-265,  
23 eff. 8-6-21; 102-293, eff. 8-6-21; 102-342, eff. 8-13-21;  
24 102-466, eff. 7-1-25; 102-540, eff. 8-20-21; 102-552, eff.  
25 1-1-22; 102-636, eff. 8-27-21; 102-813, eff. 5-13-22; 102-822,



1 eff. 5-13-22; revised 7-26-22.)

2 Section 180. The Illinois Income Tax Act is amended by  
3 changing Sections 212.1, 901, and 917 and by setting forth and  
4 renumbering multiple versions of Section 232 as follows:

5 (35 ILCS 5/212.1)

6 (Section scheduled to be repealed on April 19, 2023)

7 Sec. 212.1. Individual income tax rebates.

8 (a) Each taxpayer who files an individual income tax  
9 return under this Act, on or before October 17, 2022, for the  
10 taxable year that began on January 1, 2021 and whose adjusted  
11 gross income for the taxable year is less than (i) \$400,000, in  
12 the case of spouses filing a joint federal tax return, or (ii)  
13 \$200,000, in the case of all other taxpayers, is entitled to a  
14 one-time rebate under this Section. The amount of the rebate  
15 shall be \$50 for single filers and \$100 for spouses filing a  
16 joint return, plus an additional \$100 for each person who is  
17 claimed as a dependent, up to 3 dependents, on the taxpayer's  
18 federal income tax return for the taxable year that began on  
19 January 1, 2021. A taxpayer who files an individual income tax  
20 return under this Act for the taxable year that began on  
21 January 1, 2021, and who is claimed as a dependent on another  
22 individual's return for that year, is ineligible for the  
23 rebate provided under this Section. Spouses who qualify for a  
24 rebate under this Section and who file a joint return shall be

1 treated as a single taxpayer for the purposes of the rebate  
2 under this Section. For a part-year resident, the amount of  
3 the rebate under this Section shall be in proportion to the  
4 amount of the taxpayer's income that is attributable to this  
5 State for the taxable year that began on January 1, 2021.  
6 Taxpayers who were non-residents for the taxable year that  
7 began on January 1, 2021 are not entitled to a rebate under  
8 this Section.

9 (b) Beginning on July 5, 2022, the Department shall  
10 certify to the Comptroller the names of the taxpayers who are  
11 eligible for a one-time rebate under this Section, the amounts  
12 of those rebates, and any other information that the  
13 Comptroller requires to direct the payment of the rebates  
14 provided under this Section to taxpayers.

15 (c) If a taxpayer files an amended return indicating that  
16 the taxpayer is entitled to a rebate under this Section that  
17 the taxpayer did not receive, or indicating that the taxpayer  
18 did not receive the full rebate amount to which the taxpayer is  
19 entitled, then the rebate shall be processed in the same  
20 manner as a claim for refund under Article 9. If the taxpayer  
21 files an amended return indicating that the taxpayer received  
22 a rebate under this Section to which the taxpayer is not  
23 entitled, then the Department shall issue a notice of  
24 deficiency as provided in Article 9.

25 (d) The Department shall make the rebate payments  
26 authorized by this Section from the Income Tax Refund Fund.

1 (e) The amount of a rebate under this Section shall not be  
2 included in the taxpayer's income or resources for the  
3 purposes of determining eligibility or benefit level in any  
4 means-tested benefit program administered by a governmental  
5 entity unless required by federal law.

6 (f) Nothing in this Section prevents a taxpayer from  
7 receiving the earned income tax credit and the rebate under  
8 this Section for the same taxable year.

9 (g) Notwithstanding any other law to the contrary, the  
10 rebates shall not be subject to offset by the Comptroller  
11 against any liability owed either to the State or to any unit  
12 of local government.

13 (h) The Department shall adopt rules for the  
14 implementation of this Section, including emergency rules  
15 under Section 5-45.28 ~~5-45.21~~ of the Illinois Administrative  
16 Procedure Act.

17 (i) This Section is repealed on April 19, 2023 (one year  
18 after the effective date of Public Act 102-700) ~~this~~  
19 ~~amendatory Act of the 102nd General Assembly.~~

20 (Source: P.A. 102-700, eff. 4-19-22; revised 7-26-22.)

21 (35 ILCS 5/232)

22 Sec. 232. Tax credit for agritourism liability insurance.

23 (a) For taxable years beginning on or after January 1,  
24 2022 and ending on or before December 31, 2023, any individual  
25 or entity that operates an agritourism operation in the State

1 during the taxable year shall be entitled to a tax credit  
2 against the tax imposed by subsections (a) and (b) of Section  
3 201 equal to the lesser of 100% of the liability insurance  
4 premiums paid by that individual or entity during the taxable  
5 year or \$1,000. To claim the credit, the taxpayer must apply to  
6 the Department of Agriculture for a certificate of credit in  
7 the form and manner required by the Department of Agriculture  
8 by rule. If granted, the taxpayer shall attach a copy of the  
9 certificate of credit to his or her Illinois income tax return  
10 for the taxable year. The total amount of credits that may be  
11 awarded by the Department of Agriculture may not exceed  
12 \$1,000,000 in any calendar year.

13 (b) For the purposes of this Section:

14 "Agricultural property" means property that is used in  
15 whole or in part for production agriculture, as defined in  
16 Section 3-35 of the Use Tax Act, or used in connection with one  
17 or more of the following:

18 (1) the growing and harvesting of crops;

19 (2) the feeding, breeding, and management of  
20 livestock;

21 (3) dairying or any other agricultural or  
22 horticultural use or combination of those uses, including,  
23 but not limited to, the harvesting of hay, grain, fruit,  
24 or truck or vegetable crops, or floriculture, mushroom  
25 growing, plant or tree nurseries, orchards, forestry, sod  
26 farming, or greenhouses; or

1           (4) the keeping, raising, and feeding of livestock or  
2           poultry, including dairying, poultry, swine, sheep, beef  
3           cattle, ponies or horses, fur farming, bees, fish and  
4           wildlife farming.

5           "Agritourism activities" includes, but is not limited to,  
6           the following:

7           (1) historic, cultural, and on-site educational  
8           programs;

9           (2) guided and self-guided tours, including school  
10          tours;

11          (3) animal exhibitions or petting zoos;

12          (4) agricultural crop mazes, such as corn or flower  
13          mazes;

14          (5) harvest-your-own or U-pick operations;

15          (6) horseback or pony rides; and

16          (7) hayrides or sleigh rides.

17          "Agritourism activities" does not include the following  
18          activities:

19          (1) hunting;

20          (2) fishing;

21          (3) amusement rides;

22          (4) rodeos;

23          (5) off-road biking or motorized off-highway or  
24          all-terrain vehicle activities;

25          (6) boating, swimming, canoeing, hiking, camping,  
26          skiing, bounce houses, or similar activities; or

1 (7) entertainment venues such as weddings or concerts.

2 "Agritourism operation" means an individual or entity that  
3 carries out agricultural activities on agricultural property  
4 and allows members of the general public, for recreational,  
5 entertainment, or educational purposes, to view or enjoy those  
6 activities.

7 (c) If the taxpayer is a partnership or Subchapter S  
8 corporation, the credit shall be allowed to the partners or  
9 shareholders in accordance with the determination of income  
10 and distributive share of income under Sections 702 and 704  
11 and Subchapter S of the Internal Revenue Code.

12 (d) In no event shall a credit under this Section reduce  
13 the taxpayer's liability to less than zero. If the amount of  
14 the credit exceeds the tax liability for the year, the excess  
15 may be carried forward and applied to the tax liability of the  
16 5 taxable years following the excess credit year. The tax  
17 credit shall be applied to the earliest year for which there is  
18 a tax liability. If there are credits for more than one year  
19 that are available to offset a liability, the earlier credit  
20 shall be applied first.

21 (Source: P.A. 102-700, eff. 4-19-22.)

22 (35 ILCS 5/233)

23 Sec. 233 ~~232~~. Recovery and Mental Health Tax Credit Act.  
24 For taxable years beginning on or after January 1, 2023, a  
25 taxpayer who has been awarded a credit under the Recovery and

1 Mental Health Tax Credit Act is entitled to a credit against  
2 the tax imposed by subsections (a) and (b) of Section 201 as  
3 provided in that Act. This Section is exempt from the  
4 provisions of Section 250.

5 (Source: P.A. 102-1053, eff. 6-10-22; revised 8-3-22.)

6 (35 ILCS 5/901)

7 Sec. 901. Collection authority.

8 (a) In general. The Department shall collect the taxes  
9 imposed by this Act. The Department shall collect certified  
10 past due child support amounts under Section 2505-650 of the  
11 Department of Revenue Law of the Civil Administrative Code of  
12 Illinois. Except as provided in subsections (b), (c), (e),  
13 (f), (g), and (h) of this Section, money collected pursuant to  
14 subsections (a) and (b) of Section 201 of this Act shall be  
15 paid into the General Revenue Fund in the State treasury;  
16 money collected pursuant to subsections (c) and (d) of Section  
17 201 of this Act shall be paid into the Personal Property Tax  
18 Replacement Fund, a special fund in the State Treasury; and  
19 money collected under Section 2505-650 of the Department of  
20 Revenue Law of the Civil Administrative Code of Illinois shall  
21 be paid into the Child Support Enforcement Trust Fund, a  
22 special fund outside the State Treasury, or to the State  
23 Disbursement Unit established under Section 10-26 of the  
24 Illinois Public Aid Code, as directed by the Department of  
25 Healthcare and Family Services.

1 (b) Local Government Distributive Fund. Beginning August  
2 1, 2017 and continuing through July 31, 2022, the Treasurer  
3 shall transfer each month from the General Revenue Fund to the  
4 Local Government Distributive Fund an amount equal to the sum  
5 of: (i) 6.06% (10% of the ratio of the 3% individual income tax  
6 rate prior to 2011 to the 4.95% individual income tax rate  
7 after July 1, 2017) of the net revenue realized from the tax  
8 imposed by subsections (a) and (b) of Section 201 of this Act  
9 upon individuals, trusts, and estates during the preceding  
10 month; (ii) 6.85% (10% of the ratio of the 4.8% corporate  
11 income tax rate prior to 2011 to the 7% corporate income tax  
12 rate after July 1, 2017) of the net revenue realized from the  
13 tax imposed by subsections (a) and (b) of Section 201 of this  
14 Act upon corporations during the preceding month; and (iii)  
15 beginning February 1, 2022, 6.06% of the net revenue realized  
16 from the tax imposed by subsection (p) of Section 201 of this  
17 Act upon electing pass-through entities. Beginning August 1,  
18 2022, the Treasurer shall transfer each month from the General  
19 Revenue Fund to the Local Government Distributive Fund an  
20 amount equal to the sum of: (i) 6.16% of the net revenue  
21 realized from the tax imposed by subsections (a) and (b) of  
22 Section 201 of this Act upon individuals, trusts, and estates  
23 during the preceding month; (ii) 6.85% of the net revenue  
24 realized from the tax imposed by subsections (a) and (b) of  
25 Section 201 of this Act upon corporations during the preceding  
26 month; and (iii) 6.16% of the net revenue realized from the tax



1 imposed by subsection (p) of Section 201 of this Act upon  
2 electing pass-through entities. Net revenue realized for a  
3 month shall be defined as the revenue from the tax imposed by  
4 subsections (a) and (b) of Section 201 of this Act which is  
5 deposited in the General Revenue Fund, the Education  
6 Assistance Fund, the Income Tax Surcharge Local Government  
7 Distributive Fund, the Fund for the Advancement of Education,  
8 and the Commitment to Human Services Fund during the month  
9 minus the amount paid out of the General Revenue Fund in State  
10 warrants during that same month as refunds to taxpayers for  
11 overpayment of liability under the tax imposed by subsections  
12 (a) and (b) of Section 201 of this Act.

13 Notwithstanding any provision of law to the contrary,  
14 beginning on July 6, 2017 (the effective date of Public Act  
15 100-23), those amounts required under this subsection (b) to  
16 be transferred by the Treasurer into the Local Government  
17 Distributive Fund from the General Revenue Fund shall be  
18 directly deposited into the Local Government Distributive Fund  
19 as the revenue is realized from the tax imposed by subsections  
20 (a) and (b) of Section 201 of this Act.

21 (c) Deposits Into Income Tax Refund Fund.

22 (1) Beginning on January 1, 1989 and thereafter, the  
23 Department shall deposit a percentage of the amounts  
24 collected pursuant to subsections (a) and (b) (1), (2), and  
25 (3) of Section 201 of this Act into a fund in the State  
26 treasury known as the Income Tax Refund Fund. Beginning

1 with State fiscal year 1990 and for each fiscal year  
2 thereafter, the percentage deposited into the Income Tax  
3 Refund Fund during a fiscal year shall be the Annual  
4 Percentage. For fiscal year 2011, the Annual Percentage  
5 shall be 8.75%. For fiscal year 2012, the Annual  
6 Percentage shall be 8.75%. For fiscal year 2013, the  
7 Annual Percentage shall be 9.75%. For fiscal year 2014,  
8 the Annual Percentage shall be 9.5%. For fiscal year 2015,  
9 the Annual Percentage shall be 10%. For fiscal year 2018,  
10 the Annual Percentage shall be 9.8%. For fiscal year 2019,  
11 the Annual Percentage shall be 9.7%. For fiscal year 2020,  
12 the Annual Percentage shall be 9.5%. For fiscal year 2021,  
13 the Annual Percentage shall be 9%. For fiscal year 2022,  
14 the Annual Percentage shall be 9.25%. For fiscal year  
15 2023, the Annual Percentage shall be 9.25%. For all other  
16 fiscal years, the Annual Percentage shall be calculated as  
17 a fraction, the numerator of which shall be the amount of  
18 refunds approved for payment by the Department during the  
19 preceding fiscal year as a result of overpayment of tax  
20 liability under subsections (a) and (b)(1), (2), and (3)  
21 of Section 201 of this Act plus the amount of such refunds  
22 remaining approved but unpaid at the end of the preceding  
23 fiscal year, minus the amounts transferred into the Income  
24 Tax Refund Fund from the Tobacco Settlement Recovery Fund,  
25 and the denominator of which shall be the amounts which  
26 will be collected pursuant to subsections (a) and (b)(1),

1 (2), and (3) of Section 201 of this Act during the  
2 preceding fiscal year; except that in State fiscal year  
3 2002, the Annual Percentage shall in no event exceed 7.6%.  
4 The Director of Revenue shall certify the Annual  
5 Percentage to the Comptroller on the last business day of  
6 the fiscal year immediately preceding the fiscal year for  
7 which it is to be effective.

8 (2) Beginning on January 1, 1989 and thereafter, the  
9 Department shall deposit a percentage of the amounts  
10 collected pursuant to subsections (a) and (b) (6), (7), and  
11 (8), (c) and (d) of Section 201 of this Act into a fund in  
12 the State treasury known as the Income Tax Refund Fund.  
13 Beginning with State fiscal year 1990 and for each fiscal  
14 year thereafter, the percentage deposited into the Income  
15 Tax Refund Fund during a fiscal year shall be the Annual  
16 Percentage. For fiscal year 2011, the Annual Percentage  
17 shall be 17.5%. For fiscal year 2012, the Annual  
18 Percentage shall be 17.5%. For fiscal year 2013, the  
19 Annual Percentage shall be 14%. For fiscal year 2014, the  
20 Annual Percentage shall be 13.4%. For fiscal year 2015,  
21 the Annual Percentage shall be 14%. For fiscal year 2018,  
22 the Annual Percentage shall be 17.5%. For fiscal year  
23 2019, the Annual Percentage shall be 15.5%. For fiscal  
24 year 2020, the Annual Percentage shall be 14.25%. For  
25 fiscal year 2021, the Annual Percentage shall be 14%. For  
26 fiscal year 2022, the Annual Percentage shall be 15%. For

1 fiscal year 2023, the Annual Percentage shall be 14.5%.  
2 For all other fiscal years, the Annual Percentage shall be  
3 calculated as a fraction, the numerator of which shall be  
4 the amount of refunds approved for payment by the  
5 Department during the preceding fiscal year as a result of  
6 overpayment of tax liability under subsections (a) and  
7 (b) (6), (7), and (8), (c) and (d) of Section 201 of this  
8 Act plus the amount of such refunds remaining approved but  
9 unpaid at the end of the preceding fiscal year, and the  
10 denominator of which shall be the amounts which will be  
11 collected pursuant to subsections (a) and (b) (6), (7), and  
12 (8), (c) and (d) of Section 201 of this Act during the  
13 preceding fiscal year; except that in State fiscal year  
14 2002, the Annual Percentage shall in no event exceed 23%.  
15 The Director of Revenue shall certify the Annual  
16 Percentage to the Comptroller on the last business day of  
17 the fiscal year immediately preceding the fiscal year for  
18 which it is to be effective.

19 (3) The Comptroller shall order transferred and the  
20 Treasurer shall transfer from the Tobacco Settlement  
21 Recovery Fund to the Income Tax Refund Fund (i)  
22 \$35,000,000 in January, 2001, (ii) \$35,000,000 in January,  
23 2002, and (iii) \$35,000,000 in January, 2003.

24 (d) Expenditures from Income Tax Refund Fund.

25 (1) Beginning January 1, 1989, money in the Income Tax  
26 Refund Fund shall be expended exclusively for the purpose

1 of paying refunds resulting from overpayment of tax  
2 liability under Section 201 of this Act and for making  
3 transfers pursuant to this subsection (d), except that in  
4 State fiscal years 2022 and 2023, moneys in the Income Tax  
5 Refund Fund shall also be used to pay one-time rebate  
6 payments as provided under Sections 208.5 and 212.1.

7 (2) The Director shall order payment of refunds  
8 resulting from overpayment of tax liability under Section  
9 201 of this Act from the Income Tax Refund Fund only to the  
10 extent that amounts collected pursuant to Section 201 of  
11 this Act and transfers pursuant to this subsection (d) and  
12 item (3) of subsection (c) have been deposited and  
13 retained in the Fund.

14 (3) As soon as possible after the end of each fiscal  
15 year, the Director shall order transferred and the State  
16 Treasurer and State Comptroller shall transfer from the  
17 Income Tax Refund Fund to the Personal Property Tax  
18 Replacement Fund an amount, certified by the Director to  
19 the Comptroller, equal to the excess of the amount  
20 collected pursuant to subsections (c) and (d) of Section  
21 201 of this Act deposited into the Income Tax Refund Fund  
22 during the fiscal year over the amount of refunds  
23 resulting from overpayment of tax liability under  
24 subsections (c) and (d) of Section 201 of this Act paid  
25 from the Income Tax Refund Fund during the fiscal year.

26 (4) As soon as possible after the end of each fiscal

1 year, the Director shall order transferred and the State  
2 Treasurer and State Comptroller shall transfer from the  
3 Personal Property Tax Replacement Fund to the Income Tax  
4 Refund Fund an amount, certified by the Director to the  
5 Comptroller, equal to the excess of the amount of refunds  
6 resulting from overpayment of tax liability under  
7 subsections (c) and (d) of Section 201 of this Act paid  
8 from the Income Tax Refund Fund during the fiscal year  
9 over the amount collected pursuant to subsections (c) and  
10 (d) of Section 201 of this Act deposited into the Income  
11 Tax Refund Fund during the fiscal year.

12 (4.5) As soon as possible after the end of fiscal year  
13 1999 and of each fiscal year thereafter, the Director  
14 shall order transferred and the State Treasurer and State  
15 Comptroller shall transfer from the Income Tax Refund Fund  
16 to the General Revenue Fund any surplus remaining in the  
17 Income Tax Refund Fund as of the end of such fiscal year;  
18 excluding for fiscal years 2000, 2001, and 2002 amounts  
19 attributable to transfers under item (3) of subsection (c)  
20 less refunds resulting from the earned income tax credit,  
21 and excluding for fiscal year 2022 amounts attributable to  
22 transfers from the General Revenue Fund authorized by  
23 Public Act 102-700 ~~this amendatory Act of the 102nd~~  
24 ~~General Assembly.~~

25 (5) This Act shall constitute an irrevocable and  
26 continuing appropriation from the Income Tax Refund Fund

1           for the purposes of (i) paying refunds upon the order of  
2           the Director in accordance with the provisions of this  
3           Section and (ii) paying one-time rebate payments under  
4           Sections 208.5 and 212.1.

5           (e) Deposits into the Education Assistance Fund and the  
6           Income Tax Surcharge Local Government Distributive Fund. On  
7           July 1, 1991, and thereafter, of the amounts collected  
8           pursuant to subsections (a) and (b) of Section 201 of this Act,  
9           minus deposits into the Income Tax Refund Fund, the Department  
10          shall deposit 7.3% into the Education Assistance Fund in the  
11          State Treasury. Beginning July 1, 1991, and continuing through  
12          January 31, 1993, of the amounts collected pursuant to  
13          subsections (a) and (b) of Section 201 of the Illinois Income  
14          Tax Act, minus deposits into the Income Tax Refund Fund, the  
15          Department shall deposit 3.0% into the Income Tax Surcharge  
16          Local Government Distributive Fund in the State Treasury.  
17          Beginning February 1, 1993 and continuing through June 30,  
18          1993, of the amounts collected pursuant to subsections (a) and  
19          (b) of Section 201 of the Illinois Income Tax Act, minus  
20          deposits into the Income Tax Refund Fund, the Department shall  
21          deposit 4.4% into the Income Tax Surcharge Local Government  
22          Distributive Fund in the State Treasury. Beginning July 1,  
23          1993, and continuing through June 30, 1994, of the amounts  
24          collected under subsections (a) and (b) of Section 201 of this  
25          Act, minus deposits into the Income Tax Refund Fund, the  
26          Department shall deposit 1.475% into the Income Tax Surcharge

1 Local Government Distributive Fund in the State Treasury.

2 (f) Deposits into the Fund for the Advancement of  
3 Education. Beginning February 1, 2015, the Department shall  
4 deposit the following portions of the revenue realized from  
5 the tax imposed upon individuals, trusts, and estates by  
6 subsections (a) and (b) of Section 201 of this Act, minus  
7 deposits into the Income Tax Refund Fund, into the Fund for the  
8 Advancement of Education:

9 (1) beginning February 1, 2015, and prior to February  
10 1, 2025, 1/30; and

11 (2) beginning February 1, 2025, 1/26.

12 If the rate of tax imposed by subsection (a) and (b) of  
13 Section 201 is reduced pursuant to Section 201.5 of this Act,  
14 the Department shall not make the deposits required by this  
15 subsection (f) on or after the effective date of the  
16 reduction.

17 (g) Deposits into the Commitment to Human Services Fund.  
18 Beginning February 1, 2015, the Department shall deposit the  
19 following portions of the revenue realized from the tax  
20 imposed upon individuals, trusts, and estates by subsections  
21 (a) and (b) of Section 201 of this Act, minus deposits into the  
22 Income Tax Refund Fund, into the Commitment to Human Services  
23 Fund:

24 (1) beginning February 1, 2015, and prior to February  
25 1, 2025, 1/30; and

26 (2) beginning February 1, 2025, 1/26.



1           If the rate of tax imposed by subsection (a) and (b) of  
2 Section 201 is reduced pursuant to Section 201.5 of this Act,  
3 the Department shall not make the deposits required by this  
4 subsection (g) on or after the effective date of the  
5 reduction.

6           (h) Deposits into the Tax Compliance and Administration  
7 Fund. Beginning on the first day of the first calendar month to  
8 occur on or after August 26, 2014 (the effective date of Public  
9 Act 98-1098), each month the Department shall pay into the Tax  
10 Compliance and Administration Fund, to be used, subject to  
11 appropriation, to fund additional auditors and compliance  
12 personnel at the Department, an amount equal to 1/12 of 5% of  
13 the cash receipts collected during the preceding fiscal year  
14 by the Audit Bureau of the Department from the tax imposed by  
15 subsections (a), (b), (c), and (d) of Section 201 of this Act,  
16 net of deposits into the Income Tax Refund Fund made from those  
17 cash receipts.

18           (Source: P.A. 101-8, see Section 99 for effective date;  
19 101-10, eff. 6-5-19; 101-81, eff. 7-12-19; 101-636, eff.  
20 6-10-20; 102-16, eff. 6-17-21; 102-558, eff. 8-20-21; 102-658,  
21 eff. 8-27-21; 102-699, eff. 4-19-22; 102-700, eff. 4-19-22;  
22 102-813, eff. 5-13-22; revised 8-2-22.)

23           (35 ILCS 5/917) (from Ch. 120, par. 9-917)

24           Sec. 917. Confidentiality and information sharing.

25           (a) Confidentiality. Except as provided in this Section,

1 all information received by the Department from returns filed  
2 under this Act, or from any investigation conducted under the  
3 provisions of this Act, shall be confidential, except for  
4 official purposes within the Department or pursuant to  
5 official procedures for collection of any State tax or  
6 pursuant to an investigation or audit by the Illinois State  
7 Scholarship Commission of a delinquent student loan or  
8 monetary award or enforcement of any civil or criminal penalty  
9 or sanction imposed by this Act or by another statute imposing  
10 a State tax, and any person who divulges any such information  
11 in any manner, except for such purposes and pursuant to order  
12 of the Director or in accordance with a proper judicial order,  
13 shall be guilty of a Class A misdemeanor. However, the  
14 provisions of this paragraph are not applicable to information  
15 furnished to (i) the Department of Healthcare and Family  
16 Services (formerly Department of Public Aid), State's  
17 Attorneys, and the Attorney General for child support  
18 enforcement purposes and (ii) a licensed attorney representing  
19 the taxpayer where an appeal or a protest has been filed on  
20 behalf of the taxpayer. If it is necessary to file information  
21 obtained pursuant to this Act in a child support enforcement  
22 proceeding, the information shall be filed under seal. The  
23 furnishing upon request of the Auditor General, or his or her  
24 authorized agents, for official use of returns filed and  
25 information related thereto under this Act is deemed to be an  
26 official purpose within the Department within the meaning of

1 this Section.

2 (b) Public information. Nothing contained in this Act  
3 shall prevent the Director from publishing or making available  
4 to the public the names and addresses of persons filing  
5 returns under this Act, or from publishing or making available  
6 reasonable statistics concerning the operation of the tax  
7 wherein the contents of returns are grouped into aggregates in  
8 such a way that the information contained in any individual  
9 return shall not be disclosed.

10 (c) Governmental agencies. The Director may make available  
11 to the Secretary of the Treasury of the United States or his  
12 delegate, or the proper officer or his delegate of any other  
13 state imposing a tax upon or measured by income, for  
14 exclusively official purposes, information received by the  
15 Department in the administration of this Act, but such  
16 permission shall be granted only if the United States or such  
17 other state, as the case may be, grants the Department  
18 substantially similar privileges. The Director may exchange  
19 information with the Department of Healthcare and Family  
20 Services and the Department of Human Services (acting as  
21 successor to the Department of Public Aid under the Department  
22 of Human Services Act) for the purpose of verifying sources  
23 and amounts of income and for other purposes directly  
24 connected with the administration of this Act, the Illinois  
25 Public Aid Code, and any other health benefit program  
26 administered by the State. The Director may exchange

1 information with the Director of the Department of Employment  
2 Security for the purpose of verifying sources and amounts of  
3 income and for other purposes directly connected with the  
4 administration of this Act and Acts administered by the  
5 Department of Employment Security. The Director may make  
6 available to the Illinois Workers' Compensation Commission  
7 information regarding employers for the purpose of verifying  
8 the insurance coverage required under the Workers'  
9 Compensation Act and Workers' Occupational Diseases Act. The  
10 Director may exchange information with the Illinois Department  
11 on Aging for the purpose of verifying sources and amounts of  
12 income for purposes directly related to confirming eligibility  
13 for participation in the programs of benefits authorized by  
14 the Senior Citizens and Persons with Disabilities Property Tax  
15 Relief and Pharmaceutical Assistance Act. The Director may  
16 exchange information with the State Treasurer's Office and the  
17 Department of Employment Security for the purpose of  
18 implementing, administering, and enforcing the Illinois Secure  
19 Choice Savings Program Act. The Director may exchange  
20 information with the State Treasurer's Office for the purpose  
21 of administering the Revised Uniform Unclaimed Property Act or  
22 successor Acts. The Director may make information available to  
23 the Secretary of State for the purpose of administering  
24 Section 5-901 of the Illinois Vehicle Code. The Director may  
25 exchange information with the State Treasurer's Office for the  
26 purpose of administering the Illinois Higher Education Savings

1 Program established under Section 16.8 of the State Treasurer  
2 Act. The Director may make individual income tax information  
3 available to the State health benefits exchange, as defined in  
4 Section 513, if the disclosure is authorized by the taxpayer  
5 pursuant to Section 513.

6 The Director may make available to any State agency,  
7 including the Illinois Supreme Court, which licenses persons  
8 to engage in any occupation, information that a person  
9 licensed by such agency has failed to file returns under this  
10 Act or pay the tax, penalty and interest shown therein, or has  
11 failed to pay any final assessment of tax, penalty or interest  
12 due under this Act. The Director may make available to any  
13 State agency, including the Illinois Supreme Court,  
14 information regarding whether a bidder, contractor, or an  
15 affiliate of a bidder or contractor has failed to file returns  
16 under this Act or pay the tax, penalty, and interest shown  
17 therein, or has failed to pay any final assessment of tax,  
18 penalty, or interest due under this Act, for the limited  
19 purpose of enforcing bidder and contractor certifications. For  
20 purposes of this Section, the term "affiliate" means any  
21 entity that (1) directly, indirectly, or constructively  
22 controls another entity, (2) is directly, indirectly, or  
23 constructively controlled by another entity, or (3) is subject  
24 to the control of a common entity. For purposes of this  
25 subsection (a), an entity controls another entity if it owns,  
26 directly or individually, more than 10% of the voting

1 securities of that entity. As used in this subsection (a), the  
2 term "voting security" means a security that (1) confers upon  
3 the holder the right to vote for the election of members of the  
4 board of directors or similar governing body of the business  
5 or (2) is convertible into, or entitles the holder to receive  
6 upon its exercise, a security that confers such a right to  
7 vote. A general partnership interest is a voting security.

8 The Director may make available to any State agency,  
9 including the Illinois Supreme Court, units of local  
10 government, and school districts, information regarding  
11 whether a bidder or contractor is an affiliate of a person who  
12 is not collecting and remitting Illinois Use taxes, for the  
13 limited purpose of enforcing bidder and contractor  
14 certifications.

15 The Director may also make available to the Secretary of  
16 State information that a corporation which has been issued a  
17 certificate of incorporation by the Secretary of State has  
18 failed to file returns under this Act or pay the tax, penalty  
19 and interest shown therein, or has failed to pay any final  
20 assessment of tax, penalty or interest due under this Act. An  
21 assessment is final when all proceedings in court for review  
22 of such assessment have terminated or the time for the taking  
23 thereof has expired without such proceedings being instituted.  
24 For taxable years ending on or after December 31, 1987, the  
25 Director may make available to the Director or principal  
26 officer of any Department of the State of Illinois,

1 information that a person employed by such Department has  
2 failed to file returns under this Act or pay the tax, penalty  
3 and interest shown therein. For purposes of this paragraph,  
4 the word "Department" shall have the same meaning as provided  
5 in Section 3 of the State Employees Group Insurance Act of  
6 1971.

7 (d) The Director shall make available for public  
8 inspection in the Department's principal office and for  
9 publication, at cost, administrative decisions issued on or  
10 after January 1, 1995. These decisions are to be made  
11 available in a manner so that the following taxpayer  
12 information is not disclosed:

13 (1) The names, addresses, and identification numbers  
14 of the taxpayer, related entities, and employees.

15 (2) At the sole discretion of the Director, trade  
16 secrets or other confidential information identified as  
17 such by the taxpayer, no later than 30 days after receipt  
18 of an administrative decision, by such means as the  
19 Department shall provide by rule.

20 The Director shall determine the appropriate extent of the  
21 deletions allowed in paragraph (2). In the event the taxpayer  
22 does not submit deletions, the Director shall make only the  
23 deletions specified in paragraph (1).

24 The Director shall make available for public inspection  
25 and publication an administrative decision within 180 days  
26 after the issuance of the administrative decision. The term

1 "administrative decision" has the same meaning as defined in  
2 Section 3-101 of Article III of the Code of Civil Procedure.  
3 Costs collected under this Section shall be paid into the Tax  
4 Compliance and Administration Fund.

5 (e) Nothing contained in this Act shall prevent the  
6 Director from divulging information to any person pursuant to  
7 a request or authorization made by the taxpayer, by an  
8 authorized representative of the taxpayer, or, in the case of  
9 information related to a joint return, by the spouse filing  
10 the joint return with the taxpayer.

11 (Source: P.A. 102-61, eff. 7-9-21; 102-129, eff. 7-23-21;  
12 102-799, eff. 5-13-22; 102-813, eff. 5-13-22; 102-941, eff.  
13 7-1-22; revised 8-3-22.)

14 Section 185. The Historic Preservation Tax Credit Act is  
15 amended by changing Section 5 as follows:

16 (35 ILCS 31/5)

17 Sec. 5. Definitions. As used in this Act, unless the  
18 context clearly indicates otherwise:

19 "Director" means the Director of Natural Resources or his  
20 or her designee.

21 "Division" means the State Historic Preservation Office  
22 within the Department of Natural Resources.

23 "Placed in service" means the date when the property is  
24 placed in a condition or state of readiness and availability



1 for a specifically assigned function as defined under Section  
2 47 of the federal Internal Revenue Code and federal Treasury  
3 Regulation Sections 1.46 and 1.48.

4 "Qualified expenditures" means all the costs and expenses  
5 defined as qualified rehabilitation expenditures under Section  
6 47 of the federal Internal Revenue Code that were incurred in  
7 connection with a qualified rehabilitation plan.

8 "Qualified historic structure" means any structure that is  
9 located in Illinois and is defined as a certified historic  
10 structure under Section 47(c)(3) of the federal Internal  
11 Revenue Code.

12 "Qualified rehabilitation plan" means a project that is  
13 approved by the Department of Natural Resources and the  
14 National Park Service as being consistent with the United  
15 States Secretary of the Interior's Standards for  
16 Rehabilitation.

17 "Qualified taxpayer" means the owner of the structure or  
18 any other person or entity that ~~who~~ may qualify for the federal  
19 rehabilitation credit allowed by Section 47 of the federal  
20 Internal Revenue Code.

21 "Recapture event" means any of the following events  
22 occurring during the recapture period:

23 (1) failure to place in service the rehabilitated  
24 portions of the qualified historic structure, or failure  
25 to maintain the rehabilitated portions of the qualified  
26 historic structure in service after they are placed in

1 service; provided that a recapture event under this  
2 paragraph (1) shall not include a removal from service for  
3 a reasonable period of time to conduct maintenance and  
4 repairs that are reasonably necessary to protect the  
5 health and safety of the public or to protect the  
6 structural integrity of the qualified historic structure  
7 or a neighboring structure;

8 (2) demolition or other alteration of the qualified  
9 historic structure in a manner that is inconsistent with  
10 the qualified rehabilitation plan or the Secretary of the  
11 Interior's Standards for Rehabilitation;

12 (3) disposition of the rehabilitated qualified  
13 historic structure in whole or a proportional disposition  
14 of a partnership interest therein, except as otherwise  
15 permitted by this Section; or

16 (4) use of the qualified historic structure in a  
17 manner that is inconsistent with the qualified  
18 rehabilitation plan or that is otherwise inconsistent with  
19 the provisions and intent of this Section.

20 A recapture event occurring in one taxable year shall be  
21 deemed continuing to subsequent taxable years unless and until  
22 corrected.

23 The following dispositions of a qualified historic  
24 structure shall not be deemed to be a recapture event for  
25 purposes of this Section:

26 (1) a transfer by reason of death;

1 (2) a transfer between spouses incident to divorce;

2 (3) a sale by and leaseback to an entity that, when the  
3 rehabilitated portions of the qualified historic structure  
4 are placed in service, will be a lessee of the qualified  
5 historic structure, but only for so long as the entity  
6 continues to be a lessee; and

7 (4) a mere change in the form of conducting the trade  
8 or business by the owner (or, if applicable, the lessee)  
9 of the qualified historic structure, so long as the  
10 property interest in such qualified historic structure is  
11 retained in such trade or business and the owner or lessee  
12 retains a substantial interest in such trade or business.

13 "Recapture period" means the 5-year period beginning on  
14 the date that the qualified historic structure or  
15 rehabilitated portions of the qualified historic structure are  
16 placed in service.

17 (Source: P.A. 102-741, eff. 5-6-22; revised 9-8-22.)

18 Section 190. The Invest in Kids Act is amended by changing  
19 Section 40 as follows:

20 (35 ILCS 40/40)

21 (Section scheduled to be repealed on January 1, 2025)

22 Sec. 40. Scholarship granting organization  
23 responsibilities.

24 (a) Before granting a scholarship for an academic year,

1 all scholarship granting organizations shall assess and  
2 document each student's eligibility for the academic year.

3 (b) A scholarship granting organization shall grant  
4 scholarships only to eligible students.

5 (c) A scholarship granting organization shall allow an  
6 eligible student to attend any qualified school of the  
7 student's choosing, subject to the availability of funds.

8 (d) In granting scholarships, beginning in the 2022-2023  
9 school year and for each school year thereafter, a scholarship  
10 granting organization shall give priority to eligible students  
11 who received a scholarship from a scholarship granting  
12 organization during the previous school year. Second priority  
13 shall be given to the following priority groups:

14 (1) (blank);

15 (2) eligible students who are members of a household  
16 whose previous year's total annual income does not exceed  
17 185% of the federal poverty level;

18 (3) eligible students who reside within a focus  
19 district; and

20 (4) eligible students who are siblings of students  
21 currently receiving a scholarship.

22 (d-5) A scholarship granting organization shall begin  
23 granting scholarships no later than February 1 preceding the  
24 school year for which the scholarship is sought. Each priority  
25 group identified in subsection (d) of this Section shall be  
26 eligible to receive scholarships on a first-come, first-served

1 basis until April 1 immediately preceding the school year for  
2 which the scholarship is sought, starting with the first  
3 priority group identified in subsection (d) of this Section.  
4 Applications for scholarships for eligible students meeting  
5 the qualifications of one or more priority groups that are  
6 received before April 1 must be either approved or denied  
7 within 10 business days after receipt. Beginning April 1, all  
8 eligible students shall be eligible to receive scholarships  
9 without regard to the priority groups identified in subsection  
10 (d) of this Section.

11 (e) Except as provided in subsection (e-5) of this  
12 Section, scholarships shall not exceed the lesser of (i) the  
13 statewide average operational expense per student among public  
14 schools or (ii) the necessary costs and fees for attendance at  
15 the qualified school. A qualified school may set a lower  
16 maximum scholarship amount for eligible students whose family  
17 income falls within paragraphs (2) and (3) of this subsection  
18 (e); that amount may not exceed the necessary costs and fees  
19 for attendance at the qualified school and is subject to the  
20 limitations on average scholarship amounts set forth in  
21 paragraphs (2) and (3) of this subsection, as applicable. The  
22 qualified school shall notify the scholarship granting  
23 organization of its necessary costs and fees as well as any  
24 maximum scholarship amount set by the school. Scholarships  
25 shall be prorated as follows:

26 (1) for eligible students whose household income is

1 less than 185% of the federal poverty level, the  
2 scholarship shall be 100% of the amount determined  
3 pursuant to this subsection (e) and subsection (e-5) of  
4 this Section;

5 (2) for eligible students whose household income is  
6 185% or more of the federal poverty level but less than  
7 250% of the federal poverty level, the average of  
8 scholarships shall be 75% of the amount determined  
9 pursuant to this subsection (e) and subsection (e-5) of  
10 this Section; and

11 (3) for eligible students whose household income is  
12 250% or more of the federal poverty level, the average of  
13 scholarships shall be 50% of the amount determined  
14 pursuant to this subsection (e) and subsection (e-5) of  
15 this Section.

16 (e-5) The statewide average operational expense per  
17 student among public schools shall be multiplied by the  
18 following factors:

19 (1) for students determined eligible to receive  
20 services under the federal Individuals with Disabilities  
21 Education Act, 2;

22 (2) for students who are English learners, as defined  
23 in subsection (d) of Section 14C-2 of the School Code,  
24 1.2; and

25 (3) for students who are gifted and talented children,  
26 as defined in Section 14A-20 of the School Code, 1.1.

1           (f) A scholarship granting organization shall distribute  
2 scholarship payments to the participating school where the  
3 student is enrolled.

4           (g) For the 2018-2019 school year through the 2022-2023  
5 school year, each scholarship granting organization shall  
6 expend no less than 75% of the qualified contributions  
7 received during the calendar year in which the qualified  
8 contributions were received. No more than 25% of the qualified  
9 contributions may be carried forward to the following calendar  
10 year.

11           (h) For the 2023-2024 school year, each scholarship  
12 granting organization shall expend all qualified contributions  
13 received during the calendar year in which the qualified  
14 contributions were received. No qualified contributions may be  
15 carried forward to the following calendar year.

16           (i) A scholarship granting organization shall allow an  
17 eligible student to transfer a scholarship during a school  
18 year to any other participating school of the custodian's  
19 choice. Such scholarships shall be prorated.

20           (j) With the prior approval of the Department, a  
21 scholarship granting organization may transfer funds to  
22 another scholarship granting organization if additional funds  
23 are required to meet scholarship demands at the receiving  
24 scholarship granting organization. All transferred funds must  
25 be deposited by the receiving scholarship granting  
26 organization into its scholarship accounts. All transferred

1 amounts received by any scholarship granting organization must  
2 be separately disclosed to the Department.

3 (k) If the approval of a scholarship granting organization  
4 is revoked as provided in Section 20 of this Act or the  
5 scholarship granting organization is dissolved, all remaining  
6 qualified contributions of the scholarship granting  
7 organization shall be transferred to another scholarship  
8 granting organization. All transferred funds must be deposited  
9 by the receiving scholarship granting organization into its  
10 scholarship accounts.

11 (l) Scholarship granting organizations shall make  
12 reasonable efforts to advertise the availability of  
13 scholarships to eligible students.

14 (Source: P.A. 102-699, eff. 4-19-22; 102-1059, eff. 6-10-22;  
15 revised 8-3-22.)

16 Section 195. The Use Tax Act is amended by changing  
17 Sections 3-5, 3-10, and 9 as follows:

18 (35 ILCS 105/3-5)

19 Sec. 3-5. Exemptions. Use of the following tangible  
20 personal property is exempt from the tax imposed by this Act:

21 (1) Personal property purchased from a corporation,  
22 society, association, foundation, institution, or  
23 organization, other than a limited liability company, that is  
24 organized and operated as a not-for-profit service enterprise



1 for the benefit of persons 65 years of age or older if the  
2 personal property was not purchased by the enterprise for the  
3 purpose of resale by the enterprise.

4 (2) Personal property purchased by a not-for-profit  
5 Illinois county fair association for use in conducting,  
6 operating, or promoting the county fair.

7 (3) Personal property purchased by a not-for-profit arts  
8 or cultural organization that establishes, by proof required  
9 by the Department by rule, that it has received an exemption  
10 under Section 501(c)(3) of the Internal Revenue Code and that  
11 is organized and operated primarily for the presentation or  
12 support of arts or cultural programming, activities, or  
13 services. These organizations include, but are not limited to,  
14 music and dramatic arts organizations such as symphony  
15 orchestras and theatrical groups, arts and cultural service  
16 organizations, local arts councils, visual arts organizations,  
17 and media arts organizations. On and after July 1, 2001 (the  
18 effective date of Public Act 92-35), however, an entity  
19 otherwise eligible for this exemption shall not make tax-free  
20 purchases unless it has an active identification number issued  
21 by the Department.

22 (4) Personal property purchased by a governmental body, by  
23 a corporation, society, association, foundation, or  
24 institution organized and operated exclusively for charitable,  
25 religious, or educational purposes, or by a not-for-profit  
26 corporation, society, association, foundation, institution, or

1 organization that has no compensated officers or employees and  
2 that is organized and operated primarily for the recreation of  
3 persons 55 years of age or older. A limited liability company  
4 may qualify for the exemption under this paragraph only if the  
5 limited liability company is organized and operated  
6 exclusively for educational purposes. On and after July 1,  
7 1987, however, no entity otherwise eligible for this exemption  
8 shall make tax-free purchases unless it has an active  
9 exemption identification number issued by the Department.

10 (5) Until July 1, 2003, a passenger car that is a  
11 replacement vehicle to the extent that the purchase price of  
12 the car is subject to the Replacement Vehicle Tax.

13 (6) Until July 1, 2003 and beginning again on September 1,  
14 2004 through August 30, 2014, graphic arts machinery and  
15 equipment, including repair and replacement parts, both new  
16 and used, and including that manufactured on special order,  
17 certified by the purchaser to be used primarily for graphic  
18 arts production, and including machinery and equipment  
19 purchased for lease. Equipment includes chemicals or chemicals  
20 acting as catalysts but only if the chemicals or chemicals  
21 acting as catalysts effect a direct and immediate change upon  
22 a graphic arts product. Beginning on July 1, 2017, graphic  
23 arts machinery and equipment is included in the manufacturing  
24 and assembling machinery and equipment exemption under  
25 paragraph (18).

26 (7) Farm chemicals.

1           (8) Legal tender, currency, medallions, or gold or silver  
2 coinage issued by the State of Illinois, the government of the  
3 United States of America, or the government of any foreign  
4 country, and bullion.

5           (9) Personal property purchased from a teacher-sponsored  
6 student organization affiliated with an elementary or  
7 secondary school located in Illinois.

8           (10) A motor vehicle that is used for automobile renting,  
9 as defined in the Automobile Renting Occupation and Use Tax  
10 Act.

11           (11) Farm machinery and equipment, both new and used,  
12 including that manufactured on special order, certified by the  
13 purchaser to be used primarily for production agriculture or  
14 State or federal agricultural programs, including individual  
15 replacement parts for the machinery and equipment, including  
16 machinery and equipment purchased for lease, and including  
17 implements of husbandry defined in Section 1-130 of the  
18 Illinois Vehicle Code, farm machinery and agricultural  
19 chemical and fertilizer spreaders, and nurse wagons required  
20 to be registered under Section 3-809 of the Illinois Vehicle  
21 Code, but excluding other motor vehicles required to be  
22 registered under the Illinois Vehicle Code. Horticultural  
23 polyhouses or hoop houses used for propagating, growing, or  
24 overwintering plants shall be considered farm machinery and  
25 equipment under this item (11). Agricultural chemical tender  
26 tanks and dry boxes shall include units sold separately from a

1 motor vehicle required to be licensed and units sold mounted  
2 on a motor vehicle required to be licensed if the selling price  
3 of the tender is separately stated.

4 Farm machinery and equipment shall include precision  
5 farming equipment that is installed or purchased to be  
6 installed on farm machinery and equipment including, but not  
7 limited to, tractors, harvesters, sprayers, planters, seeders,  
8 or spreaders. Precision farming equipment includes, but is not  
9 limited to, soil testing sensors, computers, monitors,  
10 software, global positioning and mapping systems, and other  
11 such equipment.

12 Farm machinery and equipment also includes computers,  
13 sensors, software, and related equipment used primarily in the  
14 computer-assisted operation of production agriculture  
15 facilities, equipment, and activities such as, but not limited  
16 to, the collection, monitoring, and correlation of animal and  
17 crop data for the purpose of formulating animal diets and  
18 agricultural chemicals. This item (11) is exempt from the  
19 provisions of Section 3-90.

20 (12) Until June 30, 2013, fuel and petroleum products sold  
21 to or used by an air common carrier, certified by the carrier  
22 to be used for consumption, shipment, or storage in the  
23 conduct of its business as an air common carrier, for a flight  
24 destined for or returning from a location or locations outside  
25 the United States without regard to previous or subsequent  
26 domestic stopovers.

1           Beginning July 1, 2013, fuel and petroleum products sold  
2 to or used by an air carrier, certified by the carrier to be  
3 used for consumption, shipment, or storage in the conduct of  
4 its business as an air common carrier, for a flight that (i) is  
5 engaged in foreign trade or is engaged in trade between the  
6 United States and any of its possessions and (ii) transports  
7 at least one individual or package for hire from the city of  
8 origination to the city of final destination on the same  
9 aircraft, without regard to a change in the flight number of  
10 that aircraft.

11           (13) Proceeds of mandatory service charges separately  
12 stated on customers' bills for the purchase and consumption of  
13 food and beverages purchased at retail from a retailer, to the  
14 extent that the proceeds of the service charge are in fact  
15 turned over as tips or as a substitute for tips to the  
16 employees who participate directly in preparing, serving,  
17 hosting or cleaning up the food or beverage function with  
18 respect to which the service charge is imposed.

19           (14) Until July 1, 2003, oil field exploration, drilling,  
20 and production equipment, including (i) rigs and parts of  
21 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)  
22 pipe and tubular goods, including casing and drill strings,  
23 (iii) pumps and pump-jack units, (iv) storage tanks and flow  
24 lines, (v) any individual replacement part for oil field  
25 exploration, drilling, and production equipment, and (vi)  
26 machinery and equipment purchased for lease; but excluding

1 motor vehicles required to be registered under the Illinois  
2 Vehicle Code.

3 (15) Photoprocessing machinery and equipment, including  
4 repair and replacement parts, both new and used, including  
5 that manufactured on special order, certified by the purchaser  
6 to be used primarily for photoprocessing, and including  
7 photoprocessing machinery and equipment purchased for lease.

8 (16) Until July 1, 2028, coal and aggregate exploration,  
9 mining, off-highway hauling, processing, maintenance, and  
10 reclamation equipment, including replacement parts and  
11 equipment, and including equipment purchased for lease, but  
12 excluding motor vehicles required to be registered under the  
13 Illinois Vehicle Code. The changes made to this Section by  
14 Public Act 97-767 apply on and after July 1, 2003, but no claim  
15 for credit or refund is allowed on or after August 16, 2013  
16 (the effective date of Public Act 98-456) for such taxes paid  
17 during the period beginning July 1, 2003 and ending on August  
18 16, 2013 (the effective date of Public Act 98-456).

19 (17) Until July 1, 2003, distillation machinery and  
20 equipment, sold as a unit or kit, assembled or installed by the  
21 retailer, certified by the user to be used only for the  
22 production of ethyl alcohol that will be used for consumption  
23 as motor fuel or as a component of motor fuel for the personal  
24 use of the user, and not subject to sale or resale.

25 (18) Manufacturing and assembling machinery and equipment  
26 used primarily in the process of manufacturing or assembling

1 tangible personal property for wholesale or retail sale or  
2 lease, whether that sale or lease is made directly by the  
3 manufacturer or by some other person, whether the materials  
4 used in the process are owned by the manufacturer or some other  
5 person, or whether that sale or lease is made apart from or as  
6 an incident to the seller's engaging in the service occupation  
7 of producing machines, tools, dies, jigs, patterns, gauges, or  
8 other similar items of no commercial value on special order  
9 for a particular purchaser. The exemption provided by this  
10 paragraph (18) includes production related tangible personal  
11 property, as defined in Section 3-50, purchased on or after  
12 July 1, 2019. The exemption provided by this paragraph (18)  
13 does not include machinery and equipment used in (i) the  
14 generation of electricity for wholesale or retail sale; (ii)  
15 the generation or treatment of natural or artificial gas for  
16 wholesale or retail sale that is delivered to customers  
17 through pipes, pipelines, or mains; or (iii) the treatment of  
18 water for wholesale or retail sale that is delivered to  
19 customers through pipes, pipelines, or mains. The provisions  
20 of Public Act 98-583 are declaratory of existing law as to the  
21 meaning and scope of this exemption. Beginning on July 1,  
22 2017, the exemption provided by this paragraph (18) includes,  
23 but is not limited to, graphic arts machinery and equipment,  
24 as defined in paragraph (6) of this Section.

25 (19) Personal property delivered to a purchaser or  
26 purchaser's donee inside Illinois when the purchase order for

1 that personal property was received by a florist located  
2 outside Illinois who has a florist located inside Illinois  
3 deliver the personal property.

4 (20) Semen used for artificial insemination of livestock  
5 for direct agricultural production.

6 (21) Horses, or interests in horses, registered with and  
7 meeting the requirements of any of the Arabian Horse Club  
8 Registry of America, Appaloosa Horse Club, American Quarter  
9 Horse Association, United States Trotting Association, or  
10 Jockey Club, as appropriate, used for purposes of breeding or  
11 racing for prizes. This item (21) is exempt from the  
12 provisions of Section 3-90, and the exemption provided for  
13 under this item (21) applies for all periods beginning May 30,  
14 1995, but no claim for credit or refund is allowed on or after  
15 January 1, 2008 for such taxes paid during the period  
16 beginning May 30, 2000 and ending on January 1, 2008.

17 (22) Computers and communications equipment utilized for  
18 any hospital purpose and equipment used in the diagnosis,  
19 analysis, or treatment of hospital patients purchased by a  
20 lessor who leases the equipment, under a lease of one year or  
21 longer executed or in effect at the time the lessor would  
22 otherwise be subject to the tax imposed by this Act, to a  
23 hospital that has been issued an active tax exemption  
24 identification number by the Department under Section 1g of  
25 the Retailers' Occupation Tax Act. If the equipment is leased  
26 in a manner that does not qualify for this exemption or is used



1 in any other non-exempt manner, the lessor shall be liable for  
2 the tax imposed under this Act or the Service Use Tax Act, as  
3 the case may be, based on the fair market value of the property  
4 at the time the non-qualifying use occurs. No lessor shall  
5 collect or attempt to collect an amount (however designated)  
6 that purports to reimburse that lessor for the tax imposed by  
7 this Act or the Service Use Tax Act, as the case may be, if the  
8 tax has not been paid by the lessor. If a lessor improperly  
9 collects any such amount from the lessee, the lessee shall  
10 have a legal right to claim a refund of that amount from the  
11 lessor. If, however, that amount is not refunded to the lessee  
12 for any reason, the lessor is liable to pay that amount to the  
13 Department.

14 (23) Personal property purchased by a lessor who leases  
15 the property, under a lease of one year or longer executed or  
16 in effect at the time the lessor would otherwise be subject to  
17 the tax imposed by this Act, to a governmental body that has  
18 been issued an active sales tax exemption identification  
19 number by the Department under Section 1g of the Retailers'  
20 Occupation Tax Act. If the property is leased in a manner that  
21 does not qualify for this exemption or used in any other  
22 non-exempt manner, the lessor shall be liable for the tax  
23 imposed under this Act or the Service Use Tax Act, as the case  
24 may be, based on the fair market value of the property at the  
25 time the non-qualifying use occurs. No lessor shall collect or  
26 attempt to collect an amount (however designated) that

1 purports to reimburse that lessor for the tax imposed by this  
2 Act or the Service Use Tax Act, as the case may be, if the tax  
3 has not been paid by the lessor. If a lessor improperly  
4 collects any such amount from the lessee, the lessee shall  
5 have a legal right to claim a refund of that amount from the  
6 lessor. If, however, that amount is not refunded to the lessee  
7 for any reason, the lessor is liable to pay that amount to the  
8 Department.

9 (24) Beginning with taxable years ending on or after  
10 December 31, 1995 and ending with taxable years ending on or  
11 before December 31, 2004, personal property that is donated  
12 for disaster relief to be used in a State or federally declared  
13 disaster area in Illinois or bordering Illinois by a  
14 manufacturer or retailer that is registered in this State to a  
15 corporation, society, association, foundation, or institution  
16 that has been issued a sales tax exemption identification  
17 number by the Department that assists victims of the disaster  
18 who reside within the declared disaster area.

19 (25) Beginning with taxable years ending on or after  
20 December 31, 1995 and ending with taxable years ending on or  
21 before December 31, 2004, personal property that is used in  
22 the performance of infrastructure repairs in this State,  
23 including but not limited to municipal roads and streets,  
24 access roads, bridges, sidewalks, waste disposal systems,  
25 water and sewer line extensions, water distribution and  
26 purification facilities, storm water drainage and retention

1 facilities, and sewage treatment facilities, resulting from a  
2 State or federally declared disaster in Illinois or bordering  
3 Illinois when such repairs are initiated on facilities located  
4 in the declared disaster area within 6 months after the  
5 disaster.

6 (26) Beginning July 1, 1999, game or game birds purchased  
7 at a "game breeding and hunting preserve area" as that term is  
8 used in the Wildlife Code. This paragraph is exempt from the  
9 provisions of Section 3-90.

10 (27) A motor vehicle, as that term is defined in Section  
11 1-146 of the Illinois Vehicle Code, that is donated to a  
12 corporation, limited liability company, society, association,  
13 foundation, or institution that is determined by the  
14 Department to be organized and operated exclusively for  
15 educational purposes. For purposes of this exemption, "a  
16 corporation, limited liability company, society, association,  
17 foundation, or institution organized and operated exclusively  
18 for educational purposes" means all tax-supported public  
19 schools, private schools that offer systematic instruction in  
20 useful branches of learning by methods common to public  
21 schools and that compare favorably in their scope and  
22 intensity with the course of study presented in tax-supported  
23 schools, and vocational or technical schools or institutes  
24 organized and operated exclusively to provide a course of  
25 study of not less than 6 weeks duration and designed to prepare  
26 individuals to follow a trade or to pursue a manual,

1 technical, mechanical, industrial, business, or commercial  
2 occupation.

3 (28) Beginning January 1, 2000, personal property,  
4 including food, purchased through fundraising events for the  
5 benefit of a public or private elementary or secondary school,  
6 a group of those schools, or one or more school districts if  
7 the events are sponsored by an entity recognized by the school  
8 district that consists primarily of volunteers and includes  
9 parents and teachers of the school children. This paragraph  
10 does not apply to fundraising events (i) for the benefit of  
11 private home instruction or (ii) for which the fundraising  
12 entity purchases the personal property sold at the events from  
13 another individual or entity that sold the property for the  
14 purpose of resale by the fundraising entity and that profits  
15 from the sale to the fundraising entity. This paragraph is  
16 exempt from the provisions of Section 3-90.

17 (29) Beginning January 1, 2000 and through December 31,  
18 2001, new or used automatic vending machines that prepare and  
19 serve hot food and beverages, including coffee, soup, and  
20 other items, and replacement parts for these machines.  
21 Beginning January 1, 2002 and through June 30, 2003, machines  
22 and parts for machines used in commercial, coin-operated  
23 amusement and vending business if a use or occupation tax is  
24 paid on the gross receipts derived from the use of the  
25 commercial, coin-operated amusement and vending machines. This  
26 paragraph is exempt from the provisions of Section 3-90.

1           (30) Beginning January 1, 2001 and through June 30, 2016,  
2 food for human consumption that is to be consumed off the  
3 premises where it is sold (other than alcoholic beverages,  
4 soft drinks, and food that has been prepared for immediate  
5 consumption) and prescription and nonprescription medicines,  
6 drugs, medical appliances, and insulin, urine testing  
7 materials, syringes, and needles used by diabetics, for human  
8 use, when purchased for use by a person receiving medical  
9 assistance under Article V of the Illinois Public Aid Code who  
10 resides in a licensed long-term care facility, as defined in  
11 the Nursing Home Care Act, or in a licensed facility as defined  
12 in the ID/DD Community Care Act, the MC/DD Act, or the  
13 Specialized Mental Health Rehabilitation Act of 2013.

14           (31) Beginning on August 2, 2001 (the effective date of  
15 Public Act 92-227), computers and communications equipment  
16 utilized for any hospital purpose and equipment used in the  
17 diagnosis, analysis, or treatment of hospital patients  
18 purchased by a lessor who leases the equipment, under a lease  
19 of one year or longer executed or in effect at the time the  
20 lessor would otherwise be subject to the tax imposed by this  
21 Act, to a hospital that has been issued an active tax exemption  
22 identification number by the Department under Section 1g of  
23 the Retailers' Occupation Tax Act. If the equipment is leased  
24 in a manner that does not qualify for this exemption or is used  
25 in any other nonexempt manner, the lessor shall be liable for  
26 the tax imposed under this Act or the Service Use Tax Act, as

1 the case may be, based on the fair market value of the property  
2 at the time the nonqualifying use occurs. No lessor shall  
3 collect or attempt to collect an amount (however designated)  
4 that purports to reimburse that lessor for the tax imposed by  
5 this Act or the Service Use Tax Act, as the case may be, if the  
6 tax has not been paid by the lessor. If a lessor improperly  
7 collects any such amount from the lessee, the lessee shall  
8 have a legal right to claim a refund of that amount from the  
9 lessor. If, however, that amount is not refunded to the lessee  
10 for any reason, the lessor is liable to pay that amount to the  
11 Department. This paragraph is exempt from the provisions of  
12 Section 3-90.

13 (32) Beginning on August 2, 2001 (the effective date of  
14 Public Act 92-227), personal property purchased by a lessor  
15 who leases the property, under a lease of one year or longer  
16 executed or in effect at the time the lessor would otherwise be  
17 subject to the tax imposed by this Act, to a governmental body  
18 that has been issued an active sales tax exemption  
19 identification number by the Department under Section 1g of  
20 the Retailers' Occupation Tax Act. If the property is leased  
21 in a manner that does not qualify for this exemption or used in  
22 any other nonexempt manner, the lessor shall be liable for the  
23 tax imposed under this Act or the Service Use Tax Act, as the  
24 case may be, based on the fair market value of the property at  
25 the time the nonqualifying use occurs. No lessor shall collect  
26 or attempt to collect an amount (however designated) that

1 purports to reimburse that lessor for the tax imposed by this  
2 Act or the Service Use Tax Act, as the case may be, if the tax  
3 has not been paid by the lessor. If a lessor improperly  
4 collects any such amount from the lessee, the lessee shall  
5 have a legal right to claim a refund of that amount from the  
6 lessor. If, however, that amount is not refunded to the lessee  
7 for any reason, the lessor is liable to pay that amount to the  
8 Department. This paragraph is exempt from the provisions of  
9 Section 3-90.

10 (33) On and after July 1, 2003 and through June 30, 2004,  
11 the use in this State of motor vehicles of the second division  
12 with a gross vehicle weight in excess of 8,000 pounds and that  
13 are subject to the commercial distribution fee imposed under  
14 Section 3-815.1 of the Illinois Vehicle Code. Beginning on  
15 July 1, 2004 and through June 30, 2005, the use in this State  
16 of motor vehicles of the second division: (i) with a gross  
17 vehicle weight rating in excess of 8,000 pounds; (ii) that are  
18 subject to the commercial distribution fee imposed under  
19 Section 3-815.1 of the Illinois Vehicle Code; and (iii) that  
20 are primarily used for commercial purposes. Through June 30,  
21 2005, this exemption applies to repair and replacement parts  
22 added after the initial purchase of such a motor vehicle if  
23 that motor vehicle is used in a manner that would qualify for  
24 the rolling stock exemption otherwise provided for in this  
25 Act. For purposes of this paragraph, the term "used for  
26 commercial purposes" means the transportation of persons or

1 property in furtherance of any commercial or industrial  
2 enterprise, whether for-hire or not.

3 (34) Beginning January 1, 2008, tangible personal property  
4 used in the construction or maintenance of a community water  
5 supply, as defined under Section 3.145 of the Environmental  
6 Protection Act, that is operated by a not-for-profit  
7 corporation that holds a valid water supply permit issued  
8 under Title IV of the Environmental Protection Act. This  
9 paragraph is exempt from the provisions of Section 3-90.

10 (35) Beginning January 1, 2010 and continuing through  
11 December 31, 2024, materials, parts, equipment, components,  
12 and furnishings incorporated into or upon an aircraft as part  
13 of the modification, refurbishment, completion, replacement,  
14 repair, or maintenance of the aircraft. This exemption  
15 includes consumable supplies used in the modification,  
16 refurbishment, completion, replacement, repair, and  
17 maintenance of aircraft, but excludes any materials, parts,  
18 equipment, components, and consumable supplies used in the  
19 modification, replacement, repair, and maintenance of aircraft  
20 engines or power plants, whether such engines or power plants  
21 are installed or uninstalled upon any such aircraft.  
22 "Consumable supplies" include, but are not limited to,  
23 adhesive, tape, sandpaper, general purpose lubricants,  
24 cleaning solution, latex gloves, and protective films. This  
25 exemption applies only to the use of qualifying tangible  
26 personal property by persons who modify, refurbish, complete,



1 repair, replace, or maintain aircraft and who (i) hold an Air  
2 Agency Certificate and are empowered to operate an approved  
3 repair station by the Federal Aviation Administration, (ii)  
4 have a Class IV Rating, and (iii) conduct operations in  
5 accordance with Part 145 of the Federal Aviation Regulations.  
6 The exemption does not include aircraft operated by a  
7 commercial air carrier providing scheduled passenger air  
8 service pursuant to authority issued under Part 121 or Part  
9 129 of the Federal Aviation Regulations. The changes made to  
10 this paragraph (35) by Public Act 98-534 are declarative of  
11 existing law. It is the intent of the General Assembly that the  
12 exemption under this paragraph (35) applies continuously from  
13 January 1, 2010 through December 31, 2024; however, no claim  
14 for credit or refund is allowed for taxes paid as a result of  
15 the disallowance of this exemption on or after January 1, 2015  
16 and prior to February 5, 2020 (the effective date of Public Act  
17 101-629) ~~this amendatory Act of the 101st General Assembly.~~

18 (36) Tangible personal property purchased by a  
19 public-facilities corporation, as described in Section  
20 11-65-10 of the Illinois Municipal Code, for purposes of  
21 constructing or furnishing a municipal convention hall, but  
22 only if the legal title to the municipal convention hall is  
23 transferred to the municipality without any further  
24 consideration by or on behalf of the municipality at the time  
25 of the completion of the municipal convention hall or upon the  
26 retirement or redemption of any bonds or other debt

1 instruments issued by the public-facilities corporation in  
2 connection with the development of the municipal convention  
3 hall. This exemption includes existing public-facilities  
4 corporations as provided in Section 11-65-25 of the Illinois  
5 Municipal Code. This paragraph is exempt from the provisions  
6 of Section 3-90.

7 (37) Beginning January 1, 2017 and through December 31,  
8 2026, menstrual pads, tampons, and menstrual cups.

9 (38) Merchandise that is subject to the Rental Purchase  
10 Agreement Occupation and Use Tax. The purchaser must certify  
11 that the item is purchased to be rented subject to a rental  
12 purchase agreement, as defined in the Rental Purchase  
13 Agreement Act, and provide proof of registration under the  
14 Rental Purchase Agreement Occupation and Use Tax Act. This  
15 paragraph is exempt from the provisions of Section 3-90.

16 (39) Tangible personal property purchased by a purchaser  
17 who is exempt from the tax imposed by this Act by operation of  
18 federal law. This paragraph is exempt from the provisions of  
19 Section 3-90.

20 (40) Qualified tangible personal property used in the  
21 construction or operation of a data center that has been  
22 granted a certificate of exemption by the Department of  
23 Commerce and Economic Opportunity, whether that tangible  
24 personal property is purchased by the owner, operator, or  
25 tenant of the data center or by a contractor or subcontractor  
26 of the owner, operator, or tenant. Data centers that would

1 have qualified for a certificate of exemption prior to January  
2 1, 2020 had Public Act 101-31 been in effect may apply for and  
3 obtain an exemption for subsequent purchases of computer  
4 equipment or enabling software purchased or leased to upgrade,  
5 supplement, or replace computer equipment or enabling software  
6 purchased or leased in the original investment that would have  
7 qualified.

8 The Department of Commerce and Economic Opportunity shall  
9 grant a certificate of exemption under this item (40) to  
10 qualified data centers as defined by Section 605-1025 of the  
11 Department of Commerce and Economic Opportunity Law of the  
12 Civil Administrative Code of Illinois.

13 For the purposes of this item (40):

14 "Data center" means a building or a series of  
15 buildings rehabilitated or constructed to house working  
16 servers in one physical location or multiple sites within  
17 the State of Illinois.

18 "Qualified tangible personal property" means:  
19 electrical systems and equipment; climate control and  
20 chilling equipment and systems; mechanical systems and  
21 equipment; monitoring and secure systems; emergency  
22 generators; hardware; computers; servers; data storage  
23 devices; network connectivity equipment; racks; cabinets;  
24 telecommunications cabling infrastructure; raised floor  
25 systems; peripheral components or systems; software;  
26 mechanical, electrical, or plumbing systems; battery

1 systems; cooling systems and towers; temperature control  
2 systems; other cabling; and other data center  
3 infrastructure equipment and systems necessary to operate  
4 qualified tangible personal property, including fixtures;  
5 and component parts of any of the foregoing, including  
6 installation, maintenance, repair, refurbishment, and  
7 replacement of qualified tangible personal property to  
8 generate, transform, transmit, distribute, or manage  
9 electricity necessary to operate qualified tangible  
10 personal property; and all other tangible personal  
11 property that is essential to the operations of a computer  
12 data center. The term "qualified tangible personal  
13 property" also includes building materials physically  
14 incorporated in to the qualifying data center. To document  
15 the exemption allowed under this Section, the retailer  
16 must obtain from the purchaser a copy of the certificate  
17 of eligibility issued by the Department of Commerce and  
18 Economic Opportunity.

19 This item (40) is exempt from the provisions of Section  
20 3-90.

21 (41) Beginning July 1, 2022, breast pumps, breast pump  
22 collection and storage supplies, and breast pump kits. This  
23 item (41) is exempt from the provisions of Section 3-90. As  
24 used in this item (41):

25 "Breast pump" means an electrically controlled or  
26 manually controlled pump device designed or marketed to be

1 used to express milk from a human breast during lactation,  
2 including the pump device and any battery, AC adapter, or  
3 other power supply unit that is used to power the pump  
4 device and is packaged and sold with the pump device at the  
5 time of sale.

6 "Breast pump collection and storage supplies" means  
7 items of tangible personal property designed or marketed  
8 to be used in conjunction with a breast pump to collect  
9 milk expressed from a human breast and to store collected  
10 milk until it is ready for consumption.

11 "Breast pump collection and storage supplies"  
12 includes, but is not limited to: breast shields and breast  
13 shield connectors; breast pump tubes and tubing adapters;  
14 breast pump valves and membranes; backflow protectors and  
15 backflow protector adaptors; bottles and bottle caps  
16 specific to the operation of the breast pump; and breast  
17 milk storage bags.

18 "Breast pump collection and storage supplies" does not  
19 include: (1) bottles and bottle caps not specific to the  
20 operation of the breast pump; (2) breast pump travel bags  
21 and other similar carrying accessories, including ice  
22 packs, labels, and other similar products; (3) breast pump  
23 cleaning supplies; (4) nursing bras, bra pads, breast  
24 shells, and other similar products; and (5) creams,  
25 ointments, and other similar products that relieve  
26 breastfeeding-related symptoms or conditions of the

1           breasts or nipples, unless sold as part of a breast pump  
2           kit that is pre-packaged by the breast pump manufacturer  
3           or distributor.

4           "Breast pump kit" means a kit that: (1) contains no  
5           more than a breast pump, breast pump collection and  
6           storage supplies, a rechargeable battery for operating the  
7           breast pump, a breastmilk cooler, bottle stands, ice  
8           packs, and a breast pump carrying case; and (2) is  
9           pre-packaged as a breast pump kit by the breast pump  
10          manufacturer or distributor.

11          (42) ~~(41)~~ Tangible personal property sold by or on behalf  
12          of the State Treasurer pursuant to the Revised Uniform  
13          Unclaimed Property Act. This item (42) ~~(41)~~ is exempt from the  
14          provisions of Section 3-90.

15          (Source: P.A. 101-9, eff. 6-5-19; 101-31, eff. 6-28-19;  
16          101-81, eff. 7-12-19; 101-629, eff. 2-5-20; 102-16, eff.  
17          6-17-21; 102-700, Article 70, Section 70-5, eff. 4-19-22;  
18          102-700, Article 75, Section 75-5, eff. 4-19-22; 102-1026,  
19          eff. 5-27-22; revised 8-1-22.)

20                 (35 ILCS 105/3-10)

21          Sec. 3-10. Rate of tax. Unless otherwise provided in this  
22          Section, the tax imposed by this Act is at the rate of 6.25% of  
23          either the selling price or the fair market value, if any, of  
24          the tangible personal property. In all cases where property  
25          functionally used or consumed is the same as the property that

1 was purchased at retail, then the tax is imposed on the selling  
2 price of the property. In all cases where property  
3 functionally used or consumed is a by-product or waste product  
4 that has been refined, manufactured, or produced from property  
5 purchased at retail, then the tax is imposed on the lower of  
6 the fair market value, if any, of the specific property so used  
7 in this State or on the selling price of the property purchased  
8 at retail. For purposes of this Section "fair market value"  
9 means the price at which property would change hands between a  
10 willing buyer and a willing seller, neither being under any  
11 compulsion to buy or sell and both having reasonable knowledge  
12 of the relevant facts. The fair market value shall be  
13 established by Illinois sales by the taxpayer of the same  
14 property as that functionally used or consumed, or if there  
15 are no such sales by the taxpayer, then comparable sales or  
16 purchases of property of like kind and character in Illinois.

17 Beginning on July 1, 2000 and through December 31, 2000,  
18 with respect to motor fuel, as defined in Section 1.1 of the  
19 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
20 the Use Tax Act, the tax is imposed at the rate of 1.25%.

21 Beginning on August 6, 2010 through August 15, 2010, and  
22 beginning again on August 5, 2022 through August 14, 2022,  
23 with respect to sales tax holiday items as defined in Section  
24 3-6 of this Act, the tax is imposed at the rate of 1.25%.

25 With respect to gasohol, the tax imposed by this Act  
26 applies to (i) 70% of the proceeds of sales made on or after

1 January 1, 1990, and before July 1, 2003, (ii) 80% of the  
2 proceeds of sales made on or after July 1, 2003 and on or  
3 before July 1, 2017, and (iii) 100% of the proceeds of sales  
4 made thereafter. If, at any time, however, the tax under this  
5 Act on sales of gasohol is imposed at the rate of 1.25%, then  
6 the tax imposed by this Act applies to 100% of the proceeds of  
7 sales of gasohol made during that time.

8 With respect to majority blended ethanol fuel, the tax  
9 imposed by this Act does not apply to the proceeds of sales  
10 made on or after July 1, 2003 and on or before December 31,  
11 2023 but applies to 100% of the proceeds of sales made  
12 thereafter.

13 With respect to biodiesel blends with no less than 1% and  
14 no more than 10% biodiesel, the tax imposed by this Act applies  
15 to (i) 80% of the proceeds of sales made on or after July 1,  
16 2003 and on or before December 31, 2018 and (ii) 100% of the  
17 proceeds of sales made after December 31, 2018 and before  
18 January 1, 2024. On and after January 1, 2024 and on or before  
19 December 31, 2030, the taxation of biodiesel, renewable  
20 diesel, and biodiesel blends shall be as provided in Section  
21 3-5.1. If, at any time, however, the tax under this Act on  
22 sales of biodiesel blends with no less than 1% and no more than  
23 10% biodiesel is imposed at the rate of 1.25%, then the tax  
24 imposed by this Act applies to 100% of the proceeds of sales of  
25 biodiesel blends with no less than 1% and no more than 10%  
26 biodiesel made during that time.



1 With respect to biodiesel and biodiesel blends with more  
2 than 10% but no more than 99% biodiesel, the tax imposed by  
3 this Act does not apply to the proceeds of sales made on or  
4 after July 1, 2003 and on or before December 31, 2023. On and  
5 after January 1, 2024 and on or before December 31, 2030, the  
6 taxation of biodiesel, renewable diesel, and biodiesel blends  
7 shall be as provided in Section 3-5.1.

8 Until July 1, 2022 and beginning again on July 1, 2023,  
9 with respect to food for human consumption that is to be  
10 consumed off the premises where it is sold (other than  
11 alcoholic beverages, food consisting of or infused with adult  
12 use cannabis, soft drinks, and food that has been prepared for  
13 immediate consumption), the tax is imposed at the rate of 1%.  
14 Beginning on July 1, 2022 and until July 1, 2023, with respect  
15 to food for human consumption that is to be consumed off the  
16 premises where it is sold (other than alcoholic beverages,  
17 food consisting of or infused with adult use cannabis, soft  
18 drinks, and food that has been prepared for immediate  
19 consumption), the tax is imposed at the rate of 0%.

20 With respect to prescription and nonprescription  
21 medicines, drugs, medical appliances, products classified as  
22 Class III medical devices by the United States Food and Drug  
23 Administration that are used for cancer treatment pursuant to  
24 a prescription, as well as any accessories and components  
25 related to those devices, modifications to a motor vehicle for  
26 the purpose of rendering it usable by a person with a

1 disability, and insulin, blood sugar testing materials,  
2 syringes, and needles used by human diabetics, the tax is  
3 imposed at the rate of 1%. For the purposes of this Section,  
4 until September 1, 2009: the term "soft drinks" means any  
5 complete, finished, ready-to-use, non-alcoholic drink, whether  
6 carbonated or not, including, but not limited to, soda water,  
7 cola, fruit juice, vegetable juice, carbonated water, and all  
8 other preparations commonly known as soft drinks of whatever  
9 kind or description that are contained in any closed or sealed  
10 bottle, can, carton, or container, regardless of size; but  
11 "soft drinks" does not include coffee, tea, non-carbonated  
12 water, infant formula, milk or milk products as defined in the  
13 Grade A Pasteurized Milk and Milk Products Act, or drinks  
14 containing 50% or more natural fruit or vegetable juice.

15 Notwithstanding any other provisions of this Act,  
16 beginning September 1, 2009, "soft drinks" means non-alcoholic  
17 beverages that contain natural or artificial sweeteners. "Soft  
18 drinks" does ~~do~~ not include beverages that contain milk or  
19 milk products, soy, rice or similar milk substitutes, or  
20 greater than 50% of vegetable or fruit juice by volume.

21 Until August 1, 2009, and notwithstanding any other  
22 provisions of this Act, "food for human consumption that is to  
23 be consumed off the premises where it is sold" includes all  
24 food sold through a vending machine, except soft drinks and  
25 food products that are dispensed hot from a vending machine,  
26 regardless of the location of the vending machine. Beginning

1 August 1, 2009, and notwithstanding any other provisions of  
2 this Act, "food for human consumption that is to be consumed  
3 off the premises where it is sold" includes all food sold  
4 through a vending machine, except soft drinks, candy, and food  
5 products that are dispensed hot from a vending machine,  
6 regardless of the location of the vending machine.

7 Notwithstanding any other provisions of this Act,  
8 beginning September 1, 2009, "food for human consumption that  
9 is to be consumed off the premises where it is sold" does not  
10 include candy. For purposes of this Section, "candy" means a  
11 preparation of sugar, honey, or other natural or artificial  
12 sweeteners in combination with chocolate, fruits, nuts or  
13 other ingredients or flavorings in the form of bars, drops, or  
14 pieces. "Candy" does not include any preparation that contains  
15 flour or requires refrigeration.

16 Notwithstanding any other provisions of this Act,  
17 beginning September 1, 2009, "nonprescription medicines and  
18 drugs" does not include grooming and hygiene products. For  
19 purposes of this Section, "grooming and hygiene products"  
20 includes, but is not limited to, soaps and cleaning solutions,  
21 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
22 lotions and screens, unless those products are available by  
23 prescription only, regardless of whether the products meet the  
24 definition of "over-the-counter-drugs". For the purposes of  
25 this paragraph, "over-the-counter-drug" means a drug for human  
26 use that contains a label that identifies the product as a drug

1 as required by 21 CFR ~~C.F.R.~~ § 201.66. The  
2 "over-the-counter-drug" label includes:

3 (A) a ~~A~~ "Drug Facts" panel; or

4 (B) a ~~A~~ statement of the "active ingredient(s)" with a  
5 list of those ingredients contained in the compound,  
6 substance or preparation.

7 Beginning on January 1, 2014 (the effective date of Public  
8 Act 98-122) ~~this amendatory Act of the 98th General Assembly,~~  
9 "prescription and nonprescription medicines and drugs"  
10 includes medical cannabis purchased from a registered  
11 dispensing organization under the Compassionate Use of Medical  
12 Cannabis Program Act.

13 As used in this Section, "adult use cannabis" means  
14 cannabis subject to tax under the Cannabis Cultivation  
15 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law  
16 and does not include cannabis subject to tax under the  
17 Compassionate Use of Medical Cannabis Program Act.

18 If the property that is purchased at retail from a  
19 retailer is acquired outside Illinois and used outside  
20 Illinois before being brought to Illinois for use here and is  
21 taxable under this Act, the "selling price" on which the tax is  
22 computed shall be reduced by an amount that represents a  
23 reasonable allowance for depreciation for the period of prior  
24 out-of-state use.

25 (Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19;  
26 102-4, eff. 4-27-21; 102-700, Article 20, Section 20-5, eff.

1 4-19-22; 102-700, Article 60, Section 60-15, eff. 4-19-22;  
2 102-700, Article 65, Section 65-5, eff. 4-19-22; revised  
3 5-27-22.)

4 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

5 Sec. 9. Except as to motor vehicles, watercraft, aircraft,  
6 and trailers that are required to be registered with an agency  
7 of this State, each retailer required or authorized to collect  
8 the tax imposed by this Act shall pay to the Department the  
9 amount of such tax (except as otherwise provided) at the time  
10 when he is required to file his return for the period during  
11 which such tax was collected, less a discount of 2.1% prior to  
12 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5  
13 per calendar year, whichever is greater, which is allowed to  
14 reimburse the retailer for expenses incurred in collecting the  
15 tax, keeping records, preparing and filing returns, remitting  
16 the tax and supplying data to the Department on request. When  
17 determining the discount allowed under this Section, retailers  
18 shall include the amount of tax that would have been due at the  
19 6.25% rate but for the 1.25% rate imposed on sales tax holiday  
20 items under Public Act 102-700 ~~this amendatory Act of the~~  
21 ~~102nd General Assembly~~. The discount under this Section is not  
22 allowed for the 1.25% portion of taxes paid on aviation fuel  
23 that is subject to the revenue use requirements of 49 U.S.C.  
24 47107(b) and 49 U.S.C. 47133. When determining the discount  
25 allowed under this Section, retailers shall include the amount

1 of tax that would have been due at the 1% rate but for the 0%  
2 rate imposed under Public Act 102-700 ~~this amendatory Act of~~  
3 ~~the 102nd General Assembly~~. In the case of retailers who  
4 report and pay the tax on a transaction by transaction basis,  
5 as provided in this Section, such discount shall be taken with  
6 each such tax remittance instead of when such retailer files  
7 his periodic return. The discount allowed under this Section  
8 is allowed only for returns that are filed in the manner  
9 required by this Act. The Department may disallow the discount  
10 for retailers whose certificate of registration is revoked at  
11 the time the return is filed, but only if the Department's  
12 decision to revoke the certificate of registration has become  
13 final. A retailer need not remit that part of any tax collected  
14 by him to the extent that he is required to remit and does  
15 remit the tax imposed by the Retailers' Occupation Tax Act,  
16 with respect to the sale of the same property.

17 Where such tangible personal property is sold under a  
18 conditional sales contract, or under any other form of sale  
19 wherein the payment of the principal sum, or a part thereof, is  
20 extended beyond the close of the period for which the return is  
21 filed, the retailer, in collecting the tax (except as to motor  
22 vehicles, watercraft, aircraft, and trailers that are required  
23 to be registered with an agency of this State), may collect for  
24 each tax return period, only the tax applicable to that part of  
25 the selling price actually received during such tax return  
26 period.

1 Except as provided in this Section, on or before the  
2 twentieth day of each calendar month, such retailer shall file  
3 a return for the preceding calendar month. Such return shall  
4 be filed on forms prescribed by the Department and shall  
5 furnish such information as the Department may reasonably  
6 require. The return shall include the gross receipts on food  
7 for human consumption that is to be consumed off the premises  
8 where it is sold (other than alcoholic beverages, food  
9 consisting of or infused with adult use cannabis, soft drinks,  
10 and food that has been prepared for immediate consumption)  
11 which were received during the preceding calendar month,  
12 quarter, or year, as appropriate, and upon which tax would  
13 have been due but for the 0% rate imposed under Public Act  
14 102-700 ~~this amendatory Act of the 102nd General Assembly~~. The  
15 return shall also include the amount of tax that would have  
16 been due on food for human consumption that is to be consumed  
17 off the premises where it is sold (other than alcoholic  
18 beverages, food consisting of or infused with adult use  
19 cannabis, soft drinks, and food that has been prepared for  
20 immediate consumption) but for the 0% rate imposed under  
21 Public Act 102-700 ~~this amendatory Act of the 102nd General~~  
22 ~~Assembly~~.

23 On and after January 1, 2018, except for returns required  
24 to be filed prior to January 1, 2023 for motor vehicles,  
25 watercraft, aircraft, and trailers that are required to be  
26 registered with an agency of this State, with respect to

1 retailers whose annual gross receipts average \$20,000 or more,  
2 all returns required to be filed pursuant to this Act shall be  
3 filed electronically. On and after January 1, 2023, with  
4 respect to retailers whose annual gross receipts average  
5 \$20,000 or more, all returns required to be filed pursuant to  
6 this Act, including, but not limited to, returns for motor  
7 vehicles, watercraft, aircraft, and trailers that are required  
8 to be registered with an agency of this State, shall be filed  
9 electronically. Retailers who demonstrate that they do not  
10 have access to the Internet or demonstrate hardship in filing  
11 electronically may petition the Department to waive the  
12 electronic filing requirement.

13 The Department may require returns to be filed on a  
14 quarterly basis. If so required, a return for each calendar  
15 quarter shall be filed on or before the twentieth day of the  
16 calendar month following the end of such calendar quarter. The  
17 taxpayer shall also file a return with the Department for each  
18 of the first two months of each calendar quarter, on or before  
19 the twentieth day of the following calendar month, stating:

20 1. The name of the seller;

21 2. The address of the principal place of business from  
22 which he engages in the business of selling tangible  
23 personal property at retail in this State;

24 3. The total amount of taxable receipts received by  
25 him during the preceding calendar month from sales of  
26 tangible personal property by him during such preceding



1 calendar month, including receipts from charge and time  
2 sales, but less all deductions allowed by law;

3 4. The amount of credit provided in Section 2d of this  
4 Act;

5 5. The amount of tax due;

6 5-5. The signature of the taxpayer; and

7 6. Such other reasonable information as the Department  
8 may require.

9 Each retailer required or authorized to collect the tax  
10 imposed by this Act on aviation fuel sold at retail in this  
11 State during the preceding calendar month shall, instead of  
12 reporting and paying tax on aviation fuel as otherwise  
13 required by this Section, report and pay such tax on a separate  
14 aviation fuel tax return. The requirements related to the  
15 return shall be as otherwise provided in this Section.  
16 Notwithstanding any other provisions of this Act to the  
17 contrary, retailers collecting tax on aviation fuel shall file  
18 all aviation fuel tax returns and shall make all aviation fuel  
19 tax payments by electronic means in the manner and form  
20 required by the Department. For purposes of this Section,  
21 "aviation fuel" means jet fuel and aviation gasoline.

22 If a taxpayer fails to sign a return within 30 days after  
23 the proper notice and demand for signature by the Department,  
24 the return shall be considered valid and any amount shown to be  
25 due on the return shall be deemed assessed.

26 Notwithstanding any other provision of this Act to the

1 contrary, retailers subject to tax on cannabis shall file all  
2 cannabis tax returns and shall make all cannabis tax payments  
3 by electronic means in the manner and form required by the  
4 Department.

5 Beginning October 1, 1993, a taxpayer who has an average  
6 monthly tax liability of \$150,000 or more shall make all  
7 payments required by rules of the Department by electronic  
8 funds transfer. Beginning October 1, 1994, a taxpayer who has  
9 an average monthly tax liability of \$100,000 or more shall  
10 make all payments required by rules of the Department by  
11 electronic funds transfer. Beginning October 1, 1995, a  
12 taxpayer who has an average monthly tax liability of \$50,000  
13 or more shall make all payments required by rules of the  
14 Department by electronic funds transfer. Beginning October 1,  
15 2000, a taxpayer who has an annual tax liability of \$200,000 or  
16 more shall make all payments required by rules of the  
17 Department by electronic funds transfer. The term "annual tax  
18 liability" shall be the sum of the taxpayer's liabilities  
19 under this Act, and under all other State and local occupation  
20 and use tax laws administered by the Department, for the  
21 immediately preceding calendar year. The term "average monthly  
22 tax liability" means the sum of the taxpayer's liabilities  
23 under this Act, and under all other State and local occupation  
24 and use tax laws administered by the Department, for the  
25 immediately preceding calendar year divided by 12. Beginning  
26 on October 1, 2002, a taxpayer who has a tax liability in the

1 amount set forth in subsection (b) of Section 2505-210 of the  
2 Department of Revenue Law shall make all payments required by  
3 rules of the Department by electronic funds transfer.

4 Before August 1 of each year beginning in 1993, the  
5 Department shall notify all taxpayers required to make  
6 payments by electronic funds transfer. All taxpayers required  
7 to make payments by electronic funds transfer shall make those  
8 payments for a minimum of one year beginning on October 1.

9 Any taxpayer not required to make payments by electronic  
10 funds transfer may make payments by electronic funds transfer  
11 with the permission of the Department.

12 All taxpayers required to make payment by electronic funds  
13 transfer and any taxpayers authorized to voluntarily make  
14 payments by electronic funds transfer shall make those  
15 payments in the manner authorized by the Department.

16 The Department shall adopt such rules as are necessary to  
17 effectuate a program of electronic funds transfer and the  
18 requirements of this Section.

19 Before October 1, 2000, if the taxpayer's average monthly  
20 tax liability to the Department under this Act, the Retailers'  
21 Occupation Tax Act, the Service Occupation Tax Act, the  
22 Service Use Tax Act was \$10,000 or more during the preceding 4  
23 complete calendar quarters, he shall file a return with the  
24 Department each month by the 20th day of the month next  
25 following the month during which such tax liability is  
26 incurred and shall make payments to the Department on or

1 before the 7th, 15th, 22nd and last day of the month during  
2 which such liability is incurred. On and after October 1,  
3 2000, if the taxpayer's average monthly tax liability to the  
4 Department under this Act, the Retailers' Occupation Tax Act,  
5 the Service Occupation Tax Act, and the Service Use Tax Act was  
6 \$20,000 or more during the preceding 4 complete calendar  
7 quarters, he shall file a return with the Department each  
8 month by the 20th day of the month next following the month  
9 during which such tax liability is incurred and shall make  
10 payment to the Department on or before the 7th, 15th, 22nd and  
11 last day of the month during which such liability is incurred.  
12 If the month during which such tax liability is incurred began  
13 prior to January 1, 1985, each payment shall be in an amount  
14 equal to 1/4 of the taxpayer's actual liability for the month  
15 or an amount set by the Department not to exceed 1/4 of the  
16 average monthly liability of the taxpayer to the Department  
17 for the preceding 4 complete calendar quarters (excluding the  
18 month of highest liability and the month of lowest liability  
19 in such 4 quarter period). If the month during which such tax  
20 liability is incurred begins on or after January 1, 1985, and  
21 prior to January 1, 1987, each payment shall be in an amount  
22 equal to 22.5% of the taxpayer's actual liability for the  
23 month or 27.5% of the taxpayer's liability for the same  
24 calendar month of the preceding year. If the month during  
25 which such tax liability is incurred begins on or after  
26 January 1, 1987, and prior to January 1, 1988, each payment

1 shall be in an amount equal to 22.5% of the taxpayer's actual  
2 liability for the month or 26.25% of the taxpayer's liability  
3 for the same calendar month of the preceding year. If the month  
4 during which such tax liability is incurred begins on or after  
5 January 1, 1988, and prior to January 1, 1989, or begins on or  
6 after January 1, 1996, each payment shall be in an amount equal  
7 to 22.5% of the taxpayer's actual liability for the month or  
8 25% of the taxpayer's liability for the same calendar month of  
9 the preceding year. If the month during which such tax  
10 liability is incurred begins on or after January 1, 1989, and  
11 prior to January 1, 1996, each payment shall be in an amount  
12 equal to 22.5% of the taxpayer's actual liability for the  
13 month or 25% of the taxpayer's liability for the same calendar  
14 month of the preceding year or 100% of the taxpayer's actual  
15 liability for the quarter monthly reporting period. The amount  
16 of such quarter monthly payments shall be credited against the  
17 final tax liability of the taxpayer's return for that month.  
18 Before October 1, 2000, once applicable, the requirement of  
19 the making of quarter monthly payments to the Department shall  
20 continue until such taxpayer's average monthly liability to  
21 the Department during the preceding 4 complete calendar  
22 quarters (excluding the month of highest liability and the  
23 month of lowest liability) is less than \$9,000, or until such  
24 taxpayer's average monthly liability to the Department as  
25 computed for each calendar quarter of the 4 preceding complete  
26 calendar quarter period is less than \$10,000. However, if a

1 taxpayer can show the Department that a substantial change in  
2 the taxpayer's business has occurred which causes the taxpayer  
3 to anticipate that his average monthly tax liability for the  
4 reasonably foreseeable future will fall below the \$10,000  
5 threshold stated above, then such taxpayer may petition the  
6 Department for change in such taxpayer's reporting status. On  
7 and after October 1, 2000, once applicable, the requirement of  
8 the making of quarter monthly payments to the Department shall  
9 continue until such taxpayer's average monthly liability to  
10 the Department during the preceding 4 complete calendar  
11 quarters (excluding the month of highest liability and the  
12 month of lowest liability) is less than \$19,000 or until such  
13 taxpayer's average monthly liability to the Department as  
14 computed for each calendar quarter of the 4 preceding complete  
15 calendar quarter period is less than \$20,000. However, if a  
16 taxpayer can show the Department that a substantial change in  
17 the taxpayer's business has occurred which causes the taxpayer  
18 to anticipate that his average monthly tax liability for the  
19 reasonably foreseeable future will fall below the \$20,000  
20 threshold stated above, then such taxpayer may petition the  
21 Department for a change in such taxpayer's reporting status.  
22 The Department shall change such taxpayer's reporting status  
23 unless it finds that such change is seasonal in nature and not  
24 likely to be long term. Quarter monthly payment status shall  
25 be determined under this paragraph as if the rate reduction to  
26 1.25% in Public Act 102-700 ~~this amendatory Act of the 102nd~~

1 ~~General Assembly~~ on sales tax holiday items had not occurred.  
2 For quarter monthly payments due on or after July 1, 2023 and  
3 through June 30, 2024, "25% of the taxpayer's liability for  
4 the same calendar month of the preceding year" shall be  
5 determined as if the rate reduction to 1.25% in Public Act  
6 102-700 ~~this amendatory Act of the 102nd General Assembly~~ on  
7 sales tax holiday items had not occurred. Quarter monthly  
8 payment status shall be determined under this paragraph as if  
9 the rate reduction to 0% in Public Act 102-700 ~~this amendatory~~  
10 ~~Act of the 102nd General Assembly~~ on food for human  
11 consumption that is to be consumed off the premises where it is  
12 sold (other than alcoholic beverages, food consisting of or  
13 infused with adult use cannabis, soft drinks, and food that  
14 has been prepared for immediate consumption) had not occurred.  
15 For quarter monthly payments due under this paragraph on or  
16 after July 1, 2023 and through June 30, 2024, "25% of the  
17 taxpayer's liability for the same calendar month of the  
18 preceding year" shall be determined as if the rate reduction  
19 to 0% in Public Act 102-700 ~~this amendatory Act of the 102nd~~  
20 ~~General Assembly~~ had not occurred. If any such quarter monthly  
21 payment is not paid at the time or in the amount required by  
22 this Section, then the taxpayer shall be liable for penalties  
23 and interest on the difference between the minimum amount due  
24 and the amount of such quarter monthly payment actually and  
25 timely paid, except insofar as the taxpayer has previously  
26 made payments for that month to the Department in excess of the

1 minimum payments previously due as provided in this Section.  
2 The Department shall make reasonable rules and regulations to  
3 govern the quarter monthly payment amount and quarter monthly  
4 payment dates for taxpayers who file on other than a calendar  
5 monthly basis.

6 If any such payment provided for in this Section exceeds  
7 the taxpayer's liabilities under this Act, the Retailers'  
8 Occupation Tax Act, the Service Occupation Tax Act and the  
9 Service Use Tax Act, as shown by an original monthly return,  
10 the Department shall issue to the taxpayer a credit memorandum  
11 no later than 30 days after the date of payment, which  
12 memorandum may be submitted by the taxpayer to the Department  
13 in payment of tax liability subsequently to be remitted by the  
14 taxpayer to the Department or be assigned by the taxpayer to a  
15 similar taxpayer under this Act, the Retailers' Occupation Tax  
16 Act, the Service Occupation Tax Act or the Service Use Tax Act,  
17 in accordance with reasonable rules and regulations to be  
18 prescribed by the Department, except that if such excess  
19 payment is shown on an original monthly return and is made  
20 after December 31, 1986, no credit memorandum shall be issued,  
21 unless requested by the taxpayer. If no such request is made,  
22 the taxpayer may credit such excess payment against tax  
23 liability subsequently to be remitted by the taxpayer to the  
24 Department under this Act, the Retailers' Occupation Tax Act,  
25 the Service Occupation Tax Act or the Service Use Tax Act, in  
26 accordance with reasonable rules and regulations prescribed by



1 the Department. If the Department subsequently determines that  
2 all or any part of the credit taken was not actually due to the  
3 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall  
4 be reduced by 2.1% or 1.75% of the difference between the  
5 credit taken and that actually due, and the taxpayer shall be  
6 liable for penalties and interest on such difference.

7 If the retailer is otherwise required to file a monthly  
8 return and if the retailer's average monthly tax liability to  
9 the Department does not exceed \$200, the Department may  
10 authorize his returns to be filed on a quarter annual basis,  
11 with the return for January, February, and March of a given  
12 year being due by April 20 of such year; with the return for  
13 April, May and June of a given year being due by July 20 of  
14 such year; with the return for July, August and September of a  
15 given year being due by October 20 of such year, and with the  
16 return for October, November and December of a given year  
17 being due by January 20 of the following year.

18 If the retailer is otherwise required to file a monthly or  
19 quarterly return and if the retailer's average monthly tax  
20 liability to the Department does not exceed \$50, the  
21 Department may authorize his returns to be filed on an annual  
22 basis, with the return for a given year being due by January 20  
23 of the following year.

24 Such quarter annual and annual returns, as to form and  
25 substance, shall be subject to the same requirements as  
26 monthly returns.

1           Notwithstanding any other provision in this Act concerning  
2 the time within which a retailer may file his return, in the  
3 case of any retailer who ceases to engage in a kind of business  
4 which makes him responsible for filing returns under this Act,  
5 such retailer shall file a final return under this Act with the  
6 Department not more than one month after discontinuing such  
7 business.

8           In addition, with respect to motor vehicles, watercraft,  
9 aircraft, and trailers that are required to be registered with  
10 an agency of this State, except as otherwise provided in this  
11 Section, every retailer selling this kind of tangible personal  
12 property shall file, with the Department, upon a form to be  
13 prescribed and supplied by the Department, a separate return  
14 for each such item of tangible personal property which the  
15 retailer sells, except that if, in the same transaction, (i) a  
16 retailer of aircraft, watercraft, motor vehicles or trailers  
17 transfers more than one aircraft, watercraft, motor vehicle or  
18 trailer to another aircraft, watercraft, motor vehicle or  
19 trailer retailer for the purpose of resale or (ii) a retailer  
20 of aircraft, watercraft, motor vehicles, or trailers transfers  
21 more than one aircraft, watercraft, motor vehicle, or trailer  
22 to a purchaser for use as a qualifying rolling stock as  
23 provided in Section 3-55 of this Act, then that seller may  
24 report the transfer of all the aircraft, watercraft, motor  
25 vehicles or trailers involved in that transaction to the  
26 Department on the same uniform invoice-transaction reporting

1 return form. For purposes of this Section, "watercraft" means  
2 a Class 2, Class 3, or Class 4 watercraft as defined in Section  
3 3-2 of the Boat Registration and Safety Act, a personal  
4 watercraft, or any boat equipped with an inboard motor.

5 In addition, with respect to motor vehicles, watercraft,  
6 aircraft, and trailers that are required to be registered with  
7 an agency of this State, every person who is engaged in the  
8 business of leasing or renting such items and who, in  
9 connection with such business, sells any such item to a  
10 retailer for the purpose of resale is, notwithstanding any  
11 other provision of this Section to the contrary, authorized to  
12 meet the return-filing requirement of this Act by reporting  
13 the transfer of all the aircraft, watercraft, motor vehicles,  
14 or trailers transferred for resale during a month to the  
15 Department on the same uniform invoice-transaction reporting  
16 return form on or before the 20th of the month following the  
17 month in which the transfer takes place. Notwithstanding any  
18 other provision of this Act to the contrary, all returns filed  
19 under this paragraph must be filed by electronic means in the  
20 manner and form as required by the Department.

21 The transaction reporting return in the case of motor  
22 vehicles or trailers that are required to be registered with  
23 an agency of this State, shall be the same document as the  
24 Uniform Invoice referred to in Section 5-402 of the Illinois  
25 Vehicle Code and must show the name and address of the seller;  
26 the name and address of the purchaser; the amount of the

1 selling price including the amount allowed by the retailer for  
2 traded-in property, if any; the amount allowed by the retailer  
3 for the traded-in tangible personal property, if any, to the  
4 extent to which Section 2 of this Act allows an exemption for  
5 the value of traded-in property; the balance payable after  
6 deducting such trade-in allowance from the total selling  
7 price; the amount of tax due from the retailer with respect to  
8 such transaction; the amount of tax collected from the  
9 purchaser by the retailer on such transaction (or satisfactory  
10 evidence that such tax is not due in that particular instance,  
11 if that is claimed to be the fact); the place and date of the  
12 sale; a sufficient identification of the property sold; such  
13 other information as is required in Section 5-402 of the  
14 Illinois Vehicle Code, and such other information as the  
15 Department may reasonably require.

16 The transaction reporting return in the case of watercraft  
17 and aircraft must show the name and address of the seller; the  
18 name and address of the purchaser; the amount of the selling  
19 price including the amount allowed by the retailer for  
20 traded-in property, if any; the amount allowed by the retailer  
21 for the traded-in tangible personal property, if any, to the  
22 extent to which Section 2 of this Act allows an exemption for  
23 the value of traded-in property; the balance payable after  
24 deducting such trade-in allowance from the total selling  
25 price; the amount of tax due from the retailer with respect to  
26 such transaction; the amount of tax collected from the

1 purchaser by the retailer on such transaction (or satisfactory  
2 evidence that such tax is not due in that particular instance,  
3 if that is claimed to be the fact); the place and date of the  
4 sale, a sufficient identification of the property sold, and  
5 such other information as the Department may reasonably  
6 require.

7       Such transaction reporting return shall be filed not later  
8 than 20 days after the date of delivery of the item that is  
9 being sold, but may be filed by the retailer at any time sooner  
10 than that if he chooses to do so. The transaction reporting  
11 return and tax remittance or proof of exemption from the tax  
12 that is imposed by this Act may be transmitted to the  
13 Department by way of the State agency with which, or State  
14 officer with whom, the tangible personal property must be  
15 titled or registered (if titling or registration is required)  
16 if the Department and such agency or State officer determine  
17 that this procedure will expedite the processing of  
18 applications for title or registration.

19       With each such transaction reporting return, the retailer  
20 shall remit the proper amount of tax due (or shall submit  
21 satisfactory evidence that the sale is not taxable if that is  
22 the case), to the Department or its agents, whereupon the  
23 Department shall issue, in the purchaser's name, a tax receipt  
24 (or a certificate of exemption if the Department is satisfied  
25 that the particular sale is tax exempt) which such purchaser  
26 may submit to the agency with which, or State officer with

1 whom, he must title or register the tangible personal property  
2 that is involved (if titling or registration is required) in  
3 support of such purchaser's application for an Illinois  
4 certificate or other evidence of title or registration to such  
5 tangible personal property.

6 No retailer's failure or refusal to remit tax under this  
7 Act precludes a user, who has paid the proper tax to the  
8 retailer, from obtaining his certificate of title or other  
9 evidence of title or registration (if titling or registration  
10 is required) upon satisfying the Department that such user has  
11 paid the proper tax (if tax is due) to the retailer. The  
12 Department shall adopt appropriate rules to carry out the  
13 mandate of this paragraph.

14 If the user who would otherwise pay tax to the retailer  
15 wants the transaction reporting return filed and the payment  
16 of tax or proof of exemption made to the Department before the  
17 retailer is willing to take these actions and such user has not  
18 paid the tax to the retailer, such user may certify to the fact  
19 of such delay by the retailer, and may (upon the Department  
20 being satisfied of the truth of such certification) transmit  
21 the information required by the transaction reporting return  
22 and the remittance for tax or proof of exemption directly to  
23 the Department and obtain his tax receipt or exemption  
24 determination, in which event the transaction reporting return  
25 and tax remittance (if a tax payment was required) shall be  
26 credited by the Department to the proper retailer's account

1 with the Department, but without the 2.1% or 1.75% discount  
2 provided for in this Section being allowed. When the user pays  
3 the tax directly to the Department, he shall pay the tax in the  
4 same amount and in the same form in which it would be remitted  
5 if the tax had been remitted to the Department by the retailer.

6 Where a retailer collects the tax with respect to the  
7 selling price of tangible personal property which he sells and  
8 the purchaser thereafter returns such tangible personal  
9 property and the retailer refunds the selling price thereof to  
10 the purchaser, such retailer shall also refund, to the  
11 purchaser, the tax so collected from the purchaser. When  
12 filing his return for the period in which he refunds such tax  
13 to the purchaser, the retailer may deduct the amount of the tax  
14 so refunded by him to the purchaser from any other use tax  
15 which such retailer may be required to pay or remit to the  
16 Department, as shown by such return, if the amount of the tax  
17 to be deducted was previously remitted to the Department by  
18 such retailer. If the retailer has not previously remitted the  
19 amount of such tax to the Department, he is entitled to no  
20 deduction under this Act upon refunding such tax to the  
21 purchaser.

22 Any retailer filing a return under this Section shall also  
23 include (for the purpose of paying tax thereon) the total tax  
24 covered by such return upon the selling price of tangible  
25 personal property purchased by him at retail from a retailer,  
26 but as to which the tax imposed by this Act was not collected

1 from the retailer filing such return, and such retailer shall  
2 remit the amount of such tax to the Department when filing such  
3 return.

4 If experience indicates such action to be practicable, the  
5 Department may prescribe and furnish a combination or joint  
6 return which will enable retailers, who are required to file  
7 returns hereunder and also under the Retailers' Occupation Tax  
8 Act, to furnish all the return information required by both  
9 Acts on the one form.

10 Where the retailer has more than one business registered  
11 with the Department under separate registration under this  
12 Act, such retailer may not file each return that is due as a  
13 single return covering all such registered businesses, but  
14 shall file separate returns for each such registered business.

15 Beginning January 1, 1990, each month the Department shall  
16 pay into the State and Local Sales Tax Reform Fund, a special  
17 fund in the State Treasury which is hereby created, the net  
18 revenue realized for the preceding month from the 1% tax  
19 imposed under this Act.

20 Beginning January 1, 1990, each month the Department shall  
21 pay into the County and Mass Transit District Fund 4% of the  
22 net revenue realized for the preceding month from the 6.25%  
23 general rate on the selling price of tangible personal  
24 property which is purchased outside Illinois at retail from a  
25 retailer and which is titled or registered by an agency of this  
26 State's government.



1           Beginning January 1, 1990, each month the Department shall  
2 pay into the State and Local Sales Tax Reform Fund, a special  
3 fund in the State Treasury, 20% of the net revenue realized for  
4 the preceding month from the 6.25% general rate on the selling  
5 price of tangible personal property, other than (i) tangible  
6 personal property which is purchased outside Illinois at  
7 retail from a retailer and which is titled or registered by an  
8 agency of this State's government and (ii) aviation fuel sold  
9 on or after December 1, 2019. This exception for aviation fuel  
10 only applies for so long as the revenue use requirements of 49  
11 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

12           For aviation fuel sold on or after December 1, 2019, each  
13 month the Department shall pay into the State Aviation Program  
14 Fund 20% of the net revenue realized for the preceding month  
15 from the 6.25% general rate on the selling price of aviation  
16 fuel, less an amount estimated by the Department to be  
17 required for refunds of the 20% portion of the tax on aviation  
18 fuel under this Act, which amount shall be deposited into the  
19 Aviation Fuel Sales Tax Refund Fund. The Department shall only  
20 pay moneys into the State Aviation Program Fund and the  
21 Aviation Fuels Sales Tax Refund Fund under this Act for so long  
22 as the revenue use requirements of 49 U.S.C. 47107(b) and 49  
23 U.S.C. 47133 are binding on the State.

24           Beginning August 1, 2000, each month the Department shall  
25 pay into the State and Local Sales Tax Reform Fund 100% of the  
26 net revenue realized for the preceding month from the 1.25%

1 rate on the selling price of motor fuel and gasohol. If, in any  
2 month, the tax on sales tax holiday items, as defined in  
3 Section 3-6, is imposed at the rate of 1.25%, then the  
4 Department shall pay 100% of the net revenue realized for that  
5 month from the 1.25% rate on the selling price of sales tax  
6 holiday items into the State and Local Sales Tax Reform Fund.

7 Beginning January 1, 1990, each month the Department shall  
8 pay into the Local Government Tax Fund 16% of the net revenue  
9 realized for the preceding month from the 6.25% general rate  
10 on the selling price of tangible personal property which is  
11 purchased outside Illinois at retail from a retailer and which  
12 is titled or registered by an agency of this State's  
13 government.

14 Beginning October 1, 2009, each month the Department shall  
15 pay into the Capital Projects Fund an amount that is equal to  
16 an amount estimated by the Department to represent 80% of the  
17 net revenue realized for the preceding month from the sale of  
18 candy, grooming and hygiene products, and soft drinks that had  
19 been taxed at a rate of 1% prior to September 1, 2009 but that  
20 are now taxed at 6.25%.

21 Beginning July 1, 2011, each month the Department shall  
22 pay into the Clean Air Act Permit Fund 80% of the net revenue  
23 realized for the preceding month from the 6.25% general rate  
24 on the selling price of sorbents used in Illinois in the  
25 process of sorbent injection as used to comply with the  
26 Environmental Protection Act or the federal Clean Air Act, but

1 the total payment into the Clean Air Act Permit Fund under this  
2 Act and the Retailers' Occupation Tax Act shall not exceed  
3 \$2,000,000 in any fiscal year.

4 Beginning July 1, 2013, each month the Department shall  
5 pay into the Underground Storage Tank Fund from the proceeds  
6 collected under this Act, the Service Use Tax Act, the Service  
7 Occupation Tax Act, and the Retailers' Occupation Tax Act an  
8 amount equal to the average monthly deficit in the Underground  
9 Storage Tank Fund during the prior year, as certified annually  
10 by the Illinois Environmental Protection Agency, but the total  
11 payment into the Underground Storage Tank Fund under this Act,  
12 the Service Use Tax Act, the Service Occupation Tax Act, and  
13 the Retailers' Occupation Tax Act shall not exceed \$18,000,000  
14 in any State fiscal year. As used in this paragraph, the  
15 "average monthly deficit" shall be equal to the difference  
16 between the average monthly claims for payment by the fund and  
17 the average monthly revenues deposited into the fund,  
18 excluding payments made pursuant to this paragraph.

19 Beginning July 1, 2015, of the remainder of the moneys  
20 received by the Department under this Act, the Service Use Tax  
21 Act, the Service Occupation Tax Act, and the Retailers'  
22 Occupation Tax Act, each month the Department shall deposit  
23 \$500,000 into the State Crime Laboratory Fund.

24 Of the remainder of the moneys received by the Department  
25 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
26 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on

1 and after July 1, 1989, 3.8% thereof shall be paid into the  
2 Build Illinois Fund; provided, however, that if in any fiscal  
3 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
4 may be, of the moneys received by the Department and required  
5 to be paid into the Build Illinois Fund pursuant to Section 3  
6 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
7 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
8 Service Occupation Tax Act, such Acts being hereinafter called  
9 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
10 may be, of moneys being hereinafter called the "Tax Act  
11 Amount", and (2) the amount transferred to the Build Illinois  
12 Fund from the State and Local Sales Tax Reform Fund shall be  
13 less than the Annual Specified Amount (as defined in Section 3  
14 of the Retailers' Occupation Tax Act), an amount equal to the  
15 difference shall be immediately paid into the Build Illinois  
16 Fund from other moneys received by the Department pursuant to  
17 the Tax Acts; and further provided, that if on the last  
18 business day of any month the sum of (1) the Tax Act Amount  
19 required to be deposited into the Build Illinois Bond Account  
20 in the Build Illinois Fund during such month and (2) the amount  
21 transferred during such month to the Build Illinois Fund from  
22 the State and Local Sales Tax Reform Fund shall have been less  
23 than 1/12 of the Annual Specified Amount, an amount equal to  
24 the difference shall be immediately paid into the Build  
25 Illinois Fund from other moneys received by the Department  
26 pursuant to the Tax Acts; and, further provided, that in no

1 event shall the payments required under the preceding proviso  
2 result in aggregate payments into the Build Illinois Fund  
3 pursuant to this clause (b) for any fiscal year in excess of  
4 the greater of (i) the Tax Act Amount or (ii) the Annual  
5 Specified Amount for such fiscal year; and, further provided,  
6 that the amounts payable into the Build Illinois Fund under  
7 this clause (b) shall be payable only until such time as the  
8 aggregate amount on deposit under each trust indenture  
9 securing Bonds issued and outstanding pursuant to the Build  
10 Illinois Bond Act is sufficient, taking into account any  
11 future investment income, to fully provide, in accordance with  
12 such indenture, for the defeasance of or the payment of the  
13 principal of, premium, if any, and interest on the Bonds  
14 secured by such indenture and on any Bonds expected to be  
15 issued thereafter and all fees and costs payable with respect  
16 thereto, all as certified by the Director of the Bureau of the  
17 Budget (now Governor's Office of Management and Budget). If on  
18 the last business day of any month in which Bonds are  
19 outstanding pursuant to the Build Illinois Bond Act, the  
20 aggregate of the moneys deposited in the Build Illinois Bond  
21 Account in the Build Illinois Fund in such month shall be less  
22 than the amount required to be transferred in such month from  
23 the Build Illinois Bond Account to the Build Illinois Bond  
24 Retirement and Interest Fund pursuant to Section 13 of the  
25 Build Illinois Bond Act, an amount equal to such deficiency  
26 shall be immediately paid from other moneys received by the

1 Department pursuant to the Tax Acts to the Build Illinois  
 2 Fund; provided, however, that any amounts paid to the Build  
 3 Illinois Fund in any fiscal year pursuant to this sentence  
 4 shall be deemed to constitute payments pursuant to clause (b)  
 5 of the preceding sentence and shall reduce the amount  
 6 otherwise payable for such fiscal year pursuant to clause (b)  
 7 of the preceding sentence. The moneys received by the  
 8 Department pursuant to this Act and required to be deposited  
 9 into the Build Illinois Fund are subject to the pledge, claim  
 10 and charge set forth in Section 12 of the Build Illinois Bond  
 11 Act.

12 Subject to payment of amounts into the Build Illinois Fund  
 13 as provided in the preceding paragraph or in any amendment  
 14 thereto hereafter enacted, the following specified monthly  
 15 installment of the amount requested in the certificate of the  
 16 Chairman of the Metropolitan Pier and Exposition Authority  
 17 provided under Section 8.25f of the State Finance Act, but not  
 18 in excess of the sums designated as "Total Deposit", shall be  
 19 deposited in the aggregate from collections under Section 9 of  
 20 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
 21 9 of the Service Occupation Tax Act, and Section 3 of the  
 22 Retailers' Occupation Tax Act into the McCormick Place  
 23 Expansion Project Fund in the specified fiscal years.

24	Fiscal Year	Total Deposit
25	1993	\$0
26	1994	53,000,000

1	1995	58,000,000
2	1996	61,000,000
3	1997	64,000,000
4	1998	68,000,000
5	1999	71,000,000
6	2000	75,000,000
7	2001	80,000,000
8	2002	93,000,000
9	2003	99,000,000
10	2004	103,000,000
11	2005	108,000,000
12	2006	113,000,000
13	2007	119,000,000
14	2008	126,000,000
15	2009	132,000,000
16	2010	139,000,000
17	2011	146,000,000
18	2012	153,000,000
19	2013	161,000,000
20	2014	170,000,000
21	2015	179,000,000
22	2016	189,000,000
23	2017	199,000,000
24	2018	210,000,000
25	2019	221,000,000
26	2020	233,000,000

1	2021	300,000,000
2	2022	300,000,000
3	2023	300,000,000
4	2024	300,000,000
5	2025	300,000,000
6	2026	300,000,000
7	2027	375,000,000
8	2028	375,000,000
9	2029	375,000,000
10	2030	375,000,000
11	2031	375,000,000
12	2032	375,000,000
13	2033	375,000,000
14	2034	375,000,000
15	2035	375,000,000
16	2036	450,000,000

17 and

18 each fiscal year

19 thereafter that bonds

20 are outstanding under

21 Section 13.2 of the

22 Metropolitan Pier and

23 Exposition Authority Act,

24 but not after fiscal year 2060.

25 Beginning July 20, 1993 and in each month of each fiscal  
26 year thereafter, one-eighth of the amount requested in the



1 certificate of the Chairman of the Metropolitan Pier and  
2 Exposition Authority for that fiscal year, less the amount  
3 deposited into the McCormick Place Expansion Project Fund by  
4 the State Treasurer in the respective month under subsection  
5 (g) of Section 13 of the Metropolitan Pier and Exposition  
6 Authority Act, plus cumulative deficiencies in the deposits  
7 required under this Section for previous months and years,  
8 shall be deposited into the McCormick Place Expansion Project  
9 Fund, until the full amount requested for the fiscal year, but  
10 not in excess of the amount specified above as "Total  
11 Deposit", has been deposited.

12 Subject to payment of amounts into the Capital Projects  
13 Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,  
14 and the McCormick Place Expansion Project Fund pursuant to the  
15 preceding paragraphs or in any amendments thereto hereafter  
16 enacted, for aviation fuel sold on or after December 1, 2019,  
17 the Department shall each month deposit into the Aviation Fuel  
18 Sales Tax Refund Fund an amount estimated by the Department to  
19 be required for refunds of the 80% portion of the tax on  
20 aviation fuel under this Act. The Department shall only  
21 deposit moneys into the Aviation Fuel Sales Tax Refund Fund  
22 under this paragraph for so long as the revenue use  
23 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are  
24 binding on the State.

25 Subject to payment of amounts into the Build Illinois Fund  
26 and the McCormick Place Expansion Project Fund pursuant to the

1 preceding paragraphs or in any amendments thereto hereafter  
2 enacted, beginning July 1, 1993 and ending on September 30,  
3 2013, the Department shall each month pay into the Illinois  
4 Tax Increment Fund 0.27% of 80% of the net revenue realized for  
5 the preceding month from the 6.25% general rate on the selling  
6 price of tangible personal property.

7 Subject to payment of amounts into the Build Illinois Fund  
8 and the McCormick Place Expansion Project Fund pursuant to the  
9 preceding paragraphs or in any amendments thereto hereafter  
10 enacted, beginning with the receipt of the first report of  
11 taxes paid by an eligible business and continuing for a  
12 25-year period, the Department shall each month pay into the  
13 Energy Infrastructure Fund 80% of the net revenue realized  
14 from the 6.25% general rate on the selling price of  
15 Illinois-mined coal that was sold to an eligible business. For  
16 purposes of this paragraph, the term "eligible business" means  
17 a new electric generating facility certified pursuant to  
18 Section 605-332 of the Department of Commerce and Economic  
19 Opportunity Law of the Civil Administrative Code of Illinois.

20 Subject to payment of amounts into the Build Illinois  
21 Fund, the McCormick Place Expansion Project Fund, the Illinois  
22 Tax Increment Fund, and the Energy Infrastructure Fund  
23 pursuant to the preceding paragraphs or in any amendments to  
24 this Section hereafter enacted, beginning on the first day of  
25 the first calendar month to occur on or after August 26, 2014  
26 (the effective date of Public Act 98-1098), each month, from

1 the collections made under Section 9 of the Use Tax Act,  
2 Section 9 of the Service Use Tax Act, Section 9 of the Service  
3 Occupation Tax Act, and Section 3 of the Retailers' Occupation  
4 Tax Act, the Department shall pay into the Tax Compliance and  
5 Administration Fund, to be used, subject to appropriation, to  
6 fund additional auditors and compliance personnel at the  
7 Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
8 the cash receipts collected during the preceding fiscal year  
9 by the Audit Bureau of the Department under the Use Tax Act,  
10 the Service Use Tax Act, the Service Occupation Tax Act, the  
11 Retailers' Occupation Tax Act, and associated local occupation  
12 and use taxes administered by the Department.

13 Subject to payments of amounts into the Build Illinois  
14 Fund, the McCormick Place Expansion Project Fund, the Illinois  
15 Tax Increment Fund, the Energy Infrastructure Fund, and the  
16 Tax Compliance and Administration Fund as provided in this  
17 Section, beginning on July 1, 2018 the Department shall pay  
18 each month into the Downstate Public Transportation Fund the  
19 moneys required to be so paid under Section 2-3 of the  
20 Downstate Public Transportation Act.

21 Subject to successful execution and delivery of a  
22 public-private agreement between the public agency and private  
23 entity and completion of the civic build, beginning on July 1,  
24 2023, of the remainder of the moneys received by the  
25 Department under the Use Tax Act, the Service Use Tax Act, the  
26 Service Occupation Tax Act, and this Act, the Department shall

1 deposit the following specified deposits in the aggregate from  
 2 collections under the Use Tax Act, the Service Use Tax Act, the  
 3 Service Occupation Tax Act, and the Retailers' Occupation Tax  
 4 Act, as required under Section 8.25g of the State Finance Act  
 5 for distribution consistent with the Public-Private  
 6 Partnership for Civic and Transit Infrastructure Project Act.  
 7 The moneys received by the Department pursuant to this Act and  
 8 required to be deposited into the Civic and Transit  
 9 Infrastructure Fund are subject to the pledge, claim, and  
 10 charge set forth in Section 25-55 of the Public-Private  
 11 Partnership for Civic and Transit Infrastructure Project Act.  
 12 As used in this paragraph, "civic build", "private entity",  
 13 "public-private agreement", and "public agency" have the  
 14 meanings provided in Section 25-10 of the Public-Private  
 15 Partnership for Civic and Transit Infrastructure Project Act.

16	Fiscal Year.....	Total Deposit
17	2024 .....	\$200,000,000
18	2025 .....	\$206,000,000
19	2026 .....	\$212,200,000
20	2027 .....	\$218,500,000
21	2028 .....	\$225,100,000
22	2029 .....	\$288,700,000
23	2030 .....	\$298,900,000
24	2031 .....	\$309,300,000
25	2032 .....	\$320,100,000
26	2033 .....	\$331,200,000

1	2034	.....	\$341,200,000
2	2035	.....	\$351,400,000
3	2036	.....	\$361,900,000
4	2037	.....	\$372,800,000
5	2038	.....	\$384,000,000
6	2039	.....	\$395,500,000
7	2040	.....	\$407,400,000
8	2041	.....	\$419,600,000
9	2042	.....	\$432,200,000
10	2043	.....	\$445,100,000

11           Beginning July 1, 2021 and until July 1, 2022, subject to  
 12 the payment of amounts into the State and Local Sales Tax  
 13 Reform Fund, the Build Illinois Fund, the McCormick Place  
 14 Expansion Project Fund, the Illinois Tax Increment Fund, the  
 15 Energy Infrastructure Fund, and the Tax Compliance and  
 16 Administration Fund as provided in this Section, the  
 17 Department shall pay each month into the Road Fund the amount  
 18 estimated to represent 16% of the net revenue realized from  
 19 the taxes imposed on motor fuel and gasohol. Beginning July 1,  
 20 2022 and until July 1, 2023, subject to the payment of amounts  
 21 into the State and Local Sales Tax Reform Fund, the Build  
 22 Illinois Fund, the McCormick Place Expansion Project Fund, the  
 23 Illinois Tax Increment Fund, the Energy Infrastructure Fund,  
 24 and the Tax Compliance and Administration Fund as provided in  
 25 this Section, the Department shall pay each month into the  
 26 Road Fund the amount estimated to represent 32% of the net

1 revenue realized from the taxes imposed on motor fuel and  
2 gasohol. Beginning July 1, 2023 and until July 1, 2024,  
3 subject to the payment of amounts into the State and Local  
4 Sales Tax Reform Fund, the Build Illinois Fund, the McCormick  
5 Place Expansion Project Fund, the Illinois Tax Increment Fund,  
6 the Energy Infrastructure Fund, and the Tax Compliance and  
7 Administration Fund as provided in this Section, the  
8 Department shall pay each month into the Road Fund the amount  
9 estimated to represent 48% of the net revenue realized from  
10 the taxes imposed on motor fuel and gasohol. Beginning July 1,  
11 2024 and until July 1, 2025, subject to the payment of amounts  
12 into the State and Local Sales Tax Reform Fund, the Build  
13 Illinois Fund, the McCormick Place Expansion Project Fund, the  
14 Illinois Tax Increment Fund, the Energy Infrastructure Fund,  
15 and the Tax Compliance and Administration Fund as provided in  
16 this Section, the Department shall pay each month into the  
17 Road Fund the amount estimated to represent 64% of the net  
18 revenue realized from the taxes imposed on motor fuel and  
19 gasohol. Beginning on July 1, 2025, subject to the payment of  
20 amounts into the State and Local Sales Tax Reform Fund, the  
21 Build Illinois Fund, the McCormick Place Expansion Project  
22 Fund, the Illinois Tax Increment Fund, the Energy  
23 Infrastructure Fund, and the Tax Compliance and Administration  
24 Fund as provided in this Section, the Department shall pay  
25 each month into the Road Fund the amount estimated to  
26 represent 80% of the net revenue realized from the taxes

1 imposed on motor fuel and gasohol. As used in this paragraph  
2 "motor fuel" has the meaning given to that term in Section 1.1  
3 of the Motor Fuel Tax Law, and "gasohol" has the meaning given  
4 to that term in Section 3-40 of this Act.

5 Of the remainder of the moneys received by the Department  
6 pursuant to this Act, 75% thereof shall be paid into the State  
7 Treasury and 25% shall be reserved in a special account and  
8 used only for the transfer to the Common School Fund as part of  
9 the monthly transfer from the General Revenue Fund in  
10 accordance with Section 8a of the State Finance Act.

11 As soon as possible after the first day of each month, upon  
12 certification of the Department of Revenue, the Comptroller  
13 shall order transferred and the Treasurer shall transfer from  
14 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
15 equal to 1.7% of 80% of the net revenue realized under this Act  
16 for the second preceding month. Beginning April 1, 2000, this  
17 transfer is no longer required and shall not be made.

18 Net revenue realized for a month shall be the revenue  
19 collected by the State pursuant to this Act, less the amount  
20 paid out during that month as refunds to taxpayers for  
21 overpayment of liability.

22 For greater simplicity of administration, manufacturers,  
23 importers and wholesalers whose products are sold at retail in  
24 Illinois by numerous retailers, and who wish to do so, may  
25 assume the responsibility for accounting and paying to the  
26 Department all tax accruing under this Act with respect to

1 such sales, if the retailers who are affected do not make  
2 written objection to the Department to this arrangement.

3 (Source: P.A. 101-10, Article 15, Section 15-10, eff. 6-5-19;  
4 101-10, Article 25, Section 25-105, eff. 6-5-19; 101-27, eff.  
5 6-25-19; 101-32, eff. 6-28-19; 101-604, eff. 12-13-19;  
6 101-636, eff. 6-10-20; 102-700, Article 60, Section 60-15,  
7 eff. 4-19-22; 102-700, Article 65, Section 65-5, eff. 4-19-22;  
8 102-1019, eff. 1-1-23; revised 12-13-22.)

9 Section 200. The Service Use Tax Act is amended by  
10 changing Sections 3-5 and 3-10 as follows:

11 (35 ILCS 110/3-5)

12 Sec. 3-5. Exemptions. Use of the following tangible  
13 personal property is exempt from the tax imposed by this Act:

14 (1) Personal property purchased from a corporation,  
15 society, association, foundation, institution, or  
16 organization, other than a limited liability company, that is  
17 organized and operated as a not-for-profit service enterprise  
18 for the benefit of persons 65 years of age or older if the  
19 personal property was not purchased by the enterprise for the  
20 purpose of resale by the enterprise.

21 (2) Personal property purchased by a non-profit Illinois  
22 county fair association for use in conducting, operating, or  
23 promoting the county fair.

24 (3) Personal property purchased by a not-for-profit arts



1 or cultural organization that establishes, by proof required  
2 by the Department by rule, that it has received an exemption  
3 under Section 501(c)(3) of the Internal Revenue Code and that  
4 is organized and operated primarily for the presentation or  
5 support of arts or cultural programming, activities, or  
6 services. These organizations include, but are not limited to,  
7 music and dramatic arts organizations such as symphony  
8 orchestras and theatrical groups, arts and cultural service  
9 organizations, local arts councils, visual arts organizations,  
10 and media arts organizations. On and after July 1, 2001 (the  
11 effective date of Public Act 92-35), however, an entity  
12 otherwise eligible for this exemption shall not make tax-free  
13 purchases unless it has an active identification number issued  
14 by the Department.

15 (4) Legal tender, currency, medallions, or gold or silver  
16 coinage issued by the State of Illinois, the government of the  
17 United States of America, or the government of any foreign  
18 country, and bullion.

19 (5) Until July 1, 2003 and beginning again on September 1,  
20 2004 through August 30, 2014, graphic arts machinery and  
21 equipment, including repair and replacement parts, both new  
22 and used, and including that manufactured on special order or  
23 purchased for lease, certified by the purchaser to be used  
24 primarily for graphic arts production. Equipment includes  
25 chemicals or chemicals acting as catalysts but only if the  
26 chemicals or chemicals acting as catalysts effect a direct and

1 immediate change upon a graphic arts product. Beginning on  
2 July 1, 2017, graphic arts machinery and equipment is included  
3 in the manufacturing and assembling machinery and equipment  
4 exemption under Section 2 of this Act.

5 (6) Personal property purchased from a teacher-sponsored  
6 student organization affiliated with an elementary or  
7 secondary school located in Illinois.

8 (7) Farm machinery and equipment, both new and used,  
9 including that manufactured on special order, certified by the  
10 purchaser to be used primarily for production agriculture or  
11 State or federal agricultural programs, including individual  
12 replacement parts for the machinery and equipment, including  
13 machinery and equipment purchased for lease, and including  
14 implements of husbandry defined in Section 1-130 of the  
15 Illinois Vehicle Code, farm machinery and agricultural  
16 chemical and fertilizer spreaders, and nurse wagons required  
17 to be registered under Section 3-809 of the Illinois Vehicle  
18 Code, but excluding other motor vehicles required to be  
19 registered under the Illinois Vehicle Code. Horticultural  
20 polyhouses or hoop houses used for propagating, growing, or  
21 overwintering plants shall be considered farm machinery and  
22 equipment under this item (7). Agricultural chemical tender  
23 tanks and dry boxes shall include units sold separately from a  
24 motor vehicle required to be licensed and units sold mounted  
25 on a motor vehicle required to be licensed if the selling price  
26 of the tender is separately stated.

1 Farm machinery and equipment shall include precision  
2 farming equipment that is installed or purchased to be  
3 installed on farm machinery and equipment including, but not  
4 limited to, tractors, harvesters, sprayers, planters, seeders,  
5 or spreaders. Precision farming equipment includes, but is not  
6 limited to, soil testing sensors, computers, monitors,  
7 software, global positioning and mapping systems, and other  
8 such equipment.

9 Farm machinery and equipment also includes computers,  
10 sensors, software, and related equipment used primarily in the  
11 computer-assisted operation of production agriculture  
12 facilities, equipment, and activities such as, but not limited  
13 to, the collection, monitoring, and correlation of animal and  
14 crop data for the purpose of formulating animal diets and  
15 agricultural chemicals. This item (7) is exempt from the  
16 provisions of Section 3-75.

17 (8) Until June 30, 2013, fuel and petroleum products sold  
18 to or used by an air common carrier, certified by the carrier  
19 to be used for consumption, shipment, or storage in the  
20 conduct of its business as an air common carrier, for a flight  
21 destined for or returning from a location or locations outside  
22 the United States without regard to previous or subsequent  
23 domestic stopovers.

24 Beginning July 1, 2013, fuel and petroleum products sold  
25 to or used by an air carrier, certified by the carrier to be  
26 used for consumption, shipment, or storage in the conduct of

1 its business as an air common carrier, for a flight that (i) is  
2 engaged in foreign trade or is engaged in trade between the  
3 United States and any of its possessions and (ii) transports  
4 at least one individual or package for hire from the city of  
5 origination to the city of final destination on the same  
6 aircraft, without regard to a change in the flight number of  
7 that aircraft.

8 (9) Proceeds of mandatory service charges separately  
9 stated on customers' bills for the purchase and consumption of  
10 food and beverages acquired as an incident to the purchase of a  
11 service from a serviceman, to the extent that the proceeds of  
12 the service charge are in fact turned over as tips or as a  
13 substitute for tips to the employees who participate directly  
14 in preparing, serving, hosting or cleaning up the food or  
15 beverage function with respect to which the service charge is  
16 imposed.

17 (10) Until July 1, 2003, oil field exploration, drilling,  
18 and production equipment, including (i) rigs and parts of  
19 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)  
20 pipe and tubular goods, including casing and drill strings,  
21 (iii) pumps and pump-jack units, (iv) storage tanks and flow  
22 lines, (v) any individual replacement part for oil field  
23 exploration, drilling, and production equipment, and (vi)  
24 machinery and equipment purchased for lease; but excluding  
25 motor vehicles required to be registered under the Illinois  
26 Vehicle Code.

1           (11) Proceeds from the sale of photoprocessing machinery  
2 and equipment, including repair and replacement parts, both  
3 new and used, including that manufactured on special order,  
4 certified by the purchaser to be used primarily for  
5 photoprocessing, and including photoprocessing machinery and  
6 equipment purchased for lease.

7           (12) Until July 1, 2028, coal and aggregate exploration,  
8 mining, off-highway hauling, processing, maintenance, and  
9 reclamation equipment, including replacement parts and  
10 equipment, and including equipment purchased for lease, but  
11 excluding motor vehicles required to be registered under the  
12 Illinois Vehicle Code. The changes made to this Section by  
13 Public Act 97-767 apply on and after July 1, 2003, but no claim  
14 for credit or refund is allowed on or after August 16, 2013  
15 (the effective date of Public Act 98-456) for such taxes paid  
16 during the period beginning July 1, 2003 and ending on August  
17 16, 2013 (the effective date of Public Act 98-456).

18           (13) Semen used for artificial insemination of livestock  
19 for direct agricultural production.

20           (14) Horses, or interests in horses, registered with and  
21 meeting the requirements of any of the Arabian Horse Club  
22 Registry of America, Appaloosa Horse Club, American Quarter  
23 Horse Association, United States Trotting Association, or  
24 Jockey Club, as appropriate, used for purposes of breeding or  
25 racing for prizes. This item (14) is exempt from the  
26 provisions of Section 3-75, and the exemption provided for

1 under this item (14) applies for all periods beginning May 30,  
2 1995, but no claim for credit or refund is allowed on or after  
3 January 1, 2008 (the effective date of Public Act 95-88) for  
4 such taxes paid during the period beginning May 30, 2000 and  
5 ending on January 1, 2008 (the effective date of Public Act  
6 95-88).

7 (15) Computers and communications equipment utilized for  
8 any hospital purpose and equipment used in the diagnosis,  
9 analysis, or treatment of hospital patients purchased by a  
10 lessor who leases the equipment, under a lease of one year or  
11 longer executed or in effect at the time the lessor would  
12 otherwise be subject to the tax imposed by this Act, to a  
13 hospital that has been issued an active tax exemption  
14 identification number by the Department under Section 1g of  
15 the Retailers' Occupation Tax Act. If the equipment is leased  
16 in a manner that does not qualify for this exemption or is used  
17 in any other non-exempt manner, the lessor shall be liable for  
18 the tax imposed under this Act or the Use Tax Act, as the case  
19 may be, based on the fair market value of the property at the  
20 time the non-qualifying use occurs. No lessor shall collect or  
21 attempt to collect an amount (however designated) that  
22 purports to reimburse that lessor for the tax imposed by this  
23 Act or the Use Tax Act, as the case may be, if the tax has not  
24 been paid by the lessor. If a lessor improperly collects any  
25 such amount from the lessee, the lessee shall have a legal  
26 right to claim a refund of that amount from the lessor. If,

1 however, that amount is not refunded to the lessee for any  
2 reason, the lessor is liable to pay that amount to the  
3 Department.

4 (16) Personal property purchased by a lessor who leases  
5 the property, under a lease of one year or longer executed or  
6 in effect at the time the lessor would otherwise be subject to  
7 the tax imposed by this Act, to a governmental body that has  
8 been issued an active tax exemption identification number by  
9 the Department under Section 1g of the Retailers' Occupation  
10 Tax Act. If the property is leased in a manner that does not  
11 qualify for this exemption or is used in any other non-exempt  
12 manner, the lessor shall be liable for the tax imposed under  
13 this Act or the Use Tax Act, as the case may be, based on the  
14 fair market value of the property at the time the  
15 non-qualifying use occurs. No lessor shall collect or attempt  
16 to collect an amount (however designated) that purports to  
17 reimburse that lessor for the tax imposed by this Act or the  
18 Use Tax Act, as the case may be, if the tax has not been paid  
19 by the lessor. If a lessor improperly collects any such amount  
20 from the lessee, the lessee shall have a legal right to claim a  
21 refund of that amount from the lessor. If, however, that  
22 amount is not refunded to the lessee for any reason, the lessor  
23 is liable to pay that amount to the Department.

24 (17) Beginning with taxable years ending on or after  
25 December 31, 1995 and ending with taxable years ending on or  
26 before December 31, 2004, personal property that is donated

1 for disaster relief to be used in a State or federally declared  
2 disaster area in Illinois or bordering Illinois by a  
3 manufacturer or retailer that is registered in this State to a  
4 corporation, society, association, foundation, or institution  
5 that has been issued a sales tax exemption identification  
6 number by the Department that assists victims of the disaster  
7 who reside within the declared disaster area.

8 (18) Beginning with taxable years ending on or after  
9 December 31, 1995 and ending with taxable years ending on or  
10 before December 31, 2004, personal property that is used in  
11 the performance of infrastructure repairs in this State,  
12 including but not limited to municipal roads and streets,  
13 access roads, bridges, sidewalks, waste disposal systems,  
14 water and sewer line extensions, water distribution and  
15 purification facilities, storm water drainage and retention  
16 facilities, and sewage treatment facilities, resulting from a  
17 State or federally declared disaster in Illinois or bordering  
18 Illinois when such repairs are initiated on facilities located  
19 in the declared disaster area within 6 months after the  
20 disaster.

21 (19) Beginning July 1, 1999, game or game birds purchased  
22 at a "game breeding and hunting preserve area" as that term is  
23 used in the Wildlife Code. This paragraph is exempt from the  
24 provisions of Section 3-75.

25 (20) A motor vehicle, as that term is defined in Section  
26 1-146 of the Illinois Vehicle Code, that is donated to a



1 corporation, limited liability company, society, association,  
2 foundation, or institution that is determined by the  
3 Department to be organized and operated exclusively for  
4 educational purposes. For purposes of this exemption, "a  
5 corporation, limited liability company, society, association,  
6 foundation, or institution organized and operated exclusively  
7 for educational purposes" means all tax-supported public  
8 schools, private schools that offer systematic instruction in  
9 useful branches of learning by methods common to public  
10 schools and that compare favorably in their scope and  
11 intensity with the course of study presented in tax-supported  
12 schools, and vocational or technical schools or institutes  
13 organized and operated exclusively to provide a course of  
14 study of not less than 6 weeks duration and designed to prepare  
15 individuals to follow a trade or to pursue a manual,  
16 technical, mechanical, industrial, business, or commercial  
17 occupation.

18 (21) Beginning January 1, 2000, personal property,  
19 including food, purchased through fundraising events for the  
20 benefit of a public or private elementary or secondary school,  
21 a group of those schools, or one or more school districts if  
22 the events are sponsored by an entity recognized by the school  
23 district that consists primarily of volunteers and includes  
24 parents and teachers of the school children. This paragraph  
25 does not apply to fundraising events (i) for the benefit of  
26 private home instruction or (ii) for which the fundraising

1 entity purchases the personal property sold at the events from  
2 another individual or entity that sold the property for the  
3 purpose of resale by the fundraising entity and that profits  
4 from the sale to the fundraising entity. This paragraph is  
5 exempt from the provisions of Section 3-75.

6 (22) Beginning January 1, 2000 and through December 31,  
7 2001, new or used automatic vending machines that prepare and  
8 serve hot food and beverages, including coffee, soup, and  
9 other items, and replacement parts for these machines.  
10 Beginning January 1, 2002 and through June 30, 2003, machines  
11 and parts for machines used in commercial, coin-operated  
12 amusement and vending business if a use or occupation tax is  
13 paid on the gross receipts derived from the use of the  
14 commercial, coin-operated amusement and vending machines. This  
15 paragraph is exempt from the provisions of Section 3-75.

16 (23) Beginning August 23, 2001 and through June 30, 2016,  
17 food for human consumption that is to be consumed off the  
18 premises where it is sold (other than alcoholic beverages,  
19 soft drinks, and food that has been prepared for immediate  
20 consumption) and prescription and nonprescription medicines,  
21 drugs, medical appliances, and insulin, urine testing  
22 materials, syringes, and needles used by diabetics, for human  
23 use, when purchased for use by a person receiving medical  
24 assistance under Article V of the Illinois Public Aid Code who  
25 resides in a licensed long-term care facility, as defined in  
26 the Nursing Home Care Act, or in a licensed facility as defined

1 in the ID/DD Community Care Act, the MC/DD Act, or the  
2 Specialized Mental Health Rehabilitation Act of 2013.

3 (24) Beginning on August 2, 2001 (the effective date of  
4 Public Act 92-227), computers and communications equipment  
5 utilized for any hospital purpose and equipment used in the  
6 diagnosis, analysis, or treatment of hospital patients  
7 purchased by a lessor who leases the equipment, under a lease  
8 of one year or longer executed or in effect at the time the  
9 lessor would otherwise be subject to the tax imposed by this  
10 Act, to a hospital that has been issued an active tax exemption  
11 identification number by the Department under Section 1g of  
12 the Retailers' Occupation Tax Act. If the equipment is leased  
13 in a manner that does not qualify for this exemption or is used  
14 in any other nonexempt manner, the lessor shall be liable for  
15 the tax imposed under this Act or the Use Tax Act, as the case  
16 may be, based on the fair market value of the property at the  
17 time the nonqualifying use occurs. No lessor shall collect or  
18 attempt to collect an amount (however designated) that  
19 purports to reimburse that lessor for the tax imposed by this  
20 Act or the Use Tax Act, as the case may be, if the tax has not  
21 been paid by the lessor. If a lessor improperly collects any  
22 such amount from the lessee, the lessee shall have a legal  
23 right to claim a refund of that amount from the lessor. If,  
24 however, that amount is not refunded to the lessee for any  
25 reason, the lessor is liable to pay that amount to the  
26 Department. This paragraph is exempt from the provisions of

1 Section 3-75.

2 (25) Beginning on August 2, 2001 (the effective date of  
3 Public Act 92-227), personal property purchased by a lessor  
4 who leases the property, under a lease of one year or longer  
5 executed or in effect at the time the lessor would otherwise be  
6 subject to the tax imposed by this Act, to a governmental body  
7 that has been issued an active tax exemption identification  
8 number by the Department under Section 1g of the Retailers'  
9 Occupation Tax Act. If the property is leased in a manner that  
10 does not qualify for this exemption or is used in any other  
11 nonexempt manner, the lessor shall be liable for the tax  
12 imposed under this Act or the Use Tax Act, as the case may be,  
13 based on the fair market value of the property at the time the  
14 nonqualifying use occurs. No lessor shall collect or attempt  
15 to collect an amount (however designated) that purports to  
16 reimburse that lessor for the tax imposed by this Act or the  
17 Use Tax Act, as the case may be, if the tax has not been paid  
18 by the lessor. If a lessor improperly collects any such amount  
19 from the lessee, the lessee shall have a legal right to claim a  
20 refund of that amount from the lessor. If, however, that  
21 amount is not refunded to the lessee for any reason, the lessor  
22 is liable to pay that amount to the Department. This paragraph  
23 is exempt from the provisions of Section 3-75.

24 (26) Beginning January 1, 2008, tangible personal property  
25 used in the construction or maintenance of a community water  
26 supply, as defined under Section 3.145 of the Environmental

1 Protection Act, that is operated by a not-for-profit  
2 corporation that holds a valid water supply permit issued  
3 under Title IV of the Environmental Protection Act. This  
4 paragraph is exempt from the provisions of Section 3-75.

5 (27) Beginning January 1, 2010 and continuing through  
6 December 31, 2024, materials, parts, equipment, components,  
7 and furnishings incorporated into or upon an aircraft as part  
8 of the modification, refurbishment, completion, replacement,  
9 repair, or maintenance of the aircraft. This exemption  
10 includes consumable supplies used in the modification,  
11 refurbishment, completion, replacement, repair, and  
12 maintenance of aircraft, but excludes any materials, parts,  
13 equipment, components, and consumable supplies used in the  
14 modification, replacement, repair, and maintenance of aircraft  
15 engines or power plants, whether such engines or power plants  
16 are installed or uninstalled upon any such aircraft.  
17 "Consumable supplies" include, but are not limited to,  
18 adhesive, tape, sandpaper, general purpose lubricants,  
19 cleaning solution, latex gloves, and protective films. This  
20 exemption applies only to the use of qualifying tangible  
21 personal property transferred incident to the modification,  
22 refurbishment, completion, replacement, repair, or maintenance  
23 of aircraft by persons who (i) hold an Air Agency Certificate  
24 and are empowered to operate an approved repair station by the  
25 Federal Aviation Administration, (ii) have a Class IV Rating,  
26 and (iii) conduct operations in accordance with Part 145 of

1 the Federal Aviation Regulations. The exemption does not  
2 include aircraft operated by a commercial air carrier  
3 providing scheduled passenger air service pursuant to  
4 authority issued under Part 121 or Part 129 of the Federal  
5 Aviation Regulations. The changes made to this paragraph (27)  
6 by Public Act 98-534 are declarative of existing law. It is the  
7 intent of the General Assembly that the exemption under this  
8 paragraph (27) applies continuously from January 1, 2010  
9 through December 31, 2024; however, no claim for credit or  
10 refund is allowed for taxes paid as a result of the  
11 disallowance of this exemption on or after January 1, 2015 and  
12 prior to February 5, 2020 (the effective date of Public Act  
13 101-629) ~~this amendatory Act of the 101st General Assembly.~~

14 (28) Tangible personal property purchased by a  
15 public-facilities corporation, as described in Section  
16 11-65-10 of the Illinois Municipal Code, for purposes of  
17 constructing or furnishing a municipal convention hall, but  
18 only if the legal title to the municipal convention hall is  
19 transferred to the municipality without any further  
20 consideration by or on behalf of the municipality at the time  
21 of the completion of the municipal convention hall or upon the  
22 retirement or redemption of any bonds or other debt  
23 instruments issued by the public-facilities corporation in  
24 connection with the development of the municipal convention  
25 hall. This exemption includes existing public-facilities  
26 corporations as provided in Section 11-65-25 of the Illinois

1 Municipal Code. This paragraph is exempt from the provisions  
2 of Section 3-75.

3 (29) Beginning January 1, 2017 and through December 31,  
4 2026, menstrual pads, tampons, and menstrual cups.

5 (30) Tangible personal property transferred to a purchaser  
6 who is exempt from the tax imposed by this Act by operation of  
7 federal law. This paragraph is exempt from the provisions of  
8 Section 3-75.

9 (31) Qualified tangible personal property used in the  
10 construction or operation of a data center that has been  
11 granted a certificate of exemption by the Department of  
12 Commerce and Economic Opportunity, whether that tangible  
13 personal property is purchased by the owner, operator, or  
14 tenant of the data center or by a contractor or subcontractor  
15 of the owner, operator, or tenant. Data centers that would  
16 have qualified for a certificate of exemption prior to January  
17 1, 2020 had Public Act 101-31 ~~this amendatory Act of the 101st~~  
18 ~~General Assembly~~ been in effect, may apply for and obtain an  
19 exemption for subsequent purchases of computer equipment or  
20 enabling software purchased or leased to upgrade, supplement,  
21 or replace computer equipment or enabling software purchased  
22 or leased in the original investment that would have  
23 qualified.

24 The Department of Commerce and Economic Opportunity shall  
25 grant a certificate of exemption under this item (31) to  
26 qualified data centers as defined by Section 605-1025 of the

1 Department of Commerce and Economic Opportunity Law of the  
2 Civil Administrative Code of Illinois.

3 For the purposes of this item (31):

4 "Data center" means a building or a series of  
5 buildings rehabilitated or constructed to house working  
6 servers in one physical location or multiple sites within  
7 the State of Illinois.

8 "Qualified tangible personal property" means:  
9 electrical systems and equipment; climate control and  
10 chilling equipment and systems; mechanical systems and  
11 equipment; monitoring and secure systems; emergency  
12 generators; hardware; computers; servers; data storage  
13 devices; network connectivity equipment; racks; cabinets;  
14 telecommunications cabling infrastructure; raised floor  
15 systems; peripheral components or systems; software;  
16 mechanical, electrical, or plumbing systems; battery  
17 systems; cooling systems and towers; temperature control  
18 systems; other cabling; and other data center  
19 infrastructure equipment and systems necessary to operate  
20 qualified tangible personal property, including fixtures;  
21 and component parts of any of the foregoing, including  
22 installation, maintenance, repair, refurbishment, and  
23 replacement of qualified tangible personal property to  
24 generate, transform, transmit, distribute, or manage  
25 electricity necessary to operate qualified tangible  
26 personal property; and all other tangible personal



1 property that is essential to the operations of a computer  
2 data center. The term "qualified tangible personal  
3 property" also includes building materials physically  
4 incorporated in to the qualifying data center. To document  
5 the exemption allowed under this Section, the retailer  
6 must obtain from the purchaser a copy of the certificate  
7 of eligibility issued by the Department of Commerce and  
8 Economic Opportunity.

9 This item (31) is exempt from the provisions of Section  
10 3-75.

11 (32) Beginning July 1, 2022, breast pumps, breast pump  
12 collection and storage supplies, and breast pump kits. This  
13 item (32) is exempt from the provisions of Section 3-75. As  
14 used in this item (32):

15 "Breast pump" means an electrically controlled or  
16 manually controlled pump device designed or marketed to be  
17 used to express milk from a human breast during lactation,  
18 including the pump device and any battery, AC adapter, or  
19 other power supply unit that is used to power the pump  
20 device and is packaged and sold with the pump device at the  
21 time of sale.

22 "Breast pump collection and storage supplies" means  
23 items of tangible personal property designed or marketed  
24 to be used in conjunction with a breast pump to collect  
25 milk expressed from a human breast and to store collected  
26 milk until it is ready for consumption.

1 "Breast pump collection and storage supplies"  
2 includes, but is not limited to: breast shields and breast  
3 shield connectors; breast pump tubes and tubing adapters;  
4 breast pump valves and membranes; backflow protectors and  
5 backflow protector adaptors; bottles and bottle caps  
6 specific to the operation of the breast pump; and breast  
7 milk storage bags.

8 "Breast pump collection and storage supplies" does not  
9 include: (1) bottles and bottle caps not specific to the  
10 operation of the breast pump; (2) breast pump travel bags  
11 and other similar carrying accessories, including ice  
12 packs, labels, and other similar products; (3) breast pump  
13 cleaning supplies; (4) nursing bras, bra pads, breast  
14 shells, and other similar products; and (5) creams,  
15 ointments, and other similar products that relieve  
16 breastfeeding-related symptoms or conditions of the  
17 breasts or nipples, unless sold as part of a breast pump  
18 kit that is pre-packaged by the breast pump manufacturer  
19 or distributor.

20 "Breast pump kit" means a kit that: (1) contains no  
21 more than a breast pump, breast pump collection and  
22 storage supplies, a rechargeable battery for operating the  
23 breast pump, a breastmilk cooler, bottle stands, ice  
24 packs, and a breast pump carrying case; and (2) is  
25 pre-packaged as a breast pump kit by the breast pump  
26 manufacturer or distributor.

1        (33) ~~(32)~~ Tangible personal property sold by or on behalf  
2 of the State Treasurer pursuant to the Revised Uniform  
3 Unclaimed Property Act. This item (33) ~~(32)~~ is exempt from the  
4 provisions of Section 3-75.

5        (Source: P.A. 101-31, eff. 6-28-19; 101-81, eff. 7-12-19;  
6 101-629, eff. 2-5-20; 102-16, eff. 6-17-21; 102-700, Article  
7 70, Section 70-10, eff. 4-19-22; 102-700, Article 75, Section  
8 75-10, eff. 4-19-22; 102-1026, eff. 5-27-22; revised 8-3-22.)

9        (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

10        Sec. 3-10. Rate of tax. Unless otherwise provided in this  
11 Section, the tax imposed by this Act is at the rate of 6.25% of  
12 the selling price of tangible personal property transferred as  
13 an incident to the sale of service, but, for the purpose of  
14 computing this tax, in no event shall the selling price be less  
15 than the cost price of the property to the serviceman.

16        Beginning on July 1, 2000 and through December 31, 2000,  
17 with respect to motor fuel, as defined in Section 1.1 of the  
18 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
19 the Use Tax Act, the tax is imposed at the rate of 1.25%.

20        With respect to gasohol, as defined in the Use Tax Act, the  
21 tax imposed by this Act applies to (i) 70% of the selling price  
22 of property transferred as an incident to the sale of service  
23 on or after January 1, 1990, and before July 1, 2003, (ii) 80%  
24 of the selling price of property transferred as an incident to  
25 the sale of service on or after July 1, 2003 and on or before

1 July 1, 2017, and (iii) 100% of the selling price thereafter.  
2 If, at any time, however, the tax under this Act on sales of  
3 gasohol, as defined in the Use Tax Act, is imposed at the rate  
4 of 1.25%, then the tax imposed by this Act applies to 100% of  
5 the proceeds of sales of gasohol made during that time.

6 With respect to majority blended ethanol fuel, as defined  
7 in the Use Tax Act, the tax imposed by this Act does not apply  
8 to the selling price of property transferred as an incident to  
9 the sale of service on or after July 1, 2003 and on or before  
10 December 31, 2023 but applies to 100% of the selling price  
11 thereafter.

12 With respect to biodiesel blends, as defined in the Use  
13 Tax Act, with no less than 1% and no more than 10% biodiesel,  
14 the tax imposed by this Act applies to (i) 80% of the selling  
15 price of property transferred as an incident to the sale of  
16 service on or after July 1, 2003 and on or before December 31,  
17 2018 and (ii) 100% of the proceeds of the selling price after  
18 December 31, 2018 and before January 1, 2024. On and after  
19 January 1, 2024 and on or before December 31, 2030, the  
20 taxation of biodiesel, renewable diesel, and biodiesel blends  
21 shall be as provided in Section 3-5.1 of the Use Tax Act. If,  
22 at any time, however, the tax under this Act on sales of  
23 biodiesel blends, as defined in the Use Tax Act, with no less  
24 than 1% and no more than 10% biodiesel is imposed at the rate  
25 of 1.25%, then the tax imposed by this Act applies to 100% of  
26 the proceeds of sales of biodiesel blends with no less than 1%

1 and no more than 10% biodiesel made during that time.

2 With respect to biodiesel, as defined in the Use Tax Act,  
3 and biodiesel blends, as defined in the Use Tax Act, with more  
4 than 10% but no more than 99% biodiesel, the tax imposed by  
5 this Act does not apply to the proceeds of the selling price of  
6 property transferred as an incident to the sale of service on  
7 or after July 1, 2003 and on or before December 31, 2023. On  
8 and after January 1, 2024 and on or before December 31, 2030,  
9 the taxation of biodiesel, renewable diesel, and biodiesel  
10 blends shall be as provided in Section 3-5.1 of the Use Tax  
11 Act.

12 At the election of any registered serviceman made for each  
13 fiscal year, sales of service in which the aggregate annual  
14 cost price of tangible personal property transferred as an  
15 incident to the sales of service is less than 35%, or 75% in  
16 the case of servicemen transferring prescription drugs or  
17 servicemen engaged in graphic arts production, of the  
18 aggregate annual total gross receipts from all sales of  
19 service, the tax imposed by this Act shall be based on the  
20 serviceman's cost price of the tangible personal property  
21 transferred as an incident to the sale of those services.

22 Until July 1, 2022 and beginning again on July 1, 2023, the  
23 tax shall be imposed at the rate of 1% on food prepared for  
24 immediate consumption and transferred incident to a sale of  
25 service subject to this Act or the Service Occupation Tax Act  
26 by an entity licensed under the Hospital Licensing Act, the

1 Nursing Home Care Act, the Assisted Living and Shared Housing  
2 Act, the ID/DD Community Care Act, the MC/DD Act, the  
3 Specialized Mental Health Rehabilitation Act of 2013, or the  
4 Child Care Act of 1969, or an entity that holds a permit issued  
5 pursuant to the Life Care Facilities Act. Until July 1, 2022  
6 and beginning again on July 1, 2023, the tax shall also be  
7 imposed at the rate of 1% on food for human consumption that is  
8 to be consumed off the premises where it is sold (other than  
9 alcoholic beverages, food consisting of or infused with adult  
10 use cannabis, soft drinks, and food that has been prepared for  
11 immediate consumption and is not otherwise included in this  
12 paragraph).

13 Beginning on July 1, 2022 and until July 1, 2023, the tax  
14 shall be imposed at the rate of 0% on food prepared for  
15 immediate consumption and transferred incident to a sale of  
16 service subject to this Act or the Service Occupation Tax Act  
17 by an entity licensed under the Hospital Licensing Act, the  
18 Nursing Home Care Act, the Assisted Living and Shared Housing  
19 Act, the ID/DD Community Care Act, the MC/DD Act, the  
20 Specialized Mental Health Rehabilitation Act of 2013, or the  
21 Child Care Act of 1969, or an entity that holds a permit issued  
22 pursuant to the Life Care Facilities Act. Beginning on July 1,  
23 2022 and until July 1, 2023, the tax shall also be imposed at  
24 the rate of 0% on food for human consumption that is to be  
25 consumed off the premises where it is sold (other than  
26 alcoholic beverages, food consisting of or infused with adult

1 use cannabis, soft drinks, and food that has been prepared for  
2 immediate consumption and is not otherwise included in this  
3 paragraph).

4 The tax shall also be imposed at the rate of 1% on  
5 prescription and nonprescription medicines, drugs, medical  
6 appliances, products classified as Class III medical devices  
7 by the United States Food and Drug Administration that are  
8 used for cancer treatment pursuant to a prescription, as well  
9 as any accessories and components related to those devices,  
10 modifications to a motor vehicle for the purpose of rendering  
11 it usable by a person with a disability, and insulin, blood  
12 sugar testing materials, syringes, and needles used by human  
13 diabetics. For the purposes of this Section, until September  
14 1, 2009: the term "soft drinks" means any complete, finished,  
15 ready-to-use, non-alcoholic drink, whether carbonated or not,  
16 including, but not limited to, soda water, cola, fruit juice,  
17 vegetable juice, carbonated water, and all other preparations  
18 commonly known as soft drinks of whatever kind or description  
19 that are contained in any closed or sealed bottle, can,  
20 carton, or container, regardless of size; but "soft drinks"  
21 does not include coffee, tea, non-carbonated water, infant  
22 formula, milk or milk products as defined in the Grade A  
23 Pasteurized Milk and Milk Products Act, or drinks containing  
24 50% or more natural fruit or vegetable juice.

25 Notwithstanding any other provisions of this Act,  
26 beginning September 1, 2009, "soft drinks" means non-alcoholic

1 beverages that contain natural or artificial sweeteners. "Soft  
2 drinks" does ~~do~~ not include beverages that contain milk or  
3 milk products, soy, rice or similar milk substitutes, or  
4 greater than 50% of vegetable or fruit juice by volume.

5       Until August 1, 2009, and notwithstanding any other  
6 provisions of this Act, "food for human consumption that is to  
7 be consumed off the premises where it is sold" includes all  
8 food sold through a vending machine, except soft drinks and  
9 food products that are dispensed hot from a vending machine,  
10 regardless of the location of the vending machine. Beginning  
11 August 1, 2009, and notwithstanding any other provisions of  
12 this Act, "food for human consumption that is to be consumed  
13 off the premises where it is sold" includes all food sold  
14 through a vending machine, except soft drinks, candy, and food  
15 products that are dispensed hot from a vending machine,  
16 regardless of the location of the vending machine.

17       Notwithstanding any other provisions of this Act,  
18 beginning September 1, 2009, "food for human consumption that  
19 is to be consumed off the premises where it is sold" does not  
20 include candy. For purposes of this Section, "candy" means a  
21 preparation of sugar, honey, or other natural or artificial  
22 sweeteners in combination with chocolate, fruits, nuts or  
23 other ingredients or flavorings in the form of bars, drops, or  
24 pieces. "Candy" does not include any preparation that contains  
25 flour or requires refrigeration.

26       Notwithstanding any other provisions of this Act,



1 beginning September 1, 2009, "nonprescription medicines and  
2 drugs" does not include grooming and hygiene products. For  
3 purposes of this Section, "grooming and hygiene products"  
4 includes, but is not limited to, soaps and cleaning solutions,  
5 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
6 lotions and screens, unless those products are available by  
7 prescription only, regardless of whether the products meet the  
8 definition of "over-the-counter-drugs". For the purposes of  
9 this paragraph, "over-the-counter-drug" means a drug for human  
10 use that contains a label that identifies the product as a drug  
11 as required by 21 CFR ~~C.F.R.~~ § 201.66. The  
12 "over-the-counter-drug" label includes:

13 (A) a ~~A~~ "Drug Facts" panel; or

14 (B) a ~~A~~ statement of the "active ingredient(s)" with a  
15 list of those ingredients contained in the compound,  
16 substance or preparation.

17 Beginning on January 1, 2014 (the effective date of Public  
18 Act 98-122), "prescription and nonprescription medicines and  
19 drugs" includes medical cannabis purchased from a registered  
20 dispensing organization under the Compassionate Use of Medical  
21 Cannabis Program Act.

22 As used in this Section, "adult use cannabis" means  
23 cannabis subject to tax under the Cannabis Cultivation  
24 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law  
25 and does not include cannabis subject to tax under the  
26 Compassionate Use of Medical Cannabis Program Act.

1           If the property that is acquired from a serviceman is  
2 acquired outside Illinois and used outside Illinois before  
3 being brought to Illinois for use here and is taxable under  
4 this Act, the "selling price" on which the tax is computed  
5 shall be reduced by an amount that represents a reasonable  
6 allowance for depreciation for the period of prior  
7 out-of-state use.

8           (Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19;  
9 102-4, eff. 4-27-21; 102-16, eff. 6-17-21; 102-700, Article  
10 20, Section 20-10, eff. 4-19-22; 102-700, Article 60, Section  
11 60-20, eff. 4-19-22; revised 6-1-22.)

12           Section 205. The Service Occupation Tax Act is amended by  
13 changing Sections 3-5 and 3-10 as follows:

14           (35 ILCS 115/3-5)

15           Sec. 3-5. Exemptions. The following tangible personal  
16 property is exempt from the tax imposed by this Act:

17           (1) Personal property sold by a corporation, society,  
18 association, foundation, institution, or organization, other  
19 than a limited liability company, that is organized and  
20 operated as a not-for-profit service enterprise for the  
21 benefit of persons 65 years of age or older if the personal  
22 property was not purchased by the enterprise for the purpose  
23 of resale by the enterprise.

24           (2) Personal property purchased by a not-for-profit

1 Illinois county fair association for use in conducting,  
2 operating, or promoting the county fair.

3 (3) Personal property purchased by any not-for-profit arts  
4 or cultural organization that establishes, by proof required  
5 by the Department by rule, that it has received an exemption  
6 under Section 501(c)(3) of the Internal Revenue Code and that  
7 is organized and operated primarily for the presentation or  
8 support of arts or cultural programming, activities, or  
9 services. These organizations include, but are not limited to,  
10 music and dramatic arts organizations such as symphony  
11 orchestras and theatrical groups, arts and cultural service  
12 organizations, local arts councils, visual arts organizations,  
13 and media arts organizations. On and after July 1, 2001 (the  
14 effective date of Public Act 92-35), however, an entity  
15 otherwise eligible for this exemption shall not make tax-free  
16 purchases unless it has an active identification number issued  
17 by the Department.

18 (4) Legal tender, currency, medallions, or gold or silver  
19 coinage issued by the State of Illinois, the government of the  
20 United States of America, or the government of any foreign  
21 country, and bullion.

22 (5) Until July 1, 2003 and beginning again on September 1,  
23 2004 through August 30, 2014, graphic arts machinery and  
24 equipment, including repair and replacement parts, both new  
25 and used, and including that manufactured on special order or  
26 purchased for lease, certified by the purchaser to be used

1 primarily for graphic arts production. Equipment includes  
2 chemicals or chemicals acting as catalysts but only if the  
3 chemicals or chemicals acting as catalysts effect a direct and  
4 immediate change upon a graphic arts product. Beginning on  
5 July 1, 2017, graphic arts machinery and equipment is included  
6 in the manufacturing and assembling machinery and equipment  
7 exemption under Section 2 of this Act.

8 (6) Personal property sold by a teacher-sponsored student  
9 organization affiliated with an elementary or secondary school  
10 located in Illinois.

11 (7) Farm machinery and equipment, both new and used,  
12 including that manufactured on special order, certified by the  
13 purchaser to be used primarily for production agriculture or  
14 State or federal agricultural programs, including individual  
15 replacement parts for the machinery and equipment, including  
16 machinery and equipment purchased for lease, and including  
17 implements of husbandry defined in Section 1-130 of the  
18 Illinois Vehicle Code, farm machinery and agricultural  
19 chemical and fertilizer spreaders, and nurse wagons required  
20 to be registered under Section 3-809 of the Illinois Vehicle  
21 Code, but excluding other motor vehicles required to be  
22 registered under the Illinois Vehicle Code. Horticultural  
23 polyhouses or hoop houses used for propagating, growing, or  
24 overwintering plants shall be considered farm machinery and  
25 equipment under this item (7). Agricultural chemical tender  
26 tanks and dry boxes shall include units sold separately from a

1 motor vehicle required to be licensed and units sold mounted  
2 on a motor vehicle required to be licensed if the selling price  
3 of the tender is separately stated.

4 Farm machinery and equipment shall include precision  
5 farming equipment that is installed or purchased to be  
6 installed on farm machinery and equipment including, but not  
7 limited to, tractors, harvesters, sprayers, planters, seeders,  
8 or spreaders. Precision farming equipment includes, but is not  
9 limited to, soil testing sensors, computers, monitors,  
10 software, global positioning and mapping systems, and other  
11 such equipment.

12 Farm machinery and equipment also includes computers,  
13 sensors, software, and related equipment used primarily in the  
14 computer-assisted operation of production agriculture  
15 facilities, equipment, and activities such as, but not limited  
16 to, the collection, monitoring, and correlation of animal and  
17 crop data for the purpose of formulating animal diets and  
18 agricultural chemicals. This item (7) is exempt from the  
19 provisions of Section 3-55.

20 (8) Until June 30, 2013, fuel and petroleum products sold  
21 to or used by an air common carrier, certified by the carrier  
22 to be used for consumption, shipment, or storage in the  
23 conduct of its business as an air common carrier, for a flight  
24 destined for or returning from a location or locations outside  
25 the United States without regard to previous or subsequent  
26 domestic stopovers.

1           Beginning July 1, 2013, fuel and petroleum products sold  
2 to or used by an air carrier, certified by the carrier to be  
3 used for consumption, shipment, or storage in the conduct of  
4 its business as an air common carrier, for a flight that (i) is  
5 engaged in foreign trade or is engaged in trade between the  
6 United States and any of its possessions and (ii) transports  
7 at least one individual or package for hire from the city of  
8 origination to the city of final destination on the same  
9 aircraft, without regard to a change in the flight number of  
10 that aircraft.

11           (9) Proceeds of mandatory service charges separately  
12 stated on customers' bills for the purchase and consumption of  
13 food and beverages, to the extent that the proceeds of the  
14 service charge are in fact turned over as tips or as a  
15 substitute for tips to the employees who participate directly  
16 in preparing, serving, hosting or cleaning up the food or  
17 beverage function with respect to which the service charge is  
18 imposed.

19           (10) Until July 1, 2003, oil field exploration, drilling,  
20 and production equipment, including (i) rigs and parts of  
21 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)  
22 pipe and tubular goods, including casing and drill strings,  
23 (iii) pumps and pump-jack units, (iv) storage tanks and flow  
24 lines, (v) any individual replacement part for oil field  
25 exploration, drilling, and production equipment, and (vi)  
26 machinery and equipment purchased for lease; but excluding

1 motor vehicles required to be registered under the Illinois  
2 Vehicle Code.

3 (11) Photoprocessing machinery and equipment, including  
4 repair and replacement parts, both new and used, including  
5 that manufactured on special order, certified by the purchaser  
6 to be used primarily for photoprocessing, and including  
7 photoprocessing machinery and equipment purchased for lease.

8 (12) Until July 1, 2028, coal and aggregate exploration,  
9 mining, off-highway hauling, processing, maintenance, and  
10 reclamation equipment, including replacement parts and  
11 equipment, and including equipment purchased for lease, but  
12 excluding motor vehicles required to be registered under the  
13 Illinois Vehicle Code. The changes made to this Section by  
14 Public Act 97-767 apply on and after July 1, 2003, but no claim  
15 for credit or refund is allowed on or after August 16, 2013  
16 (the effective date of Public Act 98-456) for such taxes paid  
17 during the period beginning July 1, 2003 and ending on August  
18 16, 2013 (the effective date of Public Act 98-456).

19 (13) Beginning January 1, 1992 and through June 30, 2016,  
20 food for human consumption that is to be consumed off the  
21 premises where it is sold (other than alcoholic beverages,  
22 soft drinks and food that has been prepared for immediate  
23 consumption) and prescription and non-prescription medicines,  
24 drugs, medical appliances, and insulin, urine testing  
25 materials, syringes, and needles used by diabetics, for human  
26 use, when purchased for use by a person receiving medical

1 assistance under Article V of the Illinois Public Aid Code who  
2 resides in a licensed long-term care facility, as defined in  
3 the Nursing Home Care Act, or in a licensed facility as defined  
4 in the ID/DD Community Care Act, the MC/DD Act, or the  
5 Specialized Mental Health Rehabilitation Act of 2013.

6 (14) Semen used for artificial insemination of livestock  
7 for direct agricultural production.

8 (15) Horses, or interests in horses, registered with and  
9 meeting the requirements of any of the Arabian Horse Club  
10 Registry of America, Appaloosa Horse Club, American Quarter  
11 Horse Association, United States Trotting Association, or  
12 Jockey Club, as appropriate, used for purposes of breeding or  
13 racing for prizes. This item (15) is exempt from the  
14 provisions of Section 3-55, and the exemption provided for  
15 under this item (15) applies for all periods beginning May 30,  
16 1995, but no claim for credit or refund is allowed on or after  
17 January 1, 2008 (the effective date of Public Act 95-88) for  
18 such taxes paid during the period beginning May 30, 2000 and  
19 ending on January 1, 2008 (the effective date of Public Act  
20 95-88).

21 (16) Computers and communications equipment utilized for  
22 any hospital purpose and equipment used in the diagnosis,  
23 analysis, or treatment of hospital patients sold to a lessor  
24 who leases the equipment, under a lease of one year or longer  
25 executed or in effect at the time of the purchase, to a  
26 hospital that has been issued an active tax exemption



1 identification number by the Department under Section 1g of  
2 the Retailers' Occupation Tax Act.

3 (17) Personal property sold to a lessor who leases the  
4 property, under a lease of one year or longer executed or in  
5 effect at the time of the purchase, to a governmental body that  
6 has been issued an active tax exemption identification number  
7 by the Department under Section 1g of the Retailers'  
8 Occupation Tax Act.

9 (18) Beginning with taxable years ending on or after  
10 December 31, 1995 and ending with taxable years ending on or  
11 before December 31, 2004, personal property that is donated  
12 for disaster relief to be used in a State or federally declared  
13 disaster area in Illinois or bordering Illinois by a  
14 manufacturer or retailer that is registered in this State to a  
15 corporation, society, association, foundation, or institution  
16 that has been issued a sales tax exemption identification  
17 number by the Department that assists victims of the disaster  
18 who reside within the declared disaster area.

19 (19) Beginning with taxable years ending on or after  
20 December 31, 1995 and ending with taxable years ending on or  
21 before December 31, 2004, personal property that is used in  
22 the performance of infrastructure repairs in this State,  
23 including but not limited to municipal roads and streets,  
24 access roads, bridges, sidewalks, waste disposal systems,  
25 water and sewer line extensions, water distribution and  
26 purification facilities, storm water drainage and retention

1 facilities, and sewage treatment facilities, resulting from a  
2 State or federally declared disaster in Illinois or bordering  
3 Illinois when such repairs are initiated on facilities located  
4 in the declared disaster area within 6 months after the  
5 disaster.

6 (20) Beginning July 1, 1999, game or game birds sold at a  
7 "game breeding and hunting preserve area" as that term is used  
8 in the Wildlife Code. This paragraph is exempt from the  
9 provisions of Section 3-55.

10 (21) A motor vehicle, as that term is defined in Section  
11 1-146 of the Illinois Vehicle Code, that is donated to a  
12 corporation, limited liability company, society, association,  
13 foundation, or institution that is determined by the  
14 Department to be organized and operated exclusively for  
15 educational purposes. For purposes of this exemption, "a  
16 corporation, limited liability company, society, association,  
17 foundation, or institution organized and operated exclusively  
18 for educational purposes" means all tax-supported public  
19 schools, private schools that offer systematic instruction in  
20 useful branches of learning by methods common to public  
21 schools and that compare favorably in their scope and  
22 intensity with the course of study presented in tax-supported  
23 schools, and vocational or technical schools or institutes  
24 organized and operated exclusively to provide a course of  
25 study of not less than 6 weeks duration and designed to prepare  
26 individuals to follow a trade or to pursue a manual,

1 technical, mechanical, industrial, business, or commercial  
2 occupation.

3 (22) Beginning January 1, 2000, personal property,  
4 including food, purchased through fundraising events for the  
5 benefit of a public or private elementary or secondary school,  
6 a group of those schools, or one or more school districts if  
7 the events are sponsored by an entity recognized by the school  
8 district that consists primarily of volunteers and includes  
9 parents and teachers of the school children. This paragraph  
10 does not apply to fundraising events (i) for the benefit of  
11 private home instruction or (ii) for which the fundraising  
12 entity purchases the personal property sold at the events from  
13 another individual or entity that sold the property for the  
14 purpose of resale by the fundraising entity and that profits  
15 from the sale to the fundraising entity. This paragraph is  
16 exempt from the provisions of Section 3-55.

17 (23) Beginning January 1, 2000 and through December 31,  
18 2001, new or used automatic vending machines that prepare and  
19 serve hot food and beverages, including coffee, soup, and  
20 other items, and replacement parts for these machines.  
21 Beginning January 1, 2002 and through June 30, 2003, machines  
22 and parts for machines used in commercial, coin-operated  
23 amusement and vending business if a use or occupation tax is  
24 paid on the gross receipts derived from the use of the  
25 commercial, coin-operated amusement and vending machines. This  
26 paragraph is exempt from the provisions of Section 3-55.

1           (24) Beginning on August 2, 2001 (the effective date of  
2 Public Act 92-227), computers and communications equipment  
3 utilized for any hospital purpose and equipment used in the  
4 diagnosis, analysis, or treatment of hospital patients sold to  
5 a lessor who leases the equipment, under a lease of one year or  
6 longer executed or in effect at the time of the purchase, to a  
7 hospital that has been issued an active tax exemption  
8 identification number by the Department under Section 1g of  
9 the Retailers' Occupation Tax Act. This paragraph is exempt  
10 from the provisions of Section 3-55.

11           (25) Beginning on August 2, 2001 (the effective date of  
12 Public Act 92-227), personal property sold to a lessor who  
13 leases the property, under a lease of one year or longer  
14 executed or in effect at the time of the purchase, to a  
15 governmental body that has been issued an active tax exemption  
16 identification number by the Department under Section 1g of  
17 the Retailers' Occupation Tax Act. This paragraph is exempt  
18 from the provisions of Section 3-55.

19           (26) Beginning on January 1, 2002 and through June 30,  
20 2016, tangible personal property purchased from an Illinois  
21 retailer by a taxpayer engaged in centralized purchasing  
22 activities in Illinois who will, upon receipt of the property  
23 in Illinois, temporarily store the property in Illinois (i)  
24 for the purpose of subsequently transporting it outside this  
25 State for use or consumption thereafter solely outside this  
26 State or (ii) for the purpose of being processed, fabricated,

1 or manufactured into, attached to, or incorporated into other  
2 tangible personal property to be transported outside this  
3 State and thereafter used or consumed solely outside this  
4 State. The Director of Revenue shall, pursuant to rules  
5 adopted in accordance with the Illinois Administrative  
6 Procedure Act, issue a permit to any taxpayer in good standing  
7 with the Department who is eligible for the exemption under  
8 this paragraph (26). The permit issued under this paragraph  
9 (26) shall authorize the holder, to the extent and in the  
10 manner specified in the rules adopted under this Act, to  
11 purchase tangible personal property from a retailer exempt  
12 from the taxes imposed by this Act. Taxpayers shall maintain  
13 all necessary books and records to substantiate the use and  
14 consumption of all such tangible personal property outside of  
15 the State of Illinois.

16 (27) Beginning January 1, 2008, tangible personal property  
17 used in the construction or maintenance of a community water  
18 supply, as defined under Section 3.145 of the Environmental  
19 Protection Act, that is operated by a not-for-profit  
20 corporation that holds a valid water supply permit issued  
21 under Title IV of the Environmental Protection Act. This  
22 paragraph is exempt from the provisions of Section 3-55.

23 (28) Tangible personal property sold to a  
24 public-facilities corporation, as described in Section  
25 11-65-10 of the Illinois Municipal Code, for purposes of  
26 constructing or furnishing a municipal convention hall, but

1 only if the legal title to the municipal convention hall is  
2 transferred to the municipality without any further  
3 consideration by or on behalf of the municipality at the time  
4 of the completion of the municipal convention hall or upon the  
5 retirement or redemption of any bonds or other debt  
6 instruments issued by the public-facilities corporation in  
7 connection with the development of the municipal convention  
8 hall. This exemption includes existing public-facilities  
9 corporations as provided in Section 11-65-25 of the Illinois  
10 Municipal Code. This paragraph is exempt from the provisions  
11 of Section 3-55.

12 (29) Beginning January 1, 2010 and continuing through  
13 December 31, 2024, materials, parts, equipment, components,  
14 and furnishings incorporated into or upon an aircraft as part  
15 of the modification, refurbishment, completion, replacement,  
16 repair, or maintenance of the aircraft. This exemption  
17 includes consumable supplies used in the modification,  
18 refurbishment, completion, replacement, repair, and  
19 maintenance of aircraft, but excludes any materials, parts,  
20 equipment, components, and consumable supplies used in the  
21 modification, replacement, repair, and maintenance of aircraft  
22 engines or power plants, whether such engines or power plants  
23 are installed or uninstalled upon any such aircraft.  
24 "Consumable supplies" include, but are not limited to,  
25 adhesive, tape, sandpaper, general purpose lubricants,  
26 cleaning solution, latex gloves, and protective films. This

1 exemption applies only to the transfer of qualifying tangible  
2 personal property incident to the modification, refurbishment,  
3 completion, replacement, repair, or maintenance of an aircraft  
4 by persons who (i) hold an Air Agency Certificate and are  
5 empowered to operate an approved repair station by the Federal  
6 Aviation Administration, (ii) have a Class IV Rating, and  
7 (iii) conduct operations in accordance with Part 145 of the  
8 Federal Aviation Regulations. The exemption does not include  
9 aircraft operated by a commercial air carrier providing  
10 scheduled passenger air service pursuant to authority issued  
11 under Part 121 or Part 129 of the Federal Aviation  
12 Regulations. The changes made to this paragraph (29) by Public  
13 Act 98-534 are declarative of existing law. It is the intent of  
14 the General Assembly that the exemption under this paragraph  
15 (29) applies continuously from January 1, 2010 through  
16 December 31, 2024; however, no claim for credit or refund is  
17 allowed for taxes paid as a result of the disallowance of this  
18 exemption on or after January 1, 2015 and prior to February 5,  
19 2020 (the effective date of Public Act 101-629) ~~this~~  
20 ~~amendatory Act of the 101st General Assembly.~~

21 (30) Beginning January 1, 2017 and through December 31,  
22 2026, menstrual pads, tampons, and menstrual cups.

23 (31) Tangible personal property transferred to a purchaser  
24 who is exempt from tax by operation of federal law. This  
25 paragraph is exempt from the provisions of Section 3-55.

26 (32) Qualified tangible personal property used in the

1 construction or operation of a data center that has been  
2 granted a certificate of exemption by the Department of  
3 Commerce and Economic Opportunity, whether that tangible  
4 personal property is purchased by the owner, operator, or  
5 tenant of the data center or by a contractor or subcontractor  
6 of the owner, operator, or tenant. Data centers that would  
7 have qualified for a certificate of exemption prior to January  
8 1, 2020 had Public Act 101-31 ~~this amendatory Act of the 101st~~  
9 ~~General Assembly~~ been in effect, may apply for and obtain an  
10 exemption for subsequent purchases of computer equipment or  
11 enabling software purchased or leased to upgrade, supplement,  
12 or replace computer equipment or enabling software purchased  
13 or leased in the original investment that would have  
14 qualified.

15 The Department of Commerce and Economic Opportunity shall  
16 grant a certificate of exemption under this item (32) to  
17 qualified data centers as defined by Section 605-1025 of the  
18 Department of Commerce and Economic Opportunity Law of the  
19 Civil Administrative Code of Illinois.

20 For the purposes of this item (32):

21 "Data center" means a building or a series of  
22 buildings rehabilitated or constructed to house working  
23 servers in one physical location or multiple sites within  
24 the State of Illinois.

25 "Qualified tangible personal property" means:  
26 electrical systems and equipment; climate control and



1 chilling equipment and systems; mechanical systems and  
2 equipment; monitoring and secure systems; emergency  
3 generators; hardware; computers; servers; data storage  
4 devices; network connectivity equipment; racks; cabinets;  
5 telecommunications cabling infrastructure; raised floor  
6 systems; peripheral components or systems; software;  
7 mechanical, electrical, or plumbing systems; battery  
8 systems; cooling systems and towers; temperature control  
9 systems; other cabling; and other data center  
10 infrastructure equipment and systems necessary to operate  
11 qualified tangible personal property, including fixtures;  
12 and component parts of any of the foregoing, including  
13 installation, maintenance, repair, refurbishment, and  
14 replacement of qualified tangible personal property to  
15 generate, transform, transmit, distribute, or manage  
16 electricity necessary to operate qualified tangible  
17 personal property; and all other tangible personal  
18 property that is essential to the operations of a computer  
19 data center. The term "qualified tangible personal  
20 property" also includes building materials physically  
21 incorporated in to the qualifying data center. To document  
22 the exemption allowed under this Section, the retailer  
23 must obtain from the purchaser a copy of the certificate  
24 of eligibility issued by the Department of Commerce and  
25 Economic Opportunity.

26 This item (32) is exempt from the provisions of Section

1 3-55.

2 (33) Beginning July 1, 2022, breast pumps, breast pump  
3 collection and storage supplies, and breast pump kits. This  
4 item (33) is exempt from the provisions of Section 3-55. As  
5 used in this item (33):

6 "Breast pump" means an electrically controlled or  
7 manually controlled pump device designed or marketed to be  
8 used to express milk from a human breast during lactation,  
9 including the pump device and any battery, AC adapter, or  
10 other power supply unit that is used to power the pump  
11 device and is packaged and sold with the pump device at the  
12 time of sale.

13 "Breast pump collection and storage supplies" means  
14 items of tangible personal property designed or marketed  
15 to be used in conjunction with a breast pump to collect  
16 milk expressed from a human breast and to store collected  
17 milk until it is ready for consumption.

18 "Breast pump collection and storage supplies"  
19 includes, but is not limited to: breast shields and breast  
20 shield connectors; breast pump tubes and tubing adapters;  
21 breast pump valves and membranes; backflow protectors and  
22 backflow protector adaptors; bottles and bottle caps  
23 specific to the operation of the breast pump; and breast  
24 milk storage bags.

25 "Breast pump collection and storage supplies" does not  
26 include: (1) bottles and bottle caps not specific to the

1 operation of the breast pump; (2) breast pump travel bags  
2 and other similar carrying accessories, including ice  
3 packs, labels, and other similar products; (3) breast pump  
4 cleaning supplies; (4) nursing bras, bra pads, breast  
5 shells, and other similar products; and (5) creams,  
6 ointments, and other similar products that relieve  
7 breastfeeding-related symptoms or conditions of the  
8 breasts or nipples, unless sold as part of a breast pump  
9 kit that is pre-packaged by the breast pump manufacturer  
10 or distributor.

11 "Breast pump kit" means a kit that: (1) contains no  
12 more than a breast pump, breast pump collection and  
13 storage supplies, a rechargeable battery for operating the  
14 breast pump, a breastmilk cooler, bottle stands, ice  
15 packs, and a breast pump carrying case; and (2) is  
16 pre-packaged as a breast pump kit by the breast pump  
17 manufacturer or distributor.

18 (34) ~~(33)~~ Tangible personal property sold by or on behalf  
19 of the State Treasurer pursuant to the Revised Uniform  
20 Unclaimed Property Act. This item (34) ~~(33)~~ is exempt from the  
21 provisions of Section 3-55.

22 (Source: P.A. 101-31, eff. 6-28-19; 101-81, eff. 7-12-19;  
23 101-629, eff. 2-5-20; 102-16, eff. 6-17-21; 102-700, Article  
24 70, Section 70-15, eff. 4-19-22; 102-700, Article 75, Section  
25 75-15, eff. 4-19-22; 102-1026, eff. 5-27-22; revised 8-9-22.)

1 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

2 Sec. 3-10. Rate of tax. Unless otherwise provided in this  
3 Section, the tax imposed by this Act is at the rate of 6.25% of  
4 the "selling price", as defined in Section 2 of the Service Use  
5 Tax Act, of the tangible personal property. For the purpose of  
6 computing this tax, in no event shall the "selling price" be  
7 less than the cost price to the serviceman of the tangible  
8 personal property transferred. The selling price of each item  
9 of tangible personal property transferred as an incident of a  
10 sale of service may be shown as a distinct and separate item on  
11 the serviceman's billing to the service customer. If the  
12 selling price is not so shown, the selling price of the  
13 tangible personal property is deemed to be 50% of the  
14 serviceman's entire billing to the service customer. When,  
15 however, a serviceman contracts to design, develop, and  
16 produce special order machinery or equipment, the tax imposed  
17 by this Act shall be based on the serviceman's cost price of  
18 the tangible personal property transferred incident to the  
19 completion of the contract.

20 Beginning on July 1, 2000 and through December 31, 2000,  
21 with respect to motor fuel, as defined in Section 1.1 of the  
22 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
23 the Use Tax Act, the tax is imposed at the rate of 1.25%.

24 With respect to gasohol, as defined in the Use Tax Act, the  
25 tax imposed by this Act shall apply to (i) 70% of the cost  
26 price of property transferred as an incident to the sale of

1 service on or after January 1, 1990, and before July 1, 2003,  
2 (ii) 80% of the selling price of property transferred as an  
3 incident to the sale of service on or after July 1, 2003 and on  
4 or before July 1, 2017, and (iii) 100% of the cost price  
5 thereafter. If, at any time, however, the tax under this Act on  
6 sales of gasohol, as defined in the Use Tax Act, is imposed at  
7 the rate of 1.25%, then the tax imposed by this Act applies to  
8 100% of the proceeds of sales of gasohol made during that time.

9 With respect to majority blended ethanol fuel, as defined  
10 in the Use Tax Act, the tax imposed by this Act does not apply  
11 to the selling price of property transferred as an incident to  
12 the sale of service on or after July 1, 2003 and on or before  
13 December 31, 2023 but applies to 100% of the selling price  
14 thereafter.

15 With respect to biodiesel blends, as defined in the Use  
16 Tax Act, with no less than 1% and no more than 10% biodiesel,  
17 the tax imposed by this Act applies to (i) 80% of the selling  
18 price of property transferred as an incident to the sale of  
19 service on or after July 1, 2003 and on or before December 31,  
20 2018 and (ii) 100% of the proceeds of the selling price after  
21 December 31, 2018 and before January 1, 2024. On and after  
22 January 1, 2024 and on or before December 31, 2030, the  
23 taxation of biodiesel, renewable diesel, and biodiesel blends  
24 shall be as provided in Section 3-5.1 of the Use Tax Act. If,  
25 at any time, however, the tax under this Act on sales of  
26 biodiesel blends, as defined in the Use Tax Act, with no less

1 than 1% and no more than 10% biodiesel is imposed at the rate  
2 of 1.25%, then the tax imposed by this Act applies to 100% of  
3 the proceeds of sales of biodiesel blends with no less than 1%  
4 and no more than 10% biodiesel made during that time.

5 With respect to biodiesel, as defined in the Use Tax Act,  
6 and biodiesel blends, as defined in the Use Tax Act, with more  
7 than 10% but no more than 99% biodiesel material, the tax  
8 imposed by this Act does not apply to the proceeds of the  
9 selling price of property transferred as an incident to the  
10 sale of service on or after July 1, 2003 and on or before  
11 December 31, 2023. On and after January 1, 2024 and on or  
12 before December 31, 2030, the taxation of biodiesel, renewable  
13 diesel, and biodiesel blends shall be as provided in Section  
14 3-5.1 of the Use Tax Act.

15 At the election of any registered serviceman made for each  
16 fiscal year, sales of service in which the aggregate annual  
17 cost price of tangible personal property transferred as an  
18 incident to the sales of service is less than 35%, or 75% in  
19 the case of servicemen transferring prescription drugs or  
20 servicemen engaged in graphic arts production, of the  
21 aggregate annual total gross receipts from all sales of  
22 service, the tax imposed by this Act shall be based on the  
23 serviceman's cost price of the tangible personal property  
24 transferred incident to the sale of those services.

25 Until July 1, 2022 and beginning again on July 1, 2023, the  
26 tax shall be imposed at the rate of 1% on food prepared for

1 immediate consumption and transferred incident to a sale of  
2 service subject to this Act or the Service Use Tax Act by an  
3 entity licensed under the Hospital Licensing Act, the Nursing  
4 Home Care Act, the Assisted Living and Shared Housing Act, the  
5 ID/DD Community Care Act, the MC/DD Act, the Specialized  
6 Mental Health Rehabilitation Act of 2013, or the Child Care  
7 Act of 1969, or an entity that holds a permit issued pursuant  
8 to the Life Care Facilities Act. Until July 1, 2022 and  
9 beginning again on July 1, 2023, the tax shall also be imposed  
10 at the rate of 1% on food for human consumption that is to be  
11 consumed off the premises where it is sold (other than  
12 alcoholic beverages, food consisting of or infused with adult  
13 use cannabis, soft drinks, and food that has been prepared for  
14 immediate consumption and is not otherwise included in this  
15 paragraph).

16 Beginning on July 1, 2022 and until July 1, 2023, the tax  
17 shall be imposed at the rate of 0% on food prepared for  
18 immediate consumption and transferred incident to a sale of  
19 service subject to this Act or the Service Use Tax Act by an  
20 entity licensed under the Hospital Licensing Act, the Nursing  
21 Home Care Act, the Assisted Living and Shared Housing Act, the  
22 ID/DD Community Care Act, the MC/DD Act, the Specialized  
23 Mental Health Rehabilitation Act of 2013, or the Child Care  
24 Act of 1969, or an entity that holds a permit issued pursuant  
25 to the Life Care Facilities Act. Beginning July 1, 2022 and  
26 until July 1, 2023, the tax shall also be imposed at the rate

1 of 0% on food for human consumption that is to be consumed off  
2 the premises where it is sold (other than alcoholic beverages,  
3 food consisting of or infused with adult use cannabis, soft  
4 drinks, and food that has been prepared for immediate  
5 consumption and is not otherwise included in this paragraph).

6 The tax shall also be imposed at the rate of 1% on  
7 prescription and nonprescription medicines, drugs, medical  
8 appliances, products classified as Class III medical devices  
9 by the United States Food and Drug Administration that are  
10 used for cancer treatment pursuant to a prescription, as well  
11 as any accessories and components related to those devices,  
12 modifications to a motor vehicle for the purpose of rendering  
13 it usable by a person with a disability, and insulin, blood  
14 sugar testing materials, syringes, and needles used by human  
15 diabetics. For the purposes of this Section, until September  
16 1, 2009: the term "soft drinks" means any complete, finished,  
17 ready-to-use, non-alcoholic drink, whether carbonated or not,  
18 including, but not limited to, soda water, cola, fruit juice,  
19 vegetable juice, carbonated water, and all other preparations  
20 commonly known as soft drinks of whatever kind or description  
21 that are contained in any closed or sealed can, carton, or  
22 container, regardless of size; but "soft drinks" does not  
23 include coffee, tea, non-carbonated water, infant formula,  
24 milk or milk products as defined in the Grade A Pasteurized  
25 Milk and Milk Products Act, or drinks containing 50% or more  
26 natural fruit or vegetable juice.



1           Notwithstanding any other provisions of this Act,  
2 beginning September 1, 2009, "soft drinks" means non-alcoholic  
3 beverages that contain natural or artificial sweeteners. "Soft  
4 drinks" does ~~do~~ not include beverages that contain milk or  
5 milk products, soy, rice or similar milk substitutes, or  
6 greater than 50% of vegetable or fruit juice by volume.

7           Until August 1, 2009, and notwithstanding any other  
8 provisions of this Act, "food for human consumption that is to  
9 be consumed off the premises where it is sold" includes all  
10 food sold through a vending machine, except soft drinks and  
11 food products that are dispensed hot from a vending machine,  
12 regardless of the location of the vending machine. Beginning  
13 August 1, 2009, and notwithstanding any other provisions of  
14 this Act, "food for human consumption that is to be consumed  
15 off the premises where it is sold" includes all food sold  
16 through a vending machine, except soft drinks, candy, and food  
17 products that are dispensed hot from a vending machine,  
18 regardless of the location of the vending machine.

19           Notwithstanding any other provisions of this Act,  
20 beginning September 1, 2009, "food for human consumption that  
21 is to be consumed off the premises where it is sold" does not  
22 include candy. For purposes of this Section, "candy" means a  
23 preparation of sugar, honey, or other natural or artificial  
24 sweeteners in combination with chocolate, fruits, nuts or  
25 other ingredients or flavorings in the form of bars, drops, or  
26 pieces. "Candy" does not include any preparation that contains

1 flour or requires refrigeration.

2 Notwithstanding any other provisions of this Act,  
3 beginning September 1, 2009, "nonprescription medicines and  
4 drugs" does not include grooming and hygiene products. For  
5 purposes of this Section, "grooming and hygiene products"  
6 includes, but is not limited to, soaps and cleaning solutions,  
7 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
8 lotions and screens, unless those products are available by  
9 prescription only, regardless of whether the products meet the  
10 definition of "over-the-counter-drugs". For the purposes of  
11 this paragraph, "over-the-counter-drug" means a drug for human  
12 use that contains a label that identifies the product as a drug  
13 as required by 21 CFR ~~C.F.R. §~~ 201.66. The  
14 "over-the-counter-drug" label includes:

15 (A) a ~~A~~ "Drug Facts" panel; or

16 (B) a ~~A~~ statement of the "active ingredient(s)" with a  
17 list of those ingredients contained in the compound,  
18 substance or preparation.

19 Beginning on January 1, 2014 (the effective date of Public  
20 Act 98-122), "prescription and nonprescription medicines and  
21 drugs" includes medical cannabis purchased from a registered  
22 dispensing organization under the Compassionate Use of Medical  
23 Cannabis Program Act.

24 As used in this Section, "adult use cannabis" means  
25 cannabis subject to tax under the Cannabis Cultivation  
26 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law

1 and does not include cannabis subject to tax under the  
2 Compassionate Use of Medical Cannabis Program Act.

3 (Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19;  
4 102-4, eff. 4-27-21; 102-16, eff. 6-17-21; 102-700, Article  
5 20, Section 20-15, eff. 4-19-22; 102-700, Article 60, Section  
6 60-25, eff. 4-19-22; revised 6-1-22.)

7 Section 210. The Retailers' Occupation Tax Act is amended  
8 by changing Sections 2-5, 2-10, and 3 as follows:

9 (35 ILCS 120/2-5)

10 Sec. 2-5. Exemptions. Gross receipts from proceeds from  
11 the sale of the following tangible personal property are  
12 exempt from the tax imposed by this Act:

13 (1) Farm chemicals.

14 (2) Farm machinery and equipment, both new and used,  
15 including that manufactured on special order, certified by  
16 the purchaser to be used primarily for production  
17 agriculture or State or federal agricultural programs,  
18 including individual replacement parts for the machinery  
19 and equipment, including machinery and equipment purchased  
20 for lease, and including implements of husbandry defined  
21 in Section 1-130 of the Illinois Vehicle Code, farm  
22 machinery and agricultural chemical and fertilizer  
23 spreaders, and nurse wagons required to be registered  
24 under Section 3-809 of the Illinois Vehicle Code, but

1 excluding other motor vehicles required to be registered  
2 under the Illinois Vehicle Code. Horticultural polyhouses  
3 or hoop houses used for propagating, growing, or  
4 overwintering plants shall be considered farm machinery  
5 and equipment under this item (2). Agricultural chemical  
6 tender tanks and dry boxes shall include units sold  
7 separately from a motor vehicle required to be licensed  
8 and units sold mounted on a motor vehicle required to be  
9 licensed, if the selling price of the tender is separately  
10 stated.

11 Farm machinery and equipment shall include precision  
12 farming equipment that is installed or purchased to be  
13 installed on farm machinery and equipment including, but  
14 not limited to, tractors, harvesters, sprayers, planters,  
15 seeders, or spreaders. Precision farming equipment  
16 includes, but is not limited to, soil testing sensors,  
17 computers, monitors, software, global positioning and  
18 mapping systems, and other such equipment.

19 Farm machinery and equipment also includes computers,  
20 sensors, software, and related equipment used primarily in  
21 the computer-assisted operation of production agriculture  
22 facilities, equipment, and activities such as, but not  
23 limited to, the collection, monitoring, and correlation of  
24 animal and crop data for the purpose of formulating animal  
25 diets and agricultural chemicals. This item (2) is exempt  
26 from the provisions of Section 2-70.

1           (3) Until July 1, 2003, distillation machinery and  
2 equipment, sold as a unit or kit, assembled or installed  
3 by the retailer, certified by the user to be used only for  
4 the production of ethyl alcohol that will be used for  
5 consumption as motor fuel or as a component of motor fuel  
6 for the personal use of the user, and not subject to sale  
7 or resale.

8           (4) Until July 1, 2003 and beginning again September  
9 1, 2004 through August 30, 2014, graphic arts machinery  
10 and equipment, including repair and replacement parts,  
11 both new and used, and including that manufactured on  
12 special order or purchased for lease, certified by the  
13 purchaser to be used primarily for graphic arts  
14 production. Equipment includes chemicals or chemicals  
15 acting as catalysts but only if the chemicals or chemicals  
16 acting as catalysts effect a direct and immediate change  
17 upon a graphic arts product. Beginning on July 1, 2017,  
18 graphic arts machinery and equipment is included in the  
19 manufacturing and assembling machinery and equipment  
20 exemption under paragraph (14).

21           (5) A motor vehicle that is used for automobile  
22 renting, as defined in the Automobile Renting Occupation  
23 and Use Tax Act. This paragraph is exempt from the  
24 provisions of Section 2-70.

25           (6) Personal property sold by a teacher-sponsored  
26 student organization affiliated with an elementary or

1 secondary school located in Illinois.

2 (7) Until July 1, 2003, proceeds of that portion of  
3 the selling price of a passenger car the sale of which is  
4 subject to the Replacement Vehicle Tax.

5 (8) Personal property sold to an Illinois county fair  
6 association for use in conducting, operating, or promoting  
7 the county fair.

8 (9) Personal property sold to a not-for-profit arts or  
9 cultural organization that establishes, by proof required  
10 by the Department by rule, that it has received an  
11 exemption under Section 501(c)(3) of the Internal Revenue  
12 Code and that is organized and operated primarily for the  
13 presentation or support of arts or cultural programming,  
14 activities, or services. These organizations include, but  
15 are not limited to, music and dramatic arts organizations  
16 such as symphony orchestras and theatrical groups, arts  
17 and cultural service organizations, local arts councils,  
18 visual arts organizations, and media arts organizations.  
19 On and after July 1, 2001 (the effective date of Public Act  
20 92-35), however, an entity otherwise eligible for this  
21 exemption shall not make tax-free purchases unless it has  
22 an active identification number issued by the Department.

23 (10) Personal property sold by a corporation, society,  
24 association, foundation, institution, or organization,  
25 other than a limited liability company, that is organized  
26 and operated as a not-for-profit service enterprise for

1 the benefit of persons 65 years of age or older if the  
2 personal property was not purchased by the enterprise for  
3 the purpose of resale by the enterprise.

4 (11) Personal property sold to a governmental body, to  
5 a corporation, society, association, foundation, or  
6 institution organized and operated exclusively for  
7 charitable, religious, or educational purposes, or to a  
8 not-for-profit corporation, society, association,  
9 foundation, institution, or organization that has no  
10 compensated officers or employees and that is organized  
11 and operated primarily for the recreation of persons 55  
12 years of age or older. A limited liability company may  
13 qualify for the exemption under this paragraph only if the  
14 limited liability company is organized and operated  
15 exclusively for educational purposes. On and after July 1,  
16 1987, however, no entity otherwise eligible for this  
17 exemption shall make tax-free purchases unless it has an  
18 active identification number issued by the Department.

19 (12) (Blank).

20 (12-5) On and after July 1, 2003 and through June 30,  
21 2004, motor vehicles of the second division with a gross  
22 vehicle weight in excess of 8,000 pounds that are subject  
23 to the commercial distribution fee imposed under Section  
24 3-815.1 of the Illinois Vehicle Code. Beginning on July 1,  
25 2004 and through June 30, 2005, the use in this State of  
26 motor vehicles of the second division: (i) with a gross

1 vehicle weight rating in excess of 8,000 pounds; (ii) that  
2 are subject to the commercial distribution fee imposed  
3 under Section 3-815.1 of the Illinois Vehicle Code; and  
4 (iii) that are primarily used for commercial purposes.  
5 Through June 30, 2005, this exemption applies to repair  
6 and replacement parts added after the initial purchase of  
7 such a motor vehicle if that motor vehicle is used in a  
8 manner that would qualify for the rolling stock exemption  
9 otherwise provided for in this Act. For purposes of this  
10 paragraph, "used for commercial purposes" means the  
11 transportation of persons or property in furtherance of  
12 any commercial or industrial enterprise whether for-hire  
13 or not.

14 (13) Proceeds from sales to owners, lessors, or  
15 shippers of tangible personal property that is utilized by  
16 interstate carriers for hire for use as rolling stock  
17 moving in interstate commerce and equipment operated by a  
18 telecommunications provider, licensed as a common carrier  
19 by the Federal Communications Commission, which is  
20 permanently installed in or affixed to aircraft moving in  
21 interstate commerce.

22 (14) Machinery and equipment that will be used by the  
23 purchaser, or a lessee of the purchaser, primarily in the  
24 process of manufacturing or assembling tangible personal  
25 property for wholesale or retail sale or lease, whether  
26 the sale or lease is made directly by the manufacturer or



1 by some other person, whether the materials used in the  
2 process are owned by the manufacturer or some other  
3 person, or whether the sale or lease is made apart from or  
4 as an incident to the seller's engaging in the service  
5 occupation of producing machines, tools, dies, jigs,  
6 patterns, gauges, or other similar items of no commercial  
7 value on special order for a particular purchaser. The  
8 exemption provided by this paragraph (14) does not include  
9 machinery and equipment used in (i) the generation of  
10 electricity for wholesale or retail sale; (ii) the  
11 generation or treatment of natural or artificial gas for  
12 wholesale or retail sale that is delivered to customers  
13 through pipes, pipelines, or mains; or (iii) the treatment  
14 of water for wholesale or retail sale that is delivered to  
15 customers through pipes, pipelines, or mains. The  
16 provisions of Public Act 98-583 are declaratory of  
17 existing law as to the meaning and scope of this  
18 exemption. Beginning on July 1, 2017, the exemption  
19 provided by this paragraph (14) includes, but is not  
20 limited to, graphic arts machinery and equipment, as  
21 defined in paragraph (4) of this Section.

22 (15) Proceeds of mandatory service charges separately  
23 stated on customers' bills for purchase and consumption of  
24 food and beverages, to the extent that the proceeds of the  
25 service charge are in fact turned over as tips or as a  
26 substitute for tips to the employees who participate

1 directly in preparing, serving, hosting or cleaning up the  
2 food or beverage function with respect to which the  
3 service charge is imposed.

4 (16) Tangible personal property sold to a purchaser if  
5 the purchaser is exempt from use tax by operation of  
6 federal law. This paragraph is exempt from the provisions  
7 of Section 2-70.

8 (17) Tangible personal property sold to a common  
9 carrier by rail or motor that receives the physical  
10 possession of the property in Illinois and that transports  
11 the property, or shares with another common carrier in the  
12 transportation of the property, out of Illinois on a  
13 standard uniform bill of lading showing the seller of the  
14 property as the shipper or consignor of the property to a  
15 destination outside Illinois, for use outside Illinois.

16 (18) Legal tender, currency, medallions, or gold or  
17 silver coinage issued by the State of Illinois, the  
18 government of the United States of America, or the  
19 government of any foreign country, and bullion.

20 (19) Until July 1, 2003, oil field exploration,  
21 drilling, and production equipment, including (i) rigs and  
22 parts of rigs, rotary rigs, cable tool rigs, and workover  
23 rigs, (ii) pipe and tubular goods, including casing and  
24 drill strings, (iii) pumps and pump-jack units, (iv)  
25 storage tanks and flow lines, (v) any individual  
26 replacement part for oil field exploration, drilling, and

1 production equipment, and (vi) machinery and equipment  
2 purchased for lease; but excluding motor vehicles required  
3 to be registered under the Illinois Vehicle Code.

4 (20) Photoprocessing machinery and equipment,  
5 including repair and replacement parts, both new and used,  
6 including that manufactured on special order, certified by  
7 the purchaser to be used primarily for photoprocessing,  
8 and including photoprocessing machinery and equipment  
9 purchased for lease.

10 (21) Until July 1, 2028, coal and aggregate  
11 exploration, mining, off-highway hauling, processing,  
12 maintenance, and reclamation equipment, including  
13 replacement parts and equipment, and including equipment  
14 purchased for lease, but excluding motor vehicles required  
15 to be registered under the Illinois Vehicle Code. The  
16 changes made to this Section by Public Act 97-767 apply on  
17 and after July 1, 2003, but no claim for credit or refund  
18 is allowed on or after August 16, 2013 (the effective date  
19 of Public Act 98-456) for such taxes paid during the  
20 period beginning July 1, 2003 and ending on August 16,  
21 2013 (the effective date of Public Act 98-456).

22 (22) Until June 30, 2013, fuel and petroleum products  
23 sold to or used by an air carrier, certified by the carrier  
24 to be used for consumption, shipment, or storage in the  
25 conduct of its business as an air common carrier, for a  
26 flight destined for or returning from a location or

1 locations outside the United States without regard to  
2 previous or subsequent domestic stopovers.

3 Beginning July 1, 2013, fuel and petroleum products  
4 sold to or used by an air carrier, certified by the carrier  
5 to be used for consumption, shipment, or storage in the  
6 conduct of its business as an air common carrier, for a  
7 flight that (i) is engaged in foreign trade or is engaged  
8 in trade between the United States and any of its  
9 possessions and (ii) transports at least one individual or  
10 package for hire from the city of origination to the city  
11 of final destination on the same aircraft, without regard  
12 to a change in the flight number of that aircraft.

13 (23) A transaction in which the purchase order is  
14 received by a florist who is located outside Illinois, but  
15 who has a florist located in Illinois deliver the property  
16 to the purchaser or the purchaser's donee in Illinois.

17 (24) Fuel consumed or used in the operation of ships,  
18 barges, or vessels that are used primarily in or for the  
19 transportation of property or the conveyance of persons  
20 for hire on rivers bordering on this State if the fuel is  
21 delivered by the seller to the purchaser's barge, ship, or  
22 vessel while it is afloat upon that bordering river.

23 (25) Except as provided in item (25-5) of this  
24 Section, a motor vehicle sold in this State to a  
25 nonresident even though the motor vehicle is delivered to  
26 the nonresident in this State, if the motor vehicle is not

1 to be titled in this State, and if a drive-away permit is  
2 issued to the motor vehicle as provided in Section 3-603  
3 of the Illinois Vehicle Code or if the nonresident  
4 purchaser has vehicle registration plates to transfer to  
5 the motor vehicle upon returning to his or her home state.  
6 The issuance of the drive-away permit or having the  
7 out-of-state registration plates to be transferred is  
8 prima facie evidence that the motor vehicle will not be  
9 titled in this State.

10 (25-5) The exemption under item (25) does not apply if  
11 the state in which the motor vehicle will be titled does  
12 not allow a reciprocal exemption for a motor vehicle sold  
13 and delivered in that state to an Illinois resident but  
14 titled in Illinois. The tax collected under this Act on  
15 the sale of a motor vehicle in this State to a resident of  
16 another state that does not allow a reciprocal exemption  
17 shall be imposed at a rate equal to the state's rate of tax  
18 on taxable property in the state in which the purchaser is  
19 a resident, except that the tax shall not exceed the tax  
20 that would otherwise be imposed under this Act. At the  
21 time of the sale, the purchaser shall execute a statement,  
22 signed under penalty of perjury, of his or her intent to  
23 title the vehicle in the state in which the purchaser is a  
24 resident within 30 days after the sale and of the fact of  
25 the payment to the State of Illinois of tax in an amount  
26 equivalent to the state's rate of tax on taxable property

1 in his or her state of residence and shall submit the  
2 statement to the appropriate tax collection agency in his  
3 or her state of residence. In addition, the retailer must  
4 retain a signed copy of the statement in his or her  
5 records. Nothing in this item shall be construed to  
6 require the removal of the vehicle from this state  
7 following the filing of an intent to title the vehicle in  
8 the purchaser's state of residence if the purchaser titles  
9 the vehicle in his or her state of residence within 30 days  
10 after the date of sale. The tax collected under this Act in  
11 accordance with this item (25-5) shall be proportionately  
12 distributed as if the tax were collected at the 6.25%  
13 general rate imposed under this Act.

14 (25-7) Beginning on July 1, 2007, no tax is imposed  
15 under this Act on the sale of an aircraft, as defined in  
16 Section 3 of the Illinois Aeronautics Act, if all of the  
17 following conditions are met:

18 (1) the aircraft leaves this State within 15 days  
19 after the later of either the issuance of the final  
20 billing for the sale of the aircraft, or the  
21 authorized approval for return to service, completion  
22 of the maintenance record entry, and completion of the  
23 test flight and ground test for inspection, as  
24 required by 14 CFR ~~C.F.R.~~ 91.407;

25 (2) the aircraft is not based or registered in  
26 this State after the sale of the aircraft; and

1           (3) the seller retains in his or her books and  
2 records and provides to the Department a signed and  
3 dated certification from the purchaser, on a form  
4 prescribed by the Department, certifying that the  
5 requirements of this item (25-7) are met. The  
6 certificate must also include the name and address of  
7 the purchaser, the address of the location where the  
8 aircraft is to be titled or registered, the address of  
9 the primary physical location of the aircraft, and  
10 other information that the Department may reasonably  
11 require.

12           For purposes of this item (25-7):

13           "Based in this State" means hangared, stored, or  
14 otherwise used, excluding post-sale customizations as  
15 defined in this Section, for 10 or more days in each  
16 12-month period immediately following the date of the sale  
17 of the aircraft.

18           "Registered in this State" means an aircraft  
19 registered with the Department of Transportation,  
20 Aeronautics Division, or titled or registered with the  
21 Federal Aviation Administration to an address located in  
22 this State.

23           This paragraph (25-7) is exempt from the provisions of  
24 Section 2-70.

25           (26) Semen used for artificial insemination of  
26 livestock for direct agricultural production.

1           (27) Horses, or interests in horses, registered with  
2           and meeting the requirements of any of the Arabian Horse  
3           Club Registry of America, Appaloosa Horse Club, American  
4           Quarter Horse Association, United States Trotting  
5           Association, or Jockey Club, as appropriate, used for  
6           purposes of breeding or racing for prizes. This item (27)  
7           is exempt from the provisions of Section 2-70, and the  
8           exemption provided for under this item (27) applies for  
9           all periods beginning May 30, 1995, but no claim for  
10          credit or refund is allowed on or after January 1, 2008  
11          (the effective date of Public Act 95-88) for such taxes  
12          paid during the period beginning May 30, 2000 and ending  
13          on January 1, 2008 (the effective date of Public Act  
14          95-88).

15          (28) Computers and communications equipment utilized  
16          for any hospital purpose and equipment used in the  
17          diagnosis, analysis, or treatment of hospital patients  
18          sold to a lessor who leases the equipment, under a lease of  
19          one year or longer executed or in effect at the time of the  
20          purchase, to a hospital that has been issued an active tax  
21          exemption identification number by the Department under  
22          Section 1g of this Act.

23          (29) Personal property sold to a lessor who leases the  
24          property, under a lease of one year or longer executed or  
25          in effect at the time of the purchase, to a governmental  
26          body that has been issued an active tax exemption



1 identification number by the Department under Section 1g  
2 of this Act.

3 (30) Beginning with taxable years ending on or after  
4 December 31, 1995 and ending with taxable years ending on  
5 or before December 31, 2004, personal property that is  
6 donated for disaster relief to be used in a State or  
7 federally declared disaster area in Illinois or bordering  
8 Illinois by a manufacturer or retailer that is registered  
9 in this State to a corporation, society, association,  
10 foundation, or institution that has been issued a sales  
11 tax exemption identification number by the Department that  
12 assists victims of the disaster who reside within the  
13 declared disaster area.

14 (31) Beginning with taxable years ending on or after  
15 December 31, 1995 and ending with taxable years ending on  
16 or before December 31, 2004, personal property that is  
17 used in the performance of infrastructure repairs in this  
18 State, including but not limited to municipal roads and  
19 streets, access roads, bridges, sidewalks, waste disposal  
20 systems, water and sewer line extensions, water  
21 distribution and purification facilities, storm water  
22 drainage and retention facilities, and sewage treatment  
23 facilities, resulting from a State or federally declared  
24 disaster in Illinois or bordering Illinois when such  
25 repairs are initiated on facilities located in the  
26 declared disaster area within 6 months after the disaster.

1           (32) Beginning July 1, 1999, game or game birds sold  
2           at a "game breeding and hunting preserve area" as that  
3           term is used in the Wildlife Code. This paragraph is  
4           exempt from the provisions of Section 2-70.

5           (33) A motor vehicle, as that term is defined in  
6           Section 1-146 of the Illinois Vehicle Code, that is  
7           donated to a corporation, limited liability company,  
8           society, association, foundation, or institution that is  
9           determined by the Department to be organized and operated  
10          exclusively for educational purposes. For purposes of this  
11          exemption, "a corporation, limited liability company,  
12          society, association, foundation, or institution organized  
13          and operated exclusively for educational purposes" means  
14          all tax-supported public schools, private schools that  
15          offer systematic instruction in useful branches of  
16          learning by methods common to public schools and that  
17          compare favorably in their scope and intensity with the  
18          course of study presented in tax-supported schools, and  
19          vocational or technical schools or institutes organized  
20          and operated exclusively to provide a course of study of  
21          not less than 6 weeks duration and designed to prepare  
22          individuals to follow a trade or to pursue a manual,  
23          technical, mechanical, industrial, business, or commercial  
24          occupation.

25          (34) Beginning January 1, 2000, personal property,  
26          including food, purchased through fundraising events for

1 the benefit of a public or private elementary or secondary  
2 school, a group of those schools, or one or more school  
3 districts if the events are sponsored by an entity  
4 recognized by the school district that consists primarily  
5 of volunteers and includes parents and teachers of the  
6 school children. This paragraph does not apply to  
7 fundraising events (i) for the benefit of private home  
8 instruction or (ii) for which the fundraising entity  
9 purchases the personal property sold at the events from  
10 another individual or entity that sold the property for  
11 the purpose of resale by the fundraising entity and that  
12 profits from the sale to the fundraising entity. This  
13 paragraph is exempt from the provisions of Section 2-70.

14 (35) Beginning January 1, 2000 and through December  
15 31, 2001, new or used automatic vending machines that  
16 prepare and serve hot food and beverages, including  
17 coffee, soup, and other items, and replacement parts for  
18 these machines. Beginning January 1, 2002 and through June  
19 30, 2003, machines and parts for machines used in  
20 commercial, coin-operated amusement and vending business  
21 if a use or occupation tax is paid on the gross receipts  
22 derived from the use of the commercial, coin-operated  
23 amusement and vending machines. This paragraph is exempt  
24 from the provisions of Section 2-70.

25 (35-5) Beginning August 23, 2001 and through June 30,  
26 2016, food for human consumption that is to be consumed

1 off the premises where it is sold (other than alcoholic  
2 beverages, soft drinks, and food that has been prepared  
3 for immediate consumption) and prescription and  
4 nonprescription medicines, drugs, medical appliances, and  
5 insulin, urine testing materials, syringes, and needles  
6 used by diabetics, for human use, when purchased for use  
7 by a person receiving medical assistance under Article V  
8 of the Illinois Public Aid Code who resides in a licensed  
9 long-term care facility, as defined in the Nursing Home  
10 Care Act, or a licensed facility as defined in the ID/DD  
11 Community Care Act, the MC/DD Act, or the Specialized  
12 Mental Health Rehabilitation Act of 2013.

13 (36) Beginning August 2, 2001, computers and  
14 communications equipment utilized for any hospital purpose  
15 and equipment used in the diagnosis, analysis, or  
16 treatment of hospital patients sold to a lessor who leases  
17 the equipment, under a lease of one year or longer  
18 executed or in effect at the time of the purchase, to a  
19 hospital that has been issued an active tax exemption  
20 identification number by the Department under Section 1g  
21 of this Act. This paragraph is exempt from the provisions  
22 of Section 2-70.

23 (37) Beginning August 2, 2001, personal property sold  
24 to a lessor who leases the property, under a lease of one  
25 year or longer executed or in effect at the time of the  
26 purchase, to a governmental body that has been issued an

1 active tax exemption identification number by the  
2 Department under Section 1g of this Act. This paragraph is  
3 exempt from the provisions of Section 2-70.

4 (38) Beginning on January 1, 2002 and through June 30,  
5 2016, tangible personal property purchased from an  
6 Illinois retailer by a taxpayer engaged in centralized  
7 purchasing activities in Illinois who will, upon receipt  
8 of the property in Illinois, temporarily store the  
9 property in Illinois (i) for the purpose of subsequently  
10 transporting it outside this State for use or consumption  
11 thereafter solely outside this State or (ii) for the  
12 purpose of being processed, fabricated, or manufactured  
13 into, attached to, or incorporated into other tangible  
14 personal property to be transported outside this State and  
15 thereafter used or consumed solely outside this State. The  
16 Director of Revenue shall, pursuant to rules adopted in  
17 accordance with the Illinois Administrative Procedure Act,  
18 issue a permit to any taxpayer in good standing with the  
19 Department who is eligible for the exemption under this  
20 paragraph (38). The permit issued under this paragraph  
21 (38) shall authorize the holder, to the extent and in the  
22 manner specified in the rules adopted under this Act, to  
23 purchase tangible personal property from a retailer exempt  
24 from the taxes imposed by this Act. Taxpayers shall  
25 maintain all necessary books and records to substantiate  
26 the use and consumption of all such tangible personal

1 property outside of the State of Illinois.

2 (39) Beginning January 1, 2008, tangible personal  
3 property used in the construction or maintenance of a  
4 community water supply, as defined under Section 3.145 of  
5 the Environmental Protection Act, that is operated by a  
6 not-for-profit corporation that holds a valid water supply  
7 permit issued under Title IV of the Environmental  
8 Protection Act. This paragraph is exempt from the  
9 provisions of Section 2-70.

10 (40) Beginning January 1, 2010 and continuing through  
11 December 31, 2024, materials, parts, equipment,  
12 components, and furnishings incorporated into or upon an  
13 aircraft as part of the modification, refurbishment,  
14 completion, replacement, repair, or maintenance of the  
15 aircraft. This exemption includes consumable supplies used  
16 in the modification, refurbishment, completion,  
17 replacement, repair, and maintenance of aircraft, but  
18 excludes any materials, parts, equipment, components, and  
19 consumable supplies used in the modification, replacement,  
20 repair, and maintenance of aircraft engines or power  
21 plants, whether such engines or power plants are installed  
22 or uninstalled upon any such aircraft. "Consumable  
23 supplies" include, but are not limited to, adhesive, tape,  
24 sandpaper, general purpose lubricants, cleaning solution,  
25 latex gloves, and protective films. This exemption applies  
26 only to the sale of qualifying tangible personal property

1 to persons who modify, refurbish, complete, replace, or  
2 maintain an aircraft and who (i) hold an Air Agency  
3 Certificate and are empowered to operate an approved  
4 repair station by the Federal Aviation Administration,  
5 (ii) have a Class IV Rating, and (iii) conduct operations  
6 in accordance with Part 145 of the Federal Aviation  
7 Regulations. The exemption does not include aircraft  
8 operated by a commercial air carrier providing scheduled  
9 passenger air service pursuant to authority issued under  
10 Part 121 or Part 129 of the Federal Aviation Regulations.  
11 The changes made to this paragraph (40) by Public Act  
12 98-534 are declarative of existing law. It is the intent  
13 of the General Assembly that the exemption under this  
14 paragraph (40) applies continuously from January 1, 2010  
15 through December 31, 2024; however, no claim for credit or  
16 refund is allowed for taxes paid as a result of the  
17 disallowance of this exemption on or after January 1, 2015  
18 and prior to February 5, 2020 (the effective date of  
19 Public Act 101-629) ~~this amendatory Act of the 101st~~  
20 ~~General Assembly.~~

21 (41) Tangible personal property sold to a  
22 public-facilities corporation, as described in Section  
23 11-65-10 of the Illinois Municipal Code, for purposes of  
24 constructing or furnishing a municipal convention hall,  
25 but only if the legal title to the municipal convention  
26 hall is transferred to the municipality without any

1 further consideration by or on behalf of the municipality  
2 at the time of the completion of the municipal convention  
3 hall or upon the retirement or redemption of any bonds or  
4 other debt instruments issued by the public-facilities  
5 corporation in connection with the development of the  
6 municipal convention hall. This exemption includes  
7 existing public-facilities corporations as provided in  
8 Section 11-65-25 of the Illinois Municipal Code. This  
9 paragraph is exempt from the provisions of Section 2-70.

10 (42) Beginning January 1, 2017 and through December  
11 31, 2026, menstrual pads, tampons, and menstrual cups.

12 (43) Merchandise that is subject to the Rental  
13 Purchase Agreement Occupation and Use Tax. The purchaser  
14 must certify that the item is purchased to be rented  
15 subject to a rental purchase agreement, as defined in the  
16 Rental Purchase Agreement Act, and provide proof of  
17 registration under the Rental Purchase Agreement  
18 Occupation and Use Tax Act. This paragraph is exempt from  
19 the provisions of Section 2-70.

20 (44) Qualified tangible personal property used in the  
21 construction or operation of a data center that has been  
22 granted a certificate of exemption by the Department of  
23 Commerce and Economic Opportunity, whether that tangible  
24 personal property is purchased by the owner, operator, or  
25 tenant of the data center or by a contractor or  
26 subcontractor of the owner, operator, or tenant. Data



1 centers that would have qualified for a certificate of  
2 exemption prior to January 1, 2020 had Public Act 101-31  
3 ~~this amendatory Act of the 101st General Assembly~~ been in  
4 effect, may apply for and obtain an exemption for  
5 subsequent purchases of computer equipment or enabling  
6 software purchased or leased to upgrade, supplement, or  
7 replace computer equipment or enabling software purchased  
8 or leased in the original investment that would have  
9 qualified.

10 The Department of Commerce and Economic Opportunity  
11 shall grant a certificate of exemption under this item  
12 (44) to qualified data centers as defined by Section  
13 605-1025 of the Department of Commerce and Economic  
14 Opportunity Law of the Civil Administrative Code of  
15 Illinois.

16 For the purposes of this item (44):

17 "Data center" means a building or a series of  
18 buildings rehabilitated or constructed to house  
19 working servers in one physical location or multiple  
20 sites within the State of Illinois.

21 "Qualified tangible personal property" means:  
22 electrical systems and equipment; climate control and  
23 chilling equipment and systems; mechanical systems and  
24 equipment; monitoring and secure systems; emergency  
25 generators; hardware; computers; servers; data storage  
26 devices; network connectivity equipment; racks;

1 cabinets; telecommunications cabling infrastructure;  
2 raised floor systems; peripheral components or  
3 systems; software; mechanical, electrical, or plumbing  
4 systems; battery systems; cooling systems and towers;  
5 temperature control systems; other cabling; and other  
6 data center infrastructure equipment and systems  
7 necessary to operate qualified tangible personal  
8 property, including fixtures; and component parts of  
9 any of the foregoing, including installation,  
10 maintenance, repair, refurbishment, and replacement of  
11 qualified tangible personal property to generate,  
12 transform, transmit, distribute, or manage electricity  
13 necessary to operate qualified tangible personal  
14 property; and all other tangible personal property  
15 that is essential to the operations of a computer data  
16 center. The term "qualified tangible personal  
17 property" also includes building materials physically  
18 incorporated into the qualifying data center. To  
19 document the exemption allowed under this Section, the  
20 retailer must obtain from the purchaser a copy of the  
21 certificate of eligibility issued by the Department of  
22 Commerce and Economic Opportunity.

23 This item (44) is exempt from the provisions of  
24 Section 2-70.

25 (45) Beginning January 1, 2020 and through December  
26 31, 2020, sales of tangible personal property made by a

1 marketplace seller over a marketplace for which tax is due  
2 under this Act but for which use tax has been collected and  
3 remitted to the Department by a marketplace facilitator  
4 under Section 2d of the Use Tax Act are exempt from tax  
5 under this Act. A marketplace seller claiming this  
6 exemption shall maintain books and records demonstrating  
7 that the use tax on such sales has been collected and  
8 remitted by a marketplace facilitator. Marketplace sellers  
9 that have properly remitted tax under this Act on such  
10 sales may file a claim for credit as provided in Section 6  
11 of this Act. No claim is allowed, however, for such taxes  
12 for which a credit or refund has been issued to the  
13 marketplace facilitator under the Use Tax Act, or for  
14 which the marketplace facilitator has filed a claim for  
15 credit or refund under the Use Tax Act.

16 (46) Beginning July 1, 2022, breast pumps, breast pump  
17 collection and storage supplies, and breast pump kits.  
18 This item (46) is exempt from the provisions of Section  
19 2-70. As used in this item (46):

20 "Breast pump" means an electrically controlled or  
21 manually controlled pump device designed or marketed to be  
22 used to express milk from a human breast during lactation,  
23 including the pump device and any battery, AC adapter, or  
24 other power supply unit that is used to power the pump  
25 device and is packaged and sold with the pump device at the  
26 time of sale.

1           "Breast pump collection and storage supplies" means  
2 items of tangible personal property designed or marketed  
3 to be used in conjunction with a breast pump to collect  
4 milk expressed from a human breast and to store collected  
5 milk until it is ready for consumption.

6           "Breast pump collection and storage supplies"  
7 includes, but is not limited to: breast shields and breast  
8 shield connectors; breast pump tubes and tubing adapters;  
9 breast pump valves and membranes; backflow protectors and  
10 backflow protector adaptors; bottles and bottle caps  
11 specific to the operation of the breast pump; and breast  
12 milk storage bags.

13           "Breast pump collection and storage supplies" does not  
14 include: (1) bottles and bottle caps not specific to the  
15 operation of the breast pump; (2) breast pump travel bags  
16 and other similar carrying accessories, including ice  
17 packs, labels, and other similar products; (3) breast pump  
18 cleaning supplies; (4) nursing bras, bra pads, breast  
19 shells, and other similar products; and (5) creams,  
20 ointments, and other similar products that relieve  
21 breastfeeding-related symptoms or conditions of the  
22 breasts or nipples, unless sold as part of a breast pump  
23 kit that is pre-packaged by the breast pump manufacturer  
24 or distributor.

25           "Breast pump kit" means a kit that: (1) contains no  
26 more than a breast pump, breast pump collection and

1 storage supplies, a rechargeable battery for operating the  
2 breast pump, a breastmilk cooler, bottle stands, ice  
3 packs, and a breast pump carrying case; and (2) is  
4 pre-packaged as a breast pump kit by the breast pump  
5 manufacturer or distributor.

6 (47) ~~(46)~~ Tangible personal property sold by or on  
7 behalf of the State Treasurer pursuant to the Revised  
8 Uniform Unclaimed Property Act. This item (47) ~~(46)~~ is  
9 exempt from the provisions of Section 2-70.

10 (Source: P.A. 101-31, eff. 6-28-19; 101-81, eff. 7-12-19;  
11 101-629, eff. 2-5-20; 102-16, eff. 6-17-21; 102-634, eff.  
12 8-27-21; 102-700, Article 70, Section 70-20, eff. 4-19-22;  
13 102-700, Article 75, Section 75-20, eff. 4-19-22; 102-813,  
14 eff. 5-13-22; 102-1026, eff. 5-27-22; revised 8-15-22.)

15 (35 ILCS 120/2-10)

16 Sec. 2-10. Rate of tax. Unless otherwise provided in this  
17 Section, the tax imposed by this Act is at the rate of 6.25% of  
18 gross receipts from sales of tangible personal property made  
19 in the course of business.

20 Beginning on July 1, 2000 and through December 31, 2000,  
21 with respect to motor fuel, as defined in Section 1.1 of the  
22 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
23 the Use Tax Act, the tax is imposed at the rate of 1.25%.

24 Beginning on August 6, 2010 through August 15, 2010, and  
25 beginning again on August 5, 2022 through August 14, 2022,

1 with respect to sales tax holiday items as defined in Section  
2 2-8 of this Act, the tax is imposed at the rate of 1.25%.

3 Within 14 days after July 1, 2000 (the effective date of  
4 Public Act 91-872) ~~this amendatory Act of the 91st General~~  
5 ~~Assembly~~, each retailer of motor fuel and gasohol shall cause  
6 the following notice to be posted in a prominently visible  
7 place on each retail dispensing device that is used to  
8 dispense motor fuel or gasohol in the State of Illinois: "As of  
9 July 1, 2000, the State of Illinois has eliminated the State's  
10 share of sales tax on motor fuel and gasohol through December  
11 31, 2000. The price on this pump should reflect the  
12 elimination of the tax." The notice shall be printed in bold  
13 print on a sign that is no smaller than 4 inches by 8 inches.  
14 The sign shall be clearly visible to customers. Any retailer  
15 who fails to post or maintain a required sign through December  
16 31, 2000 is guilty of a petty offense for which the fine shall  
17 be \$500 per day per each retail premises where a violation  
18 occurs.

19 With respect to gasohol, as defined in the Use Tax Act, the  
20 tax imposed by this Act applies to (i) 70% of the proceeds of  
21 sales made on or after January 1, 1990, and before July 1,  
22 2003, (ii) 80% of the proceeds of sales made on or after July  
23 1, 2003 and on or before July 1, 2017, and (iii) 100% of the  
24 proceeds of sales made thereafter. If, at any time, however,  
25 the tax under this Act on sales of gasohol, as defined in the  
26 Use Tax Act, is imposed at the rate of 1.25%, then the tax

1 imposed by this Act applies to 100% of the proceeds of sales of  
2 gasohol made during that time.

3 With respect to majority blended ethanol fuel, as defined  
4 in the Use Tax Act, the tax imposed by this Act does not apply  
5 to the proceeds of sales made on or after July 1, 2003 and on  
6 or before December 31, 2023 but applies to 100% of the proceeds  
7 of sales made thereafter.

8 With respect to biodiesel blends, as defined in the Use  
9 Tax Act, with no less than 1% and no more than 10% biodiesel,  
10 the tax imposed by this Act applies to (i) 80% of the proceeds  
11 of sales made on or after July 1, 2003 and on or before  
12 December 31, 2018 and (ii) 100% of the proceeds of sales made  
13 after December 31, 2018 and before January 1, 2024. On and  
14 after January 1, 2024 and on or before December 31, 2030, the  
15 taxation of biodiesel, renewable diesel, and biodiesel blends  
16 shall be as provided in Section 3-5.1 of the Use Tax Act. If,  
17 at any time, however, the tax under this Act on sales of  
18 biodiesel blends, as defined in the Use Tax Act, with no less  
19 than 1% and no more than 10% biodiesel is imposed at the rate  
20 of 1.25%, then the tax imposed by this Act applies to 100% of  
21 the proceeds of sales of biodiesel blends with no less than 1%  
22 and no more than 10% biodiesel made during that time.

23 With respect to biodiesel, as defined in the Use Tax Act,  
24 and biodiesel blends, as defined in the Use Tax Act, with more  
25 than 10% but no more than 99% biodiesel, the tax imposed by  
26 this Act does not apply to the proceeds of sales made on or

1 after July 1, 2003 and on or before December 31, 2023. On and  
2 after January 1, 2024 and on or before December 31, 2030, the  
3 taxation of biodiesel, renewable diesel, and biodiesel blends  
4 shall be as provided in Section 3-5.1 of the Use Tax Act.

5       Until July 1, 2022 and beginning again on July 1, 2023,  
6 with respect to food for human consumption that is to be  
7 consumed off the premises where it is sold (other than  
8 alcoholic beverages, food consisting of or infused with adult  
9 use cannabis, soft drinks, and food that has been prepared for  
10 immediate consumption), the tax is imposed at the rate of 1%.  
11 Beginning July 1, 2022 and until July 1, 2023, with respect to  
12 food for human consumption that is to be consumed off the  
13 premises where it is sold (other than alcoholic beverages,  
14 food consisting of or infused with adult use cannabis, soft  
15 drinks, and food that has been prepared for immediate  
16 consumption), the tax is imposed at the rate of 0%.

17       With respect to prescription and nonprescription  
18 medicines, drugs, medical appliances, products classified as  
19 Class III medical devices by the United States Food and Drug  
20 Administration that are used for cancer treatment pursuant to  
21 a prescription, as well as any accessories and components  
22 related to those devices, modifications to a motor vehicle for  
23 the purpose of rendering it usable by a person with a  
24 disability, and insulin, blood sugar testing materials,  
25 syringes, and needles used by human diabetics, the tax is  
26 imposed at the rate of 1%. For the purposes of this Section,



1 until September 1, 2009: the term "soft drinks" means any  
2 complete, finished, ready-to-use, non-alcoholic drink, whether  
3 carbonated or not, including, but not limited to, soda water,  
4 cola, fruit juice, vegetable juice, carbonated water, and all  
5 other preparations commonly known as soft drinks of whatever  
6 kind or description that are contained in any closed or sealed  
7 bottle, can, carton, or container, regardless of size; but  
8 "soft drinks" does not include coffee, tea, non-carbonated  
9 water, infant formula, milk or milk products as defined in the  
10 Grade A Pasteurized Milk and Milk Products Act, or drinks  
11 containing 50% or more natural fruit or vegetable juice.

12 Notwithstanding any other provisions of this Act,  
13 beginning September 1, 2009, "soft drinks" means non-alcoholic  
14 beverages that contain natural or artificial sweeteners. "Soft  
15 drinks" does ~~do~~ not include beverages that contain milk or  
16 milk products, soy, rice or similar milk substitutes, or  
17 greater than 50% of vegetable or fruit juice by volume.

18 Until August 1, 2009, and notwithstanding any other  
19 provisions of this Act, "food for human consumption that is to  
20 be consumed off the premises where it is sold" includes all  
21 food sold through a vending machine, except soft drinks and  
22 food products that are dispensed hot from a vending machine,  
23 regardless of the location of the vending machine. Beginning  
24 August 1, 2009, and notwithstanding any other provisions of  
25 this Act, "food for human consumption that is to be consumed  
26 off the premises where it is sold" includes all food sold

1 through a vending machine, except soft drinks, candy, and food  
2 products that are dispensed hot from a vending machine,  
3 regardless of the location of the vending machine.

4 Notwithstanding any other provisions of this Act,  
5 beginning September 1, 2009, "food for human consumption that  
6 is to be consumed off the premises where it is sold" does not  
7 include candy. For purposes of this Section, "candy" means a  
8 preparation of sugar, honey, or other natural or artificial  
9 sweeteners in combination with chocolate, fruits, nuts or  
10 other ingredients or flavorings in the form of bars, drops, or  
11 pieces. "Candy" does not include any preparation that contains  
12 flour or requires refrigeration.

13 Notwithstanding any other provisions of this Act,  
14 beginning September 1, 2009, "nonprescription medicines and  
15 drugs" does not include grooming and hygiene products. For  
16 purposes of this Section, "grooming and hygiene products"  
17 includes, but is not limited to, soaps and cleaning solutions,  
18 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
19 lotions and screens, unless those products are available by  
20 prescription only, regardless of whether the products meet the  
21 definition of "over-the-counter-drugs". For the purposes of  
22 this paragraph, "over-the-counter-drug" means a drug for human  
23 use that contains a label that identifies the product as a drug  
24 as required by 21 CFR ~~C.F.R.~~ § 201.66. The  
25 "over-the-counter-drug" label includes:

26 (A) a ~~A~~ "Drug Facts" panel; or

1 (B) a ~~A~~ statement of the "active ingredient(s)" with a  
2 list of those ingredients contained in the compound,  
3 substance or preparation.

4 Beginning on January 1, 2014 (the effective date of Public  
5 Act 98-122) ~~this amendatory Act of the 98th General Assembly,~~  
6 "prescription and nonprescription medicines and drugs"  
7 includes medical cannabis purchased from a registered  
8 dispensing organization under the Compassionate Use of Medical  
9 Cannabis Program Act.

10 As used in this Section, "adult use cannabis" means  
11 cannabis subject to tax under the Cannabis Cultivation  
12 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law  
13 and does not include cannabis subject to tax under the  
14 Compassionate Use of Medical Cannabis Program Act.

15 (Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19;  
16 102-4, eff. 4-27-21; 102-700, Article 20, Section 20-20, eff.  
17 4-19-22; 102-700, Article 60, Section 60-30, eff. 4-19-22;  
18 102-700, Article 65, Section 65-10, eff. 4-19-22; revised  
19 6-1-22.)

20 (35 ILCS 120/3) (from Ch. 120, par. 442)

21 Sec. 3. Except as provided in this Section, on or before  
22 the twentieth day of each calendar month, every person engaged  
23 in the business of selling tangible personal property at  
24 retail in this State during the preceding calendar month shall  
25 file a return with the Department, stating:

- 1           1. The name of the seller;
- 2           2. His residence address and the address of his  
3 principal place of business and the address of the  
4 principal place of business (if that is a different  
5 address) from which he engages in the business of selling  
6 tangible personal property at retail in this State;
- 7           3. Total amount of receipts received by him during the  
8 preceding calendar month or quarter, as the case may be,  
9 from sales of tangible personal property, and from  
10 services furnished, by him during such preceding calendar  
11 month or quarter;
- 12           4. Total amount received by him during the preceding  
13 calendar month or quarter on charge and time sales of  
14 tangible personal property, and from services furnished,  
15 by him prior to the month or quarter for which the return  
16 is filed;
- 17           5. Deductions allowed by law;
- 18           6. Gross receipts which were received by him during  
19 the preceding calendar month or quarter and upon the basis  
20 of which the tax is imposed, including gross receipts on  
21 food for human consumption that is to be consumed off the  
22 premises where it is sold (other than alcoholic beverages,  
23 food consisting of or infused with adult use cannabis,  
24 soft drinks, and food that has been prepared for immediate  
25 consumption) which were received during the preceding  
26 calendar month or quarter and upon which tax would have

1           been due but for the 0% rate imposed under Public Act  
2           102-700 ~~this amendatory Act of the 102nd General Assembly;~~

3           7. The amount of credit provided in Section 2d of this  
4           Act;

5           8. The amount of tax due, including the amount of tax  
6           that would have been due on food for human consumption  
7           that is to be consumed off the premises where it is sold  
8           (other than alcoholic beverages, food consisting of or  
9           infused with adult use cannabis, soft drinks, and food  
10          that has been prepared for immediate consumption) but for  
11          the 0% rate imposed under Public Act 102-700 ~~this~~  
12          ~~amendatory Act of the 102nd General Assembly;~~

13          9. The signature of the taxpayer; and

14          10. Such other reasonable information as the  
15          Department may require.

16          On and after January 1, 2018, except for returns required  
17          to be filed prior to January 1, 2023 for motor vehicles,  
18          watercraft, aircraft, and trailers that are required to be  
19          registered with an agency of this State, with respect to  
20          retailers whose annual gross receipts average \$20,000 or more,  
21          all returns required to be filed pursuant to this Act shall be  
22          filed electronically. On and after January 1, 2023, with  
23          respect to retailers whose annual gross receipts average  
24          \$20,000 or more, all returns required to be filed pursuant to  
25          this Act, including, but not limited to, returns for motor  
26          vehicles, watercraft, aircraft, and trailers that are required

1 to be registered with an agency of this State, shall be filed  
2 electronically. Retailers who demonstrate that they do not  
3 have access to the Internet or demonstrate hardship in filing  
4 electronically may petition the Department to waive the  
5 electronic filing requirement.

6 If a taxpayer fails to sign a return within 30 days after  
7 the proper notice and demand for signature by the Department,  
8 the return shall be considered valid and any amount shown to be  
9 due on the return shall be deemed assessed.

10 Each return shall be accompanied by the statement of  
11 prepaid tax issued pursuant to Section 2e for which credit is  
12 claimed.

13 Prior to October 1, 2003, and on and after September 1,  
14 2004 a retailer may accept a Manufacturer's Purchase Credit  
15 certification from a purchaser in satisfaction of Use Tax as  
16 provided in Section 3-85 of the Use Tax Act if the purchaser  
17 provides the appropriate documentation as required by Section  
18 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit  
19 certification, accepted by a retailer prior to October 1, 2003  
20 and on and after September 1, 2004 as provided in Section 3-85  
21 of the Use Tax Act, may be used by that retailer to satisfy  
22 Retailers' Occupation Tax liability in the amount claimed in  
23 the certification, not to exceed 6.25% of the receipts subject  
24 to tax from a qualifying purchase. A Manufacturer's Purchase  
25 Credit reported on any original or amended return filed under  
26 this Act after October 20, 2003 for reporting periods prior to

1 September 1, 2004 shall be disallowed. Manufacturer's Purchase  
2 Credit reported on annual returns due on or after January 1,  
3 2005 will be disallowed for periods prior to September 1,  
4 2004. No Manufacturer's Purchase Credit may be used after  
5 September 30, 2003 through August 31, 2004 to satisfy any tax  
6 liability imposed under this Act, including any audit  
7 liability.

8 The Department may require returns to be filed on a  
9 quarterly basis. If so required, a return for each calendar  
10 quarter shall be filed on or before the twentieth day of the  
11 calendar month following the end of such calendar quarter. The  
12 taxpayer shall also file a return with the Department for each  
13 of the first two months of each calendar quarter, on or before  
14 the twentieth day of the following calendar month, stating:

15 1. The name of the seller;

16 2. The address of the principal place of business from  
17 which he engages in the business of selling tangible  
18 personal property at retail in this State;

19 3. The total amount of taxable receipts received by  
20 him during the preceding calendar month from sales of  
21 tangible personal property by him during such preceding  
22 calendar month, including receipts from charge and time  
23 sales, but less all deductions allowed by law;

24 4. The amount of credit provided in Section 2d of this  
25 Act;

26 5. The amount of tax due; and

1           6. Such other reasonable information as the Department  
2           may require.

3           Every person engaged in the business of selling aviation  
4           fuel at retail in this State during the preceding calendar  
5           month shall, instead of reporting and paying tax as otherwise  
6           required by this Section, report and pay such tax on a separate  
7           aviation fuel tax return. The requirements related to the  
8           return shall be as otherwise provided in this Section.  
9           Notwithstanding any other provisions of this Act to the  
10          contrary, retailers selling aviation fuel shall file all  
11          aviation fuel tax returns and shall make all aviation fuel tax  
12          payments by electronic means in the manner and form required  
13          by the Department. For purposes of this Section, "aviation  
14          fuel" means jet fuel and aviation gasoline.

15          Beginning on October 1, 2003, any person who is not a  
16          licensed distributor, importing distributor, or manufacturer,  
17          as defined in the Liquor Control Act of 1934, but is engaged in  
18          the business of selling, at retail, alcoholic liquor shall  
19          file a statement with the Department of Revenue, in a format  
20          and at a time prescribed by the Department, showing the total  
21          amount paid for alcoholic liquor purchased during the  
22          preceding month and such other information as is reasonably  
23          required by the Department. The Department may adopt rules to  
24          require that this statement be filed in an electronic or  
25          telephonic format. Such rules may provide for exceptions from  
26          the filing requirements of this paragraph. For the purposes of



1 this paragraph, the term "alcoholic liquor" shall have the  
2 meaning prescribed in the Liquor Control Act of 1934.

3 Beginning on October 1, 2003, every distributor, importing  
4 distributor, and manufacturer of alcoholic liquor as defined  
5 in the Liquor Control Act of 1934, shall file a statement with  
6 the Department of Revenue, no later than the 10th day of the  
7 month for the preceding month during which transactions  
8 occurred, by electronic means, showing the total amount of  
9 gross receipts from the sale of alcoholic liquor sold or  
10 distributed during the preceding month to purchasers;  
11 identifying the purchaser to whom it was sold or distributed;  
12 the purchaser's tax registration number; and such other  
13 information reasonably required by the Department. A  
14 distributor, importing distributor, or manufacturer of  
15 alcoholic liquor must personally deliver, mail, or provide by  
16 electronic means to each retailer listed on the monthly  
17 statement a report containing a cumulative total of that  
18 distributor's, importing distributor's, or manufacturer's  
19 total sales of alcoholic liquor to that retailer no later than  
20 the 10th day of the month for the preceding month during which  
21 the transaction occurred. The distributor, importing  
22 distributor, or manufacturer shall notify the retailer as to  
23 the method by which the distributor, importing distributor, or  
24 manufacturer will provide the sales information. If the  
25 retailer is unable to receive the sales information by  
26 electronic means, the distributor, importing distributor, or

1 manufacturer shall furnish the sales information by personal  
2 delivery or by mail. For purposes of this paragraph, the term  
3 "electronic means" includes, but is not limited to, the use of  
4 a secure Internet website, e-mail, or facsimile.

5 If a total amount of less than \$1 is payable, refundable or  
6 creditable, such amount shall be disregarded if it is less  
7 than 50 cents and shall be increased to \$1 if it is 50 cents or  
8 more.

9 Notwithstanding any other provision of this Act to the  
10 contrary, retailers subject to tax on cannabis shall file all  
11 cannabis tax returns and shall make all cannabis tax payments  
12 by electronic means in the manner and form required by the  
13 Department.

14 Beginning October 1, 1993, a taxpayer who has an average  
15 monthly tax liability of \$150,000 or more shall make all  
16 payments required by rules of the Department by electronic  
17 funds transfer. Beginning October 1, 1994, a taxpayer who has  
18 an average monthly tax liability of \$100,000 or more shall  
19 make all payments required by rules of the Department by  
20 electronic funds transfer. Beginning October 1, 1995, a  
21 taxpayer who has an average monthly tax liability of \$50,000  
22 or more shall make all payments required by rules of the  
23 Department by electronic funds transfer. Beginning October 1,  
24 2000, a taxpayer who has an annual tax liability of \$200,000 or  
25 more shall make all payments required by rules of the  
26 Department by electronic funds transfer. The term "annual tax

1 liability" shall be the sum of the taxpayer's liabilities  
2 under this Act, and under all other State and local occupation  
3 and use tax laws administered by the Department, for the  
4 immediately preceding calendar year. The term "average monthly  
5 tax liability" shall be the sum of the taxpayer's liabilities  
6 under this Act, and under all other State and local occupation  
7 and use tax laws administered by the Department, for the  
8 immediately preceding calendar year divided by 12. Beginning  
9 on October 1, 2002, a taxpayer who has a tax liability in the  
10 amount set forth in subsection (b) of Section 2505-210 of the  
11 Department of Revenue Law shall make all payments required by  
12 rules of the Department by electronic funds transfer.

13 Before August 1 of each year beginning in 1993, the  
14 Department shall notify all taxpayers required to make  
15 payments by electronic funds transfer. All taxpayers required  
16 to make payments by electronic funds transfer shall make those  
17 payments for a minimum of one year beginning on October 1.

18 Any taxpayer not required to make payments by electronic  
19 funds transfer may make payments by electronic funds transfer  
20 with the permission of the Department.

21 All taxpayers required to make payment by electronic funds  
22 transfer and any taxpayers authorized to voluntarily make  
23 payments by electronic funds transfer shall make those  
24 payments in the manner authorized by the Department.

25 The Department shall adopt such rules as are necessary to  
26 effectuate a program of electronic funds transfer and the

1 requirements of this Section.

2 Any amount which is required to be shown or reported on any  
3 return or other document under this Act shall, if such amount  
4 is not a whole-dollar amount, be increased to the nearest  
5 whole-dollar amount in any case where the fractional part of a  
6 dollar is 50 cents or more, and decreased to the nearest  
7 whole-dollar amount where the fractional part of a dollar is  
8 less than 50 cents.

9 If the retailer is otherwise required to file a monthly  
10 return and if the retailer's average monthly tax liability to  
11 the Department does not exceed \$200, the Department may  
12 authorize his returns to be filed on a quarter annual basis,  
13 with the return for January, February and March of a given year  
14 being due by April 20 of such year; with the return for April,  
15 May and June of a given year being due by July 20 of such year;  
16 with the return for July, August and September of a given year  
17 being due by October 20 of such year, and with the return for  
18 October, November and December of a given year being due by  
19 January 20 of the following year.

20 If the retailer is otherwise required to file a monthly or  
21 quarterly return and if the retailer's average monthly tax  
22 liability with the Department does not exceed \$50, the  
23 Department may authorize his returns to be filed on an annual  
24 basis, with the return for a given year being due by January 20  
25 of the following year.

26 Such quarter annual and annual returns, as to form and

1 substance, shall be subject to the same requirements as  
2 monthly returns.

3 Notwithstanding any other provision in this Act concerning  
4 the time within which a retailer may file his return, in the  
5 case of any retailer who ceases to engage in a kind of business  
6 which makes him responsible for filing returns under this Act,  
7 such retailer shall file a final return under this Act with the  
8 Department not more than one month after discontinuing such  
9 business.

10 Where the same person has more than one business  
11 registered with the Department under separate registrations  
12 under this Act, such person may not file each return that is  
13 due as a single return covering all such registered  
14 businesses, but shall file separate returns for each such  
15 registered business.

16 In addition, with respect to motor vehicles, watercraft,  
17 aircraft, and trailers that are required to be registered with  
18 an agency of this State, except as otherwise provided in this  
19 Section, every retailer selling this kind of tangible personal  
20 property shall file, with the Department, upon a form to be  
21 prescribed and supplied by the Department, a separate return  
22 for each such item of tangible personal property which the  
23 retailer sells, except that if, in the same transaction, (i) a  
24 retailer of aircraft, watercraft, motor vehicles or trailers  
25 transfers more than one aircraft, watercraft, motor vehicle or  
26 trailer to another aircraft, watercraft, motor vehicle

1 retailer or trailer retailer for the purpose of resale or (ii)  
2 a retailer of aircraft, watercraft, motor vehicles, or  
3 trailers transfers more than one aircraft, watercraft, motor  
4 vehicle, or trailer to a purchaser for use as a qualifying  
5 rolling stock as provided in Section 2-5 of this Act, then that  
6 seller may report the transfer of all aircraft, watercraft,  
7 motor vehicles or trailers involved in that transaction to the  
8 Department on the same uniform invoice-transaction reporting  
9 return form. For purposes of this Section, "watercraft" means  
10 a Class 2, Class 3, or Class 4 watercraft as defined in Section  
11 3-2 of the Boat Registration and Safety Act, a personal  
12 watercraft, or any boat equipped with an inboard motor.

13 In addition, with respect to motor vehicles, watercraft,  
14 aircraft, and trailers that are required to be registered with  
15 an agency of this State, every person who is engaged in the  
16 business of leasing or renting such items and who, in  
17 connection with such business, sells any such item to a  
18 retailer for the purpose of resale is, notwithstanding any  
19 other provision of this Section to the contrary, authorized to  
20 meet the return-filing requirement of this Act by reporting  
21 the transfer of all the aircraft, watercraft, motor vehicles,  
22 or trailers transferred for resale during a month to the  
23 Department on the same uniform invoice-transaction reporting  
24 return form on or before the 20th of the month following the  
25 month in which the transfer takes place. Notwithstanding any  
26 other provision of this Act to the contrary, all returns filed

1 under this paragraph must be filed by electronic means in the  
2 manner and form as required by the Department.

3 Any retailer who sells only motor vehicles, watercraft,  
4 aircraft, or trailers that are required to be registered with  
5 an agency of this State, so that all retailers' occupation tax  
6 liability is required to be reported, and is reported, on such  
7 transaction reporting returns and who is not otherwise  
8 required to file monthly or quarterly returns, need not file  
9 monthly or quarterly returns. However, those retailers shall  
10 be required to file returns on an annual basis.

11 The transaction reporting return, in the case of motor  
12 vehicles or trailers that are required to be registered with  
13 an agency of this State, shall be the same document as the  
14 Uniform Invoice referred to in Section 5-402 of the Illinois  
15 Vehicle Code and must show the name and address of the seller;  
16 the name and address of the purchaser; the amount of the  
17 selling price including the amount allowed by the retailer for  
18 traded-in property, if any; the amount allowed by the retailer  
19 for the traded-in tangible personal property, if any, to the  
20 extent to which Section 1 of this Act allows an exemption for  
21 the value of traded-in property; the balance payable after  
22 deducting such trade-in allowance from the total selling  
23 price; the amount of tax due from the retailer with respect to  
24 such transaction; the amount of tax collected from the  
25 purchaser by the retailer on such transaction (or satisfactory  
26 evidence that such tax is not due in that particular instance,

1 if that is claimed to be the fact); the place and date of the  
2 sale; a sufficient identification of the property sold; such  
3 other information as is required in Section 5-402 of the  
4 Illinois Vehicle Code, and such other information as the  
5 Department may reasonably require.

6 The transaction reporting return in the case of watercraft  
7 or aircraft must show the name and address of the seller; the  
8 name and address of the purchaser; the amount of the selling  
9 price including the amount allowed by the retailer for  
10 traded-in property, if any; the amount allowed by the retailer  
11 for the traded-in tangible personal property, if any, to the  
12 extent to which Section 1 of this Act allows an exemption for  
13 the value of traded-in property; the balance payable after  
14 deducting such trade-in allowance from the total selling  
15 price; the amount of tax due from the retailer with respect to  
16 such transaction; the amount of tax collected from the  
17 purchaser by the retailer on such transaction (or satisfactory  
18 evidence that such tax is not due in that particular instance,  
19 if that is claimed to be the fact); the place and date of the  
20 sale, a sufficient identification of the property sold, and  
21 such other information as the Department may reasonably  
22 require.

23 Such transaction reporting return shall be filed not later  
24 than 20 days after the day of delivery of the item that is  
25 being sold, but may be filed by the retailer at any time sooner  
26 than that if he chooses to do so. The transaction reporting



1 return and tax remittance or proof of exemption from the  
2 Illinois use tax may be transmitted to the Department by way of  
3 the State agency with which, or State officer with whom the  
4 tangible personal property must be titled or registered (if  
5 titling or registration is required) if the Department and  
6 such agency or State officer determine that this procedure  
7 will expedite the processing of applications for title or  
8 registration.

9 With each such transaction reporting return, the retailer  
10 shall remit the proper amount of tax due (or shall submit  
11 satisfactory evidence that the sale is not taxable if that is  
12 the case), to the Department or its agents, whereupon the  
13 Department shall issue, in the purchaser's name, a use tax  
14 receipt (or a certificate of exemption if the Department is  
15 satisfied that the particular sale is tax exempt) which such  
16 purchaser may submit to the agency with which, or State  
17 officer with whom, he must title or register the tangible  
18 personal property that is involved (if titling or registration  
19 is required) in support of such purchaser's application for an  
20 Illinois certificate or other evidence of title or  
21 registration to such tangible personal property.

22 No retailer's failure or refusal to remit tax under this  
23 Act precludes a user, who has paid the proper tax to the  
24 retailer, from obtaining his certificate of title or other  
25 evidence of title or registration (if titling or registration  
26 is required) upon satisfying the Department that such user has

1 paid the proper tax (if tax is due) to the retailer. The  
2 Department shall adopt appropriate rules to carry out the  
3 mandate of this paragraph.

4 If the user who would otherwise pay tax to the retailer  
5 wants the transaction reporting return filed and the payment  
6 of the tax or proof of exemption made to the Department before  
7 the retailer is willing to take these actions and such user has  
8 not paid the tax to the retailer, such user may certify to the  
9 fact of such delay by the retailer and may (upon the Department  
10 being satisfied of the truth of such certification) transmit  
11 the information required by the transaction reporting return  
12 and the remittance for tax or proof of exemption directly to  
13 the Department and obtain his tax receipt or exemption  
14 determination, in which event the transaction reporting return  
15 and tax remittance (if a tax payment was required) shall be  
16 credited by the Department to the proper retailer's account  
17 with the Department, but without the 2.1% or 1.75% discount  
18 provided for in this Section being allowed. When the user pays  
19 the tax directly to the Department, he shall pay the tax in the  
20 same amount and in the same form in which it would be remitted  
21 if the tax had been remitted to the Department by the retailer.

22 Refunds made by the seller during the preceding return  
23 period to purchasers, on account of tangible personal property  
24 returned to the seller, shall be allowed as a deduction under  
25 subdivision 5 of his monthly or quarterly return, as the case  
26 may be, in case the seller had theretofore included the

1 receipts from the sale of such tangible personal property in a  
2 return filed by him and had paid the tax imposed by this Act  
3 with respect to such receipts.

4 Where the seller is a corporation, the return filed on  
5 behalf of such corporation shall be signed by the president,  
6 vice-president, secretary or treasurer or by the properly  
7 accredited agent of such corporation.

8 Where the seller is a limited liability company, the  
9 return filed on behalf of the limited liability company shall  
10 be signed by a manager, member, or properly accredited agent  
11 of the limited liability company.

12 Except as provided in this Section, the retailer filing  
13 the return under this Section shall, at the time of filing such  
14 return, pay to the Department the amount of tax imposed by this  
15 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%  
16 on and after January 1, 1990, or \$5 per calendar year,  
17 whichever is greater, which is allowed to reimburse the  
18 retailer for the expenses incurred in keeping records,  
19 preparing and filing returns, remitting the tax and supplying  
20 data to the Department on request. On and after January 1,  
21 2021, a certified service provider, as defined in the Leveling  
22 the Playing Field for Illinois Retail Act, filing the return  
23 under this Section on behalf of a remote retailer shall, at the  
24 time of such return, pay to the Department the amount of tax  
25 imposed by this Act less a discount of 1.75%. A remote retailer  
26 using a certified service provider to file a return on its

1 behalf, as provided in the Leveling the Playing Field for  
2 Illinois Retail Act, is not eligible for the discount. When  
3 determining the discount allowed under this Section, retailers  
4 shall include the amount of tax that would have been due at the  
5 1% rate but for the 0% rate imposed under Public Act 102-700  
6 ~~this amendatory Act of the 102nd General Assembly~~. When  
7 determining the discount allowed under this Section, retailers  
8 shall include the amount of tax that would have been due at the  
9 6.25% rate but for the 1.25% rate imposed on sales tax holiday  
10 items under Public Act 102-700 ~~this amendatory Act of the~~  
11 ~~102nd General Assembly~~. The discount under this Section is not  
12 allowed for the 1.25% portion of taxes paid on aviation fuel  
13 that is subject to the revenue use requirements of 49 U.S.C.  
14 47107(b) and 49 U.S.C. 47133. Any prepayment made pursuant to  
15 Section 2d of this Act shall be included in the amount on which  
16 such 2.1% or 1.75% discount is computed. In the case of  
17 retailers who report and pay the tax on a transaction by  
18 transaction basis, as provided in this Section, such discount  
19 shall be taken with each such tax remittance instead of when  
20 such retailer files his periodic return. The discount allowed  
21 under this Section is allowed only for returns that are filed  
22 in the manner required by this Act. The Department may  
23 disallow the discount for retailers whose certificate of  
24 registration is revoked at the time the return is filed, but  
25 only if the Department's decision to revoke the certificate of  
26 registration has become final.

1           Before October 1, 2000, if the taxpayer's average monthly  
2 tax liability to the Department under this Act, the Use Tax  
3 Act, the Service Occupation Tax Act, and the Service Use Tax  
4 Act, excluding any liability for prepaid sales tax to be  
5 remitted in accordance with Section 2d of this Act, was  
6 \$10,000 or more during the preceding 4 complete calendar  
7 quarters, he shall file a return with the Department each  
8 month by the 20th day of the month next following the month  
9 during which such tax liability is incurred and shall make  
10 payments to the Department on or before the 7th, 15th, 22nd and  
11 last day of the month during which such liability is incurred.  
12 On and after October 1, 2000, if the taxpayer's average  
13 monthly tax liability to the Department under this Act, the  
14 Use Tax Act, the Service Occupation Tax Act, and the Service  
15 Use Tax Act, excluding any liability for prepaid sales tax to  
16 be remitted in accordance with Section 2d of this Act, was  
17 \$20,000 or more during the preceding 4 complete calendar  
18 quarters, he shall file a return with the Department each  
19 month by the 20th day of the month next following the month  
20 during which such tax liability is incurred and shall make  
21 payment to the Department on or before the 7th, 15th, 22nd and  
22 last day of the month during which such liability is incurred.  
23 If the month during which such tax liability is incurred began  
24 prior to January 1, 1985, each payment shall be in an amount  
25 equal to 1/4 of the taxpayer's actual liability for the month  
26 or an amount set by the Department not to exceed 1/4 of the

1 average monthly liability of the taxpayer to the Department  
2 for the preceding 4 complete calendar quarters (excluding the  
3 month of highest liability and the month of lowest liability  
4 in such 4 quarter period). If the month during which such tax  
5 liability is incurred begins on or after January 1, 1985 and  
6 prior to January 1, 1987, each payment shall be in an amount  
7 equal to 22.5% of the taxpayer's actual liability for the  
8 month or 27.5% of the taxpayer's liability for the same  
9 calendar month of the preceding year. If the month during  
10 which such tax liability is incurred begins on or after  
11 January 1, 1987 and prior to January 1, 1988, each payment  
12 shall be in an amount equal to 22.5% of the taxpayer's actual  
13 liability for the month or 26.25% of the taxpayer's liability  
14 for the same calendar month of the preceding year. If the month  
15 during which such tax liability is incurred begins on or after  
16 January 1, 1988, and prior to January 1, 1989, or begins on or  
17 after January 1, 1996, each payment shall be in an amount equal  
18 to 22.5% of the taxpayer's actual liability for the month or  
19 25% of the taxpayer's liability for the same calendar month of  
20 the preceding year. If the month during which such tax  
21 liability is incurred begins on or after January 1, 1989, and  
22 prior to January 1, 1996, each payment shall be in an amount  
23 equal to 22.5% of the taxpayer's actual liability for the  
24 month or 25% of the taxpayer's liability for the same calendar  
25 month of the preceding year or 100% of the taxpayer's actual  
26 liability for the quarter monthly reporting period. The amount

1 of such quarter monthly payments shall be credited against the  
2 final tax liability of the taxpayer's return for that month.  
3 Before October 1, 2000, once applicable, the requirement of  
4 the making of quarter monthly payments to the Department by  
5 taxpayers having an average monthly tax liability of \$10,000  
6 or more as determined in the manner provided above shall  
7 continue until such taxpayer's average monthly liability to  
8 the Department during the preceding 4 complete calendar  
9 quarters (excluding the month of highest liability and the  
10 month of lowest liability) is less than \$9,000, or until such  
11 taxpayer's average monthly liability to the Department as  
12 computed for each calendar quarter of the 4 preceding complete  
13 calendar quarter period is less than \$10,000. However, if a  
14 taxpayer can show the Department that a substantial change in  
15 the taxpayer's business has occurred which causes the taxpayer  
16 to anticipate that his average monthly tax liability for the  
17 reasonably foreseeable future will fall below the \$10,000  
18 threshold stated above, then such taxpayer may petition the  
19 Department for a change in such taxpayer's reporting status.  
20 On and after October 1, 2000, once applicable, the requirement  
21 of the making of quarter monthly payments to the Department by  
22 taxpayers having an average monthly tax liability of \$20,000  
23 or more as determined in the manner provided above shall  
24 continue until such taxpayer's average monthly liability to  
25 the Department during the preceding 4 complete calendar  
26 quarters (excluding the month of highest liability and the

1 month of lowest liability) is less than \$19,000 or until such  
2 taxpayer's average monthly liability to the Department as  
3 computed for each calendar quarter of the 4 preceding complete  
4 calendar quarter period is less than \$20,000. However, if a  
5 taxpayer can show the Department that a substantial change in  
6 the taxpayer's business has occurred which causes the taxpayer  
7 to anticipate that his average monthly tax liability for the  
8 reasonably foreseeable future will fall below the \$20,000  
9 threshold stated above, then such taxpayer may petition the  
10 Department for a change in such taxpayer's reporting status.  
11 The Department shall change such taxpayer's reporting status  
12 unless it finds that such change is seasonal in nature and not  
13 likely to be long term. Quarter monthly payment status shall  
14 be determined under this paragraph as if the rate reduction to  
15 0% in Public Act 102-700 ~~this amendatory Act of the 102nd~~  
16 ~~General Assembly~~ on food for human consumption that is to be  
17 consumed off the premises where it is sold (other than  
18 alcoholic beverages, food consisting of or infused with adult  
19 use cannabis, soft drinks, and food that has been prepared for  
20 immediate consumption) had not occurred. For quarter monthly  
21 payments due under this paragraph on or after July 1, 2023 and  
22 through June 30, 2024, "25% of the taxpayer's liability for  
23 the same calendar month of the preceding year" shall be  
24 determined as if the rate reduction to 0% in Public Act 102-700  
25 ~~this amendatory Act of the 102nd General Assembly~~ had not  
26 occurred. Quarter monthly payment status shall be determined



1 under this paragraph as if the rate reduction to 1.25% in  
2 Public Act 102-700 ~~this amendatory Act of the 102nd General~~  
3 ~~Assembly~~ on sales tax holiday items had not occurred. For  
4 quarter monthly payments due on or after July 1, 2023 and  
5 through June 30, 2024, "25% of the taxpayer's liability for  
6 the same calendar month of the preceding year" shall be  
7 determined as if the rate reduction to 1.25% in Public Act  
8 102-700 ~~this amendatory Act of the 102nd General Assembly~~ on  
9 sales tax holiday items had not occurred. If any such quarter  
10 monthly payment is not paid at the time or in the amount  
11 required by this Section, then the taxpayer shall be liable  
12 for penalties and interest on the difference between the  
13 minimum amount due as a payment and the amount of such quarter  
14 monthly payment actually and timely paid, except insofar as  
15 the taxpayer has previously made payments for that month to  
16 the Department in excess of the minimum payments previously  
17 due as provided in this Section. The Department shall make  
18 reasonable rules and regulations to govern the quarter monthly  
19 payment amount and quarter monthly payment dates for taxpayers  
20 who file on other than a calendar monthly basis.

21 The provisions of this paragraph apply before October 1,  
22 2001. Without regard to whether a taxpayer is required to make  
23 quarter monthly payments as specified above, any taxpayer who  
24 is required by Section 2d of this Act to collect and remit  
25 prepaid taxes and has collected prepaid taxes which average in  
26 excess of \$25,000 per month during the preceding 2 complete

1 calendar quarters, shall file a return with the Department as  
2 required by Section 2f and shall make payments to the  
3 Department on or before the 7th, 15th, 22nd and last day of the  
4 month during which such liability is incurred. If the month  
5 during which such tax liability is incurred began prior to  
6 September 1, 1985 (the effective date of Public Act 84-221),  
7 each payment shall be in an amount not less than 22.5% of the  
8 taxpayer's actual liability under Section 2d. If the month  
9 during which such tax liability is incurred begins on or after  
10 January 1, 1986, each payment shall be in an amount equal to  
11 22.5% of the taxpayer's actual liability for the month or  
12 27.5% of the taxpayer's liability for the same calendar month  
13 of the preceding calendar year. If the month during which such  
14 tax liability is incurred begins on or after January 1, 1987,  
15 each payment shall be in an amount equal to 22.5% of the  
16 taxpayer's actual liability for the month or 26.25% of the  
17 taxpayer's liability for the same calendar month of the  
18 preceding year. The amount of such quarter monthly payments  
19 shall be credited against the final tax liability of the  
20 taxpayer's return for that month filed under this Section or  
21 Section 2f, as the case may be. Once applicable, the  
22 requirement of the making of quarter monthly payments to the  
23 Department pursuant to this paragraph shall continue until  
24 such taxpayer's average monthly prepaid tax collections during  
25 the preceding 2 complete calendar quarters is \$25,000 or less.  
26 If any such quarter monthly payment is not paid at the time or

1 in the amount required, the taxpayer shall be liable for  
2 penalties and interest on such difference, except insofar as  
3 the taxpayer has previously made payments for that month in  
4 excess of the minimum payments previously due.

5 The provisions of this paragraph apply on and after  
6 October 1, 2001. Without regard to whether a taxpayer is  
7 required to make quarter monthly payments as specified above,  
8 any taxpayer who is required by Section 2d of this Act to  
9 collect and remit prepaid taxes and has collected prepaid  
10 taxes that average in excess of \$20,000 per month during the  
11 preceding 4 complete calendar quarters shall file a return  
12 with the Department as required by Section 2f and shall make  
13 payments to the Department on or before the 7th, 15th, 22nd and  
14 last day of the month during which the liability is incurred.  
15 Each payment shall be in an amount equal to 22.5% of the  
16 taxpayer's actual liability for the month or 25% of the  
17 taxpayer's liability for the same calendar month of the  
18 preceding year. The amount of the quarter monthly payments  
19 shall be credited against the final tax liability of the  
20 taxpayer's return for that month filed under this Section or  
21 Section 2f, as the case may be. Once applicable, the  
22 requirement of the making of quarter monthly payments to the  
23 Department pursuant to this paragraph shall continue until the  
24 taxpayer's average monthly prepaid tax collections during the  
25 preceding 4 complete calendar quarters (excluding the month of  
26 highest liability and the month of lowest liability) is less

1 than \$19,000 or until such taxpayer's average monthly  
2 liability to the Department as computed for each calendar  
3 quarter of the 4 preceding complete calendar quarters is less  
4 than \$20,000. If any such quarter monthly payment is not paid  
5 at the time or in the amount required, the taxpayer shall be  
6 liable for penalties and interest on such difference, except  
7 insofar as the taxpayer has previously made payments for that  
8 month in excess of the minimum payments previously due.

9 If any payment provided for in this Section exceeds the  
10 taxpayer's liabilities under this Act, the Use Tax Act, the  
11 Service Occupation Tax Act and the Service Use Tax Act, as  
12 shown on an original monthly return, the Department shall, if  
13 requested by the taxpayer, issue to the taxpayer a credit  
14 memorandum no later than 30 days after the date of payment. The  
15 credit evidenced by such credit memorandum may be assigned by  
16 the taxpayer to a similar taxpayer under this Act, the Use Tax  
17 Act, the Service Occupation Tax Act or the Service Use Tax Act,  
18 in accordance with reasonable rules and regulations to be  
19 prescribed by the Department. If no such request is made, the  
20 taxpayer may credit such excess payment against tax liability  
21 subsequently to be remitted to the Department under this Act,  
22 the Use Tax Act, the Service Occupation Tax Act or the Service  
23 Use Tax Act, in accordance with reasonable rules and  
24 regulations prescribed by the Department. If the Department  
25 subsequently determined that all or any part of the credit  
26 taken was not actually due to the taxpayer, the taxpayer's

1 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or  
2 1.75% of the difference between the credit taken and that  
3 actually due, and that taxpayer shall be liable for penalties  
4 and interest on such difference.

5 If a retailer of motor fuel is entitled to a credit under  
6 Section 2d of this Act which exceeds the taxpayer's liability  
7 to the Department under this Act for the month for which the  
8 taxpayer is filing a return, the Department shall issue the  
9 taxpayer a credit memorandum for the excess.

10 Beginning January 1, 1990, each month the Department shall  
11 pay into the Local Government Tax Fund, a special fund in the  
12 State treasury which is hereby created, the net revenue  
13 realized for the preceding month from the 1% tax imposed under  
14 this Act.

15 Beginning January 1, 1990, each month the Department shall  
16 pay into the County and Mass Transit District Fund, a special  
17 fund in the State treasury which is hereby created, 4% of the  
18 net revenue realized for the preceding month from the 6.25%  
19 general rate other than aviation fuel sold on or after  
20 December 1, 2019. This exception for aviation fuel only  
21 applies for so long as the revenue use requirements of 49  
22 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

23 Beginning August 1, 2000, each month the Department shall  
24 pay into the County and Mass Transit District Fund 20% of the  
25 net revenue realized for the preceding month from the 1.25%  
26 rate on the selling price of motor fuel and gasohol. If, in any

1 month, the tax on sales tax holiday items, as defined in  
2 Section 2-8, is imposed at the rate of 1.25%, then the  
3 Department shall pay 20% of the net revenue realized for that  
4 month from the 1.25% rate on the selling price of sales tax  
5 holiday items into the County and Mass Transit District Fund.

6 Beginning January 1, 1990, each month the Department shall  
7 pay into the Local Government Tax Fund 16% of the net revenue  
8 realized for the preceding month from the 6.25% general rate  
9 on the selling price of tangible personal property other than  
10 aviation fuel sold on or after December 1, 2019. This  
11 exception for aviation fuel only applies for so long as the  
12 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.  
13 47133 are binding on the State.

14 For aviation fuel sold on or after December 1, 2019, each  
15 month the Department shall pay into the State Aviation Program  
16 Fund 20% of the net revenue realized for the preceding month  
17 from the 6.25% general rate on the selling price of aviation  
18 fuel, less an amount estimated by the Department to be  
19 required for refunds of the 20% portion of the tax on aviation  
20 fuel under this Act, which amount shall be deposited into the  
21 Aviation Fuel Sales Tax Refund Fund. The Department shall only  
22 pay moneys into the State Aviation Program Fund and the  
23 Aviation Fuel Sales Tax Refund Fund under this Act for so long  
24 as the revenue use requirements of 49 U.S.C. 47107(b) and 49  
25 U.S.C. 47133 are binding on the State.

26 Beginning August 1, 2000, each month the Department shall

1 pay into the Local Government Tax Fund 80% of the net revenue  
2 realized for the preceding month from the 1.25% rate on the  
3 selling price of motor fuel and gasohol. If, in any month, the  
4 tax on sales tax holiday items, as defined in Section 2-8, is  
5 imposed at the rate of 1.25%, then the Department shall pay 80%  
6 of the net revenue realized for that month from the 1.25% rate  
7 on the selling price of sales tax holiday items into the Local  
8 Government Tax Fund.

9 Beginning October 1, 2009, each month the Department shall  
10 pay into the Capital Projects Fund an amount that is equal to  
11 an amount estimated by the Department to represent 80% of the  
12 net revenue realized for the preceding month from the sale of  
13 candy, grooming and hygiene products, and soft drinks that had  
14 been taxed at a rate of 1% prior to September 1, 2009 but that  
15 are now taxed at 6.25%.

16 Beginning July 1, 2011, each month the Department shall  
17 pay into the Clean Air Act Permit Fund 80% of the net revenue  
18 realized for the preceding month from the 6.25% general rate  
19 on the selling price of sorbents used in Illinois in the  
20 process of sorbent injection as used to comply with the  
21 Environmental Protection Act or the federal Clean Air Act, but  
22 the total payment into the Clean Air Act Permit Fund under this  
23 Act and the Use Tax Act shall not exceed \$2,000,000 in any  
24 fiscal year.

25 Beginning July 1, 2013, each month the Department shall  
26 pay into the Underground Storage Tank Fund from the proceeds

1 collected under this Act, the Use Tax Act, the Service Use Tax  
2 Act, and the Service Occupation Tax Act an amount equal to the  
3 average monthly deficit in the Underground Storage Tank Fund  
4 during the prior year, as certified annually by the Illinois  
5 Environmental Protection Agency, but the total payment into  
6 the Underground Storage Tank Fund under this Act, the Use Tax  
7 Act, the Service Use Tax Act, and the Service Occupation Tax  
8 Act shall not exceed \$18,000,000 in any State fiscal year. As  
9 used in this paragraph, the "average monthly deficit" shall be  
10 equal to the difference between the average monthly claims for  
11 payment by the fund and the average monthly revenues deposited  
12 into the fund, excluding payments made pursuant to this  
13 paragraph.

14 Beginning July 1, 2015, of the remainder of the moneys  
15 received by the Department under the Use Tax Act, the Service  
16 Use Tax Act, the Service Occupation Tax Act, and this Act, each  
17 month the Department shall deposit \$500,000 into the State  
18 Crime Laboratory Fund.

19 Of the remainder of the moneys received by the Department  
20 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
21 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
22 and after July 1, 1989, 3.8% thereof shall be paid into the  
23 Build Illinois Fund; provided, however, that if in any fiscal  
24 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
25 may be, of the moneys received by the Department and required  
26 to be paid into the Build Illinois Fund pursuant to this Act,



1 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax  
2 Act, and Section 9 of the Service Occupation Tax Act, such Acts  
3 being hereinafter called the "Tax Acts" and such aggregate of  
4 2.2% or 3.8%, as the case may be, of moneys being hereinafter  
5 called the "Tax Act Amount", and (2) the amount transferred to  
6 the Build Illinois Fund from the State and Local Sales Tax  
7 Reform Fund shall be less than the Annual Specified Amount (as  
8 hereinafter defined), an amount equal to the difference shall  
9 be immediately paid into the Build Illinois Fund from other  
10 moneys received by the Department pursuant to the Tax Acts;  
11 the "Annual Specified Amount" means the amounts specified  
12 below for fiscal years 1986 through 1993:

13	Fiscal Year	Annual Specified Amount
14	1986	\$54,800,000
15	1987	\$76,650,000
16	1988	\$80,480,000
17	1989	\$88,510,000
18	1990	\$115,330,000
19	1991	\$145,470,000
20	1992	\$182,730,000
21	1993	\$206,520,000;

22 and means the Certified Annual Debt Service Requirement (as  
23 defined in Section 13 of the Build Illinois Bond Act) or the  
24 Tax Act Amount, whichever is greater, for fiscal year 1994 and  
25 each fiscal year thereafter; and further provided, that if on  
26 the last business day of any month the sum of (1) the Tax Act

1 Amount required to be deposited into the Build Illinois Bond  
2 Account in the Build Illinois Fund during such month and (2)  
3 the amount transferred to the Build Illinois Fund from the  
4 State and Local Sales Tax Reform Fund shall have been less than  
5 1/12 of the Annual Specified Amount, an amount equal to the  
6 difference shall be immediately paid into the Build Illinois  
7 Fund from other moneys received by the Department pursuant to  
8 the Tax Acts; and, further provided, that in no event shall the  
9 payments required under the preceding proviso result in  
10 aggregate payments into the Build Illinois Fund pursuant to  
11 this clause (b) for any fiscal year in excess of the greater of  
12 (i) the Tax Act Amount or (ii) the Annual Specified Amount for  
13 such fiscal year. The amounts payable into the Build Illinois  
14 Fund under clause (b) of the first sentence in this paragraph  
15 shall be payable only until such time as the aggregate amount  
16 on deposit under each trust indenture securing Bonds issued  
17 and outstanding pursuant to the Build Illinois Bond Act is  
18 sufficient, taking into account any future investment income,  
19 to fully provide, in accordance with such indenture, for the  
20 defeasance of or the payment of the principal of, premium, if  
21 any, and interest on the Bonds secured by such indenture and on  
22 any Bonds expected to be issued thereafter and all fees and  
23 costs payable with respect thereto, all as certified by the  
24 Director of the Bureau of the Budget (now Governor's Office of  
25 Management and Budget). If on the last business day of any  
26 month in which Bonds are outstanding pursuant to the Build

1 Illinois Bond Act, the aggregate of moneys deposited in the  
2 Build Illinois Bond Account in the Build Illinois Fund in such  
3 month shall be less than the amount required to be transferred  
4 in such month from the Build Illinois Bond Account to the Build  
5 Illinois Bond Retirement and Interest Fund pursuant to Section  
6 13 of the Build Illinois Bond Act, an amount equal to such  
7 deficiency shall be immediately paid from other moneys  
8 received by the Department pursuant to the Tax Acts to the  
9 Build Illinois Fund; provided, however, that any amounts paid  
10 to the Build Illinois Fund in any fiscal year pursuant to this  
11 sentence shall be deemed to constitute payments pursuant to  
12 clause (b) of the first sentence of this paragraph and shall  
13 reduce the amount otherwise payable for such fiscal year  
14 pursuant to that clause (b). The moneys received by the  
15 Department pursuant to this Act and required to be deposited  
16 into the Build Illinois Fund are subject to the pledge, claim  
17 and charge set forth in Section 12 of the Build Illinois Bond  
18 Act.

19 Subject to payment of amounts into the Build Illinois Fund  
20 as provided in the preceding paragraph or in any amendment  
21 thereto hereafter enacted, the following specified monthly  
22 installment of the amount requested in the certificate of the  
23 Chairman of the Metropolitan Pier and Exposition Authority  
24 provided under Section 8.25f of the State Finance Act, but not  
25 in excess of sums designated as "Total Deposit", shall be  
26 deposited in the aggregate from collections under Section 9 of

1 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
2 9 of the Service Occupation Tax Act, and Section 3 of the  
3 Retailers' Occupation Tax Act into the McCormick Place  
4 Expansion Project Fund in the specified fiscal years.

5	Fiscal Year	Total Deposit
6	1993	\$0
7	1994	53,000,000
8	1995	58,000,000
9	1996	61,000,000
10	1997	64,000,000
11	1998	68,000,000
12	1999	71,000,000
13	2000	75,000,000
14	2001	80,000,000
15	2002	93,000,000
16	2003	99,000,000
17	2004	103,000,000
18	2005	108,000,000
19	2006	113,000,000
20	2007	119,000,000
21	2008	126,000,000
22	2009	132,000,000
23	2010	139,000,000
24	2011	146,000,000
25	2012	153,000,000
26	2013	161,000,000

1	2014	170,000,000
2	2015	179,000,000
3	2016	189,000,000
4	2017	199,000,000
5	2018	210,000,000
6	2019	221,000,000
7	2020	233,000,000
8	2021	300,000,000
9	2022	300,000,000
10	2023	300,000,000
11	2024	300,000,000
12	2025	300,000,000
13	2026	300,000,000
14	2027	375,000,000
15	2028	375,000,000
16	2029	375,000,000
17	2030	375,000,000
18	2031	375,000,000
19	2032	375,000,000
20	2033	375,000,000
21	2034	375,000,000
22	2035	375,000,000
23	2036	450,000,000
24	and	
25	each fiscal year	
26	thereafter that bonds	

1           are outstanding under  
2           Section 13.2 of the  
3           Metropolitan Pier and  
4           Exposition Authority Act,  
5       but not after fiscal year 2060.

6           Beginning July 20, 1993 and in each month of each fiscal  
7       year thereafter, one-eighth of the amount requested in the  
8       certificate of the Chairman of the Metropolitan Pier and  
9       Exposition Authority for that fiscal year, less the amount  
10      deposited into the McCormick Place Expansion Project Fund by  
11      the State Treasurer in the respective month under subsection  
12      (g) of Section 13 of the Metropolitan Pier and Exposition  
13      Authority Act, plus cumulative deficiencies in the deposits  
14      required under this Section for previous months and years,  
15      shall be deposited into the McCormick Place Expansion Project  
16      Fund, until the full amount requested for the fiscal year, but  
17      not in excess of the amount specified above as "Total  
18      Deposit", has been deposited.

19           Subject to payment of amounts into the Capital Projects  
20      Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,  
21      and the McCormick Place Expansion Project Fund pursuant to the  
22      preceding paragraphs or in any amendments thereto hereafter  
23      enacted, for aviation fuel sold on or after December 1, 2019,  
24      the Department shall each month deposit into the Aviation Fuel  
25      Sales Tax Refund Fund an amount estimated by the Department to  
26      be required for refunds of the 80% portion of the tax on

1 aviation fuel under this Act. The Department shall only  
2 deposit moneys into the Aviation Fuel Sales Tax Refund Fund  
3 under this paragraph for so long as the revenue use  
4 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are  
5 binding on the State.

6 Subject to payment of amounts into the Build Illinois Fund  
7 and the McCormick Place Expansion Project Fund pursuant to the  
8 preceding paragraphs or in any amendments thereto hereafter  
9 enacted, beginning July 1, 1993 and ending on September 30,  
10 2013, the Department shall each month pay into the Illinois  
11 Tax Increment Fund 0.27% of 80% of the net revenue realized for  
12 the preceding month from the 6.25% general rate on the selling  
13 price of tangible personal property.

14 Subject to payment of amounts into the Build Illinois Fund  
15 and the McCormick Place Expansion Project Fund pursuant to the  
16 preceding paragraphs or in any amendments thereto hereafter  
17 enacted, beginning with the receipt of the first report of  
18 taxes paid by an eligible business and continuing for a  
19 25-year period, the Department shall each month pay into the  
20 Energy Infrastructure Fund 80% of the net revenue realized  
21 from the 6.25% general rate on the selling price of  
22 Illinois-mined coal that was sold to an eligible business. For  
23 purposes of this paragraph, the term "eligible business" means  
24 a new electric generating facility certified pursuant to  
25 Section 605-332 of the Department of Commerce and Economic  
26 Opportunity Law of the Civil Administrative Code of Illinois.

1           Subject to payment of amounts into the Build Illinois  
2 Fund, the McCormick Place Expansion Project Fund, the Illinois  
3 Tax Increment Fund, and the Energy Infrastructure Fund  
4 pursuant to the preceding paragraphs or in any amendments to  
5 this Section hereafter enacted, beginning on the first day of  
6 the first calendar month to occur on or after August 26, 2014  
7 (the effective date of Public Act 98-1098), each month, from  
8 the collections made under Section 9 of the Use Tax Act,  
9 Section 9 of the Service Use Tax Act, Section 9 of the Service  
10 Occupation Tax Act, and Section 3 of the Retailers' Occupation  
11 Tax Act, the Department shall pay into the Tax Compliance and  
12 Administration Fund, to be used, subject to appropriation, to  
13 fund additional auditors and compliance personnel at the  
14 Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
15 the cash receipts collected during the preceding fiscal year  
16 by the Audit Bureau of the Department under the Use Tax Act,  
17 the Service Use Tax Act, the Service Occupation Tax Act, the  
18 Retailers' Occupation Tax Act, and associated local occupation  
19 and use taxes administered by the Department.

20           Subject to payments of amounts into the Build Illinois  
21 Fund, the McCormick Place Expansion Project Fund, the Illinois  
22 Tax Increment Fund, the Energy Infrastructure Fund, and the  
23 Tax Compliance and Administration Fund as provided in this  
24 Section, beginning on July 1, 2018 the Department shall pay  
25 each month into the Downstate Public Transportation Fund the  
26 moneys required to be so paid under Section 2-3 of the



1 Downstate Public Transportation Act.

2 Subject to successful execution and delivery of a  
3 public-private agreement between the public agency and private  
4 entity and completion of the civic build, beginning on July 1,  
5 2023, of the remainder of the moneys received by the  
6 Department under the Use Tax Act, the Service Use Tax Act, the  
7 Service Occupation Tax Act, and this Act, the Department shall  
8 deposit the following specified deposits in the aggregate from  
9 collections under the Use Tax Act, the Service Use Tax Act, the  
10 Service Occupation Tax Act, and the Retailers' Occupation Tax  
11 Act, as required under Section 8.25g of the State Finance Act  
12 for distribution consistent with the Public-Private  
13 Partnership for Civic and Transit Infrastructure Project Act.  
14 The moneys received by the Department pursuant to this Act and  
15 required to be deposited into the Civic and Transit  
16 Infrastructure Fund are subject to the pledge, claim and  
17 charge set forth in Section 25-55 of the Public-Private  
18 Partnership for Civic and Transit Infrastructure Project Act.  
19 As used in this paragraph, "civic build", "private entity",  
20 "public-private agreement", and "public agency" have the  
21 meanings provided in Section 25-10 of the Public-Private  
22 Partnership for Civic and Transit Infrastructure Project Act.

23	Fiscal Year.....	Total Deposit
24	2024 .....	\$200,000,000
25	2025 .....	\$206,000,000
26	2026 .....	\$212,200,000

1	2027	.....	\$218,500,000
2	2028	.....	\$225,100,000
3	2029	.....	\$288,700,000
4	2030	.....	\$298,900,000
5	2031	.....	\$309,300,000
6	2032	.....	\$320,100,000
7	2033	.....	\$331,200,000
8	2034	.....	\$341,200,000
9	2035	.....	\$351,400,000
10	2036	.....	\$361,900,000
11	2037	.....	\$372,800,000
12	2038	.....	\$384,000,000
13	2039	.....	\$395,500,000
14	2040	.....	\$407,400,000
15	2041	.....	\$419,600,000
16	2042	.....	\$432,200,000
17	2043	.....	\$445,100,000

18           Beginning July 1, 2021 and until July 1, 2022, subject to  
19 the payment of amounts into the County and Mass Transit  
20 District Fund, the Local Government Tax Fund, the Build  
21 Illinois Fund, the McCormick Place Expansion Project Fund, the  
22 Illinois Tax Increment Fund, the Energy Infrastructure Fund,  
23 and the Tax Compliance and Administration Fund as provided in  
24 this Section, the Department shall pay each month into the  
25 Road Fund the amount estimated to represent 16% of the net  
26 revenue realized from the taxes imposed on motor fuel and

1 gasohol. Beginning July 1, 2022 and until July 1, 2023,  
2 subject to the payment of amounts into the County and Mass  
3 Transit District Fund, the Local Government Tax Fund, the  
4 Build Illinois Fund, the McCormick Place Expansion Project  
5 Fund, the Illinois Tax Increment Fund, the Energy  
6 Infrastructure Fund, and the Tax Compliance and Administration  
7 Fund as provided in this Section, the Department shall pay  
8 each month into the Road Fund the amount estimated to  
9 represent 32% of the net revenue realized from the taxes  
10 imposed on motor fuel and gasohol. Beginning July 1, 2023 and  
11 until July 1, 2024, subject to the payment of amounts into the  
12 County and Mass Transit District Fund, the Local Government  
13 Tax Fund, the Build Illinois Fund, the McCormick Place  
14 Expansion Project Fund, the Illinois Tax Increment Fund, the  
15 Energy Infrastructure Fund, and the Tax Compliance and  
16 Administration Fund as provided in this Section, the  
17 Department shall pay each month into the Road Fund the amount  
18 estimated to represent 48% of the net revenue realized from  
19 the taxes imposed on motor fuel and gasohol. Beginning July 1,  
20 2024 and until July 1, 2025, subject to the payment of amounts  
21 into the County and Mass Transit District Fund, the Local  
22 Government Tax Fund, the Build Illinois Fund, the McCormick  
23 Place Expansion Project Fund, the Illinois Tax Increment Fund,  
24 the Energy Infrastructure Fund, and the Tax Compliance and  
25 Administration Fund as provided in this Section, the  
26 Department shall pay each month into the Road Fund the amount

1 estimated to represent 64% of the net revenue realized from  
2 the taxes imposed on motor fuel and gasohol. Beginning on July  
3 1, 2025, subject to the payment of amounts into the County and  
4 Mass Transit District Fund, the Local Government Tax Fund, the  
5 Build Illinois Fund, the McCormick Place Expansion Project  
6 Fund, the Illinois Tax Increment Fund, the Energy  
7 Infrastructure Fund, and the Tax Compliance and Administration  
8 Fund as provided in this Section, the Department shall pay  
9 each month into the Road Fund the amount estimated to  
10 represent 80% of the net revenue realized from the taxes  
11 imposed on motor fuel and gasohol. As used in this paragraph  
12 "motor fuel" has the meaning given to that term in Section 1.1  
13 of the Motor Fuel Tax Law, and "gasohol" has the meaning given  
14 to that term in Section 3-40 of the Use Tax Act.

15 Of the remainder of the moneys received by the Department  
16 pursuant to this Act, 75% thereof shall be paid into the State  
17 treasury ~~Treasury~~ and 25% shall be reserved in a special  
18 account and used only for the transfer to the Common School  
19 Fund as part of the monthly transfer from the General Revenue  
20 Fund in accordance with Section 8a of the State Finance Act.

21 The Department may, upon separate written notice to a  
22 taxpayer, require the taxpayer to prepare and file with the  
23 Department on a form prescribed by the Department within not  
24 less than 60 days after receipt of the notice an annual  
25 information return for the tax year specified in the notice.  
26 Such annual return to the Department shall include a statement

1 of gross receipts as shown by the retailer's last Federal  
2 income tax return. If the total receipts of the business as  
3 reported in the Federal income tax return do not agree with the  
4 gross receipts reported to the Department of Revenue for the  
5 same period, the retailer shall attach to his annual return a  
6 schedule showing a reconciliation of the 2 amounts and the  
7 reasons for the difference. The retailer's annual return to  
8 the Department shall also disclose the cost of goods sold by  
9 the retailer during the year covered by such return, opening  
10 and closing inventories of such goods for such year, costs of  
11 goods used from stock or taken from stock and given away by the  
12 retailer during such year, payroll information of the  
13 retailer's business during such year and any additional  
14 reasonable information which the Department deems would be  
15 helpful in determining the accuracy of the monthly, quarterly  
16 or annual returns filed by such retailer as provided for in  
17 this Section.

18 If the annual information return required by this Section  
19 is not filed when and as required, the taxpayer shall be liable  
20 as follows:

21 (i) Until January 1, 1994, the taxpayer shall be  
22 liable for a penalty equal to 1/6 of 1% of the tax due from  
23 such taxpayer under this Act during the period to be  
24 covered by the annual return for each month or fraction of  
25 a month until such return is filed as required, the  
26 penalty to be assessed and collected in the same manner as

1 any other penalty provided for in this Act.

2 (ii) On and after January 1, 1994, the taxpayer shall  
3 be liable for a penalty as described in Section 3-4 of the  
4 Uniform Penalty and Interest Act.

5 The chief executive officer, proprietor, owner or highest  
6 ranking manager shall sign the annual return to certify the  
7 accuracy of the information contained therein. Any person who  
8 willfully signs the annual return containing false or  
9 inaccurate information shall be guilty of perjury and punished  
10 accordingly. The annual return form prescribed by the  
11 Department shall include a warning that the person signing the  
12 return may be liable for perjury.

13 The provisions of this Section concerning the filing of an  
14 annual information return do not apply to a retailer who is not  
15 required to file an income tax return with the United States  
16 Government.

17 As soon as possible after the first day of each month, upon  
18 certification of the Department of Revenue, the Comptroller  
19 shall order transferred and the Treasurer shall transfer from  
20 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
21 equal to 1.7% of 80% of the net revenue realized under this Act  
22 for the second preceding month. Beginning April 1, 2000, this  
23 transfer is no longer required and shall not be made.

24 Net revenue realized for a month shall be the revenue  
25 collected by the State pursuant to this Act, less the amount  
26 paid out during that month as refunds to taxpayers for

1 overpayment of liability.

2 For greater simplicity of administration, manufacturers,  
3 importers and wholesalers whose products are sold at retail in  
4 Illinois by numerous retailers, and who wish to do so, may  
5 assume the responsibility for accounting and paying to the  
6 Department all tax accruing under this Act with respect to  
7 such sales, if the retailers who are affected do not make  
8 written objection to the Department to this arrangement.

9 Any person who promotes, organizes, provides retail  
10 selling space for concessionaires or other types of sellers at  
11 the Illinois State Fair, DuQuoin State Fair, county fairs,  
12 local fairs, art shows, flea markets and similar exhibitions  
13 or events, including any transient merchant as defined by  
14 Section 2 of the Transient Merchant Act of 1987, is required to  
15 file a report with the Department providing the name of the  
16 merchant's business, the name of the person or persons engaged  
17 in merchant's business, the permanent address and Illinois  
18 Retailers Occupation Tax Registration Number of the merchant,  
19 the dates and location of the event and other reasonable  
20 information that the Department may require. The report must  
21 be filed not later than the 20th day of the month next  
22 following the month during which the event with retail sales  
23 was held. Any person who fails to file a report required by  
24 this Section commits a business offense and is subject to a  
25 fine not to exceed \$250.

26 Any person engaged in the business of selling tangible

1 personal property at retail as a concessionaire or other type  
2 of seller at the Illinois State Fair, county fairs, art shows,  
3 flea markets and similar exhibitions or events, or any  
4 transient merchants, as defined by Section 2 of the Transient  
5 Merchant Act of 1987, may be required to make a daily report of  
6 the amount of such sales to the Department and to make a daily  
7 payment of the full amount of tax due. The Department shall  
8 impose this requirement when it finds that there is a  
9 significant risk of loss of revenue to the State at such an  
10 exhibition or event. Such a finding shall be based on evidence  
11 that a substantial number of concessionaires or other sellers  
12 who are not residents of Illinois will be engaging in the  
13 business of selling tangible personal property at retail at  
14 the exhibition or event, or other evidence of a significant  
15 risk of loss of revenue to the State. The Department shall  
16 notify concessionaires and other sellers affected by the  
17 imposition of this requirement. In the absence of notification  
18 by the Department, the concessionaires and other sellers shall  
19 file their returns as otherwise required in this Section.

20 (Source: P.A. 101-10, Article 15, Section 15-25, eff. 6-5-19;  
21 101-10, Article 25, Section 25-120, eff. 6-5-19; 101-27, eff.  
22 6-25-19; 101-32, eff. 6-28-19; 101-604, eff. 12-13-19;  
23 101-636, eff. 6-10-20; 102-634, eff. 8-27-21; 102-700, Article  
24 60, Section 60-30, eff. 4-19-22; 102-700, Article 65, Section  
25 65-10, eff. 4-19-22; 102-813, eff. 5-13-22; 102-1019, eff.  
26 1-1-23; revised 12-13-22.)



1 Section 215. The Property Tax Code is amended by changing  
2 Sections 10-390, 10-800, 15-168, 15-169, 18-185, 18-190.7,  
3 22-10, and 22-25 as follows:

4 (35 ILCS 200/10-390)

5 Sec. 10-390. Valuation of supportive living facilities.

6 (a) Notwithstanding Section 1-55, to determine the fair  
7 cash value of any supportive living facility established under  
8 Section 5-5.01a of the Illinois Public Aid Code, in assessing  
9 the facility, a local assessment officer must use the income  
10 capitalization approach. For the purposes of this Section,  
11 gross potential income must not exceed the maximum individual  
12 Supplemental Security Income (SSI) amount, minus a resident's  
13 personal allowance as defined at 89 Ill. Adm. ~~Ill Admin.~~ Code  
14 146.205, multiplied by the number of apartments authorized by  
15 the supportive living facility certification.

16 (b) When assessing supportive living facilities, the local  
17 assessment officer may not consider:

18 (1) payments from Medicaid for services provided to  
19 residents of supportive living facilities when such  
20 payments constitute income that is attributable to  
21 services and not attributable to the real estate; or

22 (2) payments by a resident of a supportive living  
23 facility for services that would be paid by Medicaid if  
24 the resident were Medicaid-eligible, when such payments

1           constitute income that is attributable to services and not  
2           attributable to real estate.

3           (Source: P.A. 102-16, eff. 6-17-21; revised 2-28-22.)

4           (35 ILCS 200/10-800)

5           Sec. 10-800. Southland reactivation property.

6           (a) For the purposes of this Section:

7           "Base year" means the last tax year prior to the date of  
8           the application for southland reactivation designation during  
9           which the property was occupied and assessed and had an  
10          equalized assessed value.

11          "Cook County Land Bank Authority" means the Cook County  
12          Land Bank Authority created by ordinance of the Cook County  
13          Board.

14          "Municipality" means a city, village, or incorporated town  
15          located in the State.

16          "Participating entity" means any of the following, either  
17          collectively or individually: the municipality in which the  
18          property is located; the South Suburban Land Bank and  
19          Development Authority; or the Cook County Land Bank  
20          Development Authority.

21          "Southland reactivation property" means property that:

22                 (1) has been designated by the municipality by  
23                 resolution as a priority tax reactivation parcel, site, or  
24                 property due to its clear pattern of stagnation and  
25                 depressed condition or the decline in its assessed

1 valuation;

2 (2) is held by a participating entity; and

3 (3) meets all of the following criteria:

4 (A) the property is zoned for commercial or  
5 industrial use;

6 (B) the property has had its past property taxes  
7 cleared and is now classified as exempt, or the  
8 property has not had a lawful occupant for at least 12  
9 months immediately preceding the application for  
10 certification as southland reactivation property, as  
11 attested to by a supporting affidavit;

12 (C) the sale or transfer of the property,  
13 following southland reactivation designation, to a  
14 developer would result in investment which would  
15 result a higher assessed value;

16 (D) the property will be sold by a participating  
17 entity to a buyer of property that has been approved by  
18 the corporate authorities of the municipality or to a  
19 developer that has been approved by the corporate  
20 authorities of the municipality whose redevelopment of  
21 the parcel, site, or property would reverse  
22 long-standing divestment in the area, enhance  
23 inclusive economic growth, create jobs or career  
24 pathways, support equitable recovery of the community,  
25 and stabilize the tax base through investments that  
26 align with local government plans and priorities;

1 (E) an application for southland reactivation  
2 designation is filed with the participating entity and  
3 a resolution designating the property as southland  
4 reactivation property is passed by the municipality  
5 prior to the sale, rehabilitation, or reoccupation;

6 (F) if not for the southland reactivation  
7 designation, development or redevelopment of the  
8 property would not occur; and

9 (G) the property is located in any of the  
10 following Townships in Cook County: Bloom, Bremen,  
11 Calumet, Rich, Thornton, or Worth.

12 "South Suburban Land Bank and Development Authority" means  
13 the South Suburban Land Bank and Development Authority created  
14 in 2012 by intergovernmental agreement.

15 "Tax year" means the calendar year for which assessed  
16 value is determined as of January 1 of that year.

17 (b) Within 5 years after May 27, 2022 (the effective date  
18 of Public Act 102-1010) ~~this amendatory Act of the 102nd~~  
19 ~~General Assembly~~, purchasers of real property from any of the  
20 participating entities may apply to that entity to have the  
21 property certified as southland reactivation property if the  
22 property meets the criteria for southland reactivation  
23 property set forth in subsection (a). The participating entity  
24 has 5 years from May 27, 2022 (the effective date of Public Act  
25 102-1010) ~~this amendatory Act of the 102nd General Assembly~~  
26 within which it may certify the property as southland

1 reactivation property for the purposes of promoting  
2 rehabilitation of abandoned, vacant, or underutilized property  
3 to attract and enhance economic activities and investment that  
4 stabilize, restore, and grow the tax base in severely blighted  
5 areas within Chicago's south suburbs. This certification is  
6 nonrenewable and shall be transmitted by the municipality, or  
7 by the participating entity on behalf of the municipality, to  
8 the chief county assessment officer as soon as possible after  
9 the property is certified. Southland reactivation designation  
10 is limited to the original applicant unless expressly approved  
11 by the corporate authorities of the municipality and the  
12 property has no change in use.

13 Support by the corporate authorities of the municipality  
14 for southland reactivation designation shall be considered in  
15 a lawful public meeting, and impacted taxing districts shall  
16 receive notification of the agenda item to consider southland  
17 reactivation of the site not less than 15 days prior to that  
18 meeting.

19 (c) Beginning with the first tax year after the property  
20 is certified as southland reactivation property and continuing  
21 through the twelfth tax year after the property is certified  
22 as southland reactivation property, for the purpose of  
23 taxation under this Code, the property shall be valued at 50%  
24 of the base year equalized assessed value as established by  
25 the chief county assessment officer, excluding all years with  
26 property tax exemptions applied as a result of the

1 participating entity's ownership. For the first year after the  
2 property is certified as southland reactivation property, the  
3 aggregate property tax liability for the property shall be no  
4 greater than \$100,000 per year. That aggregate property tax  
5 liability, once collected, shall be distributed to the taxing  
6 districts in which the property is located according to each  
7 taxing district's proportionate share of that aggregate  
8 liability. Beginning with the second tax year after the  
9 property is certified as southland reactivation property and  
10 continuing through the twelfth tax year after the property is  
11 certified as southland reactivation property, the property tax  
12 liability for the property for each taxing district in which  
13 the property is located shall be increased over the property  
14 tax liability for the property for the preceding year by 10%.  
15 In no event shall the purchaser's annual tax liability  
16 decrease.

17 (d) No later than March 1 of each year, the municipality or  
18 the participating entity on behalf of the municipality shall  
19 certify to the county clerk of the county in which the property  
20 is located a percentage southland reactivation reduction to be  
21 applied to property taxes for that calendar year, as provided  
22 in this Section.

23 (e) The participating entity shall collect the following  
24 information annually for the pilot program period: the number  
25 of program applicants; the street address of each certified  
26 property; the proposed use of certified properties; the amount

1 of investment; the number of jobs created as a result of the  
2 certification; and copies of the certification of each  
3 southland reactivation site to allow for the evaluation and  
4 assessment of the effectiveness of southland reactivation  
5 designation. The participating entity responsible for seeking  
6 the southland reactivation designation shall present this  
7 information to the governing body of each taxing district  
8 affected by a southland reactivation designation on an annual  
9 basis, and the participating entity shall report the above  
10 information to any requesting members of the General Assembly  
11 at the conclusion of the 5-year designation period.

12 (f) Any southland reactivation certification granted under  
13 this Section shall be void if the property is conveyed to an  
14 entity or person that is liable for any unpaid, delinquent  
15 property taxes associated with the property.

16 (Source: P.A. 102-1010, eff. 5-27-22; revised 9-7-22.)

17 (35 ILCS 200/15-168)

18 Sec. 15-168. Homestead exemption for persons with  
19 disabilities.

20 (a) Beginning with taxable year 2007, an annual homestead  
21 exemption is granted to persons with disabilities in the  
22 amount of \$2,000, except as provided in subsection (c), to be  
23 deducted from the property's value as equalized or assessed by  
24 the Department of Revenue. The person with a disability shall  
25 receive the homestead exemption upon meeting the following

1 requirements:

2 (1) The property must be occupied as the primary  
3 residence by the person with a disability.

4 (2) The person with a disability must be liable for  
5 paying the real estate taxes on the property.

6 (3) The person with a disability must be an owner of  
7 record of the property or have a legal or equitable  
8 interest in the property as evidenced by a written  
9 instrument. In the case of a leasehold interest in  
10 property, the lease must be for a single family residence.

11 A person who has a disability during the taxable year is  
12 eligible to apply for this homestead exemption during that  
13 taxable year. Application must be made during the application  
14 period in effect for the county of residence. If a homestead  
15 exemption has been granted under this Section and the person  
16 awarded the exemption subsequently becomes a resident of a  
17 facility licensed under the Nursing Home Care Act, the  
18 Specialized Mental Health Rehabilitation Act of 2013, the  
19 ID/DD Community Care Act, or the MC/DD Act, then the exemption  
20 shall continue (i) so long as the residence continues to be  
21 occupied by the qualifying person's spouse or (ii) if the  
22 residence remains unoccupied but is still owned by the person  
23 qualified for the homestead exemption.

24 (b) For the purposes of this Section, "person with a  
25 disability" means a person unable to engage in any substantial  
26 gainful activity by reason of a medically determinable



1 physical or mental impairment which can be expected to result  
2 in death or has lasted or can be expected to last for a  
3 continuous period of not less than 12 months. Persons with  
4 disabilities filing claims under this Act shall submit proof  
5 of disability in such form and manner as the Department shall  
6 by rule and regulation prescribe. Proof that a claimant is  
7 eligible to receive disability benefits under the Federal  
8 Social Security Act shall constitute proof of disability for  
9 purposes of this Act. Issuance of an Illinois Person with a  
10 Disability Identification Card stating that the claimant is  
11 under a Class 2 disability, as defined in Section 4A of the  
12 Illinois Identification Card Act, shall constitute proof that  
13 the person named thereon is a person with a disability for  
14 purposes of this Act. A person with a disability not covered  
15 under the Federal Social Security Act and not presenting an  
16 Illinois Person with a Disability Identification Card stating  
17 that the claimant is under a Class 2 disability shall be  
18 examined by a physician, optometrist (if the person qualifies  
19 because of a visual disability), advanced practice registered  
20 nurse, or physician assistant designated by the Department,  
21 and his status as a person with a disability determined using  
22 the same standards as used by the Social Security  
23 Administration. The costs of any required examination shall be  
24 borne by the claimant.

25 (c) For land improved with (i) an apartment building owned  
26 and operated as a cooperative or (ii) a life care facility as

1 defined under Section 2 of the Life Care Facilities Act that is  
2 considered to be a cooperative, the maximum reduction from the  
3 value of the property, as equalized or assessed by the  
4 Department, shall be multiplied by the number of apartments or  
5 units occupied by a person with a disability. The person with a  
6 disability shall receive the homestead exemption upon meeting  
7 the following requirements:

8 (1) The property must be occupied as the primary  
9 residence by the person with a disability.

10 (2) The person with a disability must be liable by  
11 contract with the owner or owners of record for paying the  
12 apportioned property taxes on the property of the  
13 cooperative or life care facility. In the case of a life  
14 care facility, the person with a disability must be liable  
15 for paying the apportioned property taxes under a life  
16 care contract as defined in Section 2 of the Life Care  
17 Facilities Act.

18 (3) The person with a disability must be an owner of  
19 record of a legal or equitable interest in the cooperative  
20 apartment building. A leasehold interest does not meet  
21 this requirement.

22 If a homestead exemption is granted under this subsection, the  
23 cooperative association or management firm shall credit the  
24 savings resulting from the exemption to the apportioned tax  
25 liability of the qualifying person with a disability. The  
26 chief county assessment officer may request reasonable proof

1 that the association or firm has properly credited the  
2 exemption. A person who willfully refuses to credit an  
3 exemption to the qualified person with a disability is guilty  
4 of a Class B misdemeanor.

5 (d) The chief county assessment officer shall determine  
6 the eligibility of property to receive the homestead exemption  
7 according to guidelines established by the Department. After a  
8 person has received an exemption under this Section, an annual  
9 verification of eligibility for the exemption shall be mailed  
10 to the taxpayer.

11 In counties with fewer than 3,000,000 inhabitants, the  
12 chief county assessment officer shall provide to each person  
13 granted a homestead exemption under this Section a form to  
14 designate any other person to receive a duplicate of any  
15 notice of delinquency in the payment of taxes assessed and  
16 levied under this Code on the person's qualifying property.  
17 The duplicate notice shall be in addition to the notice  
18 required to be provided to the person receiving the exemption  
19 and shall be given in the manner required by this Code. The  
20 person filing the request for the duplicate notice shall pay  
21 an administrative fee of \$5 to the chief county assessment  
22 officer. The assessment officer shall then file the executed  
23 designation with the county collector, who shall issue the  
24 duplicate notices as indicated by the designation. A  
25 designation may be rescinded by the person with a disability  
26 in the manner required by the chief county assessment officer.

1 (d-5) Notwithstanding any other provision of law, each  
2 chief county assessment officer may approve this exemption for  
3 the 2020 taxable year, without application, for any property  
4 that was approved for this exemption for the 2019 taxable  
5 year, provided that:

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

9 (2) the owner of record of the property as of January  
10 1, 2020 is the same as the owner of record of the property  
11 as of January 1, 2019;

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

15 (4) the applicant for the 2019 taxable year has not  
16 asked for the exemption to be removed for the 2019 or 2020  
17 taxable years.

18 (d-10) Notwithstanding any other provision of law, each  
19 chief county assessment officer may approve this exemption for  
20 the 2021 taxable year, without application, for any property  
21 that was approved for this exemption for the 2020 taxable  
22 year, if:

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

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

1           1, 2021 is the same as the owner of record of the property  
2           as of January 1, 2020;

3           (3) the exemption for the 2020 taxable year has not  
4           been determined to be an erroneous exemption as defined by  
5           this Code; and

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

9           (d-15) For taxable years 2022 through 2027, in any county  
10          of more than 3,000,000 residents, and in any other county  
11          where the county board has authorized such action by ordinance  
12          or resolution, a chief county assessment officer may renew  
13          this exemption for any person who applied for the exemption  
14          and presented proof of eligibility, as described in subsection  
15          (b) ~~above~~, without an annual application as required under  
16          subsection (d) ~~above~~. A chief county assessment officer shall  
17          not automatically renew an exemption under this subsection if:  
18          the physician, advanced practice registered nurse,  
19          optometrist, or physician assistant who examined the claimant  
20          determined that the disability is not expected to continue for  
21          12 months or more; the exemption has been deemed erroneous  
22          since the last application; or the claimant has reported their  
23          ineligibility to receive the exemption. A chief county  
24          assessment officer who automatically renews an exemption under  
25          this subsection shall notify a person of a subsequent  
26          determination not to automatically renew that person's

1 exemption and shall provide that person with an application to  
2 renew the exemption.

3 (e) A taxpayer who claims an exemption under Section  
4 15-165 or 15-169 may not claim an exemption under this  
5 Section.

6 (Source: P.A. 101-635, eff. 6-5-20; 102-136, eff. 7-23-21;  
7 102-895, eff. 5-23-22; revised 9-7-22.)

8 (35 ILCS 200/15-169)

9 Sec. 15-169. Homestead exemption for veterans with  
10 disabilities.

11 (a) Beginning with taxable year 2007, an annual homestead  
12 exemption, limited to the amounts set forth in subsections (b)  
13 and (b-3), is granted for property that is used as a qualified  
14 residence by a veteran with a disability.

15 (b) For taxable years prior to 2015, the amount of the  
16 exemption under this Section is as follows:

17 (1) for veterans with a service-connected disability  
18 of at least (i) 75% for exemptions granted in taxable  
19 years 2007 through 2009 and (ii) 70% for exemptions  
20 granted in taxable year 2010 and each taxable year  
21 thereafter, as certified by the United States Department  
22 of Veterans Affairs, the annual exemption is \$5,000; and

23 (2) for veterans with a service-connected disability  
24 of at least 50%, but less than (i) 75% for exemptions  
25 granted in taxable years 2007 through 2009 and (ii) 70%

1 for exemptions granted in taxable year 2010 and each  
2 taxable year thereafter, as certified by the United States  
3 Department of Veterans Affairs, the annual exemption is  
4 \$2,500.

5 (b-3) For taxable years 2015 and thereafter:

6 (1) if the veteran has a service connected disability  
7 of 30% or more but less than 50%, as certified by the  
8 United States Department of Veterans Affairs, then the  
9 annual exemption is \$2,500;

10 (2) if the veteran has a service connected disability  
11 of 50% or more but less than 70%, as certified by the  
12 United States Department of Veterans Affairs, then the  
13 annual exemption is \$5,000;

14 (3) if the veteran has a service connected disability  
15 of 70% or more, as certified by the United States  
16 Department of Veterans Affairs, then the property is  
17 exempt from taxation under this Code; and

18 (4) for taxable year 2023 and thereafter, if the  
19 taxpayer is the surviving spouse of a veteran whose death  
20 was determined to be service-connected and who is  
21 certified by the United States Department of Veterans  
22 Affairs as a recipient of dependency and indemnity  
23 compensation under federal law, then the property is also  
24 exempt from taxation under this Code.

25 (b-5) If a homestead exemption is granted under this  
26 Section and the person awarded the exemption subsequently

1 becomes a resident of a facility licensed under the Nursing  
2 Home Care Act or a facility operated by the United States  
3 Department of Veterans Affairs, then the exemption shall  
4 continue (i) so long as the residence continues to be occupied  
5 by the qualifying person's spouse or (ii) if the residence  
6 remains unoccupied but is still owned by the person who  
7 qualified for the homestead exemption.

8 (c) The tax exemption under this Section carries over to  
9 the benefit of the veteran's surviving spouse as long as the  
10 spouse holds the legal or beneficial title to the homestead,  
11 permanently resides thereon, and does not remarry. If the  
12 surviving spouse sells the property, an exemption not to  
13 exceed the amount granted from the most recent ad valorem tax  
14 roll may be transferred to his or her new residence as long as  
15 it is used as his or her primary residence and he or she does  
16 not remarry.

17 As used in this subsection (c):

18 (1) for taxable years prior to 2015, "surviving  
19 spouse" means the surviving spouse of a veteran who  
20 obtained an exemption under this Section prior to his or  
21 her death;

22 (2) for taxable years 2015 through 2022, "surviving  
23 spouse" means (i) the surviving spouse of a veteran who  
24 obtained an exemption under this Section prior to his or  
25 her death and (ii) the surviving spouse of a veteran who  
26 was killed in the line of duty at any time prior to the



1 expiration of the application period in effect for the  
2 exemption for the taxable year for which the exemption is  
3 sought; and

4 (3) for taxable year 2023 and thereafter, "surviving  
5 spouse" means: (i) the surviving spouse of a veteran who  
6 obtained the exemption under this Section prior to his or  
7 her death; (ii) the surviving spouse of a veteran who was  
8 killed in the line of duty at any time prior to the  
9 expiration of the application period in effect for the  
10 exemption for the taxable year for which the exemption is  
11 sought; (iii) the surviving spouse of a veteran who did  
12 not obtain an exemption under this Section before death,  
13 but who would have qualified for the exemption under this  
14 Section in the taxable year for which the exemption is  
15 sought if he or she had survived, and whose surviving  
16 spouse has been a resident of Illinois from the time of the  
17 veteran's death through the taxable year for which the  
18 exemption is sought; and (iv) the surviving spouse of a  
19 veteran whose death was determined to be  
20 service-connected, but who would not otherwise qualify  
21 under item ~~items~~ (i), (ii), or (iii), if the spouse (A) is  
22 certified by the United States Department of Veterans  
23 Affairs as a recipient of dependency and indemnity  
24 compensation under federal law at any time prior to the  
25 expiration of the application period in effect for the  
26 exemption for the taxable year for which the exemption is

1 sought and (B) remains eligible for that dependency and  
2 indemnity compensation as of January 1 of the taxable year  
3 for which the exemption is sought.

4 (c-1) Beginning with taxable year 2015, nothing in this  
5 Section shall require the veteran to have qualified for or  
6 obtained the exemption before death if the veteran was killed  
7 in the line of duty.

8 (d) The exemption under this Section applies for taxable  
9 year 2007 and thereafter. A taxpayer who claims an exemption  
10 under Section 15-165 or 15-168 may not claim an exemption  
11 under this Section.

12 (e) Except as otherwise provided in this subsection (e),  
13 each taxpayer who has been granted an exemption under this  
14 Section must reapply on an annual basis. Application must be  
15 made during the application period in effect for the county of  
16 his or her residence. The assessor or chief county assessment  
17 officer may determine the eligibility of residential property  
18 to receive the homestead exemption provided by this Section by  
19 application, visual inspection, questionnaire, or other  
20 reasonable methods. The determination must be made in  
21 accordance with guidelines established by the Department.

22 On and after May 23, 2022 (the effective date of Public Act  
23 102-895) ~~this amendatory Act of the 102nd General Assembly~~, if  
24 a veteran has a combined service connected disability rating  
25 of 100% and is deemed to be permanently and totally disabled,  
26 as certified by the United States Department of Veterans

1     Affairs, the taxpayer who has been granted an exemption under  
2     this Section shall no longer be required to reapply for the  
3     exemption on an annual basis, and the exemption shall be in  
4     effect for as long as the exemption would otherwise be  
5     permitted under this Section.

6           (e-1) If the person qualifying for the exemption does not  
7     occupy the qualified residence as of January 1 of the taxable  
8     year, the exemption granted under this Section shall be  
9     prorated on a monthly basis. The prorated exemption shall  
10    apply beginning with the first complete month in which the  
11    person occupies the qualified residence.

12           (e-5) Notwithstanding any other provision of law, each  
13    chief county assessment officer may approve this exemption for  
14    the 2020 taxable year, without application, for any property  
15    that was approved for this exemption for the 2019 taxable  
16    year, provided that:

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

20           (2) the owner of record of the property as of January  
21    1, 2020 is the same as the owner of record of the property  
22    as of January 1, 2019;

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

26           (4) the applicant for the 2019 taxable year has not

1           asked for the exemption to be removed for the 2019 or 2020  
2           taxable years.

3           Nothing in this subsection shall preclude a veteran whose  
4           service connected disability rating has changed since the 2019  
5           exemption was granted from applying for the exemption based on  
6           the subsequent service connected disability rating.

7           (e-10) Notwithstanding any other provision of law, each  
8           chief county assessment officer may approve this exemption for  
9           the 2021 taxable year, without application, for any property  
10          that was approved for this exemption for the 2020 taxable  
11          year, if:

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

15                 (2) the owner of record of the property as of January  
16                 1, 2021 is the same as the owner of record of the property  
17                 as of January 1, 2020;

18                 (3) the exemption for the 2020 taxable year has not  
19                 been determined to be an erroneous exemption as defined by  
20                 this Code; and

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

24           Nothing in this subsection shall preclude a veteran whose  
25           service connected disability rating has changed since the 2020  
26           exemption was granted from applying for the exemption based on

1 the subsequent service connected disability rating.

2 (f) For the purposes of this Section:

3 "Qualified residence" means real property, but less any  
4 portion of that property that is used for commercial purposes,  
5 with an equalized assessed value of less than \$250,000 that is  
6 the primary residence of a veteran with a disability. Property  
7 rented for more than 6 months is presumed to be used for  
8 commercial purposes.

9 "Veteran" means an Illinois resident who has served as a  
10 member of the United States Armed Forces on active duty or  
11 State active duty, a member of the Illinois National Guard, or  
12 a member of the United States Reserve Forces and who has  
13 received an honorable discharge.

14 (Source: P.A. 101-635, eff. 6-5-20; 102-136, eff. 7-23-21;  
15 102-895, eff. 5-23-22; revised 9-6-22.)

16 (35 ILCS 200/18-185)

17 Sec. 18-185. Short title; definitions. This Division 5  
18 may be cited as the Property Tax Extension Limitation Law. As  
19 used in this Division 5:

20 "Consumer Price Index" means the Consumer Price Index for  
21 All Urban Consumers for all items published by the United  
22 States Department of Labor.

23 "Extension limitation" means (a) the lesser of 5% or the  
24 percentage increase in the Consumer Price Index during the  
25 12-month calendar year preceding the levy year or (b) the rate

1 of increase approved by voters under Section 18-205.

2 "Affected county" means a county of 3,000,000 or more  
3 inhabitants or a county contiguous to a county of 3,000,000 or  
4 more inhabitants.

5 "Taxing district" has the same meaning provided in Section  
6 1-150, except as otherwise provided in this Section. For the  
7 1991 through 1994 levy years only, "taxing district" includes  
8 only each non-home rule taxing district having the majority of  
9 its 1990 equalized assessed value within any county or  
10 counties contiguous to a county with 3,000,000 or more  
11 inhabitants. Beginning with the 1995 levy year, "taxing  
12 district" includes only each non-home rule taxing district  
13 subject to this Law before the 1995 levy year and each non-home  
14 rule taxing district not subject to this Law before the 1995  
15 levy year having the majority of its 1994 equalized assessed  
16 value in an affected county or counties. Beginning with the  
17 levy year in which this Law becomes applicable to a taxing  
18 district as provided in Section 18-213, "taxing district" also  
19 includes those taxing districts made subject to this Law as  
20 provided in Section 18-213.

21 "Aggregate extension" for taxing districts to which this  
22 Law applied before the 1995 levy year means the annual  
23 corporate extension for the taxing district and those special  
24 purpose extensions that are made annually for the taxing  
25 district, excluding special purpose extensions: (a) made for  
26 the taxing district to pay interest or principal on general

1 obligation bonds that were approved by referendum; (b) made  
2 for any taxing district to pay interest or principal on  
3 general obligation bonds issued before October 1, 1991; (c)  
4 made for any taxing district to pay interest or principal on  
5 bonds issued to refund or continue to refund those bonds  
6 issued before October 1, 1991; (d) made for any taxing  
7 district to pay interest or principal on bonds issued to  
8 refund or continue to refund bonds issued after October 1,  
9 1991 that were approved by referendum; (e) made for any taxing  
10 district to pay interest or principal on revenue bonds issued  
11 before October 1, 1991 for payment of which a property tax levy  
12 or the full faith and credit of the unit of local government is  
13 pledged; however, a tax for the payment of interest or  
14 principal on those bonds shall be made only after the  
15 governing body of the unit of local government finds that all  
16 other sources for payment are insufficient to make those  
17 payments; (f) made for payments under a building commission  
18 lease when the lease payments are for the retirement of bonds  
19 issued by the commission before October 1, 1991, to pay for the  
20 building project; (g) made for payments due under installment  
21 contracts entered into before October 1, 1991; (h) made for  
22 payments of principal and interest on bonds issued under the  
23 Metropolitan Water Reclamation District Act to finance  
24 construction projects initiated before October 1, 1991; (i)  
25 made for payments of principal and interest on limited bonds,  
26 as defined in Section 3 of the Local Government Debt Reform

1 Act, in an amount not to exceed the debt service extension base  
2 less the amount in items (b), (c), (e), and (h) of this  
3 definition for non-referendum obligations, except obligations  
4 initially issued pursuant to referendum; (j) made for payments  
5 of principal and interest on bonds issued under Section 15 of  
6 the Local Government Debt Reform Act; (k) made by a school  
7 district that participates in the Special Education District  
8 of Lake County, created by special education joint agreement  
9 under Section 10-22.31 of the School Code, for payment of the  
10 school district's share of the amounts required to be  
11 contributed by the Special Education District of Lake County  
12 to the Illinois Municipal Retirement Fund under Article 7 of  
13 the Illinois Pension Code; the amount of any extension under  
14 this item (k) shall be certified by the school district to the  
15 county clerk; (l) made to fund expenses of providing joint  
16 recreational programs for persons with disabilities under  
17 Section 5-8 of the Park District Code or Section 11-95-14 of  
18 the Illinois Municipal Code; (m) made for temporary relocation  
19 loan repayment purposes pursuant to Sections 2-3.77 and  
20 17-2.2d of the School Code; (n) made for payment of principal  
21 and interest on any bonds issued under the authority of  
22 Section 17-2.2d of the School Code; (o) made for contributions  
23 to a firefighter's pension fund created under Article 4 of the  
24 Illinois Pension Code, to the extent of the amount certified  
25 under item (5) of Section 4-134 of the Illinois Pension Code;  
26 and (p) made for road purposes in the first year after a



1 township assumes the rights, powers, duties, assets, property,  
2 liabilities, obligations, and responsibilities of a road  
3 district abolished under the provisions of Section 6-133 of  
4 the Illinois Highway Code.

5 "Aggregate extension" for the taxing districts to which  
6 this Law did not apply before the 1995 levy year (except taxing  
7 districts subject to this Law in accordance with Section  
8 18-213) means the annual corporate extension for the taxing  
9 district and those special purpose extensions that are made  
10 annually for the taxing district, excluding special purpose  
11 extensions: (a) made for the taxing district to pay interest  
12 or principal on general obligation bonds that were approved by  
13 referendum; (b) made for any taxing district to pay interest  
14 or principal on general obligation bonds issued before March  
15 1, 1995; (c) made for any taxing district to pay interest or  
16 principal on bonds issued to refund or continue to refund  
17 those bonds issued before March 1, 1995; (d) made for any  
18 taxing district to pay interest or principal on bonds issued  
19 to refund or continue to refund bonds issued after March 1,  
20 1995 that were approved by referendum; (e) made for any taxing  
21 district to pay interest or principal on revenue bonds issued  
22 before March 1, 1995 for payment of which a property tax levy  
23 or the full faith and credit of the unit of local government is  
24 pledged; however, a tax for the payment of interest or  
25 principal on those bonds shall be made only after the  
26 governing body of the unit of local government finds that all

1 other sources for payment are insufficient to make those  
2 payments; (f) made for payments under a building commission  
3 lease when the lease payments are for the retirement of bonds  
4 issued by the commission before March 1, 1995 to pay for the  
5 building project; (g) made for payments due under installment  
6 contracts entered into before March 1, 1995; (h) made for  
7 payments of principal and interest on bonds issued under the  
8 Metropolitan Water Reclamation District Act to finance  
9 construction projects initiated before October 1, 1991; (h-4)  
10 made for stormwater management purposes by the Metropolitan  
11 Water Reclamation District of Greater Chicago under Section 12  
12 of the Metropolitan Water Reclamation District Act; (h-8) made  
13 for payments of principal and interest on bonds issued under  
14 Section 9.6a of the Metropolitan Water Reclamation District  
15 Act to make contributions to the pension fund established  
16 under Article 13 of the Illinois Pension Code; (i) made for  
17 payments of principal and interest on limited bonds, as  
18 defined in Section 3 of the Local Government Debt Reform Act,  
19 in an amount not to exceed the debt service extension base less  
20 the amount in items (b), (c), and (e) of this definition for  
21 non-referendum obligations, except obligations initially  
22 issued pursuant to referendum and bonds described in  
23 subsections (h) and (h-8) of this definition; (j) made for  
24 payments of principal and interest on bonds issued under  
25 Section 15 of the Local Government Debt Reform Act; (k) made  
26 for payments of principal and interest on bonds authorized by

1 Public Act 88-503 and issued under Section 20a of the Chicago  
2 Park District Act for aquarium or museum projects and bonds  
3 issued under Section 20a of the Chicago Park District Act for  
4 the purpose of making contributions to the pension fund  
5 established under Article 12 of the Illinois Pension Code; (l)  
6 made for payments of principal and interest on bonds  
7 authorized by Public Act 87-1191 or 93-601 and (i) issued  
8 pursuant to Section 21.2 of the Cook County Forest Preserve  
9 District Act, (ii) issued under Section 42 of the Cook County  
10 Forest Preserve District Act for zoological park projects, or  
11 (iii) issued under Section 44.1 of the Cook County Forest  
12 Preserve District Act for botanical gardens projects; (m) made  
13 pursuant to Section 34-53.5 of the School Code, whether levied  
14 annually or not; (n) made to fund expenses of providing joint  
15 recreational programs for persons with disabilities under  
16 Section 5-8 of the Park District Code or Section 11-95-14 of  
17 the Illinois Municipal Code; (o) made by the Chicago Park  
18 District for recreational programs for persons with  
19 disabilities under subsection (c) of Section 7.06 of the  
20 Chicago Park District Act; (p) made for contributions to a  
21 firefighter's pension fund created under Article 4 of the  
22 Illinois Pension Code, to the extent of the amount certified  
23 under item (5) of Section 4-134 of the Illinois Pension Code;  
24 (q) made by Ford Heights School District 169 under Section  
25 17-9.02 of the School Code; and (r) made for the purpose of  
26 making employer contributions to the Public School Teachers'

1 Pension and Retirement Fund of Chicago under Section 34-53 of  
2 the School Code.

3 "Aggregate extension" for all taxing districts to which  
4 this Law applies in accordance with Section 18-213, except for  
5 those taxing districts subject to paragraph (2) of subsection  
6 (e) of Section 18-213, means the annual corporate extension  
7 for the taxing district and those special purpose extensions  
8 that are made annually for the taxing district, excluding  
9 special purpose extensions: (a) made for the taxing district  
10 to pay interest or principal on general obligation bonds that  
11 were approved by referendum; (b) made for any taxing district  
12 to pay interest or principal on general obligation bonds  
13 issued before the date on which the referendum making this Law  
14 applicable to the taxing district is held; (c) made for any  
15 taxing district to pay interest or principal on bonds issued  
16 to refund or continue to refund those bonds issued before the  
17 date on which the referendum making this Law applicable to the  
18 taxing district is held; (d) made for any taxing district to  
19 pay interest or principal on bonds issued to refund or  
20 continue to refund bonds issued after the date on which the  
21 referendum making this Law applicable to the taxing district  
22 is held if the bonds were approved by referendum after the date  
23 on which the referendum making this Law applicable to the  
24 taxing district is held; (e) made for any taxing district to  
25 pay interest or principal on revenue bonds issued before the  
26 date on which the referendum making this Law applicable to the

1 taxing district is held for payment of which a property tax  
2 levy or the full faith and credit of the unit of local  
3 government is pledged; however, a tax for the payment of  
4 interest or principal on those bonds shall be made only after  
5 the governing body of the unit of local government finds that  
6 all other sources for payment are insufficient to make those  
7 payments; (f) made for payments under a building commission  
8 lease when the lease payments are for the retirement of bonds  
9 issued by the commission before the date on which the  
10 referendum making this Law applicable to the taxing district  
11 is held to pay for the building project; (g) made for payments  
12 due under installment contracts entered into before the date  
13 on which the referendum making this Law applicable to the  
14 taxing district is held; (h) made for payments of principal  
15 and interest on limited bonds, as defined in Section 3 of the  
16 Local Government Debt Reform Act, in an amount not to exceed  
17 the debt service extension base less the amount in items (b),  
18 (c), and (e) of this definition for non-referendum  
19 obligations, except obligations initially issued pursuant to  
20 referendum; (i) made for payments of principal and interest on  
21 bonds issued under Section 15 of the Local Government Debt  
22 Reform Act; (j) made for a qualified airport authority to pay  
23 interest or principal on general obligation bonds issued for  
24 the purpose of paying obligations due under, or financing  
25 airport facilities required to be acquired, constructed,  
26 installed or equipped pursuant to, contracts entered into

1 before March 1, 1996 (but not including any amendments to such  
2 a contract taking effect on or after that date); (k) made to  
3 fund expenses of providing joint recreational programs for  
4 persons with disabilities under Section 5-8 of the Park  
5 District Code or Section 11-95-14 of the Illinois Municipal  
6 Code; (l) made for contributions to a firefighter's pension  
7 fund created under Article 4 of the Illinois Pension Code, to  
8 the extent of the amount certified under item (5) of Section  
9 4-134 of the Illinois Pension Code; and (m) made for the taxing  
10 district to pay interest or principal on general obligation  
11 bonds issued pursuant to Section 19-3.10 of the School Code.

12 "Aggregate extension" for all taxing districts to which  
13 this Law applies in accordance with paragraph (2) of  
14 subsection (e) of Section 18-213 means the annual corporate  
15 extension for the taxing district and those special purpose  
16 extensions that are made annually for the taxing district,  
17 excluding special purpose extensions: (a) made for the taxing  
18 district to pay interest or principal on general obligation  
19 bonds that were approved by referendum; (b) made for any  
20 taxing district to pay interest or principal on general  
21 obligation bonds issued before March 7, 1997 (the effective  
22 date of Public Act 89-718); (c) made for any taxing district to  
23 pay interest or principal on bonds issued to refund or  
24 continue to refund those bonds issued before March 7, 1997  
25 (the effective date of Public Act 89-718); (d) made for any  
26 taxing district to pay interest or principal on bonds issued

1 to refund or continue to refund bonds issued after March 7,  
2 1997 (the effective date of Public Act 89-718) if the bonds  
3 were approved by referendum after March 7, 1997 (the effective  
4 date of Public Act 89-718); (e) made for any taxing district to  
5 pay interest or principal on revenue bonds issued before March  
6 7, 1997 (the effective date of Public Act 89-718) for payment  
7 of which a property tax levy or the full faith and credit of  
8 the unit of local government is pledged; however, a tax for the  
9 payment of interest or principal on those bonds shall be made  
10 only after the governing body of the unit of local government  
11 finds that all other sources for payment are insufficient to  
12 make those payments; (f) made for payments under a building  
13 commission lease when the lease payments are for the  
14 retirement of bonds issued by the commission before March 7,  
15 1997 (the effective date of Public Act 89-718) to pay for the  
16 building project; (g) made for payments due under installment  
17 contracts entered into before March 7, 1997 (the effective  
18 date of Public Act 89-718); (h) made for payments of principal  
19 and interest on limited bonds, as defined in Section 3 of the  
20 Local Government Debt Reform Act, in an amount not to exceed  
21 the debt service extension base less the amount in items (b),  
22 (c), and (e) of this definition for non-referendum  
23 obligations, except obligations initially issued pursuant to  
24 referendum; (i) made for payments of principal and interest on  
25 bonds issued under Section 15 of the Local Government Debt  
26 Reform Act; (j) made for a qualified airport authority to pay

1 interest or principal on general obligation bonds issued for  
2 the purpose of paying obligations due under, or financing  
3 airport facilities required to be acquired, constructed,  
4 installed or equipped pursuant to, contracts entered into  
5 before March 1, 1996 (but not including any amendments to such  
6 a contract taking effect on or after that date); (k) made to  
7 fund expenses of providing joint recreational programs for  
8 persons with disabilities under Section 5-8 of the Park  
9 District Code or Section 11-95-14 of the Illinois Municipal  
10 Code; and (l) made for contributions to a firefighter's  
11 pension fund created under Article 4 of the Illinois Pension  
12 Code, to the extent of the amount certified under item (5) of  
13 Section 4-134 of the Illinois Pension Code.

14 "Debt service extension base" means an amount equal to  
15 that portion of the extension for a taxing district for the  
16 1994 levy year, or for those taxing districts subject to this  
17 Law in accordance with Section 18-213, except for those  
18 subject to paragraph (2) of subsection (e) of Section 18-213,  
19 for the levy year in which the referendum making this Law  
20 applicable to the taxing district is held, or for those taxing  
21 districts subject to this Law in accordance with paragraph (2)  
22 of subsection (e) of Section 18-213 for the 1996 levy year,  
23 constituting an extension for payment of principal and  
24 interest on bonds issued by the taxing district without  
25 referendum, but not including excluded non-referendum bonds.  
26 For park districts (i) that were first subject to this Law in



1 1991 or 1995 and (ii) whose extension for the 1994 levy year  
2 for the payment of principal and interest on bonds issued by  
3 the park district without referendum (but not including  
4 excluded non-referendum bonds) was less than 51% of the amount  
5 for the 1991 levy year constituting an extension for payment  
6 of principal and interest on bonds issued by the park district  
7 without referendum (but not including excluded non-referendum  
8 bonds), "debt service extension base" means an amount equal to  
9 that portion of the extension for the 1991 levy year  
10 constituting an extension for payment of principal and  
11 interest on bonds issued by the park district without  
12 referendum (but not including excluded non-referendum bonds).  
13 A debt service extension base established or increased at any  
14 time pursuant to any provision of this Law, except Section  
15 18-212, shall be increased each year commencing with the later  
16 of (i) the 2009 levy year or (ii) the first levy year in which  
17 this Law becomes applicable to the taxing district, by the  
18 lesser of 5% or the percentage increase in the Consumer Price  
19 Index during the 12-month calendar year preceding the levy  
20 year. The debt service extension base may be established or  
21 increased as provided under Section 18-212. "Excluded  
22 non-referendum bonds" means (i) bonds authorized by Public Act  
23 88-503 and issued under Section 20a of the Chicago Park  
24 District Act for aquarium and museum projects; (ii) bonds  
25 issued under Section 15 of the Local Government Debt Reform  
26 Act; or (iii) refunding obligations issued to refund or to

1 continue to refund obligations initially issued pursuant to  
2 referendum.

3 "Special purpose extensions" include, but are not limited  
4 to, extensions for levies made on an annual basis for  
5 unemployment and workers' compensation, self-insurance,  
6 contributions to pension plans, and extensions made pursuant  
7 to Section 6-601 of the Illinois Highway Code for a road  
8 district's permanent road fund whether levied annually or not.  
9 The extension for a special service area is not included in the  
10 aggregate extension.

11 "Aggregate extension base" means the taxing district's  
12 last preceding aggregate extension as adjusted under Sections  
13 18-135, 18-215, 18-230, 18-206, and 18-233. Beginning with  
14 levy year 2022, for taxing districts that are specified in  
15 Section 18-190.7, the taxing district's aggregate extension  
16 base shall be calculated as provided in Section 18-190.7. An  
17 adjustment under Section 18-135 shall be made for the 2007  
18 levy year and all subsequent levy years whenever one or more  
19 counties within which a taxing district is located (i) used  
20 estimated valuations or rates when extending taxes in the  
21 taxing district for the last preceding levy year that resulted  
22 in the over or under extension of taxes, or (ii) increased or  
23 decreased the tax extension for the last preceding levy year  
24 as required by Section 18-135(c). Whenever an adjustment is  
25 required under Section 18-135, the aggregate extension base of  
26 the taxing district shall be equal to the amount that the

1 aggregate extension of the taxing district would have been for  
2 the last preceding levy year if either or both (i) actual,  
3 rather than estimated, valuations or rates had been used to  
4 calculate the extension of taxes for the last levy year, or  
5 (ii) the tax extension for the last preceding levy year had not  
6 been adjusted as required by subsection (c) of Section 18-135.

7 Notwithstanding any other provision of law, for levy year  
8 2012, the aggregate extension base for West Northfield School  
9 District No. 31 in Cook County shall be \$12,654,592.

10 Notwithstanding any other provision of law, for levy year  
11 2022, the aggregate extension base of a home equity assurance  
12 program that levied at least \$1,000,000 in property taxes in  
13 levy year 2019 or 2020 under the Home Equity Assurance Act  
14 shall be the amount that the program's aggregate extension  
15 base for levy year 2021 would have been if the program had  
16 levied a property tax for levy year 2021.

17 "Levy year" has the same meaning as "year" under Section  
18 1-155.

19 "New property" means (i) the assessed value, after final  
20 board of review or board of appeals action, of new  
21 improvements or additions to existing improvements on any  
22 parcel of real property that increase the assessed value of  
23 that real property during the levy year multiplied by the  
24 equalization factor issued by the Department under Section  
25 17-30, (ii) the assessed value, after final board of review or  
26 board of appeals action, of real property not exempt from real

1 estate taxation, which real property was exempt from real  
2 estate taxation for any portion of the immediately preceding  
3 levy year, multiplied by the equalization factor issued by the  
4 Department under Section 17-30, including the assessed value,  
5 upon final stabilization of occupancy after new construction  
6 is complete, of any real property located within the  
7 boundaries of an otherwise or previously exempt military  
8 reservation that is intended for residential use and owned by  
9 or leased to a private corporation or other entity, (iii) in  
10 counties that classify in accordance with Section 4 of Article  
11 IX of the Illinois Constitution, an incentive property's  
12 additional assessed value resulting from a scheduled increase  
13 in the level of assessment as applied to the first year final  
14 board of review market value, and (iv) any increase in  
15 assessed value due to oil or gas production from an oil or gas  
16 well required to be permitted under the Hydraulic Fracturing  
17 Regulatory Act that was not produced in or accounted for  
18 during the previous levy year. In addition, the county clerk  
19 in a county containing a population of 3,000,000 or more shall  
20 include in the 1997 recovered tax increment value for any  
21 school district, any recovered tax increment value that was  
22 applicable to the 1995 tax year calculations.

23 "Qualified airport authority" means an airport authority  
24 organized under the Airport Authorities Act and located in a  
25 county bordering on the State of Wisconsin and having a  
26 population in excess of 200,000 and not greater than 500,000.

1 "Recovered tax increment value" means, except as otherwise  
2 provided in this paragraph, the amount of the current year's  
3 equalized assessed value, in the first year after a  
4 municipality terminates the designation of an area as a  
5 redevelopment project area previously established under the  
6 Tax Increment Allocation Redevelopment Act in the Illinois  
7 Municipal Code, previously established under the Industrial  
8 Jobs Recovery Law in the Illinois Municipal Code, previously  
9 established under the Economic Development Project Area Tax  
10 Increment Act of 1995, or previously established under the  
11 Economic Development Area Tax Increment Allocation Act, of  
12 each taxable lot, block, tract, or parcel of real property in  
13 the redevelopment project area over and above the initial  
14 equalized assessed value of each property in the redevelopment  
15 project area. For the taxes which are extended for the 1997  
16 levy year, the recovered tax increment value for a non-home  
17 rule taxing district that first became subject to this Law for  
18 the 1995 levy year because a majority of its 1994 equalized  
19 assessed value was in an affected county or counties shall be  
20 increased if a municipality terminated the designation of an  
21 area in 1993 as a redevelopment project area previously  
22 established under the Tax Increment Allocation Redevelopment  
23 Act in the Illinois Municipal Code, previously established  
24 under the Industrial Jobs Recovery Law in the Illinois  
25 Municipal Code, or previously established under the Economic  
26 Development Area Tax Increment Allocation Act, by an amount

1 equal to the 1994 equalized assessed value of each taxable  
2 lot, block, tract, or parcel of real property in the  
3 redevelopment project area over and above the initial  
4 equalized assessed value of each property in the redevelopment  
5 project area. In the first year after a municipality removes a  
6 taxable lot, block, tract, or parcel of real property from a  
7 redevelopment project area established under the Tax Increment  
8 Allocation Redevelopment Act in the Illinois Municipal Code,  
9 the Industrial Jobs Recovery Law in the Illinois Municipal  
10 Code, or the Economic Development Area Tax Increment  
11 Allocation Act, "recovered tax increment value" means the  
12 amount of the current year's equalized assessed value of each  
13 taxable lot, block, tract, or parcel of real property removed  
14 from the redevelopment project area over and above the initial  
15 equalized assessed value of that real property before removal  
16 from the redevelopment project area.

17 Except as otherwise provided in this Section, "limiting  
18 rate" means a fraction the numerator of which is the last  
19 preceding aggregate extension base times an amount equal to  
20 one plus the extension limitation defined in this Section and  
21 the denominator of which is the current year's equalized  
22 assessed value of all real property in the territory under the  
23 jurisdiction of the taxing district during the prior levy  
24 year. For those taxing districts that reduced their aggregate  
25 extension for the last preceding levy year, except for school  
26 districts that reduced their extension for educational

1 purposes pursuant to Section 18-206, the highest aggregate  
2 extension in any of the last 3 preceding levy years shall be  
3 used for the purpose of computing the limiting rate. The  
4 denominator shall not include new property or the recovered  
5 tax increment value. If a new rate, a rate decrease, or a  
6 limiting rate increase has been approved at an election held  
7 after March 21, 2006, then (i) the otherwise applicable  
8 limiting rate shall be increased by the amount of the new rate  
9 or shall be reduced by the amount of the rate decrease, as the  
10 case may be, or (ii) in the case of a limiting rate increase,  
11 the limiting rate shall be equal to the rate set forth in the  
12 proposition approved by the voters for each of the years  
13 specified in the proposition, after which the limiting rate of  
14 the taxing district shall be calculated as otherwise provided.  
15 In the case of a taxing district that obtained referendum  
16 approval for an increased limiting rate on March 20, 2012, the  
17 limiting rate for tax year 2012 shall be the rate that  
18 generates the approximate total amount of taxes extendable for  
19 that tax year, as set forth in the proposition approved by the  
20 voters; this rate shall be the final rate applied by the county  
21 clerk for the aggregate of all capped funds of the district for  
22 tax year 2012.

23 (Source: P.A. 102-263, eff. 8-6-21; 102-311, eff. 8-6-21;  
24 102-519, eff. 8-20-21; 102-558, eff. 8-20-21; 102-707, eff.  
25 4-22-22; 102-813, eff. 5-13-22; 102-895, eff. 5-23-22; revised  
26 8-29-22.)

1 (35 ILCS 200/18-190.7)

2 Sec. 18-190.7. Alternative aggregate extension base for  
3 certain taxing districts; recapture.

4 (a) This Section applies to the following taxing districts  
5 that are subject to this Division 5:

6 (1) school districts that have a designation of  
7 recognition or review according to the State Board of  
8 Education's School District Financial Profile System as of  
9 the first day of the levy year for which the taxing  
10 district seeks to increase its aggregate extension under  
11 this Section;

12 (2) park districts;

13 (3) library districts; and

14 (4) community college districts.

15 (b) Subject to the limitations of subsection (c),  
16 beginning in levy year 2022, a taxing district specified in  
17 subsection (a) may recapture certain levy amounts that are  
18 otherwise unavailable to the taxing district as a result of  
19 the taxing district not extending the maximum amount permitted  
20 under this Division 5 in a previous levy year. For that  
21 purpose, the taxing district's aggregate extension base shall  
22 be the greater of: (1) the taxing district's aggregate  
23 extension limit; or (2) the taxing district's last preceding  
24 aggregate extension, as adjusted under Sections 18-135,  
25 18-215, 18-230, 18-206, and 18-233.



1           (c) Notwithstanding the provisions of this Section, the  
2 aggregate extension of a taxing district that uses an  
3 aggregate extension limit under this Section for a particular  
4 levy year may not exceed the taxing district's aggregate  
5 extension for the immediately preceding levy year by more than  
6 5% unless the increase is approved by the voters under Section  
7 18-205; however, if a taxing district is unable to recapture  
8 the entire unrealized levy amount in a single levy year due to  
9 the limitations of this subsection (c), the taxing district  
10 may increase its aggregate extension in each immediately  
11 succeeding levy year until the entire levy amount is  
12 recaptured, except that the increase in each succeeding levy  
13 year may not exceed the greater of (i) 5% or (ii) the increase  
14 approved by the voters under Section 18-205.

15           In order to be eligible for recapture under this Section,  
16 the taxing district must certify to the county clerk that the  
17 taxing district did not extend the maximum amount permitted  
18 under this Division 5 for a particular levy year. That  
19 certification must be made not more than 60 days after the  
20 taxing district files its levy ordinance or resolution with  
21 the county clerk for the levy year for which the taxing  
22 district did not extend the maximum amount permitted under  
23 this Division 5.

24           (d) As used in this Section, "aggregate extension limit"  
25 means the taxing district's last preceding aggregate extension  
26 if the district had utilized the maximum limiting rate

1 permitted without referendum for each of the 3 immediately  
2 preceding levy years, as adjusted under Sections ~~Section~~  
3 18-135, 18-215, 18-230, 18-206, and 18-233.

4 (Source: P.A. 102-895, eff. 5-23-22; revised 9-6-22.)

5 (35 ILCS 200/22-10)

6 Sec. 22-10. Notice of expiration of period of redemption.  
7 A purchaser or assignee shall not be entitled to a tax deed to  
8 the property sold unless, not less than 3 months nor more than  
9 6 months prior to the expiration of the period of redemption,  
10 he or she gives notice of the sale and the date of expiration  
11 of the period of redemption to the owners, occupants, and  
12 parties interested in the property, including any mortgagee of  
13 record, as provided below. ~~the~~

14 The Notice to be given to the parties shall be in at least  
15 10-point ~~10-point~~ type in the following form completely filled  
16 in:

17 TAX DEED NO. .... FILED .....

18 TAKE NOTICE

19 County of .....

20 Date Premises Sold .....

21 Certificate No. ....

22 Sold for General Taxes of (year) .....

23 Sold for Special Assessment of (Municipality)  
24 and special assessment number .....

25 Warrant No. .... Inst. No. ....

THIS PROPERTY HAS BEEN SOLD FOR  
DELINQUENT TAXES

Property located at .....  
Legal Description or Property Index No. ....  
.....  
.....

This notice is to advise you that the above property has  
been sold for delinquent taxes and that the period of  
redemption from the sale will expire on .....  
.....

The amount to redeem is subject to increase at 6 month  
intervals from the date of sale and may be further increased if  
the purchaser at the tax sale or his or her assignee pays any  
subsequently accruing taxes or special assessments to redeem  
the property from subsequent forfeitures or tax sales. Check  
with the county clerk as to the exact amount you owe before  
redeeming.

This notice is also to advise you that a petition has been  
filed for a tax deed which will transfer title and the right to  
possession of this property if redemption is not made on or  
before .....

This matter is set for hearing in the Circuit Court of this  
county in ....., Illinois on .....

You may be present at this hearing but your right to redeem  
will already have expired at that time.

YOU ARE URGED TO REDEEM IMMEDIATELY

1 TO PREVENT LOSS OF PROPERTY

2 Redemption can be made at any time on or before .... by  
3 applying to the County Clerk of ....., County, Illinois at the  
4 Office of the County Clerk in ....., Illinois.

5 For further information contact the County Clerk

6 ADDRESS:.....

7 TELEPHONE:.....

8 .....

9 Purchaser or Assignee.

10 Dated (insert date).

11 In counties with 3,000,000 or more inhabitants, the notice  
12 shall also state the address, room number, and time at which  
13 the matter is set for hearing.

14 The changes to this Section made by Public Act 97-557  
15 apply only to matters in which a petition for tax deed is filed  
16 on or after July 1, 2012 (the effective date of Public Act  
17 97-557).

18 The changes to this Section made by Public Act 102-1003  
19 ~~this amendatory Act of the 102nd General Assembly~~ apply to  
20 matters in which a petition for tax deed is filed on or after  
21 May 27, 2022 (the effective date of Public Act 102-1003) ~~this~~  
22 ~~amendatory Act of the 102nd General Assembly~~. Failure of any  
23 party or any public official to comply with the changes made to  
24 this Section by Public Act 102-528 does not invalidate any tax

1 deed issued prior to May 27, 2022 (the effective date of Public  
2 Act 102-1003) ~~this amendatory Act of the 102nd General~~  
3 ~~Assembly.~~

4 (Source: P.A. 102-528, eff. 1-1-22; 102-813, eff. 5-13-22;  
5 102-1003, eff. 5-27-22; revised 9-1-22.)

6 (35 ILCS 200/22-25)

7 Sec. 22-25. Mailed notice. In addition to the notice  
8 required to be served not less than one month nor more than 6  
9 months prior to the expiration of the period of redemption,  
10 the purchaser or his or her assignee shall prepare and deliver  
11 to the clerk of the Circuit Court of the county in which the  
12 property is located, not more than 6 months and not less than  
13 111 days prior to the expiration of the period of redemption,  
14 the notice provided for in this Section, together with the  
15 statutory costs for mailing the notice by certified mail,  
16 return receipt requested. The form of notice to be mailed by  
17 the clerk shall be identical in form to that provided by  
18 Section 22-10 for service upon owners residing upon the  
19 property sold, except that it shall bear the signature of the  
20 clerk instead of the name of the purchaser or assignee and  
21 shall designate the parties to whom it is to be mailed. The  
22 clerk may furnish the form. The clerk shall mail the notices  
23 delivered to him or her by certified mail, return receipt  
24 requested, not less than 3 months prior to the expiration of  
25 the period of redemption. The certificate of the clerk that he

1 or she has mailed the notices, together with the return  
2 receipts, shall be filed in and made a part of the court  
3 record. The notices shall be mailed to the owners of the  
4 property at their last known addresses, and to those persons  
5 who are entitled to service of notice as occupants.

6 The changes to this Section made by Public Act 97-557 ~~this~~  
7 ~~amendatory Act of the 97th General Assembly~~ shall be construed  
8 as being declaratory of existing law and not as a new  
9 enactment.

10 The changes to this Section made by Public Act 102-1003  
11 ~~this amendatory Act of the 102nd General Assembly~~ apply to  
12 matters in which a petition for tax deed is filed on or after  
13 May 27, 2022 (the effective date of Public Act 102-1003) ~~this~~  
14 ~~amendatory Act of the 102nd General Assembly~~. Failure of any  
15 party or any public official to comply with the changes made to  
16 this Section by Public Act 102-528 does not invalidate any tax  
17 deed issued prior to May 27, 2022 (the effective date of Public  
18 Act 102-1003) ~~this amendatory Act of the 102nd General~~  
19 ~~Assembly~~.

20 (Source: P.A. 102-528, eff. 1-1-22; 102-815, eff. 5-13-22;  
21 102-1003, eff. 5-27-22; revised 8-12-22.)

22 Section 220. The Parking Excise Tax Act is amended by  
23 changing Section 10-20 as follows:

24 (35 ILCS 525/10-20)

1           Sec. 10-20. Exemptions. The tax imposed by this Act shall  
2 not apply to:

3           (1) Parking in a parking area or garage operated by  
4 the federal government or its instrumentalities that has  
5 been issued an active tax exemption number by the  
6 Department under Section 1g of the Retailers' Occupation  
7 Tax Act; for this exemption to apply, the parking area or  
8 garage must be operated by the federal government or its  
9 instrumentalities; the exemption under this paragraph (1)  
10 does not apply if the parking area or garage is operated by  
11 a third party, whether under a lease or other contractual  
12 arrangement, or any other manner whatsoever.

13           (2) Residential off-street parking for home or  
14 apartment tenants or condominium occupants, if the  
15 arrangement for such parking is provided in the home or  
16 apartment lease or in a separate writing between the  
17 landlord and tenant, or in a condominium agreement between  
18 the condominium association and the owner, occupant, or  
19 guest of a unit, whether the parking charge is payable to  
20 the landlord, condominium association, or to the operator  
21 of the parking spaces.

22           (3) Parking by hospital employees in a parking space  
23 that is owned and operated by the hospital for which they  
24 work.

25           (4) Parking in a parking area or garage where 3 or  
26 fewer motor vehicles are stored, housed, or parked for

1 hire, charge, fee, or other valuable consideration, if the  
2 operator of the parking area or garage does not act as the  
3 operator of more than a total of 3 parking spaces located  
4 in the State; if any operator of parking areas or garages,  
5 including any facilitator or aggregator, acts as an  
6 operator of more than 3 parking spaces in total that are  
7 located in the State, then this exemption shall not apply  
8 to any of those spaces.

9 (5) For the duration of the Illinois State Fair or the  
10 DuQuoin State Fair, parking in a parking area or garage  
11 operated for the use of attendees, vendors, or employees  
12 of the State Fair and not otherwise subject to taxation  
13 under this Act in the ordinary course of business.

14 (6) Parking in a parking area or garage operated by  
15 the State, a State university created by statute, or a  
16 unit of local government that has been issued an active  
17 tax exemption number by the Department under Section 1g of  
18 the Retailers' Occupation Tax Act; the parking area or  
19 garage must be operated by the State, State university, or  
20 unit of local government; the exemption under this  
21 paragraph does not apply if the parking area or garage is  
22 operated by a third party, whether under a lease or other  
23 contractual arrangement, or held in any other manner,  
24 unless the parking area or garage is exempt under  
25 paragraph (5).

26 (7) Parking in a parking area or garage owned and



1           operated by a person engaged in the business of renting  
2           real estate if the parking area or garage is used by the  
3           lessee to park motor vehicles, recreational vehicles, or  
4           self-propelled vehicles for the lessee's own use and not  
5           for the purpose of subleasing parking spaces for  
6           consideration.

7           (8) The purchase of a parking space by the State, a  
8           State university created by statute, or a unit of local  
9           government that has been issued an active tax exemption  
10          number by the Department under Section 1g of the  
11          Retailers' Occupation Tax Act, for use by employees of the  
12          State, State university, or unit of local government,  
13          provided that the purchase price is paid directly by the  
14          governmental entity.

15          (9) Parking in a parking space leased to a  
16          governmental entity that is exempt pursuant to paragraph  
17          (1) or (6) when the exempt entity rents or leases the  
18          parking spaces in the parking area or garage to the  
19          public; the purchase price must be paid by the  
20          governmental entity; the exempt governmental entity is  
21          exempt from collecting tax subject to the provisions of  
22          paragraph (1) or (6), as applicable, when renting or  
23          leasing the parking spaces to the public.

24          (Source: P.A. 101-31, eff. 6-28-19; 102-920, eff. 5-27-22;  
25          revised 9-6-22.)

1 Section 225. The Illinois Pension Code is amended by  
2 changing Sections 7-144, 16-203, and 17-149 as follows:

3 (40 ILCS 5/7-144) (from Ch. 108 1/2, par. 7-144)

4 Sec. 7-144. Retirement annuities; suspended annuities  
5 ~~suspended~~ during employment.

6 (a) If any person receiving any annuity again becomes an  
7 employee and receives earnings from employment in a position  
8 requiring him, or entitling him to elect, to become a  
9 participating employee, then the annuity payable to such  
10 employee shall be suspended as of the first ~~1st~~ day of the  
11 month coincidental with or next following the date upon which  
12 such person becomes such an employee, unless the person is  
13 authorized under subsection (b) of Section 7-137.1 of this  
14 Code to continue receiving a retirement annuity during that  
15 period. Upon proper qualification of the participating  
16 employee payment of such annuity may be resumed on the first  
17 ~~1st~~ day of the month following such qualification and upon  
18 proper application therefor. The participating employee in  
19 such case shall be entitled to a supplemental annuity arising  
20 from service and credits earned subsequent to such re-entry as  
21 a participating employee.

22 Notwithstanding any other provision of this Article, an  
23 annuitant shall be considered a participating employee if he  
24 or she returns to work as an employee with a participating  
25 employer and works more than 599 hours annually (or 999 hours

1 annually with a participating employer that has adopted a  
2 resolution pursuant to subsection (e) of Section 7-137 of this  
3 Code). Each of these annual periods shall commence on the  
4 month and day upon which the annuitant is first employed with  
5 the participating employer following the effective date of the  
6 annuity.

7 (a-5) If any annuitant under this Article must be  
8 considered a participating employee per the provisions of  
9 subsection (a) of this Section, and the participating  
10 municipality or participating instrumentality that employs or  
11 re-employs that annuitant knowingly fails to notify the Board  
12 to suspend the annuity, the participating municipality or  
13 participating instrumentality may be required to reimburse the  
14 Fund for an amount up to one-half of the total of any annuity  
15 payments made to the annuitant after the date the annuity  
16 should have been suspended, as determined by the Board. In no  
17 case shall the total amount repaid by the annuitant plus any  
18 amount reimbursed by the employer to the Fund be more than the  
19 total of all annuity payments made to the annuitant after the  
20 date the annuity should have been suspended. This subsection  
21 shall not apply if the annuitant returned to work for the  
22 employer for less than 12 months.

23 The Fund shall notify all annuitants that they must notify  
24 the Fund immediately if they return to work for any  
25 participating employer. The notification by the Fund shall  
26 occur upon retirement and no less than annually thereafter in

1 a format determined by the Fund. The Fund shall also develop  
2 and maintain a system to track annuitants who have returned to  
3 work and notify the participating employer and annuitant at  
4 least annually of the limitations on returning to work under  
5 this Section.

6 (b) Supplemental annuities to persons who return to  
7 service for less than 48 months shall be computed under the  
8 provisions of Sections 7-141, 7-142, and 7-143. In determining  
9 whether an employee is eligible for an annuity which requires  
10 a minimum period of service, his entire period of service  
11 shall be taken into consideration but the supplemental annuity  
12 shall be based on earnings and service in the supplemental  
13 period only. The effective date of the suspended and  
14 supplemental annuity for the purpose of increases after  
15 retirement shall be considered to be the effective date of the  
16 suspended annuity.

17 (c) Supplemental annuities to persons who return to  
18 service for 48 months or more shall be a monthly amount  
19 determined as follows:

20 (1) An amount shall be computed under subparagraph b  
21 of paragraph (1) of subsection (a) of Section 7-142,  
22 considering all of the service credits of the employee.

23 (2) The actuarial value in monthly payments for life  
24 of the annuity payments made before suspension shall be  
25 determined and subtracted from the amount determined in  
26 paragraph (1) above.

1           (3) The monthly amount of the suspended annuity, with  
2           any applicable increases after retirement computed from  
3           the effective date to the date of reinstatement, shall be  
4           subtracted from the amount determined in paragraph (2)  
5           above and the remainder shall be the amount of the  
6           supplemental annuity provided that this amount shall not  
7           be less than the amount computed under subsection (b) of  
8           this Section.

9           (4) The suspended annuity shall be reinstated at an  
10          amount including any increases after retirement from the  
11          effective date to date of reinstatement.

12          (5) The effective date of the combined suspended and  
13          supplemental annuities for the purposes of increases after  
14          retirement shall be considered to be the effective date of  
15          the supplemental annuity.

16          (d) If a Tier 2 regular employee becomes a member or  
17          participant under any other system or fund created by this  
18          Code and is employed on a full-time basis, except for those  
19          members or participants exempted from the provisions of  
20          subsection (a) of Section 1-160 of this Code (other than a  
21          participating employee under this Article), then the person's  
22          retirement annuity shall be suspended during that employment.  
23          Upon termination of that employment, the person's retirement  
24          annuity shall resume and be recalculated as required by this  
25          Section.

26          (e) If a Tier 2 regular employee first began participation

1 on or after January 1, 2012 and is receiving a retirement  
2 annuity and accepts on a contractual basis a position to  
3 provide services to a governmental entity from which he or she  
4 has retired, then that person's annuity or retirement pension  
5 shall be suspended during that contractual service,  
6 notwithstanding the provisions of any other Section in this  
7 Article. Such annuitant shall notify the Fund, as well as his  
8 or her contractual employer, of his or her retirement status  
9 before accepting contractual employment. A person who fails to  
10 submit such notification shall be guilty of a Class A  
11 misdemeanor and required to pay a fine of \$1,000. Upon  
12 termination of that contractual employment, the person's  
13 retirement annuity shall resume and be recalculated as  
14 required by this Section.

15 (Source: P.A. 102-210, eff. 1-1-22; revised 8-19-22.)

16 (40 ILCS 5/16-203)

17 Sec. 16-203. Application and expiration of new benefit  
18 increases.

19 (a) As used in this Section, "new benefit increase" means  
20 an increase in the amount of any benefit provided under this  
21 Article, or an expansion of the conditions of eligibility for  
22 any benefit under this Article, that results from an amendment  
23 to this Code that takes effect after June 1, 2005 (the  
24 effective date of Public Act 94-4). "New benefit increase",  
25 however, does not include any benefit increase resulting from

1 the changes made to Article 1 or this Article by Public Act  
2 95-910, Public Act 100-23, Public Act 100-587, Public Act  
3 100-743, Public Act 100-769, Public Act 101-10, Public Act  
4 101-49, Public Act 102-16, or Public Act 102-871 ~~Public Act~~  
5 ~~102-16 this amendatory Act of the 102nd General Assembly.~~

6 (b) Notwithstanding any other provision of this Code or  
7 any subsequent amendment to this Code, every new benefit  
8 increase is subject to this Section and shall be deemed to be  
9 granted only in conformance with and contingent upon  
10 compliance with the provisions of this Section.

11 (c) The Public Act enacting a new benefit increase must  
12 identify and provide for payment to the System of additional  
13 funding at least sufficient to fund the resulting annual  
14 increase in cost to the System as it accrues.

15 Every new benefit increase is contingent upon the General  
16 Assembly providing the additional funding required under this  
17 subsection. The Commission on Government Forecasting and  
18 Accountability shall analyze whether adequate additional  
19 funding has been provided for the new benefit increase and  
20 shall report its analysis to the Public Pension Division of  
21 the Department of Insurance. A new benefit increase created by  
22 a Public Act that does not include the additional funding  
23 required under this subsection is null and void. If the Public  
24 Pension Division determines that the additional funding  
25 provided for a new benefit increase under this subsection is  
26 or has become inadequate, it may so certify to the Governor and

1 the State Comptroller and, in the absence of corrective action  
2 by the General Assembly, the new benefit increase shall expire  
3 at the end of the fiscal year in which the certification is  
4 made.

5 (d) Every new benefit increase shall expire 5 years after  
6 its effective date or on such earlier date as may be specified  
7 in the language enacting the new benefit increase or provided  
8 under subsection (c). This does not prevent the General  
9 Assembly from extending or re-creating a new benefit increase  
10 by law.

11 (e) Except as otherwise provided in the language creating  
12 the new benefit increase, a new benefit increase that expires  
13 under this Section continues to apply to persons who applied  
14 and qualified for the affected benefit while the new benefit  
15 increase was in effect and to the affected beneficiaries and  
16 alternate payees of such persons, but does not apply to any  
17 other person, including, without limitation, a person who  
18 continues in service after the expiration date and did not  
19 apply and qualify for the affected benefit while the new  
20 benefit increase was in effect.

21 (Source: P.A. 101-10, eff. 6-5-19; 101-49, eff. 7-12-19;  
22 101-81, eff. 7-12-19; 102-16, eff. 6-17-21; 102-558, eff.  
23 8-20-21; 102-813, eff. 5-13-22; 102-871, eff. 5-13-22; revised  
24 7-26-22.)

25 (40 ILCS 5/17-149) (from Ch. 108 1/2, par. 17-149)



1           Sec. 17-149. Cancellation of pensions.

2           (a) If any person receiving a disability retirement  
3 pension from the Fund is re-employed as a teacher by an  
4 Employer, the pension shall be cancelled on the date the  
5 re-employment begins, or on the first day of a payroll period  
6 for which service credit was validated, whichever is earlier.

7           (b) If any person receiving a service retirement pension  
8 from the Fund is re-employed as a teacher on a permanent or  
9 annual basis by an Employer, the pension shall be cancelled on  
10 the date the re-employment begins, or on the first day of a  
11 payroll period for which service credit was validated,  
12 whichever is earlier. However, subject to the limitations and  
13 requirements of subsection ~~subsections~~ (c-5) ~~or (c-10)~~, (c-6),  
14 ~~and~~ (c-7), or (c-10), the pension shall not be cancelled in the  
15 case of a service retirement pensioner who is re-employed on a  
16 temporary and non-annual basis or on an hourly basis.

17           (c) If the date of re-employment on a permanent or annual  
18 basis occurs within 5 school months after the date of previous  
19 retirement, exclusive of any vacation period, the member shall  
20 be deemed to have been out of service only temporarily and not  
21 permanently retired. Such person shall be entitled to pension  
22 payments for the time he could have been employed as a teacher  
23 and received salary, but shall not be entitled to pension for  
24 or during the summer vacation prior to his return to service.

25           When the member again retires on pension, the time of  
26 service and the money contributed by him during re-employment

1 shall be added to the time and money previously credited. Such  
2 person must acquire 3 consecutive years of additional  
3 contributing service before he may retire again on a pension  
4 at a rate and under conditions other than those in force or  
5 attained at the time of his previous retirement.

6 (c-5) For school years beginning on or after July 1, 2019  
7 and before July 1, 2022, the service retirement pension shall  
8 not be cancelled in the case of a service retirement pensioner  
9 who is re-employed as a teacher on a temporary and non-annual  
10 basis or on an hourly basis, so long as the person (1) does not  
11 work as a teacher for compensation on more than 120 days in a  
12 school year or (2) does not accept gross compensation for the  
13 re-employment in a school year in excess of (i) \$30,000 or (ii)  
14 in the case of a person who retires with at least 5 years of  
15 service as a principal, an amount that is equal to the daily  
16 rate normally paid to retired principals multiplied by 100.  
17 These limitations apply only to school years that begin on or  
18 after July 1, 2019 and before July 1, 2022. Such re-employment  
19 does not require contributions, result in service credit, or  
20 constitute active membership in the Fund.

21 The service retirement pension shall not be cancelled in  
22 the case of a service retirement pensioner who is re-employed  
23 as a teacher on a temporary and non-annual basis or on an  
24 hourly basis, so long as the person (1) does not work as a  
25 teacher for compensation on more than 100 days in a school year  
26 or (2) does not accept gross compensation for the

1 re-employment in a school year in excess of (i) \$30,000 or (ii)  
2 in the case of a person who retires with at least 5 years of  
3 service as a principal, an amount that is equal to the daily  
4 rate normally paid to retired principals multiplied by 100.  
5 These limitations apply only to school years that begin on or  
6 after August 8, 2012 (the effective date of Public Act 97-912)  
7 and before July 1, 2019. Such re-employment does not require  
8 contributions, result in service credit, or constitute active  
9 membership in the Fund.

10 Notwithstanding the 120-day limit set forth in item (1) of  
11 this subsection (c-5), the service retirement pension shall  
12 not be cancelled in the case of a service retirement pensioner  
13 who teaches only driver education courses after regular school  
14 hours and does not teach any other subject area, so long as the  
15 person does not work as a teacher for compensation for more  
16 than 900 hours in a school year. The \$30,000 limit set forth in  
17 subitem (i) of item (2) of this subsection (c-5) shall apply to  
18 a service retirement pensioner who teaches only driver  
19 education courses after regular school hours and does not  
20 teach any other subject area.

21 To be eligible for such re-employment without cancellation  
22 of pension, the pensioner must notify the Fund and the Board of  
23 Education of his or her intention to accept re-employment  
24 under this subsection (c-5) before beginning that  
25 re-employment (or if the re-employment began before August 8,  
26 2012 (the effective date of Public Act 97-912) ~~this amendatory~~

1 ~~Act~~, then within 30 days after that effective date).

2 An Employer must certify to the Fund the temporary and  
3 non-annual or hourly status and the compensation of each  
4 pensioner re-employed under this subsection at least  
5 quarterly, and when the pensioner is approaching the earnings  
6 limitation under this subsection.

7 If the pensioner works more than 100 days or accepts  
8 excess gross compensation for such re-employment in any school  
9 year that begins on or after August 8, 2012 (the effective date  
10 of Public Act 97-912), the service retirement pension shall  
11 thereupon be cancelled.

12 If the pensioner who only teaches drivers education  
13 courses after regular school hours works more than 900 hours  
14 or accepts excess gross compensation for such re-employment in  
15 any school year that begins on or after August 12, 2016 (the  
16 effective date of Public Act 99-786) ~~this amendatory Act of~~  
17 ~~the 99th General Assembly~~, the service retirement pension  
18 shall thereupon be cancelled.

19 If the pensioner works more than 120 days or accepts  
20 excess gross compensation for such re-employment in any school  
21 year that begins on or after July 1, 2019, the service  
22 retirement pension shall thereupon be cancelled.

23 The Board of the Fund shall adopt rules for the  
24 implementation and administration of this subsection.

25 (c-6) For school years beginning on or after July 1, 2022  
26 and before July 1, 2024, the service retirement pension shall

1 not be cancelled in the case of a service retirement pensioner  
2 who is re-employed as a teacher or an administrator on a  
3 temporary and non-annual basis or on an hourly basis ~~bases~~, so  
4 long as the person does not work as a teacher or an  
5 administrator for compensation on more than 140 days in a  
6 school year. Such re-employment does not require  
7 contributions, result in service credit, or constitute active  
8 membership in the Fund.

9 (c-7) For school years beginning on or after July 1, 2024,  
10 the service retirement pension shall not be cancelled in the  
11 case of a service retirement pensioner who is re-employed as a  
12 teacher or an administrator on a temporary and non-annual  
13 basis or on an hourly basis, so long as the person does not  
14 work as a teacher or an administrator for compensation on more  
15 than 120 days in a school year. Such re-employment does not  
16 require contributions, result in service credit, or constitute  
17 active membership in the Fund.

18 (c-10) Until June 30, 2024, the service retirement pension  
19 of a service retirement pensioner shall not be cancelled if  
20 the service retirement pensioner is employed in a subject  
21 shortage area and the Employer that is employing the service  
22 retirement pensioner meets the following requirements:

23 (1) If the Employer has honorably dismissed, within  
24 the calendar year preceding the beginning of the school  
25 term for which it seeks to employ a service retirement  
26 pensioner under this subsection, any teachers who are

1           legally qualified to hold positions in the subject  
2           shortage area and have not yet begun to receive their  
3           service retirement pensions under this Article, the vacant  
4           positions must first be tendered to those teachers.

5           (2) For a period of at least 90 days during the 6  
6           months preceding the beginning of either the fall or  
7           spring term for which it seeks to employ a service  
8           retirement pensioner under this subsection, the Employer  
9           must, on an ongoing basis, (i) advertise its vacancies in  
10          the subject shortage area in employment bulletins  
11          published by college and university placement offices  
12          located near the school; (ii) search for teachers legally  
13          qualified to fill those vacancies through the Illinois  
14          Education Job Bank; and (iii) post all vacancies on the  
15          Employer's website and list the vacancy in an online job  
16          portal or database.

17          An Employer of a teacher who is unable to continue  
18          employment with the Employer because of documented illness,  
19          injury, or disability that occurred after being hired by the  
20          Employer under this subsection is exempt from the provisions  
21          of paragraph (2) for 90 school days. However, the Employer  
22          must on an ongoing basis comply with items (i), (ii), and (iii)  
23          of paragraph (2).

24          The Employer must submit documentation of its compliance  
25          with this subsection to the regional superintendent. Upon  
26          receiving satisfactory documentation from the Employer, the

1 regional superintendent shall certify the Employer's  
2 compliance with this subsection to the Fund.

3 (d) Notwithstanding Sections 1-103.1 and 17-157, the  
4 changes to this Section made by Public Act 90-32 apply without  
5 regard to whether termination of service occurred before the  
6 effective date of that Act and apply retroactively to August  
7 23, 1989.

8 Notwithstanding Sections 1-103.1 and 17-157, the changes  
9 to this Section and Section 17-106 made by Public Act 92-599  
10 apply without regard to whether termination of service  
11 occurred before June 28, 2002 (the effective date of Public  
12 Act 92-599) ~~that Act.~~

13 Notwithstanding Sections 1-103.1 and 17-157, the changes  
14 to this Section made by Public Act 97-912 ~~this amendatory Act~~  
15 ~~of the 97th General Assembly~~ apply without regard to whether  
16 termination of service occurred before August 8, 2012 (the  
17 effective date of Public Act 97-912) ~~this amendatory Act.~~

18 (Source: P.A. 101-340, eff. 8-9-19; 102-1013, eff. 5-27-22;  
19 102-1090, eff. 6-10-22; revised 7-27-22.)

20 Section 230. The Public Building Commission Act is amended  
21 by changing Section 3 as follows:

22 (50 ILCS 20/3) (from Ch. 85, par. 1033)

23 Sec. 3. The following terms, wherever used, or referred to  
24 in this Act, mean unless the context clearly requires a

1 different meaning:

2 (a) "Commission" means a Public Building Commission  
3 created pursuant to this Act.

4 (b) "Commissioner" or "Commissioners" means a  
5 Commissioner or Commissioners of a Public Building  
6 Commission.

7 (c) "County seat" means a city, village, or town which  
8 is the county seat of a county.

9 (d) "Municipality" means any city, village, or  
10 incorporated town of the State of Illinois.

11 (e) "Municipal corporation" includes a county, city,  
12 village, town, (including a county seat), park district,  
13 school district in a county of 3,000,000 or more  
14 population, board of education of a school district in a  
15 county of 3,000,000 or more population, sanitary district,  
16 airport authority contiguous with the County Seat as of  
17 July 1, 1969, and any other municipal body or governmental  
18 agency of the State, and until July 1, 2011, a school  
19 district that (i) was organized prior to 1860, (ii) is  
20 located in part in a city originally incorporated prior to  
21 1840, and (iii) entered into a lease with a Commission  
22 prior to 1993, and its board of education, but does not  
23 include a school district in a county of less than  
24 3,000,000 population, a board of education of a school  
25 district in a county of less than 3,000,000 population, or  
26 a community college district in a county of less than



1           3,000,000 population, except that, until July 1, 2011, a  
2           school district that (i) was organized prior to 1860, (ii)  
3           is located in part in a city originally incorporated prior  
4           to 1840, and (iii) entered into a lease with a Commission  
5           prior to 1993, and its board of education, are included.

6           (f) "Governing body" includes a city council, county  
7           board, or any other body or board, by whatever name it may  
8           be known, charged with the governing of a municipal  
9           corporation.

10          (g) "Presiding officer" includes the mayor or  
11          president of a city, village, or town, the presiding  
12          officer of a county board, or the presiding officer of any  
13          other board or commission, as the case may be.

14          (h) "Oath" means oath or affirmation.

15          (i) "Building" means an improvement to real estate to  
16          be made available for use by a municipal corporation for  
17          the furnishing of governmental services to its citizens,  
18          together with any land or interest in land necessary or  
19          useful in connection with the improvement.

20          (j) "Delivery system" means the design and  
21          construction approach used to develop and construct a  
22          project.

23          (k) "Design-bid-build" means the traditional delivery  
24          system used on public projects that incorporates the Local  
25          Government Professional Services Selection Act ~~(50 ILCS~~  
26          ~~510/)~~ and the principles of competitive selection.

1           (1) "Design-build" means a delivery system that  
2 provides responsibility within a single contract for the  
3 furnishing of architecture, engineering, land surveying,  
4 and related services as required, and the labor,  
5 materials, equipment, and other construction services for  
6 the project.

7           (m) "Design-build contract" means a contract for a  
8 public project under this Act between the Commission and a  
9 design-build entity to furnish architecture, engineering,  
10 land surveying, and related services as required, and to  
11 furnish the labor, materials, equipment, and other  
12 construction services for the project. The design-build  
13 contract may be conditioned upon subsequent refinements in  
14 scope and price and may allow the Commission to make  
15 modifications in the project scope without invalidating  
16 the design-build contract.

17           (n) "Design-build entity" means any individual, sole  
18 proprietorship, firm, partnership, joint venture,  
19 corporation, professional corporation, or other entity  
20 that proposes to design and construct any public project  
21 under this Act. A design-build entity and associated  
22 design-build professionals shall conduct themselves in  
23 accordance with the laws of this State and the related  
24 provisions of the Illinois Administrative Code, as  
25 referenced by the licensed design professionals Acts of  
26 this State.

1           (o) "Design professional" means any individual, sole  
2           proprietorship, firm, partnership, joint venture,  
3           corporation, professional corporation, or other entity  
4           that offers services under the Illinois Architecture  
5           Practice Act of 1989 ~~(225 ILCS 305/)~~, the Professional  
6           Engineering Practice Act of 1989 ~~(225 ILCS 325/)~~, the  
7           Structural Engineering Practice ~~Licensing~~ Act of 1989 ~~(225~~  
8           ~~ILCS 340/)~~, or the Illinois Professional Land Surveyor Act  
9           of 1989 ~~(225 ILCS 330/)~~.

10           (p) "Evaluation criteria" means the requirements for  
11           the separate phases of the selection process for  
12           design-build proposals as defined in this Act and may  
13           include the specialized experience, technical  
14           qualifications and competence, capacity to perform, past  
15           performance, experience with similar projects, assignment  
16           of personnel to the project, and other appropriate  
17           factors. Price may not be used as a factor in the  
18           evaluation of Phase I proposals.

19           (q) "Proposal" means the offer to enter into a  
20           design-build contract as submitted by a design-build  
21           entity in accordance with this Act.

22           (r) "Request for proposal" means the document used by  
23           the Commission to solicit proposals for a design-build  
24           contract.

25           (s) "Scope and performance criteria" means the  
26           requirements for the public project, including, but not

1 limited to, the intended usage, capacity, size, scope,  
2 quality and performance standards, life-cycle costs, and  
3 other programmatic criteria that are expressed in  
4 performance-oriented and quantifiable specifications and  
5 drawings that can be reasonably inferred and are suited to  
6 allow a design-build entity to develop a proposal.

7 (t) "Guaranteed maximum price" means a form of  
8 contract in which compensation may vary according to the  
9 scope of work involved but in any case may not exceed an  
10 agreed total amount.

11 Definitions in this Section with respect to design-build  
12 shall have no effect beginning on June 1, 2023; provided that  
13 any design-build contracts entered into before such date or  
14 any procurement of a project under this Act commenced before  
15 such date, and the contracts resulting from those  
16 procurements, shall remain effective. The actions of any  
17 person or entity taken on or after June 1, 2013 and before  
18 January 7, 2014 (the effective date of Public Act 98-619) ~~this~~  
19 ~~amendatory Act of the 98th General Assembly~~ in reliance on the  
20 provisions of this Section with respect to design-build  
21 continuing to be effective are hereby validated.

22 (Source: P.A. 100-736, eff. 1-1-19; revised 8-23-22.)

23 Section 235. The Illinois Police Training Act is amended  
24 by changing Sections 7, 8.1, 10.6, and 10.19 as follows:

1 (50 ILCS 705/7)

2 (Text of Section before amendment by P.A. 102-982)

3 Sec. 7. Rules and standards for schools. The Board shall  
4 adopt rules and minimum standards for such schools which shall  
5 include, but not be limited to, the following:

6 a. The curriculum for probationary law enforcement  
7 officers which shall be offered by all certified schools  
8 shall include, but not be limited to, courses of  
9 procedural justice, arrest and use and control tactics,  
10 search and seizure, including temporary questioning, civil  
11 rights, human rights, human relations, cultural  
12 competency, including implicit bias and racial and ethnic  
13 sensitivity, criminal law, law of criminal procedure,  
14 constitutional and proper use of law enforcement  
15 authority, crisis intervention training, vehicle and  
16 traffic law including uniform and non-discriminatory  
17 enforcement of the Illinois Vehicle Code, traffic control  
18 and accident investigation, techniques of obtaining  
19 physical evidence, court testimonies, statements, reports,  
20 firearms training, training in the use of electronic  
21 control devices, including the psychological and  
22 physiological effects of the use of those devices on  
23 humans, first-aid (including cardiopulmonary  
24 resuscitation), training in the administration of opioid  
25 antagonists as defined in paragraph (1) of subsection (e)  
26 of Section 5-23 of the Substance Use Disorder Act,

1 handling of juvenile offenders, recognition of mental  
2 conditions and crises, including, but not limited to, the  
3 disease of addiction, which require immediate assistance  
4 and response and methods to safeguard and provide  
5 assistance to a person in need of mental treatment,  
6 recognition of abuse, neglect, financial exploitation, and  
7 self-neglect of adults with disabilities and older adults,  
8 as defined in Section 2 of the Adult Protective Services  
9 Act, crimes against the elderly, law of evidence, the  
10 hazards of high-speed police vehicle chases with an  
11 emphasis on alternatives to the high-speed chase, and  
12 physical training. The curriculum shall include specific  
13 training in techniques for immediate response to and  
14 investigation of cases of domestic violence and of sexual  
15 assault of adults and children, including cultural  
16 perceptions and common myths of sexual assault and sexual  
17 abuse as well as interview techniques that are age  
18 sensitive and are trauma informed, victim centered, and  
19 victim sensitive. The curriculum shall include training in  
20 techniques designed to promote effective communication at  
21 the initial contact with crime victims and ways to  
22 comprehensively explain to victims and witnesses their  
23 rights under the Rights of Crime Victims and Witnesses Act  
24 and the Crime Victims Compensation Act. The curriculum  
25 shall also include training in effective recognition of  
26 and responses to stress, trauma, and post-traumatic stress

1 experienced by law enforcement officers that is consistent  
2 with Section 25 of the Illinois Mental Health First Aid  
3 Training Act in a peer setting, including recognizing  
4 signs and symptoms of work-related cumulative stress,  
5 issues that may lead to suicide, and solutions for  
6 intervention with peer support resources. The curriculum  
7 shall include a block of instruction addressing the  
8 mandatory reporting requirements under the Abused and  
9 Neglected Child Reporting Act. The curriculum shall also  
10 include a block of instruction aimed at identifying and  
11 interacting with persons with autism and other  
12 developmental or physical disabilities, reducing barriers  
13 to reporting crimes against persons with autism, and  
14 addressing the unique challenges presented by cases  
15 involving victims or witnesses with autism and other  
16 developmental disabilities. The curriculum shall include  
17 training in the detection and investigation of all forms  
18 of human trafficking. The curriculum shall also include  
19 instruction in trauma-informed responses designed to  
20 ensure the physical safety and well-being of a child of an  
21 arrested parent or immediate family member; this  
22 instruction must include, but is not limited to: (1)  
23 understanding the trauma experienced by the child while  
24 maintaining the integrity of the arrest and safety of  
25 officers, suspects, and other involved individuals; (2)  
26 de-escalation tactics that would include the use of force

1           when reasonably necessary; and (3) inquiring whether a  
2           child will require supervision and care. The curriculum  
3           for probationary law enforcement officers shall include:  
4           (1) at least 12 hours of hands-on, scenario-based  
5           role-playing; (2) at least 6 hours of instruction on use  
6           of force techniques, including the use of de-escalation  
7           techniques to prevent or reduce the need for force  
8           whenever safe and feasible; (3) specific training on  
9           officer safety techniques, including cover, concealment,  
10          and time; and (4) at least 6 hours of training focused on  
11          high-risk traffic stops. The curriculum for permanent law  
12          enforcement officers shall include, but not be limited to:  
13          (1) refresher and in-service training in any of the  
14          courses listed above in this subparagraph, (2) advanced  
15          courses in any of the subjects listed above in this  
16          subparagraph, (3) training for supervisory personnel, and  
17          (4) specialized training in subjects and fields to be  
18          selected by the board. The training in the use of  
19          electronic control devices shall be conducted for  
20          probationary law enforcement officers, including  
21          University police officers. The curriculum shall also  
22          include training on the use of a firearms restraining  
23          order by providing instruction on the process used to file  
24          a firearms restraining order and how to identify  
25          situations in which a firearms restraining order is  
26          appropriate.



1           b. Minimum courses of study, attendance requirements  
2 and equipment requirements.

3           c. Minimum requirements for instructors.

4           d. Minimum basic training requirements, which a  
5 probationary law enforcement officer must satisfactorily  
6 complete before being eligible for permanent employment as  
7 a local law enforcement officer for a participating local  
8 governmental or State governmental agency. Those  
9 requirements shall include training in first aid  
10 (including cardiopulmonary resuscitation).

11          e. Minimum basic training requirements, which a  
12 probationary county corrections officer must  
13 satisfactorily complete before being eligible for  
14 permanent employment as a county corrections officer for a  
15 participating local governmental agency.

16          f. Minimum basic training requirements which a  
17 probationary court security officer must satisfactorily  
18 complete before being eligible for permanent employment as  
19 a court security officer for a participating local  
20 governmental agency. The Board shall establish those  
21 training requirements which it considers appropriate for  
22 court security officers and shall certify schools to  
23 conduct that training.

24          A person hired to serve as a court security officer  
25 must obtain from the Board a certificate (i) attesting to  
26 the officer's successful completion of the training

1 course; (ii) attesting to the officer's satisfactory  
2 completion of a training program of similar content and  
3 number of hours that has been found acceptable by the  
4 Board under the provisions of this Act; or (iii) attesting  
5 to the Board's determination that the training course is  
6 unnecessary because of the person's extensive prior law  
7 enforcement experience.

8 Individuals who currently serve as court security  
9 officers shall be deemed qualified to continue to serve in  
10 that capacity so long as they are certified as provided by  
11 this Act within 24 months of June 1, 1997 (the effective  
12 date of Public Act 89-685). Failure to be so certified,  
13 absent a waiver from the Board, shall cause the officer to  
14 forfeit his or her position.

15 All individuals hired as court security officers on or  
16 after June 1, 1997 (the effective date of Public Act  
17 89-685) shall be certified within 12 months of the date of  
18 their hire, unless a waiver has been obtained by the  
19 Board, or they shall forfeit their positions.

20 The Sheriff's Merit Commission, if one exists, or the  
21 Sheriff's Office if there is no Sheriff's Merit  
22 Commission, shall maintain a list of all individuals who  
23 have filed applications to become court security officers  
24 and who meet the eligibility requirements established  
25 under this Act. Either the Sheriff's Merit Commission, or  
26 the Sheriff's Office if no Sheriff's Merit Commission

1 exists, shall establish a schedule of reasonable intervals  
2 for verification of the applicants' qualifications under  
3 this Act and as established by the Board.

4 g. Minimum in-service training requirements, which a  
5 law enforcement officer must satisfactorily complete every  
6 3 years. Those requirements shall include constitutional  
7 and proper use of law enforcement authority, procedural  
8 justice, civil rights, human rights, reporting child abuse  
9 and neglect, and cultural competency, including implicit  
10 bias and racial and ethnic sensitivity. These trainings  
11 shall consist of at least 30 hours of training every 3  
12 years.

13 h. Minimum in-service training requirements, which a  
14 law enforcement officer must satisfactorily complete at  
15 least annually. Those requirements shall include law  
16 updates, emergency medical response training and  
17 certification, crisis intervention training, and officer  
18 wellness and mental health.

19 i. Minimum in-service training requirements as set  
20 forth in Section 10.6.

21 ~~The amendatory changes to this Section made by Public Act~~  
22 ~~101-652 shall take effect January 1, 2022.~~

23 Notwithstanding any provision of law to the contrary, the  
24 changes made to this Section by ~~this amendatory Act of the~~  
25 ~~102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act  
26 102-28, and Public Act 102-694 take effect July 1, 2022.

1 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;  
2 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff.  
3 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section  
4 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.  
5 1-1-22; 102-28, eff. 6-25-21; 102-345, eff. 6-1-22; 102-558,  
6 eff. 8-20-21; 102-694, eff. 1-7-22; revised 8-11-22.)

7 (Text of Section after amendment by P.A. 102-982)

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1 devices, including the psychological and physiological  
2 effects of the use of those devices on humans, first-aid  
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14 specific training on officer safety techniques, including  
15 cover, concealment, and time; and (4) at least 6 hours of  
16 training focused on high-risk traffic stops. The  
17 curriculum for permanent law enforcement officers shall  
18 include, but not be limited to: (1) refresher and  
19 in-service training in any of the courses listed above in  
20 this subparagraph, (2) advanced courses in any of the  
21 subjects listed above in this subparagraph, (3) training  
22 for supervisory personnel, and (4) specialized training in  
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2           order by providing instruction on the process used to file  
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4           situations in which a firearms restraining order is  
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7           and equipment requirements.

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9           d. Minimum basic training requirements, which a  
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13          governmental or State governmental agency. Those  
14          requirements shall include training in first aid  
15          (including cardiopulmonary resuscitation).

16          e. Minimum basic training requirements, which a  
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20          participating local governmental agency.

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11 unnecessary because of the person's extensive prior law  
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15 that capacity so long as they are certified as provided by  
16 this Act within 24 months of June 1, 1997 (the effective  
17 date of Public Act 89-685). Failure to be so certified,  
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19 forfeit his or her position.

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23 their hire, unless a waiver has been obtained by the  
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25 The Sheriff's Merit Commission, if one exists, or the  
26 Sheriff's Office if there is no Sheriff's Merit

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5 the Sheriff's Office if no Sheriff's Merit Commission  
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9 g. Minimum in-service training requirements, which a  
10 law enforcement officer must satisfactorily complete every  
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12 and proper use of law enforcement authority, procedural  
13 justice, civil rights, human rights, reporting child abuse  
14 and neglect, and cultural competency, including implicit  
15 bias and racial and ethnic sensitivity. These trainings  
16 shall consist of at least 30 hours of training every 3  
17 years.

18 h. Minimum in-service training requirements, which a  
19 law enforcement officer must satisfactorily complete at  
20 least annually. Those requirements shall include law  
21 updates, emergency medical response training and  
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23 wellness and mental health.

24 i. Minimum in-service training requirements as set  
25 forth in Section 10.6.

26 ~~The amendatory changes to this Section made by Public Act~~

1 ~~101-652 shall take effect January 1, 2022.~~

2 Notwithstanding any provision of law to the contrary, the  
3 changes made to this Section by ~~this amendatory Act of the~~  
4 ~~102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act  
5 102-28, and Public Act 102-694 take effect July 1, 2022.

6 (Source: P.A. 101-18, eff. 1-1-20; 101-81, eff. 7-12-19;  
7 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff.  
8 8-16-19; 101-564, eff. 1-1-20; 101-652, Article 10, Section  
9 10-143, eff. 7-1-21; 101-652, Article 25, Section 25-40, eff.  
10 1-1-22; 102-28, eff. 6-25-21; 102-345, eff. 6-1-22; 102-558,  
11 eff. 8-20-21; 102-694, eff. 1-7-22; 102-982, eff. 7-1-23;  
12 revised 8-11-22.)

13 (50 ILCS 705/8.1) (from Ch. 85, par. 508.1)

14 Sec. 8.1. Full-time law enforcement and county corrections  
15 officers.

16 (a) No person shall receive a permanent appointment as a  
17 law enforcement officer or a permanent appointment as a county  
18 corrections officer unless that person has been awarded,  
19 within 6 months of the officer's initial full-time employment,  
20 a certificate attesting to the officer's successful completion  
21 of the Minimum Standards Basic Law Enforcement or County  
22 Correctional Training Course as prescribed by the Board; or  
23 has been awarded a certificate attesting to the officer's  
24 satisfactory completion of a training program of similar  
25 content and number of hours and which course has been found

1 acceptable by the Board under the provisions of this Act; or a  
2 training waiver by reason of extensive prior law enforcement  
3 or county corrections experience the basic training  
4 requirement is determined by the Board to be illogical and  
5 unreasonable.

6 If such training is required and not completed within the  
7 applicable 6 months, then the officer must forfeit the  
8 officer's position, or the employing agency must obtain a  
9 waiver from the Board extending the period for compliance.  
10 Such waiver shall be issued only for good and justifiable  
11 reasons, and in no case shall extend more than 90 days beyond  
12 the initial 6 months. Any hiring agency that fails to train a  
13 law enforcement officer within this period shall be prohibited  
14 from employing this individual in a law enforcement capacity  
15 for one year from the date training was to be completed. If an  
16 agency again fails to train the individual a second time, the  
17 agency shall be permanently barred from employing this  
18 individual in a law enforcement capacity.

19 An individual who is not certified by the Board or whose  
20 certified status is inactive shall not function as a law  
21 enforcement officer, be assigned the duties of a law  
22 enforcement officer by an employing agency, or be authorized  
23 to carry firearms under the authority of the employer, except  
24 as otherwise authorized to carry a firearm under State or  
25 federal law. Sheriffs who are elected as of January 1, 2022  
26 (the effective date of Public Act 101-652) ~~this amendatory Act~~

1 ~~of the 101st General Assembly,~~ are exempt from the requirement  
2 of certified status. Failure to be certified in accordance  
3 with this Act shall cause the officer to forfeit the officer's  
4 position.

5 An employing agency may not grant a person status as a law  
6 enforcement officer unless the person has been granted an  
7 active law enforcement officer certification by the Board.

8 (b) Inactive status. A person who has an inactive law  
9 enforcement officer certification has no law enforcement  
10 authority.

11 (1) A law enforcement officer's certification becomes  
12 inactive upon termination, resignation, retirement, or  
13 separation from the officer's employing law enforcement  
14 agency for any reason. The Board shall re-activate a  
15 certification upon written application from the law  
16 enforcement officer's law enforcement agency that shows  
17 the law enforcement officer: (i) has accepted a full-time  
18 law enforcement position with that law enforcement agency,  
19 (ii) is not the subject of a decertification proceeding,  
20 and (iii) meets all other criteria for re-activation  
21 required by the Board. The Board may also establish  
22 special training requirements to be completed as a  
23 condition for re-activation.

24 The Board shall review a notice for reactivation from  
25 a law enforcement agency and provide a response within 30  
26 days. The Board may extend this review. A law enforcement

1 officer shall be allowed to be employed as a full-time law  
2 enforcement officer while the law enforcement officer  
3 reactivation waiver is under review.

4 A law enforcement officer who is refused reactivation  
5 or an employing agency of a law enforcement officer who is  
6 refused reactivation under this Section may request a  
7 hearing in accordance with the hearing procedures as  
8 outlined in subsection (h) of Section 6.3 of this Act.

9 The Board may refuse to re-activate the certification  
10 of a law enforcement officer who was involuntarily  
11 terminated for good cause by an employing agency for  
12 conduct subject to decertification under this Act or  
13 resigned or retired after receiving notice of a law  
14 enforcement agency's investigation.

15 (2) A law enforcement agency may place an officer who  
16 is currently certified on inactive status by sending a  
17 written request to the Board. A law enforcement officer  
18 whose certificate has been placed on inactive status shall  
19 not function as a law enforcement officer until the  
20 officer has completed any requirements for reactivating  
21 the certificate as required by the Board. A request for  
22 inactive status in this subsection shall be in writing,  
23 accompanied by verifying documentation, and shall be  
24 submitted to the Board with a copy to the chief  
25 administrator of the law enforcement officer's current or  
26 new employing agency.

1           (3) Certification that has become inactive under  
2 paragraph (2) of this subsection (b) shall be reactivated  
3 by written notice from the law enforcement officer's  
4 agency upon a showing that the law enforcement officer ~~is~~:  
5 (i) is employed in a full-time law enforcement position  
6 with the same law enforcement agency, (ii) is not the  
7 subject of a decertification proceeding, and (iii) meets  
8 all other criteria for re-activation required by the  
9 Board.

10           (4) Notwithstanding paragraph (3) of this subsection  
11 (b), a law enforcement officer whose certification has  
12 become inactive under paragraph (2) may have the officer's  
13 employing agency submit a request for a waiver of training  
14 requirements to the Board in writing and accompanied by  
15 any verifying documentation. A grant of a waiver is  
16 within the discretion of the Board. Within 7 days of  
17 receiving a request for a waiver under this Section  
18 ~~section~~, the Board shall notify the law enforcement  
19 officer and the chief administrator of the law enforcement  
20 officer's employing agency, whether the request has been  
21 granted, denied, or if the Board will take additional time  
22 for information. A law enforcement agency whose request  
23 for a waiver under this subsection is denied is entitled  
24 to request a review of the denial by the Board. The law  
25 enforcement agency must request a review within 20 days of  
26 the waiver being denied. The burden of proof shall be on

1 the law enforcement agency to show why the law enforcement  
2 officer is entitled to a waiver of the legislatively  
3 required training and eligibility requirements.

4 (c) No provision of this Section shall be construed to  
5 mean that a county corrections officer employed by a  
6 governmental agency at the time of the effective date of this  
7 amendatory Act, either as a probationary county corrections  
8 officer or as a permanent county corrections officer, shall  
9 require certification under the provisions of this Section. No  
10 provision of this Section shall be construed to apply to  
11 certification of elected county sheriffs.

12 (d) Within 14 days, a law enforcement officer shall report  
13 to the Board: (1) any name change; (2) any change in  
14 employment; or (3) the filing of any criminal indictment or  
15 charges against the officer alleging that the officer  
16 committed any offense as enumerated in Section 6.1 of this  
17 Act.

18 (e) All law enforcement officers must report the  
19 completion of the training requirements required in this Act  
20 in compliance with Section 8.4 of this Act.

21 (e-1) Each employing law enforcement agency shall allow  
22 and provide an opportunity for a law enforcement officer to  
23 complete the mandated requirements in this Act. All mandated  
24 training shall ~~will~~ be provided ~~for~~ at no cost to the  
25 employees. Employees shall be paid for all time spent  
26 attending mandated training.



1 (e-2) Each agency, academy, or training provider shall  
2 maintain proof of a law enforcement officer's completion of  
3 legislatively required training in a format designated by the  
4 Board. The report of training shall be submitted to the Board  
5 within 30 days following completion of the training. A copy of  
6 the report shall be submitted to the law enforcement officer.  
7 Upon receipt of a properly completed report of training, the  
8 Board will make the appropriate entry into the training  
9 records of the law enforcement officer.

10 (f) This Section does not apply to part-time law  
11 enforcement officers or probationary part-time law enforcement  
12 officers.

13 (g) Notwithstanding any provision of law to the contrary,  
14 the changes made to this Section by ~~this amendatory Act of the~~  
15 ~~102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act  
16 102-28, and Public Act 102-694 take effect July 1, 2022.

17 (Source: P.A. 101-187, eff. 1-1-20; 101-652, eff. 1-1-22;  
18 102-28, eff. 6-25-21; 102-694, eff. 1-7-22; revised 2-3-22.)

19 (50 ILCS 705/10.6)

20 Sec. 10.6. Mandatory training to be completed every 3  
21 years.

22 (a) The Board shall adopt rules and minimum standards for  
23 in-service training requirements as set forth in this Section.  
24 The training shall provide officers with knowledge of policies  
25 and laws regulating the use of force; equip officers with

1 tactics and skills, including de-escalation techniques, to  
2 prevent or reduce the need to use force or, when force must be  
3 used, to use force that is objectively reasonable, necessary,  
4 and proportional under the totality of the circumstances; and  
5 ensure appropriate supervision and accountability. The  
6 training shall include:

7 (1) At least 12 hours of hands-on, scenario-based  
8 role-playing.

9 (2) At least 6 hours of instruction on use of force  
10 techniques, including the use of de-escalation techniques  
11 to prevent or reduce the need for force whenever safe and  
12 feasible.

13 (3) Specific training on the law concerning stops,  
14 searches, and the use of force under the Fourth Amendment  
15 to the United States Constitution.

16 (4) Specific training on officer safety techniques,  
17 including cover, concealment, and time.

18 (5) At least 6 hours of training focused on high-risk  
19 traffic stops.

20 (b) Notwithstanding any provision of law to the contrary,  
21 the changes made to this Section by ~~this amendatory Act of the~~  
22 ~~102nd General Assembly,~~ Public Act 101-652, ~~and~~ Public Act  
23 102-28, and Public Act 102-694 take effect July 1, 2022.

24 ~~This Section takes effect January 1, 2022.~~

25 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;  
26 102-694, eff. 1-7-22; revised 2-3-22.)

1 (50 ILCS 705/10.19)

2 Sec. 10.19. Training; administration of epinephrine.

3 (a) This Section, along with Section 40 of the Illinois  
4 State Police Act, may be referred to as the Annie LeGere Law.

5 (b) For purposes of this Section, "epinephrine  
6 auto-injector" means a single-use device used for the  
7 automatic injection of a pre-measured dose of epinephrine into  
8 the human body prescribed in the name of a local law  
9 enforcement agency.

10 (c) The Board shall conduct or approve an optional  
11 advanced training program for law enforcement officers to  
12 recognize and respond to anaphylaxis, including the  
13 administration of an epinephrine auto-injector. The training  
14 must include, but is not limited to:

15 (1) how to recognize symptoms of an allergic reaction;

16 (2) how to respond to an emergency involving an  
17 allergic reaction;

18 (3) how to administer an epinephrine auto-injector;

19 (4) how to respond to an individual with a known  
20 allergy as well as an individual with a previously unknown  
21 allergy;

22 (5) a test demonstrating competency of the knowledge  
23 required to recognize anaphylaxis and administer an  
24 epinephrine auto-injector; and

25 (6) other criteria as determined in rules adopted by

1 the Board.

2 (d) A local law enforcement agency may authorize a law  
3 enforcement officer who has completed an optional advanced  
4 training program under subsection (c) to carry, administer, or  
5 assist with the administration of epinephrine auto-injectors  
6 provided by the local law enforcement agency whenever the  
7 officer is performing official duties.

8 (e) A local law enforcement agency that authorizes its  
9 officers to carry and administer epinephrine auto-injectors  
10 under subsection (d) must establish a policy to control the  
11 acquisition, storage, transportation, administration, and  
12 disposal of epinephrine auto-injectors and to provide  
13 continued training in the administration of epinephrine  
14 auto-injectors.

15 (f) A physician, physician ~~physician's~~ assistant with  
16 prescriptive authority, or advanced practice registered nurse  
17 with prescriptive authority may provide a standing protocol or  
18 prescription for epinephrine auto-injectors in the name of a  
19 local law enforcement agency to be maintained for use when  
20 necessary.

21 (g) When a law enforcement officer administers an  
22 epinephrine auto-injector in good faith, the law enforcement  
23 officer and local law enforcement agency, and its employees  
24 and agents, including a physician, physician ~~physician's~~  
25 assistant with prescriptive authority, or advanced practice  
26 registered nurse with prescriptive authority who provides a

1 standing order or prescription for an epinephrine  
2 auto-injector, incur no civil or professional liability,  
3 except for willful and wanton conduct, or as a result of any  
4 injury or death arising from the use of an epinephrine  
5 auto-injector.

6 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;  
7 102-694, eff. 1-7-22; revised 2-3-22.)

8 Section 240. The Police and Community Relations  
9 Improvement Act is amended by changing Section 1-10 as  
10 follows:

11 (50 ILCS 727/1-10)

12 Sec. 1-10. Investigation of officer-involved deaths;  
13 requirements.

14 (a) Each law enforcement agency shall have a written  
15 policy regarding the investigation of officer-involved deaths  
16 that involve a law enforcement officer employed by that law  
17 enforcement agency.

18 (b) Each officer-involved death investigation shall be  
19 conducted by at least 2 investigators, or an entity or agency  
20 comprised of at least 2 investigators, one of whom is the lead  
21 investigator. The lead investigator shall be a person  
22 certified by the Illinois Law Enforcement Training Standards  
23 Board as a Lead Homicide Investigator, or similar training  
24 approved by the Illinois Law Enforcement Training Standards

1 Board or the Illinois State Police, or similar training  
2 provided at an Illinois Law Enforcement Training Standards  
3 Board certified school. No investigator involved in the  
4 investigation may be employed by the law enforcement agency  
5 that employs the officer involved in the officer-involved  
6 death, unless the investigator is employed by the Illinois  
7 State Police and is not assigned to the same division or unit  
8 as the officer involved in the death.

9 (c) In addition to the requirements of subsection (b) of  
10 this Section, if the officer-involved death being investigated  
11 involves a motor vehicle crash, at least one investigator  
12 shall be certified by the Illinois Law Enforcement Training  
13 Standards Board as a Crash Reconstruction Specialist, or  
14 similar training approved by the Illinois Law Enforcement  
15 Training Standards Board or the Illinois State Police, or  
16 similar training provided at an Illinois Law Enforcement  
17 Training Standards Board certified school. Notwithstanding the  
18 requirements of subsection (b) of this Section, the policy for  
19 a law enforcement agency, when the officer-involved death  
20 being investigated involves a motor vehicle collision, may  
21 allow the use of an investigator who is employed by that law  
22 enforcement agency and who is certified by the Illinois Law  
23 Enforcement Training Standards Board as a Crash Reconstruction  
24 Specialist, or similar training approved by the Illinois Law  
25 Enforcement Training Standards Board, or similar certified  
26 training approved by the Illinois State Police, or similar

1 training provided at an Illinois Law Enforcement Training  
2 Standards Board certified school.

3 (d) The investigators conducting the investigation shall,  
4 in an expeditious manner, provide a complete report to the  
5 State's Attorney of the county in which the officer-involved  
6 death occurred.

7 (e) If the State's Attorney, or a designated special  
8 prosecutor, determines there is no basis to prosecute the law  
9 enforcement officer involved in the officer-involved death, or  
10 if the law enforcement officer is not otherwise charged or  
11 indicted, the investigators shall publicly release a report.

12 (Source: P.A. 102-538, eff. 8-20-21; 102-982, eff. 7-1-23;  
13 102-1071, eff. 6-10-22; revised 12-13-22.)

14 Section 245. The Emergency Telephone System Act is amended  
15 by changing Section 15.4a as follows:

16 (50 ILCS 750/15.4a)

17 (Section scheduled to be repealed on December 31, 2023)

18 Sec. 15.4a. Consolidation.

19 (a) By July 1, 2017, and except as otherwise provided in  
20 this Section, Emergency Telephone System Boards, Joint  
21 Emergency Telephone System Boards, and PSAPs shall be  
22 consolidated as follows, subject to subsections (b) and (c) of  
23 this Section:

24 (1) In any county with a population of at least

1           250,000 that has a single Emergency Telephone System Board  
2           and more than 2 PSAPs, the 9-1-1 Authority shall reduce  
3           the number of PSAPs by at least 50% or to 2 PSAPs,  
4           whichever is greater. Nothing in this paragraph shall  
5           preclude consolidation resulting in one PSAP in the  
6           county.

7           (2) In any county with a population of at least  
8           250,000 that has more than one Emergency Telephone System  
9           Board ~~or~~ Joint Emergency Telephone System Board, any  
10          9-1-1 Authority serving a population of less than 25,000  
11          shall be consolidated such that no 9-1-1 Authority in the  
12          county serves a population of less than 25,000.

13          (3) In any county with a population of at least  
14          250,000 but less than 1,000,000 that has more than one  
15          Emergency Telephone System Board ~~or~~ Joint Emergency  
16          Telephone System Board, each 9-1-1 Authority shall reduce  
17          the number of PSAPs by at least 50% or to 2 PSAPs,  
18          whichever is greater. Nothing in this paragraph shall  
19          preclude consolidation of a 9-1-1 Authority into a Joint  
20          Emergency Telephone System Board, and nothing in this  
21          paragraph shall preclude consolidation resulting in one  
22          PSAP in the county.

23          (4) In any county with a population of less than  
24          250,000 that has a single Emergency Telephone System Board  
25          and more than 2 PSAPs, the 9-1-1 Authority shall reduce  
26          the number of PSAPs by at least 50% or to 2 PSAPs,



1           whichever is greater. Nothing in this paragraph shall  
2           preclude consolidation resulting in one PSAP in the  
3           county.

4           (5) In any county with a population of less than  
5           250,000 that has more than one Emergency Telephone System  
6           Board or Joint Emergency Telephone System Board and more  
7           than 2 PSAPS, the 9-1-1 Authorities shall be consolidated  
8           into a single joint board, and the number of PSAPs shall be  
9           reduced by at least 50% or to 2 PSAPs, whichever is  
10          greater. Nothing in this paragraph shall preclude  
11          consolidation resulting in one PSAP in the county.

12          (6) Any 9-1-1 Authority that does not have a PSAP  
13          within its jurisdiction shall be consolidated through an  
14          intergovernmental agreement with an existing 9-1-1  
15          Authority that has a PSAP to create a Joint Emergency  
16          Telephone Board.

17          (7) The corporate authorities of each county that has  
18          no 9-1-1 service as of January 1, 2016 shall provide 9-1-1  
19          wireline and wireless 9-1-1 service for that county by  
20          either (i) entering into an intergovernmental agreement  
21          with an existing Emergency Telephone System Board to  
22          create a new Joint Emergency Telephone System Board, or  
23          (ii) entering into an intergovernmental agreement with the  
24          corporate authorities that have created an existing Joint  
25          Emergency Telephone System Board.

26          (b) By July 1, 2016, each county required to consolidate

1 pursuant to paragraph (7) of subsection (a) of this Section  
2 and each 9-1-1 Authority required to consolidate pursuant to  
3 paragraphs (1) through (6) of subsection (a) of this Section  
4 shall file a plan for consolidation or a request for a waiver  
5 pursuant to subsection (c) of this Section with the Office of  
6 the Statewide 9-1-1 Administrator.

7 (1) No county or 9-1-1 Authority may avoid the  
8 requirements of this Section by converting primary PSAPs  
9 to secondary or virtual answering points; however, a PSAP  
10 may be decommissioned. Staff from decommissioned PSAPs may  
11 remain to perform nonemergency police, fire, or EMS  
12 responsibilities. Any county or 9-1-1 Authority not in  
13 compliance with this Section shall be ineligible to  
14 receive consolidation grant funds issued under Section  
15 15.4b of this Act or monthly disbursements otherwise due  
16 under Section 30 of this Act, until the county or 9-1-1  
17 Authority is in compliance.

18 (2) Within 60 calendar days of receiving a  
19 consolidation plan or waiver, the Statewide 9-1-1 Advisory  
20 Board shall hold at least one public hearing on the plan  
21 and provide a recommendation to the Administrator. Notice  
22 of the hearing shall be provided to the respective entity  
23 to which the plan applies.

24 (3) Within 90 calendar days of receiving a  
25 consolidation plan, the Administrator shall approve the  
26 plan or waiver, approve the plan as modified, or grant a

1 waiver pursuant to subsection (c) of this Section. In  
2 making his or her decision, the Administrator shall  
3 consider any recommendation from the Statewide 9-1-1  
4 Advisory Board regarding the plan. If the Administrator  
5 does not follow the recommendation of the Board, the  
6 Administrator shall provide a written explanation for the  
7 deviation in his or her decision.

8 (4) The deadlines provided in this subsection may be  
9 extended upon agreement between the Administrator and  
10 entity which submitted the plan.

11 (c) A waiver from a consolidation required under  
12 subsection (a) of this Section may be granted if the  
13 Administrator finds that the consolidation will result in a  
14 substantial threat to public safety, is economically  
15 unreasonable, or is technically infeasible.

16 (d) Any decision of the Administrator under this Section  
17 shall be deemed a final administrative decision and shall be  
18 subject to judicial review under the Administrative Review  
19 Law.

20 (Source: P.A. 102-9, eff. 6-3-21; revised 2-28-22.)

21 Section 250. The Counties Code is amended by changing  
22 Sections 3-3013, 5-1006.7, 5-1182, 5-45025, and 6-30002 and  
23 the heading of Division 4-13 as follows:

24 (55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

1 (Text of Section before amendment by P.A. 102-982)

2 Sec. 3-3013. Preliminary investigations; blood and urine  
3 analysis; summoning jury; reports. Every coroner, whenever,  
4 as soon as he knows or is informed that the dead body of any  
5 person is found, or lying within his county, whose death is  
6 suspected of being:

7 (a) A sudden or violent death, whether apparently  
8 suicidal, homicidal, or accidental, including, but not  
9 limited to, deaths apparently caused or contributed to by  
10 thermal, traumatic, chemical, electrical, or radiational  
11 injury, or a complication of any of them, or by drowning or  
12 suffocation, or as a result of domestic violence as  
13 defined in the Illinois Domestic Violence Act of 1986;

14 (b) A death due to a sex crime;

15 (c) A death where the circumstances are suspicious,  
16 obscure, mysterious, or otherwise unexplained or where, in  
17 the written opinion of the attending physician, the cause  
18 of death is not determined;

19 (d) A death where addiction to alcohol or to any drug  
20 may have been a contributory cause; or

21 (e) A death where the decedent was not attended by a  
22 licensed physician;

23 shall go to the place where the dead body is, and take charge  
24 of the same and shall make a preliminary investigation into  
25 the circumstances of the death. In the case of death without  
26 attendance by a licensed physician, the body may be moved with

1 the coroner's consent from the place of death to a mortuary in  
2 the same county. Coroners in their discretion shall notify  
3 such physician as is designated in accordance with Section  
4 3-3014 to attempt to ascertain the cause of death, either by  
5 autopsy or otherwise.

6 In cases of accidental death involving a motor vehicle in  
7 which the decedent was (1) the operator or a suspected  
8 operator of a motor vehicle, or (2) a pedestrian 16 years of  
9 age or older, the coroner shall require that a blood specimen  
10 of at least 30 cc., and if medically possible a urine specimen  
11 of at least 30 cc. or as much as possible up to 30 cc., be  
12 withdrawn from the body of the decedent in a timely fashion  
13 after the accident causing his death, by such physician as has  
14 been designated in accordance with Section 3-3014, or by the  
15 coroner or deputy coroner or a qualified person designated by  
16 such physician, coroner, or deputy coroner. If the county does  
17 not maintain laboratory facilities for making such analysis,  
18 the blood and urine so drawn shall be sent to the Illinois  
19 State Police or any other accredited or State-certified  
20 laboratory for analysis of the alcohol, carbon monoxide, and  
21 dangerous or narcotic drug content of such blood and urine  
22 specimens. Each specimen submitted shall be accompanied by  
23 pertinent information concerning the decedent upon a form  
24 prescribed by such laboratory. Any person drawing blood and  
25 urine and any person making any examination of the blood and  
26 urine under the terms of this Division shall be immune from all

1 liability, civil or criminal, that might otherwise be incurred  
2 or imposed.

3 In all other cases coming within the jurisdiction of the  
4 coroner and referred to in subparagraphs (a) through (e)  
5 above, blood, and, whenever possible, urine samples shall be  
6 analyzed for the presence of alcohol and other drugs. When the  
7 coroner suspects that drugs may have been involved in the  
8 death, either directly or indirectly, a toxicological  
9 examination shall be performed which may include analyses of  
10 blood, urine, bile, gastric contents, and other tissues. When  
11 the coroner suspects a death is due to toxic substances, other  
12 than drugs, the coroner shall consult with the toxicologist  
13 prior to collection of samples. Information submitted to the  
14 toxicologist shall include information as to height, weight,  
15 age, sex, and race of the decedent as well as medical history,  
16 medications used by, and the manner of death of the decedent.

17 When the coroner or medical examiner finds that the cause  
18 of death is due to homicidal means, the coroner or medical  
19 examiner shall cause blood and buccal specimens (tissue may be  
20 submitted if no uncontaminated blood or buccal specimen can be  
21 obtained), whenever possible, to be withdrawn from the body of  
22 the decedent in a timely fashion. For proper preservation of  
23 the specimens, collected blood and buccal specimens shall be  
24 dried and tissue specimens shall be frozen if available  
25 equipment exists. As soon as possible, but no later than 30  
26 days after the collection of the specimens, the coroner or

1 medical examiner shall release those specimens to the police  
2 agency responsible for investigating the death. As soon as  
3 possible, but no later than 30 days after the receipt from the  
4 coroner or medical examiner, the police agency shall submit  
5 the specimens using the agency case number to a National DNA  
6 Index System (NDIS) participating laboratory within this  
7 State, such as the Illinois State Police, Division of Forensic  
8 Services, for analysis and categorizing into genetic marker  
9 groupings. The results of the analysis and categorizing into  
10 genetic marker groupings shall be provided to the Illinois  
11 State Police and shall be maintained by the Illinois State  
12 Police in the State central repository in the same manner, and  
13 subject to the same conditions, as provided in Section 5-4-3  
14 of the Unified Code of Corrections. The requirements of this  
15 paragraph are in addition to any other findings, specimens, or  
16 information that the coroner or medical examiner is required  
17 to provide during the conduct of a criminal investigation.

18 In all counties, in cases of apparent suicide, homicide,  
19 or accidental death or in other cases, within the discretion  
20 of the coroner, the coroner may summon 8 persons of lawful age  
21 from those persons drawn for petit jurors in the county. The  
22 summons shall command these persons to present themselves  
23 personally at such a place and time as the coroner shall  
24 determine, and may be in any form which the coroner shall  
25 determine and may incorporate any reasonable form of request  
26 for acknowledgment which the coroner deems practical and

1 provides a reliable proof of service. The summons may be  
2 served by first class mail. From the 8 persons so summoned, the  
3 coroner shall select 6 to serve as the jury for the inquest.  
4 Inquests may be continued from time to time, as the coroner may  
5 deem necessary. The 6 jurors selected in a given case may view  
6 the body of the deceased. If at any continuation of an inquest  
7 one or more of the original jurors shall be unable to continue  
8 to serve, the coroner shall fill the vacancy or vacancies. A  
9 juror serving pursuant to this paragraph shall receive  
10 compensation from the county at the same rate as the rate of  
11 compensation that is paid to petit or grand jurors in the  
12 county. The coroner shall furnish to each juror without fee at  
13 the time of his discharge a certificate of the number of days  
14 in attendance at an inquest, and, upon being presented with  
15 such certificate, the county treasurer shall pay to the juror  
16 the sum provided for his services.

17 In counties which have a jury commission, in cases of  
18 apparent suicide or homicide or of accidental death, the  
19 coroner may conduct an inquest. The jury commission shall  
20 provide at least 8 jurors to the coroner, from whom the coroner  
21 shall select any 6 to serve as the jury for the inquest.  
22 Inquests may be continued from time to time as the coroner may  
23 deem necessary. The 6 jurors originally chosen in a given case  
24 may view the body of the deceased. If at any continuation of an  
25 inquest one or more of the 6 jurors originally chosen shall be  
26 unable to continue to serve, the coroner shall fill the



1 vacancy or vacancies. At the coroner's discretion, additional  
2 jurors to fill such vacancies shall be supplied by the jury  
3 commission. A juror serving pursuant to this paragraph in such  
4 county shall receive compensation from the county at the same  
5 rate as the rate of compensation that is paid to petit or grand  
6 jurors in the county.

7 In every case in which a fire is determined to be a  
8 contributing factor in a death, the coroner shall report the  
9 death to the Office of the State Fire Marshal. The coroner  
10 shall provide a copy of the death certificate (i) within 30  
11 days after filing the permanent death certificate and (ii) in  
12 a manner that is agreed upon by the coroner and the State Fire  
13 Marshal.

14 In every case in which a drug overdose is determined to be  
15 the cause or a contributing factor in the death, the coroner or  
16 medical examiner shall report the death to the Department of  
17 Public Health. The Department of Public Health shall adopt  
18 rules regarding specific information that must be reported in  
19 the event of such a death. If possible, the coroner shall  
20 report the cause of the overdose. As used in this Section,  
21 "overdose" has the same meaning as it does in Section 414 of  
22 the Illinois Controlled Substances Act. The Department of  
23 Public Health shall issue a semiannual report to the General  
24 Assembly summarizing the reports received. The Department  
25 shall also provide on its website a monthly report of overdose  
26 death figures organized by location, age, and any other

1 factors, the Department deems appropriate.

2 In addition, in every case in which domestic violence is  
3 determined to be a contributing factor in a death, the coroner  
4 shall report the death to the Illinois State Police.

5 All deaths in State institutions and all deaths of wards  
6 of the State or youth in care as defined in Section 4d of the  
7 Children and Family Services Act in private care facilities or  
8 in programs funded by the Department of Human Services under  
9 its powers relating to mental health and developmental  
10 disabilities or alcoholism and substance abuse or funded by  
11 the Department of Children and Family Services shall be  
12 reported to the coroner of the county in which the facility is  
13 located. If the coroner has reason to believe that an  
14 investigation is needed to determine whether the death was  
15 caused by maltreatment or negligent care of the ward of the  
16 State or youth in care as defined in Section 4d of the Children  
17 and Family Services Act, the coroner may conduct a preliminary  
18 investigation of the circumstances of such death as in cases  
19 of death under circumstances set forth in subparagraphs  
20 ~~paragraphs~~ (a) through (e) of this Section.

21 (Source: P.A. 101-13, eff. 6-12-19; 102-538, eff. 8-20-21;  
22 revised 8-23-22.)

23 (Text of Section after amendment by P.A. 102-982)

24 Sec. 3-3013. Preliminary investigations; blood and urine  
25 analysis; summoning jury; reports. Every coroner, whenever,

1 as soon as he knows or is informed that the dead body of any  
2 person is found, or lying within his county, whose death is  
3 suspected of being:

4 (a) A sudden or violent death, whether apparently  
5 suicidal, homicidal, or accidental, including, but not  
6 limited to, deaths apparently caused or contributed to by  
7 thermal, traumatic, chemical, electrical, or radiational  
8 injury, or a complication of any of them, or by drowning or  
9 suffocation, or as a result of domestic violence as  
10 defined in the Illinois Domestic Violence Act of 1986;

11 (b) A death due to a sex crime;

12 (c) A death where the circumstances are suspicious,  
13 obscure, mysterious, or otherwise unexplained or where, in  
14 the written opinion of the attending physician, the cause  
15 of death is not determined;

16 (d) A death where addiction to alcohol or to any drug  
17 may have been a contributory cause; or

18 (e) A death where the decedent was not attended by a  
19 licensed physician;

20 shall go to the place where the dead body is, and take charge  
21 of the same and shall make a preliminary investigation into  
22 the circumstances of the death. In the case of death without  
23 attendance by a licensed physician, the body may be moved with  
24 the coroner's consent from the place of death to a mortuary in  
25 the same county. Coroners in their discretion shall notify  
26 such physician as is designated in accordance with Section

1 3-3014 to attempt to ascertain the cause of death, either by  
2 autopsy or otherwise.

3 In cases of accidental death involving a motor vehicle in  
4 which the decedent was (1) the operator or a suspected  
5 operator of a motor vehicle, or (2) a pedestrian 16 years of  
6 age or older, the coroner shall require that a blood specimen  
7 of at least 30 cc., and if medically possible a urine specimen  
8 of at least 30 cc. or as much as possible up to 30 cc., be  
9 withdrawn from the body of the decedent in a timely fashion  
10 after the crash causing his death, by such physician as has  
11 been designated in accordance with Section 3-3014, or by the  
12 coroner or deputy coroner or a qualified person designated by  
13 such physician, coroner, or deputy coroner. If the county does  
14 not maintain laboratory facilities for making such analysis,  
15 the blood and urine so drawn shall be sent to the Illinois  
16 State Police or any other accredited or State-certified  
17 laboratory for analysis of the alcohol, carbon monoxide, and  
18 dangerous or narcotic drug content of such blood and urine  
19 specimens. Each specimen submitted shall be accompanied by  
20 pertinent information concerning the decedent upon a form  
21 prescribed by such laboratory. Any person drawing blood and  
22 urine and any person making any examination of the blood and  
23 urine under the terms of this Division shall be immune from all  
24 liability, civil or criminal, that might otherwise be incurred  
25 or imposed.

26 In all other cases coming within the jurisdiction of the

1 coroner and referred to in subparagraphs (a) through (e)  
2 above, blood, and    whenever possible, urine samples shall be  
3 analyzed for the presence of alcohol and other drugs. When the  
4 coroner suspects that drugs may have been involved in the  
5 death, either directly or indirectly, a toxicological  
6 examination shall be performed which may include analyses of  
7 blood, urine, bile, gastric contents,    and other tissues. When  
8 the coroner suspects a death is due to toxic substances, other  
9 than drugs, the coroner shall consult with the toxicologist  
10 prior to collection of samples. Information submitted to the  
11 toxicologist shall include information as to height, weight,  
12 age, sex,    and race of the decedent as well as medical history,  
13 medications used by    and the manner of death of the decedent.

14       When the coroner or medical examiner finds that the cause  
15 of death is due to homicidal means, the coroner or medical  
16 examiner shall cause blood and buccal specimens (tissue may be  
17 submitted if no uncontaminated blood or buccal specimen can be  
18 obtained), whenever possible, to be withdrawn from the body of  
19 the decedent in a timely fashion. For proper preservation of  
20 the specimens, collected blood and buccal specimens shall be  
21 dried and tissue specimens shall be frozen if available  
22 equipment exists. As soon as possible, but no later than 30  
23 days after the collection of the specimens, the coroner or  
24 medical examiner shall release those specimens to the police  
25 agency responsible for investigating the death. As soon as  
26 possible, but no later than 30 days after the receipt from the

1 coroner or medical examiner, the police agency shall submit  
2 the specimens using the agency case number to a National DNA  
3 Index System (NDIS) participating laboratory within this  
4 State, such as the Illinois State Police, Division of Forensic  
5 Services, for analysis and categorizing into genetic marker  
6 groupings. The results of the analysis and categorizing into  
7 genetic marker groupings shall be provided to the Illinois  
8 State Police and shall be maintained by the Illinois State  
9 Police in the State central repository in the same manner, and  
10 subject to the same conditions, as provided in Section 5-4-3  
11 of the Unified Code of Corrections. The requirements of this  
12 paragraph are in addition to any other findings, specimens, or  
13 information that the coroner or medical examiner is required  
14 to provide during the conduct of a criminal investigation.

15 In all counties, in cases of apparent suicide, homicide,  
16 or accidental death or in other cases, within the discretion  
17 of the coroner, the coroner may summon 8 persons of lawful age  
18 from those persons drawn for petit jurors in the county. The  
19 summons shall command these persons to present themselves  
20 personally at such a place and time as the coroner shall  
21 determine, and may be in any form which the coroner shall  
22 determine and may incorporate any reasonable form of request  
23 for acknowledgment which the coroner deems practical and  
24 provides a reliable proof of service. The summons may be  
25 served by first class mail. From the 8 persons so summoned, the  
26 coroner shall select 6 to serve as the jury for the inquest.

1 Inquests may be continued from time to time, as the coroner may  
2 deem necessary. The 6 jurors selected in a given case may view  
3 the body of the deceased. If at any continuation of an inquest  
4 one or more of the original jurors shall be unable to continue  
5 to serve, the coroner shall fill the vacancy or vacancies. A  
6 juror serving pursuant to this paragraph shall receive  
7 compensation from the county at the same rate as the rate of  
8 compensation that is paid to petit or grand jurors in the  
9 county. The coroner shall furnish to each juror without fee at  
10 the time of his discharge a certificate of the number of days  
11 in attendance at an inquest, and, upon being presented with  
12 such certificate, the county treasurer shall pay to the juror  
13 the sum provided for his services.

14 In counties which have a jury commission, in cases of  
15 apparent suicide or homicide or of accidental death, the  
16 coroner may conduct an inquest. The jury commission shall  
17 provide at least 8 jurors to the coroner, from whom the coroner  
18 shall select any 6 to serve as the jury for the inquest.  
19 Inquests may be continued from time to time as the coroner may  
20 deem necessary. The 6 jurors originally chosen in a given case  
21 may view the body of the deceased. If at any continuation of an  
22 inquest one or more of the 6 jurors originally chosen shall be  
23 unable to continue to serve, the coroner shall fill the  
24 vacancy or vacancies. At the coroner's discretion, additional  
25 jurors to fill such vacancies shall be supplied by the jury  
26 commission. A juror serving pursuant to this paragraph in such

1 county shall receive compensation from the county at the same  
2 rate as the rate of compensation that is paid to petit or grand  
3 jurors in the county.

4 In every case in which a fire is determined to be a  
5 contributing factor in a death, the coroner shall report the  
6 death to the Office of the State Fire Marshal. The coroner  
7 shall provide a copy of the death certificate (i) within 30  
8 days after filing the permanent death certificate and (ii) in  
9 a manner that is agreed upon by the coroner and the State Fire  
10 Marshal.

11 In every case in which a drug overdose is determined to be  
12 the cause or a contributing factor in the death, the coroner or  
13 medical examiner shall report the death to the Department of  
14 Public Health. The Department of Public Health shall adopt  
15 rules regarding specific information that must be reported in  
16 the event of such a death. If possible, the coroner shall  
17 report the cause of the overdose. As used in this Section,  
18 "overdose" has the same meaning as it does in Section 414 of  
19 the Illinois Controlled Substances Act. The Department of  
20 Public Health shall issue a semiannual report to the General  
21 Assembly summarizing the reports received. The Department  
22 shall also provide on its website a monthly report of overdose  
23 death figures organized by location, age, and any other  
24 factors~~7~~ the Department deems appropriate.

25 In addition, in every case in which domestic violence is  
26 determined to be a contributing factor in a death, the coroner



1 shall report the death to the Illinois State Police.

2 All deaths in State institutions and all deaths of wards  
3 of the State or youth in care as defined in Section 4d of the  
4 Children and Family Services Act in private care facilities or  
5 in programs funded by the Department of Human Services under  
6 its powers relating to mental health and developmental  
7 disabilities or alcoholism and substance abuse or funded by  
8 the Department of Children and Family Services shall be  
9 reported to the coroner of the county in which the facility is  
10 located. If the coroner has reason to believe that an  
11 investigation is needed to determine whether the death was  
12 caused by maltreatment or negligent care of the ward of the  
13 State or youth in care as defined in Section 4d of the Children  
14 and Family Services Act, the coroner may conduct a preliminary  
15 investigation of the circumstances of such death as in cases  
16 of death under circumstances set forth in subparagraphs  
17 ~~paragraphs~~ (a) through (e) of this Section.

18 (Source: P.A. 101-13, eff. 6-12-19; 102-538, eff. 8-20-21;  
19 102-982, eff. 7-1-23; revised 8-23-22.)

20 (55 ILCS 5/Div. 4-13 heading)

21 Division 4-13. Penalty for Violations~~;~~

22 (55 ILCS 5/5-1006.7)

23 Sec. 5-1006.7. School facility and resources occupation  
24 taxes.

1 (a) In any county, a tax shall be imposed upon all persons  
2 engaged in the business of selling tangible personal property,  
3 other than personal property titled or registered with an  
4 agency of this State's government, at retail in the county on  
5 the gross receipts from the sales made in the course of  
6 business to provide revenue to be used exclusively for (i)  
7 school facility purposes (except as otherwise provided in this  
8 Section), (ii) school resource officers and mental health  
9 professionals, or (iii) school facility purposes, school  
10 resource officers, and mental health professionals if a  
11 proposition for the tax has been submitted to the electors of  
12 that county and approved by a majority of those voting on the  
13 question as provided in subsection (c). The tax under this  
14 Section shall be imposed only in one-quarter percent  
15 increments and may not exceed 1%.

16 This additional tax may not be imposed on tangible  
17 personal property taxed at the 1% rate under the Retailers'  
18 Occupation Tax Act (or at the 0% rate imposed under Public Act  
19 102-700 ~~this amendatory Act of the 102nd General Assembly~~).  
20 Beginning December 1, 2019 and through December 31, 2020, this  
21 tax is not imposed on sales of aviation fuel unless the tax  
22 revenue is expended for airport-related purposes. If the  
23 county does not have an airport-related purpose to which it  
24 dedicates aviation fuel tax revenue, then aviation fuel is  
25 excluded from the tax. The county must comply with the  
26 certification requirements for airport-related purposes under

1 Section 2-22 of the Retailers' Occupation Tax Act. For  
2 purposes of this Section, "airport-related purposes" has the  
3 meaning ascribed in Section 6z-20.2 of the State Finance Act.  
4 Beginning January 1, 2021, this tax is not imposed on sales of  
5 aviation fuel for so long as the revenue use requirements of 49  
6 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the county.  
7 The Department of Revenue has full power to administer and  
8 enforce this subsection, to collect all taxes and penalties  
9 due under this subsection, to dispose of taxes and penalties  
10 so collected in the manner provided in this subsection, and to  
11 determine all rights to credit memoranda arising on account of  
12 the erroneous payment of a tax or penalty under this  
13 subsection. The Department shall deposit all taxes and  
14 penalties collected under this subsection into a special fund  
15 created for that purpose.

16 In the administration of and compliance with this  
17 subsection, the Department and persons who are subject to this  
18 subsection (i) have the same rights, remedies, privileges,  
19 immunities, powers, and duties, (ii) are subject to the same  
20 conditions, restrictions, limitations, penalties, and  
21 definitions of terms, and (iii) shall employ the same modes of  
22 procedure as are set forth in Sections 1 through 1o, 2 through  
23 2-70 (in respect to all provisions contained in those Sections  
24 other than the State rate of tax), 2a through 2h, 3 (except as  
25 to the disposition of taxes and penalties collected, and  
26 except that the retailer's discount is not allowed for taxes

1 paid on aviation fuel that are subject to the revenue use  
2 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 4, 5,  
3 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c,  
4 6d, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers'  
5 Occupation Tax Act and all provisions of the Uniform Penalty  
6 and Interest Act as if those provisions were set forth in this  
7 subsection.

8 The certificate of registration that is issued by the  
9 Department to a retailer under the Retailers' Occupation Tax  
10 Act permits the retailer to engage in a business that is  
11 taxable without registering separately with the Department  
12 under an ordinance or resolution under this subsection.

13 Persons subject to any tax imposed under the authority  
14 granted in this subsection may reimburse themselves for their  
15 seller's tax liability by separately stating that tax as an  
16 additional charge, which may be stated in combination, in a  
17 single amount, with State tax that sellers are required to  
18 collect under the Use Tax Act, pursuant to any bracketed  
19 schedules set forth by the Department.

20 (b) If a tax has been imposed under subsection (a), then a  
21 service occupation tax must also be imposed at the same rate  
22 upon all persons engaged, in the county, in the business of  
23 making sales of service, who, as an incident to making those  
24 sales of service, transfer tangible personal property within  
25 the county as an incident to a sale of service.

26 This tax may not be imposed on tangible personal property

1 taxed at the 1% rate under the Service Occupation Tax Act (or  
2 at the 0% rate imposed under Public Act 102-700 ~~this~~  
3 ~~amendatory Act of the 102nd General Assembly~~). Beginning  
4 December 1, 2019 and through December 31, 2020, this tax is not  
5 imposed on sales of aviation fuel unless the tax revenue is  
6 expended for airport-related purposes. If the county does not  
7 have an airport-related purpose to which it dedicates aviation  
8 fuel tax revenue, then aviation fuel is excluded from the tax.  
9 The county must comply with the certification requirements for  
10 airport-related purposes under Section 2-22 of the Retailers'  
11 Occupation Tax Act. For purposes of this Section,  
12 "airport-related purposes" has the meaning ascribed in Section  
13 6z-20.2 of the State Finance Act. Beginning January 1, 2021,  
14 this tax is not imposed on sales of aviation fuel for so long  
15 as the revenue use requirements of 49 U.S.C. 47107(b) and 49  
16 U.S.C. 47133 are binding on the county.

17 The tax imposed under this subsection and all civil  
18 penalties that may be assessed as an incident thereof shall be  
19 collected and enforced by the Department and deposited into a  
20 special fund created for that purpose. The Department has full  
21 power to administer and enforce this subsection, to collect  
22 all taxes and penalties due under this subsection, to dispose  
23 of taxes and penalties so collected in the manner provided in  
24 this subsection, and to determine all rights to credit  
25 memoranda arising on account of the erroneous payment of a tax  
26 or penalty under this subsection.

1           In the administration of and compliance with this  
2 subsection, the Department and persons who are subject to this  
3 subsection shall (i) have the same rights, remedies,  
4 privileges, immunities, powers and duties, (ii) be subject to  
5 the same conditions, restrictions, limitations, penalties and  
6 definition of terms, and (iii) employ the same modes of  
7 procedure as are set forth in Sections 2 (except that that  
8 reference to State in the definition of supplier maintaining a  
9 place of business in this State means the county), 2a through  
10 2d, 3 through 3-50 (in respect to all provisions contained in  
11 those Sections other than the State rate of tax), 4 (except  
12 that the reference to the State shall be to the county), 5, 7,  
13 8 (except that the jurisdiction to which the tax is a debt to  
14 the extent indicated in that Section 8 is the county), 9  
15 (except as to the disposition of taxes and penalties  
16 collected, and except that the retailer's discount is not  
17 allowed for taxes paid on aviation fuel that are subject to the  
18 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.  
19 47133), 10, 11, 12 (except the reference therein to Section 2b  
20 of the Retailers' Occupation Tax Act), 13 (except that any  
21 reference to the State means the county), ~~Section~~ 15, 16, 17,  
22 18, 19, and 20 of the Service Occupation Tax Act and all  
23 provisions of the Uniform Penalty and Interest Act, as fully  
24 as if those provisions were set forth herein.

25           Persons subject to any tax imposed under the authority  
26 granted in this subsection may reimburse themselves for their

1 serviceman's tax liability by separately stating the tax as an  
2 additional charge, which may be stated in combination, in a  
3 single amount, with State tax that servicemen are authorized  
4 to collect under the Service Use Tax Act, pursuant to any  
5 bracketed schedules set forth by the Department.

6 (c) The tax under this Section may not be imposed until the  
7 question of imposing the tax has been submitted to the  
8 electors of the county at a regular election and approved by a  
9 majority of the electors voting on the question. For all  
10 regular elections held prior to August 23, 2011 (the effective  
11 date of Public Act 97-542), upon a resolution by the county  
12 board or a resolution by school district boards that represent  
13 at least 51% of the student enrollment within the county, the  
14 county board must certify the question to the proper election  
15 authority in accordance with the Election Code.

16 For all regular elections held prior to August 23, 2011  
17 (the effective date of Public Act 97-542), the election  
18 authority must submit the question in substantially the  
19 following form:

20 Shall (name of county) be authorized to impose a  
21 retailers' occupation tax and a service occupation tax  
22 (commonly referred to as a "sales tax") at a rate of  
23 (insert rate) to be used exclusively for school facility  
24 purposes?

25 The election authority must record the votes as "Yes" or  
26 "No".

1           If a majority of the electors voting on the question vote  
2 in the affirmative, then the county may, thereafter, impose  
3 the tax.

4           For all regular elections held on or after August 23, 2011  
5 (the effective date of Public Act 97-542), the regional  
6 superintendent of schools for the county must, upon receipt of  
7 a resolution or resolutions of school district boards that  
8 represent more than 50% of the student enrollment within the  
9 county, certify the question to the proper election authority  
10 for submission to the electors of the county at the next  
11 regular election at which the question lawfully may be  
12 submitted to the electors, all in accordance with the Election  
13 Code.

14           For all regular elections held on or after August 23, 2011  
15 (the effective date of Public Act 97-542) and before August  
16 23, 2019 (the effective date of Public Act 101-455), the  
17 election authority must submit the question in substantially  
18 the following form:

19           Shall a retailers' occupation tax and a service  
20 occupation tax (commonly referred to as a "sales tax") be  
21 imposed in (name of county) at a rate of (insert rate) to  
22 be used exclusively for school facility purposes?

23           The election authority must record the votes as "Yes" or  
24 "No".

25           If a majority of the electors voting on the question vote  
26 in the affirmative, then the tax shall be imposed at the rate



1 set forth in the question.

2 For all regular elections held on or after August 23, 2019  
3 (the effective date of Public Act 101-455), the election  
4 authority must submit the question as follows:

5 (1) If the referendum is to expand the use of revenues  
6 from a currently imposed tax exclusively for school  
7 facility purposes to include school resource officers and  
8 mental health professionals, the question shall be in  
9 substantially the following form:

10 In addition to school facility purposes, shall  
11 (name of county) school districts be authorized to use  
12 revenues from the tax commonly referred to as the  
13 school facility sales tax that is currently imposed in  
14 (name of county) at a rate of (insert rate) for school  
15 resource officers and mental health professionals?

16 (2) If the referendum is to increase the rate of a tax  
17 currently imposed exclusively for school facility purposes  
18 at less than 1% and dedicate the additional revenues for  
19 school resource officers and mental health professionals,  
20 the question shall be in substantially the following form:

21 Shall the tax commonly referred to as the school  
22 facility sales tax that is currently imposed in (name  
23 of county) at the rate of (insert rate) be increased to  
24 a rate of (insert rate) with the additional revenues  
25 used exclusively for school resource officers and  
26 mental health professionals?

1           (3) If the referendum is to impose a tax in a county  
2 that has not previously imposed a tax under this Section  
3 exclusively for school facility purposes, the question  
4 shall be in substantially the following form:

5           Shall a retailers' occupation tax and a service  
6 occupation tax (commonly referred to as a sales tax)  
7 be imposed in (name of county) at a rate of (insert  
8 rate) to be used exclusively for school facility  
9 purposes?

10          (4) If the referendum is to impose a tax in a county  
11 that has not previously imposed a tax under this Section  
12 exclusively for school resource officers and mental health  
13 professionals, the question shall be in substantially the  
14 following form:

15          Shall a retailers' occupation tax and a service  
16 occupation tax (commonly referred to as a sales tax)  
17 be imposed in (name of county) at a rate of (insert  
18 rate) to be used exclusively for school resource  
19 officers and mental health professionals?

20          (5) If the referendum is to impose a tax in a county  
21 that has not previously imposed a tax under this Section  
22 exclusively for school facility purposes, school resource  
23 officers, and mental health professionals, the question  
24 shall be in substantially the following form:

25          Shall a retailers' occupation tax and a service  
26 occupation tax (commonly referred to as a sales tax)

1           be imposed in (name of county) at a rate of (insert  
2           rate) to be used exclusively for school facility  
3           purposes, school resource officers, and mental health  
4           professionals?

5           The election authority must record the votes as "Yes" or  
6           "No".

7           If a majority of the electors voting on the question vote  
8           in the affirmative, then the tax shall be imposed at the rate  
9           set forth in the question.

10          For the purposes of this subsection (c), "enrollment"  
11          means the head count of the students residing in the county on  
12          the last school day of September of each year, which must be  
13          reported on the Illinois State Board of Education Public  
14          School Fall Enrollment/Housing Report.

15          (d) Except as otherwise provided, the Department shall  
16          immediately pay over to the State Treasurer, ex officio, as  
17          trustee, all taxes and penalties collected under this Section  
18          to be deposited into the School Facility Occupation Tax Fund,  
19          which shall be an unappropriated trust fund held outside the  
20          State treasury. Taxes and penalties collected on aviation fuel  
21          sold on or after December 1, 2019 and through December 31,  
22          2020, shall be immediately paid over by the Department to the  
23          State Treasurer, ex officio, as trustee, for deposit into the  
24          Local Government Aviation Trust Fund. The Department shall  
25          only pay moneys into the Local Government Aviation Trust Fund  
26          under this Section for so long as the revenue use requirements

1 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the  
2 county.

3 On or before the 25th day of each calendar month, the  
4 Department shall prepare and certify to the Comptroller the  
5 disbursement of stated sums of money to the regional  
6 superintendents of schools in counties from which retailers or  
7 servicemen have paid taxes or penalties to the Department  
8 during the second preceding calendar month. The amount to be  
9 paid to each regional superintendent of schools and disbursed  
10 to him or her in accordance with Section 3-14.31 of the School  
11 Code, is equal to the amount (not including credit memoranda  
12 and not including taxes and penalties collected on aviation  
13 fuel sold on or after December 1, 2019 and through December 31,  
14 2020) collected from the county under this Section during the  
15 second preceding calendar month by the Department, (i) less 2%  
16 of that amount (except the amount collected on aviation fuel  
17 sold on or after December 1, 2019 and through December 31,  
18 2020), of which 50% shall be deposited into the Tax Compliance  
19 and Administration Fund and shall be used by the Department,  
20 subject to appropriation, to cover the costs of the Department  
21 in administering and enforcing the provisions of this Section,  
22 on behalf of the county, and 50% shall be distributed to the  
23 regional superintendent of schools to cover the costs in  
24 administering and enforcing the provisions of this Section;17  
25 (ii) plus an amount that the Department determines is  
26 necessary to offset any amounts that were erroneously paid to

1 a different taxing body; (iii) less an amount equal to the  
2 amount of refunds made during the second preceding calendar  
3 month by the Department on behalf of the county; and (iv) less  
4 any amount that the Department determines is necessary to  
5 offset any amounts that were payable to a different taxing  
6 body but were erroneously paid to the county. When certifying  
7 the amount of a monthly disbursement to a regional  
8 superintendent of schools under this Section, the Department  
9 shall increase or decrease the amounts by an amount necessary  
10 to offset any miscalculation of previous disbursements within  
11 the previous 6 months from the time a miscalculation is  
12 discovered.

13 Within 10 days after receipt by the Comptroller from the  
14 Department of the disbursement certification to the regional  
15 superintendents of the schools provided for in this Section,  
16 the Comptroller shall cause the orders to be drawn for the  
17 respective amounts in accordance with directions contained in  
18 the certification.

19 If the Department determines that a refund should be made  
20 under this Section to a claimant instead of issuing a credit  
21 memorandum, then the Department shall notify the Comptroller,  
22 who shall cause the order to be drawn for the amount specified  
23 and to the person named in the notification from the  
24 Department. The refund shall be paid by the Treasurer out of  
25 the School Facility Occupation Tax Fund or the Local  
26 Government Aviation Trust Fund, as appropriate.

1           (e) For the purposes of determining the local governmental  
2 unit whose tax is applicable, a retail sale by a producer of  
3 coal or another mineral mined in Illinois is a sale at retail  
4 at the place where the coal or other mineral mined in Illinois  
5 is extracted from the earth. This subsection does not apply to  
6 coal or another mineral when it is delivered or shipped by the  
7 seller to the purchaser at a point outside Illinois so that the  
8 sale is exempt under the United States Constitution as a sale  
9 in interstate or foreign commerce.

10          (f) Nothing in this Section may be construed to authorize  
11 a tax to be imposed upon the privilege of engaging in any  
12 business that under the Constitution of the United States may  
13 not be made the subject of taxation by this State.

14          (g) If a county board imposes a tax under this Section  
15 pursuant to a referendum held before August 23, 2011 (the  
16 effective date of Public Act 97-542) at a rate below the rate  
17 set forth in the question approved by a majority of electors of  
18 that county voting on the question as provided in subsection  
19 (c), then the county board may, by ordinance, increase the  
20 rate of the tax up to the rate set forth in the question  
21 approved by a majority of electors of that county voting on the  
22 question as provided in subsection (c). If a county board  
23 imposes a tax under this Section pursuant to a referendum held  
24 before August 23, 2011 (the effective date of Public Act  
25 97-542), then the board may, by ordinance, discontinue or  
26 reduce the rate of the tax. If a tax is imposed under this

1 Section pursuant to a referendum held on or after August 23,  
2 2011 (the effective date of Public Act 97-542) and before  
3 August 23, 2019 (the effective date of Public Act 101-455),  
4 then the county board may reduce or discontinue the tax, but  
5 only in accordance with subsection (h-5) of this Section. If a  
6 tax is imposed under this Section pursuant to a referendum  
7 held on or after August 23, 2019 (the effective date of Public  
8 Act 101-455), then the county board may reduce or discontinue  
9 the tax, but only in accordance with subsection (h-10). If,  
10 however, a school board issues bonds that are secured by the  
11 proceeds of the tax under this Section, then the county board  
12 may not reduce the tax rate or discontinue the tax if that rate  
13 reduction or discontinuance would adversely affect the school  
14 board's ability to pay the principal and interest on those  
15 bonds as they become due or necessitate the extension of  
16 additional property taxes to pay the principal and interest on  
17 those bonds. If the county board reduces the tax rate or  
18 discontinues the tax, then a referendum must be held in  
19 accordance with subsection (c) of this Section in order to  
20 increase the rate of the tax or to reimpose the discontinued  
21 tax.

22 Until January 1, 2014, the results of any election that  
23 imposes, reduces, or discontinues a tax under this Section  
24 must be certified by the election authority, and any ordinance  
25 that increases or lowers the rate or discontinues the tax must  
26 be certified by the county clerk and, in each case, filed with

1 the Illinois Department of Revenue either (i) on or before the  
2 first day of April, whereupon the Department shall proceed to  
3 administer and enforce the tax or change in the rate as of the  
4 first day of July next following the filing; or (ii) on or  
5 before the first day of October, whereupon the Department  
6 shall proceed to administer and enforce the tax or change in  
7 the rate as of the first day of January next following the  
8 filing.

9 Beginning January 1, 2014, the results of any election  
10 that imposes, reduces, or discontinues a tax under this  
11 Section must be certified by the election authority, and any  
12 ordinance that increases or lowers the rate or discontinues  
13 the tax must be certified by the county clerk and, in each  
14 case, filed with the Illinois Department of Revenue either (i)  
15 on or before the first day of May, whereupon the Department  
16 shall proceed to administer and enforce the tax or change in  
17 the rate as of the first day of July next following the filing;  
18 or (ii) on or before the first day of October, whereupon the  
19 Department shall proceed to administer and enforce the tax or  
20 change in the rate as of the first day of January next  
21 following the filing.

22 (h) For purposes of this Section, "school facility  
23 purposes" means (i) the acquisition, development,  
24 construction, reconstruction, rehabilitation, improvement,  
25 financing, architectural planning, and installation of capital  
26 facilities consisting of buildings, structures, and durable



1 equipment and for the acquisition and improvement of real  
2 property and interest in real property required, or expected  
3 to be required, in connection with the capital facilities and  
4 (ii) the payment of bonds or other obligations heretofore or  
5 hereafter issued, including bonds or other obligations  
6 heretofore or hereafter issued to refund or to continue to  
7 refund bonds or other obligations issued, for school facility  
8 purposes, provided that the taxes levied to pay those bonds  
9 are abated by the amount of the taxes imposed under this  
10 Section that are used to pay those bonds. "School facility  
11 purposes" also includes fire prevention, safety, energy  
12 conservation, accessibility, school security, and specified  
13 repair purposes set forth under Section 17-2.11 of the School  
14 Code.

15 (h-5) A county board in a county where a tax has been  
16 imposed under this Section pursuant to a referendum held on or  
17 after August 23, 2011 (the effective date of Public Act  
18 97-542) and before August 23, 2019 (the effective date of  
19 Public Act 101-455) may, by ordinance or resolution, submit to  
20 the voters of the county the question of reducing or  
21 discontinuing the tax. In the ordinance or resolution, the  
22 county board shall certify the question to the proper election  
23 authority in accordance with the Election Code. The election  
24 authority must submit the question in substantially the  
25 following form:

26 Shall the school facility retailers' occupation tax

1 and service occupation tax (commonly referred to as the  
2 "school facility sales tax") currently imposed in (name of  
3 county) at a rate of (insert rate) be (reduced to (insert  
4 rate)) (discontinued)?

5 If a majority of the electors voting on the question vote in  
6 the affirmative, then, subject to the provisions of subsection  
7 (g) of this Section, the tax shall be reduced or discontinued  
8 as set forth in the question.

9 (h-10) A county board in a county where a tax has been  
10 imposed under this Section pursuant to a referendum held on or  
11 after August 23, 2019 (the effective date of Public Act  
12 101-455) may, by ordinance or resolution, submit to the voters  
13 of the county the question of reducing or discontinuing the  
14 tax. In the ordinance or resolution, the county board shall  
15 certify the question to the proper election authority in  
16 accordance with the Election Code. The election authority must  
17 submit the question in substantially the following form:

18 Shall the school facility and resources retailers'  
19 occupation tax and service occupation tax (commonly  
20 referred to as the school facility and resources sales  
21 tax) currently imposed in (name of county) at a rate of  
22 (insert rate) be (reduced to (insert rate))  
23 (discontinued)?

24 The election authority must record the votes as "Yes" or  
25 "No".

26 If a majority of the electors voting on the question vote

1 in the affirmative, then, subject to the provisions of  
2 subsection (g) of this Section, the tax shall be reduced or  
3 discontinued as set forth in the question.

4 (i) This Section does not apply to Cook County.

5 (j) This Section may be cited as the County School  
6 Facility and Resources Occupation Tax Law.

7 (Source: P.A. 101-10, eff. 6-5-19; 101-455, eff. 8-23-19;  
8 101-604, eff. 12-13-19; 102-700, eff. 4-19-22; 102-1062, eff.  
9 7-1-22; revised 8-10-22.)

10 (55 ILCS 5/5-1182)

11 (Text of Section before amendment by P.A. 102-982)

12 Sec. 5-1182. Charitable organizations; solicitation.

13 (a) No county may prohibit a charitable organization, as  
14 defined in Section 2 of the Charitable Games Act, from  
15 soliciting for charitable purposes, including solicitations  
16 taking place on public roadways from passing motorists, if all  
17 of the following requirements are met:—

18 (1) The persons to be engaged in the solicitation are  
19 law enforcement personnel, firefighters, or other persons  
20 employed to protect the public safety of a local agency,  
21 and those persons are soliciting solely in an area that is  
22 within the service area of that local agency.

23 (2) The charitable organization files an application  
24 with the county having jurisdiction over the location or  
25 locations where the solicitation is to occur. The

1        application ~~applications~~ shall be filed not later than 10  
2        business days before the date that the solicitation is to  
3        begin and shall include all of the following:

4                (A) The date or dates and times of day when the  
5                solicitation is to occur.

6                (B) The location or locations where the  
7                solicitation is to occur along with a list of 3  
8                alternate locations listed in order of preference.

9                (C) The manner and conditions under which the  
10                solicitation is to occur.

11                (D) Proof of a valid liability insurance policy in  
12                the amount of at least \$1,000,000 insuring the charity  
13                or local agency against bodily injury and property  
14                damage arising out of or in connection with the  
15                solicitation.

16        The county shall approve the application within 5 business  
17        days after the filing date of the application, but may impose  
18        reasonable conditions in writing that are consistent with the  
19        intent of this Section and are based on articulated public  
20        safety concerns. If the county determines that the applicant's  
21        location cannot be permitted due to significant safety  
22        concerns, such as high traffic volumes, poor geometrics,  
23        construction, maintenance operations, or past accident  
24        history, then the county may deny the application for that  
25        location and must approve one of the 3 alternate locations  
26        following the order of preference submitted by the applicant

1 on the alternate location list. By acting under this Section,  
2 a local agency does not waive or limit any immunity from  
3 liability provided by any other provision of law.

4 (b) For purposes of this Section, "local agency" means a  
5 county, special district, fire district, joint powers of  
6 authority, or other political subdivision of the State of  
7 Illinois.

8 (c) A home rule unit may not regulate a charitable  
9 organization in a manner that is inconsistent with this  
10 Section. This Section is a limitation under subsection (i) of  
11 Section 6 of Article VII of the Illinois Constitution on the  
12 concurrent exercise by home rule units of powers and functions  
13 exercised by the State.

14 (Source: P.A. 97-692, eff. 6-15-12; 98-134, eff. 8-2-13;  
15 revised 8-23-22.)

16 (Text of Section after amendment by P.A. 102-982)

17 Sec. 5-1182. Charitable organizations; solicitation.

18 (a) No county may prohibit a charitable organization, as  
19 defined in Section 2 of the Charitable Games Act, from  
20 soliciting for charitable purposes, including solicitations  
21 taking place on public roadways from passing motorists, if all  
22 of the following requirements are met:~~:-~~

23 (1) The persons to be engaged in the solicitation are  
24 law enforcement personnel, firefighters, or other persons  
25 employed to protect the public safety of a local agency,

1 and those persons are soliciting solely in an area that is  
2 within the service area of that local agency.

3 (2) The charitable organization files an application  
4 with the county having jurisdiction over the location or  
5 locations where the solicitation is to occur. The  
6 application ~~applications~~ shall be filed not later than 10  
7 business days before the date that the solicitation is to  
8 begin and shall include all of the following:

9 (A) The date or dates and times of day when the  
10 solicitation is to occur.

11 (B) The location or locations where the  
12 solicitation is to occur along with a list of 3  
13 alternate locations listed in order of preference.

14 (C) The manner and conditions under which the  
15 solicitation is to occur.

16 (D) Proof of a valid liability insurance policy in  
17 the amount of at least \$1,000,000 insuring the charity  
18 or local agency against bodily injury and property  
19 damage arising out of or in connection with the  
20 solicitation.

21 The county shall approve the application within 5 business  
22 days after the filing date of the application, but may impose  
23 reasonable conditions in writing that are consistent with the  
24 intent of this Section and are based on articulated public  
25 safety concerns. If the county determines that the applicant's  
26 location cannot be permitted due to significant safety

1 concerns, such as high traffic volumes, poor geometrics,  
2 construction, maintenance operations, or past crash history,  
3 then the county may deny the application for that location and  
4 must approve one of the 3 alternate locations following the  
5 order of preference submitted by the applicant on the  
6 alternate location list. By acting under this Section, a local  
7 agency does not waive or limit any immunity from liability  
8 provided by any other provision of law.

9 (b) For purposes of this Section, "local agency" means a  
10 county, special district, fire district, joint powers of  
11 authority, or other political subdivision of the State of  
12 Illinois.

13 (c) A home rule unit may not regulate a charitable  
14 organization in a manner that is inconsistent with this  
15 Section. This Section is a limitation under subsection (i) of  
16 Section 6 of Article VII of the Illinois Constitution on the  
17 concurrent exercise by home rule units of powers and functions  
18 exercised by the State.

19 (Source: P.A. 102-982, eff. 7-1-23; revised 8-23-22.)

20 (55 ILCS 5/5-45025)

21 Sec. 5-45025. Procedures for Selection.

22 (a) The county must use a two-phase procedure for the  
23 selection of the successful design-build entity. Phase I of  
24 the procedure will evaluate and shortlist the design-build  
25 entities based on qualifications, and Phase II will evaluate

1 the technical and cost proposals.

2 (b) The county shall include in the request for proposal  
3 the evaluating factors to be used in Phase I. These factors are  
4 in addition to any prequalification requirements of  
5 design-build entities that the county has set forth. Each  
6 request for proposal shall establish the relative importance  
7 assigned to each evaluation factor and subfactor, including  
8 any weighting of criteria to be employed by the county. The  
9 county must maintain a record of the evaluation scoring to be  
10 disclosed in event of a protest regarding the solicitation.

11 The county shall include the following criteria in every  
12 Phase I evaluation of design-build entities: (i) experience of  
13 personnel; (ii) successful experience with similar project  
14 types; (iii) financial capability; (iv) timeliness of past  
15 performance; (v) experience with similarly sized projects;  
16 (vi) successful reference checks of the firm; (vii) commitment  
17 to assign personnel for the duration of the project and  
18 qualifications of the entity's consultants; and (viii) ability  
19 or past performance in meeting or exhausting good faith  
20 efforts to meet the utilization goals for business enterprises  
21 established in the Business Enterprise for Minorities, Women,  
22 and Persons with Disabilities Act and with Section 2-105 of  
23 the Illinois Human Rights Act. The county may include any  
24 additional relevant criteria in Phase I that it deems  
25 necessary for a proper qualification review.

26 The county may not consider any design-build entity for



1 evaluation or award if the entity has any pecuniary interest  
2 in the project or has other relationships or circumstances,  
3 including, but not limited to, long-term leasehold, mutual  
4 performance, or development contracts with the county, that  
5 may give the design-build entity a financial or tangible  
6 advantage over other design-build entities in the preparation,  
7 evaluation, or performance of the design-build contract or  
8 that create the appearance of impropriety. No proposal shall  
9 be considered that does not include an entity's plan to comply  
10 with the requirements established in the Business Enterprise  
11 for Minorities, Women, and Persons with Disabilities Act, for  
12 both the design and construction areas of performance, and  
13 with Section 2-105 of the Illinois Human Rights Act.

14 Upon completion of the qualifications evaluation, the  
15 county shall create a shortlist of the most highly qualified  
16 design-build entities. The county, in its discretion, is not  
17 required to shortlist the maximum number of entities as  
18 identified for Phase II evaluation, provided that no less than  
19 2 design-build entities nor more than 6 are selected to submit  
20 Phase II proposals.

21 The county shall notify the entities selected for the  
22 shortlist in writing. This notification shall commence the  
23 period for the preparation of the Phase II technical and cost  
24 evaluations. The county must allow sufficient time for the  
25 shortlist entities to prepare their Phase II submittals  
26 considering the scope and detail requested by the county.

1 (c) The county shall include in the request for proposal  
2 the evaluating factors to be used in the technical and cost  
3 submission components of Phase II. Each request for proposal  
4 shall establish, for both the technical and cost submission  
5 components of Phase II, the relative importance assigned to  
6 each evaluation factor and subfactor, including any weighting  
7 of criteria to be employed by the county. The county must  
8 maintain a record of the evaluation scoring to be disclosed in  
9 event of a protest regarding the solicitation.

10 The county shall include the following criteria in every  
11 Phase II technical evaluation of design-build entities: (i)  
12 compliance with objectives of the project; (ii) compliance of  
13 proposed services to the request for proposal requirements;  
14 (iii) quality of products or materials proposed; (iv) quality  
15 of design parameters; (v) design concepts; (vi) innovation in  
16 meeting the scope and performance criteria; and (vii)  
17 constructability of the proposed project. The county may  
18 include any additional relevant technical evaluation factors  
19 it deems necessary for proper selection.

20 The county shall include the following criteria in every  
21 Phase II cost evaluation: the total project cost, the  
22 construction costs, and the time of completion. The county may  
23 include any additional relevant technical evaluation factors  
24 it deems necessary for proper selection. The total project  
25 cost criteria weighting ~~weighing~~ factor shall not exceed 30%.

26 The county shall directly employ or retain a licensed

1 design professional or a public art designer to evaluate the  
2 technical and cost submissions to determine if the technical  
3 submissions are in accordance with generally accepted industry  
4 standards. Upon completion of the technical submissions and  
5 cost submissions evaluation, the county may award the  
6 design-build contract to the highest overall ranked entity.

7 (Source: P.A. 102-954, eff. 1-1-23; revised 12-16-22.)

8 (55 ILCS 5/6-30002) (from Ch. 34, par. 6-30002)

9 Sec. 6-30002. Disbursement to county treasurer for  
10 distribution to appropriate recipient. Notwithstanding any  
11 other provision to the contrary, any State funds disbursed by  
12 the State, or federal funds authorized to be disbursed by the  
13 State, to any county official of a county with a population of  
14 less than 2,000,000, or to any county department, agency  
15 program or entity of a such county shall be disbursed only to  
16 the county treasurer of such county for distribution by the  
17 county treasurer to the appropriate county recipient. This  
18 Division shall not apply to funds disbursed by a regional  
19 superintendent of schools, a regional educational service  
20 center, or the Department of Human Services with respect to  
21 its functions pertaining to mental health and developmental  
22 disabilities.

23 (Source: P.A. 89-262, eff. 8-10-95; 89-507, eff. 7-1-97;  
24 revised 5-27-22.)

1 Section 255. The Illinois Municipal Code is amended by  
2 changing Sections 8-4-27, 8-10-17, 8-10-18, 9-2-119, 9-2-127,  
3 10-1-29, 10-1-31, 11-1.5-5, and 11-92-1 and the heading of  
4 Division 31 of Article 11 as follows:

5 (65 ILCS 5/8-4-27)

6 (Section scheduled to be repealed on January 1, 2024)

7 Sec. 8-4-27. Municipal Water and Wastewater Funding Study  
8 Committee.

9 (a) The Municipal Water and Wastewater Funding Study  
10 Committee is established.

11 (b) The Committee shall be comprised of the following  
12 members, and the appointed members of the Committee shall be  
13 appointed to the Committee no later than 30 days after May 13,  
14 2022 (the effective date of Public Act 102-865) ~~this~~  
15 ~~amendatory Act of the 102nd General Assembly:~~

16 (1) ~~1)~~ The Governor, or his or her designee, who shall  
17 serve as chairperson.

18 (2) The Director of the Illinois Environmental  
19 Protection Agency, or his or her designee.

20 (3) One member appointed by the President of the  
21 Senate.

22 (4) One member appointed by the Minority Leader of the  
23 Senate.

24 (5) One member appointed by the Speaker of the House  
25 of Representatives.

1           (6) One member appointed by the Minority Leader of the  
2 House of Representatives.

3           (7) Members appointed by the Director of the Illinois  
4 Environmental Protection Agency as follows:

5           (A) one member who is a representative of a  
6 publicly owned ~~publicly owned~~ drinking water or  
7 wastewater utility with a service population of 25,000  
8 or less;

9           (B) one member who is a representative of a  
10 publicly owned ~~publicly owned~~ drinking water or  
11 wastewater utility with a service population over  
12 25,000 people to 125,000 people;

13           (C) one member who is a representative of a  
14 publicly owned ~~publicly owned~~ drinking water or  
15 wastewater utility with a service population over  
16 125,000 people;

17           (D) one member who is a representative of a  
18 statewide organization representing wastewater  
19 agencies; and

20           (E) one member who is a representative of a  
21 statewide organization representing drinking water  
22 agencies.

23 The Committee shall meet at the call of the chair. Committee  
24 members shall serve without compensation. If a vacancy occurs  
25 in the Committee membership, the vacancy shall be filled in  
26 the same manner as the original appointment for the remainder

1 of the Committee.

2 (c) The Committee shall study and make recommendations  
3 concerning any needed modifications to Illinois Environmental  
4 Protection Agency and Illinois Pollution Control Board  
5 regulations and policies as they relate to municipal water and  
6 wastewater funding to ensure that the State's revolving loan  
7 fund programs account for and prioritize the following  
8 principles, to the fullest extent allowed by federal law:

9 (1) A community shall not be deemed ineligible for  
10 disadvantaged community status based on size or service  
11 area of any size, with regard to special rates, loan  
12 terms, and eligibility for loan or grant funds.

13 (2) In determining whether a community is  
14 disadvantaged, consideration should be given to impacts of  
15 funding on water and wastewater expenses for low-income  
16 populations.

17 (3) In determining whether a community is eligible for  
18 funds and special rates or loan terms, environmental  
19 justice concepts should be considered.

20 (4) In determining how funding is allocated, a  
21 community facing water supply shortages should be  
22 considered a high priority based on urgency of need.

23 (5) The funding programs should promote formation and  
24 implementation of regional water partnerships.

25 (6) Targeted funding should be provided for addressing  
26 emerging contaminants, including PFAS.

1           (7) In determining eligibility for assistance, the  
2           role that the State revolving fund programs play for small  
3           communities should be understood and fully considered.

4           (8) Any recommendations for changes to the programs  
5           must be fully consistent with federal law and must not  
6           adversely affect any community's eligibility for loans  
7           under federal law.

8           (d) The Committee shall prepare a report that summarizes  
9           its work and makes recommendations resulting from its study.  
10          The Committee shall submit the report of its findings and  
11          recommendations to the Governor and the General Assembly no  
12          later than January 31, 2023. Once the Committee has submitted  
13          the report to the General Assembly and Governor, the Committee  
14          is dissolved.

15          (e) ~~(f)~~ This Section is repealed on January 1, 2024.

16          (Source: P.A. 102-865, eff. 5-13-22; revised 8-23-22.)

17           (65 ILCS 5/8-10-17) (from Ch. 24, par. 8-10-17)

18          Sec. 8-10-17. The corporate authorities of any such  
19          municipality may establish a revolving fund in such amount as  
20          may be necessary to enable the purchasing agent to purchase  
21          items of common usage in advance of immediate need, the  
22          revolving fund to be reimbursed from the annual appropriation  
23          of the requisitioning agencies. Neither the purchasing agent,  
24          nor any officer or employee ~~employe~~ of his office, nor any  
25          member of the board of standardization hereinafter provided

1 for, shall be financially interested, directly or indirectly,  
2 in any purchase order or contract coming under the purview of  
3 his official duties. The above named officials and employees  
4 ~~employees~~ are expressly prohibited from accepting, directly or  
5 indirectly, from any person, company, firm, or corporation to  
6 which any purchase order or contract may be awarded, any  
7 rebate, gift, money, or anything of value whatsoever. Any  
8 officer or employee ~~employee~~, as above defined, convicted of  
9 violating this Section ~~section~~, shall be guilty of a business  
10 offense and shall be fined not to exceed \$10,000 and shall  
11 forfeit the right to his public office, trust, or employment  
12 and shall be removed therefrom.

13 (Source: P.A. 77-2500; revised 8-23-22.)

14 (65 ILCS 5/8-10-18) (from Ch. 24, par. 8-10-18)

15 Sec. 8-10-18. No department, office, institution,  
16 commission, board, agency, or instrumentality of any such  
17 municipality, or any officer or employee ~~employee~~ thereof,  
18 shall be empowered to execute any purchase order or contract  
19 as defined in Section 8-10-3 except as herein specifically  
20 authorized, but all such purchase orders or contracts shall be  
21 executed by the purchasing agent in conformity with the  
22 provisions of this Division 10.

23 (Source: Laws 1961, p. 576; revised 8-23-22.)

24 (65 ILCS 5/9-2-119) (from Ch. 24, par. 9-2-119)



1           Sec. 9-2-119. For the purpose of anticipating the  
2 collection of the second and succeeding installments, provided  
3 for in this Division 2, a municipality may issue bonds,  
4 payable out of these installments, bearing interest at a rate  
5 specified in the ordinance referred to in Section 9-2-10  
6 ~~2-9-10~~ of this ~~the Illinois Municipal~~ Code and not more than  
7 the rate the installments of the assessment against which the  
8 bonds are issued bear, payable annually and signed by such  
9 officers as may be by ordinance prescribed. Bonds shall be  
10 issued in sums of \$100, or some multiple thereof, and shall be  
11 dated and draw interest from the date of their issuance. Each  
12 bond shall state on its face out of which installment it is  
13 payable, and shall state, by number or other designation, the  
14 assessment to which that installment belongs. The principal of  
15 these bonds shall not exceed, in the aggregate, the amount of  
16 the deferred installments, and shall be divided into as many  
17 series as there are deferred installments.

18           However, if there is a surplus to the credit of any such  
19 installment which is not required for the payment of any  
20 vouchers or bonds issued against that installment, that  
21 surplus shall be applied toward the payment of any outstanding  
22 vouchers or bonds already issued or to be issued, as the case  
23 may be, against any other installment or installments.

24           Each series shall become due at some time in the year in  
25 which the corresponding installment will mature, the date to  
26 conform, as nearly as may be, to the time when that installment

1 will be actually collected. This time shall be estimated and  
 2 determined by the municipal officers issuing the bonds. But it  
 3 is lawful to provide in the case of any one or more of the  
 4 bonds in any series, that that bond or bonds shall not become  
 5 due until some subsequent date, not later than December 31  
 6 next succeeding the January in which the installment against  
 7 which that series is issued will mature.

8 The bonds may be in the following form:

9 State of Illinois)

10 ) ss

11 County of .....)

12 \$..... Series No. ....

14 Bond No. ....

15 ..... of .....

16 Improvement Bond

17 The .... of .... in .... County, Illinois, for value  
 18 received, promises to pay to the bearer on (insert date) the  
 19 sum of .... dollars, with interest thereon from date hereof,  
 20 at the rate of ....%, payable annually on presentation of the  
 21 coupons hereto annexed.

22 Both principal and interest of this bond are payable at  
 23 the office of the treasurer of said .... of .....

24 This bond is issued to anticipate the collection of a part  
 25 of the .... installment of special assessment No. .... levied  
 26 for the purpose of .... which installment bears interest from

1 (insert date), and this bond and the interest thereon are  
2 payable solely out of the installment when collected.

3 Dated (insert date).

4 The bond may have coupons attached to represent the  
5 interest to accrue thereon.

6 In lieu of the bonds described in this Section, a  
7 municipality may issue bonds of the type described in Section  
8 9-2-127, but all bonds issued under any one special assessment  
9 proceeding must be of the same type.

10 Public Act 77-1185 ~~This amendatory Act of 1971~~ is not a  
11 limit upon any municipality which is a home rule unit.

12 (Source: P.A. 91-357, eff. 7-29-99; revised 2-28-22.)

13 (65 ILCS 5/9-2-127) (from Ch. 24, par. 9-2-127)

14 Sec. 9-2-127. In lieu of the bonds authorized in Section  
15 9-2-119, the municipality upon the written request of the  
16 holders of all of the outstanding and unpaid vouchers issued  
17 in payment of the work, may issue and deliver to such voucher  
18 holders, in exchange for such vouchers, bonds provided for in  
19 this Section 9-2-127, provided that prior to the receipt of  
20 such request the municipality has not issued or has not made  
21 any commitment to issue any bonds the funds from which are to  
22 be used toward paying such outstanding and unpaid vouchers in  
23 full. The bonds shall be dated as of and shall draw interest  
24 from the date of their issuance, except when issued in

1 exchange for vouchers theretofore issued in payment of the  
2 work. In such latter case the bonds shall be issued in the  
3 principal amount of the unpaid balance of the vouchers and  
4 shall bear the same date as the vouchers for which they are  
5 exchanged or the date to which interest was last paid on the  
6 vouchers, and the bonds shall draw interest from such date.  
7 The bonds shall be issued at not less than their par value. The  
8 bonds shall be executed by such officers as may be prescribed  
9 by ordinance of such municipality, with the corporate seal  
10 attached. The bonds shall bear interest at a rate specified in  
11 the ordinance referred to in Section 9-2-10 ~~2-9-10~~ of this ~~the~~  
12 ~~Illinois Municipal~~ Code and of not more than the rate the  
13 installments of the assessment against which the bonds are  
14 issued bear. The bonds shall recite specifically that they are  
15 payable solely and only from the assessment levied for the  
16 payment of the cost of the improvement, designating the  
17 improvement for which the assessment has been levied, and  
18 shall mature on or before December 31 next succeeding the  
19 January 2 on which the last installment shall mature. Interest  
20 coupons attached to the bonds shall bear the official or  
21 facsimile signatures of the same officers who signed the bonds  
22 and shall be made payable at the office of the treasurer of the  
23 municipality. The bonds shall be numbered consecutively  
24 beginning with number one upwards and shall be payable in  
25 their numerical order and redeemable prior to maturity in  
26 numerical order as hereinafter provided. Each of the bonds

1 issued pursuant to this Section 9-2-127 shall bear a legend on  
2 the face of the bond printed in bold face type and in a  
3 paragraph by itself to the effect that the bond is one of a  
4 series of bonds which are to be paid and redeemed in numerical  
5 order and not on a pro-rata basis.

6 As used in this Section and in Sections 9-2-128 and  
7 9-2-129, "treasurer" with respect to municipalities in which a  
8 comptroller is elected or appointed means treasurer or  
9 comptroller.

10 Public Act 77-1185 ~~This amendatory Act of 1971~~ is not a  
11 limit upon any municipality which is a home rule unit.

12 (Source: P.A. 82-642; revised 2-28-22.)

13 (65 ILCS 5/10-1-29) (from Ch. 24, par. 10-1-29)

14 Sec. 10-1-29. No person shall, in any room or building  
15 occupied for the discharge of official duties by any officer  
16 or employee ~~employe~~ in any municipality which adopts this  
17 Division 1, solicit, orally or by written communication,  
18 delivered therein, or in any other manner, or receive any  
19 contribution of money or other thing of value, for any party or  
20 political purpose whatever. No officer, agent, clerk, or  
21 employee under the government of such municipality, who may  
22 have charge or control of any building, office, or room,  
23 occupied for any purpose of such government, shall permit any  
24 person to enter the same for the purpose of therein soliciting  
25 or delivering written solicitations for receiving or giving

1 notice of any political assessments.

2 (Source: Laws 1961, p. 3252; revised 8-23-22.)

3 (65 ILCS 5/10-1-31) (from Ch. 24, par. 10-1-31)

4 Sec. 10-1-31. No officer or employee of such municipality  
5 shall discharge or degrade or promote, or in any manner change  
6 the official rank or compensation of any other officer or  
7 employee ~~employe~~, or promise or threaten to do so for giving or  
8 withholding or neglecting to make any contribution of any  
9 money or other valuable thing for any party or political  
10 purpose, or for refusal or neglect to render any party or  
11 political service.

12 (Source: Laws 1961, p. 3252; revised 8-23-22.)

13 (65 ILCS 5/11-1.5-5)

14 (Section scheduled to be repealed on January 1, 2029)

15 Sec. 11-1.5-5. Definitions. As used in this Division  
16 ~~Section~~:

17 "Department" means the East St. Louis Police Department,  
18 the Peoria Police Department, the Springfield Police  
19 Department, or the Waukegan Police Department.

20 "Social Worker" means a licensed clinical social worker or  
21 licensed social worker, as those terms are defined in the  
22 Clinical Social Work and Social Work Practice Act.

23 "Station adjustment" has the meaning given to that term in  
24 Section 1-3 of the Juvenile Court Act of 1987.

1 "Unit" means a co-responder unit created under this  
2 Division.

3 (Source: P.A. 102-756, eff. 5-10-22; revised 8-23-22.)

4 (65 ILCS 5/Art. 11 Div. 31 heading)

5 DIVISION 31. UNSAFE PROPERTY~~;~~

6 (65 ILCS 5/11-92-1) (from Ch. 24, par. 11-92-1)

7 Sec. 11-92-1. "Harbor", as used in this Division 92,  
8 includes harbors, marinas, slips, docks, piers, breakwaters,  
9 and all buildings, structures, facilities, connections,  
10 equipment, parking areas,l and all other improvements for use  
11 in connection therewith.

12 "Public water" has the ~~same~~ meaning ~~as~~ ascribed to that  
13 term in Section 18 of the Rivers, Lakes, and Streams Act "~~An~~  
14 ~~Act in relation to the regulation of rivers, lakes and streams~~  
15 ~~of the State of Illinois~~", approved June 10, 1911, as  
16 heretofore and hereafter amended.

17 "Artificially made or reclaimed land" includes all land  
18 which formerly was submerged under the public waters of the  
19 State ~~state~~, the title to which is in the State ~~state~~, and  
20 which has been artificially made or reclaimed in whole or in  
21 part.

22 (Source: Laws 1961, p. 576; revised 2-28-22.)

23 Section 260. The Forest Preserve District and Conservation

1 District Design-Build Authorization Act is amended by changing  
2 Section 25 as follows:

3 (70 ILCS 860/25)

4 Sec. 25. Procedures for selection.

5 (a) The forest preserve district or conservation district  
6 must use a two-phase procedure for the selection of the  
7 successful design-build entity. Phase I of the procedure will  
8 evaluate and shortlist the design-build entities based on  
9 qualifications, and Phase II will evaluate the technical and  
10 cost proposals.

11 (b) The forest preserve district or conservation district  
12 shall include in the request for proposal the evaluating  
13 factors to be used in Phase I. These factors are in addition to  
14 any prequalification requirements of design-build entities  
15 that the forest preserve district or conservation district has  
16 set forth. Each request for proposal shall establish the  
17 relative importance assigned to each evaluation factor and  
18 subfactor, including any weighting of criteria to be employed  
19 by the forest preserve district or conservation district. The  
20 forest preserve district or conservation district must  
21 maintain a record of the evaluation scoring to be disclosed in  
22 the event of a protest regarding the solicitation.

23 The forest preserve district or conservation district  
24 shall include the following criteria in every Phase I  
25 evaluation of design-build entities: (i) experience of



1 personnel; (ii) successful experience with similar project  
2 types; (iii) financial capability; (iv) timeliness of past  
3 performance; (v) experience with similarly sized projects;  
4 (vi) successful reference checks of the firm; (vii) commitment  
5 to assign personnel for the duration of the project and  
6 qualifications of the entity's consultants; and (viii) ability  
7 or past performance in meeting or exhausting good faith  
8 efforts to meet the utilization goals for business enterprises  
9 established in the Business Enterprise for Minorities, Women,  
10 and Persons with Disabilities Act and with Section 2-105 of  
11 the Illinois Human Rights Act. The forest preserve district or  
12 conservation district may include any additional relevant  
13 criteria in Phase I that it deems necessary for a proper  
14 qualification review.

15 The forest preserve district or conservation district may  
16 not consider any design-build entity for evaluation or award  
17 if the entity has any pecuniary interest in the project or has  
18 other relationships or circumstances, including, but not  
19 limited to, long-term leasehold, mutual performance, or  
20 development contracts with the forest preserve district or  
21 conservation district, that may give the design-build entity a  
22 financial or tangible advantage over other design-build  
23 entities in the preparation, evaluation, or performance of the  
24 design-build contract or that create the appearance of  
25 impropriety. No proposal shall be considered that does not  
26 include an entity's plan to comply with the requirements

1 established in the Business Enterprise for Minorities, Women,  
2 and Persons with Disabilities Act, for both the design and  
3 construction areas of performance, and with Section 2-105 of  
4 the Illinois Human Rights Act.

5 Upon completion of the qualifications evaluation, the  
6 forest preserve district or conservation district shall create  
7 a shortlist of the most highly qualified design-build  
8 entities. The forest preserve district or conservation  
9 district, in its discretion, is not required to shortlist the  
10 maximum number of entities as identified for Phase II  
11 evaluation, provided that no less than 2 design-build entities  
12 nor more than 6 are selected to submit Phase II proposals.

13 The forest preserve district or conservation district  
14 shall notify the entities selected for the shortlist in  
15 writing. This notification shall commence the period for the  
16 preparation of the Phase II technical and cost evaluations.  
17 The forest preserve district or conservation district must  
18 allow sufficient time for the shortlist entities to prepare  
19 their Phase II submittals considering the scope and detail  
20 requested by the forest preserve district or conservation  
21 district.

22 (c) The forest preserve district or conservation district  
23 shall include in the request for proposal the evaluating  
24 factors to be used in the technical and cost submission  
25 components of Phase II. Each request for proposal shall  
26 establish, for both the technical and cost submission

1 components of Phase II, the relative importance assigned to  
2 each evaluation factor and subfactor, including any weighting  
3 of criteria to be employed by the forest preserve district or  
4 conservation district. The forest preserve district or  
5 conservation district must maintain a record of the evaluation  
6 scoring to be disclosed in the event of a protest regarding the  
7 solicitation.

8 The forest preserve district or conservation district  
9 shall include the following criteria in every Phase II  
10 technical evaluation of design-build entities: (i) compliance  
11 with objectives of the project; (ii) compliance of proposed  
12 services to the request for proposal requirements; (iii)  
13 quality of products or materials proposed; (iv) quality of  
14 design parameters; (v) design concepts; (vi) innovation in  
15 meeting the scope and performance criteria; and (vii)  
16 constructability of the proposed project. The forest preserve  
17 district or conservation district may include any additional  
18 relevant technical evaluation factors it deems necessary for  
19 proper selection.

20 The forest preserve district or conservation district  
21 shall include the following criteria in every Phase II cost  
22 evaluation: the total project cost, the construction costs,  
23 and the time of completion. The forest preserve or  
24 conservation district may include any additional relevant  
25 technical evaluation factors it deems necessary for proper  
26 selection. The total project cost criteria weighting ~~weighing~~

1 factor shall not exceed 30%.

2 The forest preserve or conservation district shall  
3 directly employ or retain a licensed design professional or a  
4 public art designer to evaluate the technical and cost  
5 submissions to determine if the technical submissions are in  
6 accordance with generally accepted industry standards.

7 Upon completion of the technical submissions and cost  
8 submissions evaluation, the forest preserve or conservation  
9 district may award the design-build contract to the highest  
10 overall ranked entity.

11 (Source: P.A. 102-460, eff. 6-1-22; revised 2-28-22.)

12 Section 265. The Park Annuity and Benefit Fund Civil  
13 Service Act is amended by changing Section 23 as follows:

14 (70 ILCS 1215/23) (from Ch. 24 1/2, par. 136)

15 Sec. 23. No person shall solicit, orally or in writing, or  
16 be in any manner concerned in soliciting any assessment,  
17 contribution, or payment for any party or political purpose  
18 whatever from any officer or employee ~~employee~~ in the  
19 classified civil service.

20 (Source: Laws 1939, p. 418; revised 9-2-22.)

21 Section 270. The Chicago Park District Act is amended by  
22 changing Section 14 as follows:

1 (70 ILCS 1505/14) (from Ch. 105, par. 333.14)

2 Sec. 14. Civil service. The Park System Civil Service Act  
3 shall apply to the Chicago Park District, and upon the coming  
4 into effect of this Act ~~act~~ there shall be appointed but one  
5 Director of Human Resources and but one civil service board  
6 for such district.

7 Every officer and employee ~~employe~~ in the classified civil  
8 service at the time this Act takes effect shall be assigned to  
9 a position having, so far as possible, duties equivalent to  
10 his former office or employment, and such officers and  
11 employees ~~employes~~ shall have the same standing, grade, and  
12 privilege which they respectively had in the districts from  
13 which they were transferred, subject, however, to existing and  
14 future civil service laws. This Section shall not be construed  
15 to require the retention of more officers and employees  
16 ~~employes~~ than are necessary to the proper performance of the  
17 functions of the Chicago Park District and the rules of the  
18 civil service board made in pursuance of the civil service law  
19 shall control in the making of layoffs and reinstatements of  
20 such officers and employees ~~employes~~ as are not necessary to  
21 be retained. This Act ~~act~~ shall in no way be construed to  
22 affect the operation of Article 5 or Article 12 of the Illinois  
23 Pension Code nor to affect the rights of employees to pensions  
24 or annuities nor any taxes authorized to be levied therefor.  
25 In the case of employees ~~employes~~ and policemen of superseded  
26 park districts not having annuity benefit funds retained as

1 employees ~~employes~~ or policemen of the Chicago Park District  
2 such employees ~~employes~~ and policemen shall have the right to  
3 enter as new employees ~~employes~~ and policemen.

4 (Source: P.A. 91-918, eff. 7-7-00; revised 2-5-23.)

5 Section 275. The Joliet Regional Port District Act is  
6 amended by changing Section 7 as follows:

7 (70 ILCS 1825/7) (from Ch. 19, par. 257)

8 Sec. 7. The District has power to procure and enter into  
9 contracts for any type of insurance or indemnity against loss  
10 or damage to property from any cause, including loss of use and  
11 occupancy, against death or injury of any person, against  
12 employers' liability, against any act of any member, officer,  
13 or employee ~~employe~~ of the District in the performance of the  
14 duties of his office or employment or any other insurable  
15 risk.

16 (Source: Laws 1957, p. 1302; revised 9-2-22.)

17 Section 280. The Metropolitan Water Reclamation District  
18 Act is amended by changing Section 11.19 as follows:

19 (70 ILCS 2605/11.19) (from Ch. 42, par. 331.19)

20 Sec. 11.19. No department, office, agency or  
21 instrumentality, officer or employee ~~employe~~ of the sanitary  
22 district, shall be empowered to execute any purchase order or

1 contract except as expressly authorized by this Act.

2 (Source: Laws 1963, p. 2498; revised 9-2-22.)

3 Section 285. The Illinois Local Library Act is amended by  
4 changing Section 5-2 as follows:

5 (75 ILCS 5/5-2) (from Ch. 81, par. 5-2)

6 Sec. 5-2. If the corporate authorities approve the action  
7 of the library board under Section 5-1, they may, by  
8 ordinance, or by resolution in the case of a township, provide  
9 that the bonds of the city, village, incorporated town or  
10 township be issued for the payment of the cost (so estimated as  
11 aforesaid) of constructing a building, or remodeling,  
12 repairing, improving an existing library building or the  
13 erection of an addition thereto, or purchasing a building,  
14 site or equipment, or the acquisition of library materials  
15 such as books, periodicals, recordings and electronic data  
16 storage and retrieval facilities in connection with either the  
17 purchase or construction of a new library building or the  
18 expansion of an existing library building, or any or all of  
19 these things in which event the ordinance or resolution shall  
20 also state the time or times when such bonds, and the interest  
21 thereon shall become payable. However, the whole of the  
22 principal of such bonds and the interest thereon shall be  
23 payable within 20 years, and the interest on such bonds shall  
24 not exceed the rate permitted in the Bond Authorization Act

1 ~~"An Act to authorize public corporations to issue bonds, other~~  
2 ~~evidences of indebtedness and tax anticipation warrants~~  
3 ~~subject to interest rate limitations set forth therein",~~  
4 ~~approved May 26, 1970, as now or hereafter amended.~~ The  
5 interest may be made payable at such times (annually or  
6 semi-annually) as the ordinance or resolution may prescribe.  
7 In case the corporate authorities provide for such payment by  
8 the issuance of bonds, they shall make provision at or before  
9 the issuance thereof, by ordinance or by resolution in the  
10 case of a township, which shall be irrepealable, for the levy  
11 and collection of a direct annual tax upon all the taxable  
12 property within such city, village, incorporated town or  
13 township sufficient to meet the principal and interest of the  
14 bonds as they mature, which tax shall be in addition to that  
15 otherwise authorized to be levied and collected for corporate  
16 purposes.

17 If, however, the corporate authorities do not provide that  
18 the bonds of the city, village, incorporated town or township  
19 be issued, but otherwise approve the action of the library  
20 board, then the library board shall divide the total cost of  
21 constructing and financing a building, or remodeling,  
22 repairing, improving an existing library building or the  
23 erection of an addition thereto, or purchasing and financing a  
24 building, site or equipment, or the acquisition of library  
25 materials such as books, periodicals, recordings and  
26 electronic data storage and retrieval facilities in connection



1 with either the purchase or construction of a new library  
2 building or the expansion of an existing library building, or  
3 any or all of these things, into as many parts as the trustees  
4 determine to spread the collection thereof, and shall certify  
5 the amount of one of these parts to the corporate authorities  
6 each year during the term over which the trustees have  
7 determined to spread the collection. This action by the  
8 library board ~~Board~~ shall be irrevocable. The library board  
9 shall specify in its certificate the portion, if any, of the  
10 amount to be included in the annual appropriation and library  
11 tax levy, and the amount of the special tax required to pay the  
12 same as has been approved by the voters.

13 (Source: P.A. 84-770; revised 5-27-22.)

14 Section 290. The School Code is amended by changing  
15 Sections 2-3.195, 10-20.13, 10-21.9, 10-22.24b, 13-40,  
16 13B-20.5, 18-8.15, 21B-20, 21B-45, 24-6, 26-2, 27-22, 27A-5,  
17 34-18.5, and 34-21.6 and by setting forth, renumbering, and  
18 changing multiple versions of Section 10-20.83 and 34-18.78 as  
19 follows:

20 (105 ILCS 5/2-3.195)

21 Sec. 2-3.195. Direct support professional training  
22 program. Beginning with the 2025-2026 school year and  
23 continuing for not less than 2 years, the State Board of  
24 Education shall make available a model program of study that

1 incorporates the training and experience necessary to serve as  
2 a direct support professional. By July 1, 2023, the State  
3 Board shall submit recommendations developed in consultation  
4 with stakeholders, including, but not limited to,  
5 organizations representing community-based providers serving  
6 children and adults with intellectual or developmental  
7 disabilities, and education practitioners, including, but not  
8 limited to, teachers, administrators, special education  
9 directors, and regional superintendents of schools, to the  
10 Department of Human Services for the training that would be  
11 required in order to ~~be~~ complete the model program of study.

12 (Source: P.A. 102-874, eff. 1-1-23; revised 12-16-22.)

13 (105 ILCS 5/10-20.13)

14 Sec. 10-20.13. Textbooks for children of parents unable to  
15 buy them; waiver of ~~and other~~ fees and fines.

16 (a) To purchase, at the expense of the district, a  
17 sufficient number of textbooks for children whose parents are  
18 unable to buy them, including, l but not limited to, l children  
19 living in households that meet the free lunch or breakfast  
20 eligibility guidelines established by the federal government  
21 pursuant to Section 1758 of the federal Richard B. Russell  
22 National School Lunch Act (42 U.S.C. 1758; 7 CFR ~~C.F.R.~~ 245 et  
23 seq.) and homeless children and youth as defined in Section  
24 11434a of the federal McKinney-Vento Homeless Assistance Act  
25 (42 U.S.C. 11434a), subject to verification as set forth in

1 subsection (c) of this Section. Such textbooks shall be loaned  
2 only, and the directors shall require the teacher to see that  
3 they are properly cared for and returned at the end of each  
4 term of school.

5 (b) To waive all fees and any fines for the loss of school  
6 property assessed by the district on children whose parents  
7 are unable to afford them, including, but not limited to:

8 (1) children living in households that meet the free  
9 lunch or breakfast eligibility guidelines established by  
10 the federal government pursuant to Section 1758 of the  
11 federal Richard B. Russell National School Lunch Act (42  
12 U.S.C. 1758; 7 ~~CFR C.F.R.~~ 245 et seq.) and students whose  
13 parents are veterans or active duty military personnel  
14 with income at or below 200% of the federal poverty line,  
15 subject to verification as set forth in subsection (c) of  
16 this Section, and

17 (2) homeless children and youth as defined in Section  
18 11434a of the federal McKinney-Vento Homeless Assistance  
19 Act (42 U.S.C. 11434a).

20 Notice of waiver availability shall be given to parents or  
21 guardians with every bill for fees or fines. The school board  
22 shall adopt written policies and procedures for such waiver of  
23 fees in accordance with regulations promulgated by the State  
24 Board of Education.

25 (c) Any school board that participates in a federally  
26 funded, school-based child nutrition program and uses a

1 student's application for, eligibility for, or participation  
2 in the federally funded, school-based child nutrition program  
3 (42 U.S.C. 1758; 7 CFR ~~C.F.R.~~ 245 et seq.) as the basis for  
4 waiving fees assessed by the school district must follow the  
5 verification requirements of the federally funded,  
6 school-based child nutrition program (42 U.S.C. 1758; 7 CFR  
7 ~~C.F.R.~~ 245.6a).

8 A school board that establishes a process for the  
9 determination of eligibility for waiver of fees assessed by  
10 the school district that is completely independent of a  
11 student's application for, eligibility for, or participation  
12 in a federally funded, school-based child nutrition program  
13 may provide for fee waiver verification no more often than  
14 once per academic year. Information obtained during the  
15 independent, fee waiver verification process indicating that  
16 the student does not meet free lunch or breakfast eligibility  
17 guidelines may be used to deny the waiver of the student's fees  
18 or fines for the loss of school property, provided that any  
19 information obtained through this independent process for  
20 determining or verifying eligibility for fee waivers shall not  
21 be used to determine or verify eligibility for any federally  
22 funded, school-based child nutrition program. This subsection  
23 shall not preclude children from obtaining waivers at any  
24 point during the academic year.

25 (Source: P.A. 102-805, eff. 1-1-23; 102-1032, eff. 5-27-22;  
26 revised 12-13-22.)

1 (105 ILCS 5/10-20.83)

2 Sec. 10-20.83. COVID-19 paid administrative leave.

3 (a) In this Section:

4 "Employee" means a person employed by a school district on  
5 or after April 5, 2022 (the effective date of Public Act  
6 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

7 "Fully vaccinated against COVID-19" means:

8 (1) 2 weeks after receiving the second dose in a  
9 2-dose series of a COVID-19 vaccine authorized for  
10 emergency use, licensed, or otherwise approved by the  
11 United States Food and Drug Administration; or

12 (2) 2 weeks after receiving a single dose of a  
13 COVID-19 vaccine authorized for emergency use, licensed,  
14 or otherwise approved by the United States Food and Drug  
15 Administration.

16 "Fully vaccinated against COVID-19" also includes any  
17 recommended booster doses for which the individual is eligible  
18 upon the adoption by the Department of Public Health of any  
19 changes made by the Centers for Disease Control and Prevention  
20 of the United States Department of Health and Human Services  
21 to the definition of "fully vaccinated against COVID-19" to  
22 include any such booster doses. For purposes of this Section,  
23 individuals who are eligible for a booster dose but have not  
24 received a booster dose by 5 weeks after the Department of  
25 Public Health adopts a revised definition of "fully vaccinated

1 against COVID-19" are not considered fully vaccinated for  
2 determining eligibility for future paid administrative leave  
3 pursuant to this Section.

4 "School district" includes charter schools established  
5 under Article 27A of this Code, but does not include the  
6 Department of Juvenile Justice School District.

7 (b) During any time when the Governor has declared a  
8 disaster due to a public health emergency pursuant to Section  
9 7 of the Illinois Emergency Management Agency Act and a school  
10 district, the State or any of its agencies, or a local public  
11 health department has issued guidance, mandates, or rules  
12 related to COVID-19 that restrict an employee of the school  
13 district from being on school district property because the  
14 employee (i) has a confirmed positive COVID-19 diagnosis via a  
15 molecular amplification diagnostic test, such as a polymerase  
16 chain reaction (PCR) test for COVID-19, (ii) has a probable  
17 COVID-19 diagnosis via an antigen diagnostic test, (iii) has  
18 been in close contact with a person who had a confirmed case of  
19 COVID-19 and is required to be excluded from the school, or  
20 (iv) is required by the school or school district policy to be  
21 excluded from school district property due to COVID-19  
22 symptoms, the employee of the school district shall receive as  
23 many days of administrative leave as required to abide by the  
24 public health guidance, mandates, and requirements issued by  
25 the Department of Public Health, unless a longer period of  
26 paid administrative leave has been negotiated with the

1 exclusive bargaining representative if any. Such leave shall  
2 be provided to an employee for any days for which the employee  
3 was required to be excluded from school property prior to  
4 April 5, 2022 (the effective date of Public Act 102-697) ~~this~~  
5 ~~amendatory Act of the 102nd General Assembly~~, provided that  
6 the employee receives all doses required to meet the  
7 definition of "fully vaccinated against COVID-19" under this  
8 Section no later than 5 weeks after April 5, 2022 (the  
9 effective date of Public Act 102-697) ~~this amendatory Act of~~  
10 ~~the 102nd General Assembly~~.

11 (c) An employee of a school district shall receive paid  
12 administrative leave pursuant to subsection (b) of this  
13 Section, unless a longer period of paid administrative leave  
14 has been negotiated with the exclusive bargaining  
15 representative if any, to care for a child of the employee if  
16 the child is unable to attend elementary or secondary school  
17 because the child has:

18 (1) a confirmed positive COVID-19 diagnosis via a  
19 molecular amplification diagnostic test, such as a  
20 polymerase chain reaction (PCR) test for COVID-19;

21 (2) a probable COVID-19 diagnosis via an antigen  
22 diagnostic test;

23 (3) been in close contact with a person who has a  
24 confirmed case of COVID-19 and is required to be excluded  
25 from school; or

26 (4) been required by the school or school district

1 policy to be excluded from school district property due to  
2 COVID-19 symptoms.

3 Such leave shall be provided to an employee for any days needed  
4 to care for a child of the employee prior to April 5, 2022 (the  
5 effective date of Public Act 102-697) ~~this amendatory Act of~~  
6 ~~the 102nd General Assembly~~, provided that the employee  
7 receives the doses required to meet the definition of "fully  
8 vaccinated against COVID-19" under this Section no later than  
9 5 weeks after April 5, 2022 (the effective date of Public Act  
10 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

11 (d) An employee of a school district who is on paid  
12 administrative leave pursuant to this Section must provide all  
13 documentation requested by the school board.

14 (e) An employee of a school district who is on paid  
15 administrative leave pursuant to this Section shall receive  
16 the employee's regular rate of pay. The use of a paid  
17 administrative leave day or days by an employee pursuant to  
18 this Section may not diminish any other leave or benefits of  
19 the employee.

20 (f) An employee of a school district may not accrue paid  
21 administrative leave pursuant to this Section.

22 (g) For an employee of a school district to be eligible to  
23 receive paid administrative leave pursuant to this Section,  
24 the employee must:

25 (1) have received all required doses to be fully  
26 vaccinated against COVID-19, as defined in this Section;



1 and

2 (2) participate in the COVID-19 testing program  
3 adopted by the school district to the extent such a  
4 testing program requires participation by individuals who  
5 are fully vaccinated against COVID-19.

6 (h) Nothing in this Section is intended to affect any  
7 right or remedy under federal law.

8 (i) No paid administrative leave awarded to or used by a  
9 fully vaccinated employee prior to the Department of Public  
10 Health's adoption of a revised definition of the term "fully  
11 vaccinated against COVID-19" may be rescinded on the basis  
12 that the employee no longer meets the definition of "fully  
13 vaccinated against COVID-19" based on the revised definition.

14 (Source: P.A. 102-697, eff. 4-5-22; revised 8-3-22.)

15 (105 ILCS 5/10-20.84)

16 Sec. 10-20.84 ~~10-20.83~~. College and career readiness  
17 systems.

18 (a) Subject to subsection (d) of this Section, by July 1,  
19 2025, a school district that enrolls students in any of grades  
20 6 through 12 shall adopt and commence implementation of career  
21 exploration and career development activities in accordance  
22 with a postsecondary and career expectations framework for  
23 each of grades 6 through 12 served by the district that  
24 substantially aligns to the model framework adopted by State  
25 agencies pursuant to Section 15 of the Postsecondary and

1 Workforce Readiness Act. The local postsecondary and career  
2 expectations framework shall be available on a prominent  
3 location on the school district's website.

4 The career exploration and career development activities  
5 offered in alignment with the postsecondary and career  
6 expectations framework shall prepare students enrolled in  
7 grades 6 through 12 to make informed plans and decisions about  
8 their future education and career goals, including possible  
9 participation in a career and technical education pathway, by  
10 providing students with opportunities to explore a wide  
11 variety of high-skill, high-wage, and in-demand career fields.

12 (b) By no later than July 1, 2025, a school district that  
13 enrolls students in any of grades 9 through 12 shall either  
14 elect to implement College and Career Pathway Endorsements in  
15 accordance with subsection (c) of this Section or opt out of  
16 implementation in accordance with subsection (d) of this  
17 Section.

18 (c) A school district that enrolls students in any of  
19 grades 9 through 12 electing to implement College and Career  
20 Pathway Endorsements shall become an eligible school district  
21 and either (i) independently, (ii) through an area career  
22 center, or (iii) through an inter-district cooperative, award  
23 College and Career Pathway Endorsements pursuant to the  
24 Postsecondary and Workforce Readiness Act and pursuant to the  
25 following schedule:

26 (1) for the high school graduating class of 2027, a

1 school district shall offer College and Career Pathway  
2 Endorsements in at least one endorsement area;

3 (2) for the high school graduating class of 2029, a  
4 school district shall offer College and Career Pathway  
5 Endorsements in at least 2 endorsement areas; and

6 (3) for the high school graduating class of 2031, a  
7 school district with a grade 9 through 12 enrollment of  
8 more than 350 students, as calculated by the State Board  
9 of Education for the 2022-2023 school year, shall offer  
10 College and Career Pathway Endorsements in at least 3  
11 endorsement areas.

12 A school district may elect to implement College and  
13 Career Pathway Endorsements by July 1, 2025, either by  
14 submitting the necessary application materials to the State  
15 Board of Education to award the number of endorsements  
16 required by this subsection or by the school board of the  
17 district adopting a timeline for implementation consistent  
18 with the requirements of this subsection.

19 (d) The school board of any school district may, by action  
20 of the board, opt out of implementation of all or any part of  
21 this Section through adoption of a set of findings that  
22 considers the following:

23 (1) the school district's current systems for college  
24 and career readiness;

25 (2) the school district's cost of implementation  
26 balanced against the potential benefits to students and

1 families through improved postsecondary education and  
2 career outcomes;

3 (3) the willingness and capacity of local businesses  
4 to partner with the school district for successful  
5 implementation of pathways other than education;

6 (4) the willingness of institutions of higher  
7 education to partner with the school district for  
8 successful implementation of the pathway and whether the  
9 district has sought and established a partnership  
10 agreement with a community college district incorporating  
11 the provisions of the Model Partnership Agreement under  
12 the Dual Credit Quality Act;

13 (5) the availability of a statewide database of  
14 participating local business partners, as provided under  
15 the Postsecondary and Workforce Readiness Act, for the  
16 purpose of career readiness and the accessibility of those  
17 work experiences and apprenticeships listed in the  
18 database to the students of the school district; and

19 (6) the availability of properly licensed teachers or  
20 teachers meeting faculty credential standards for dual  
21 credit courses to instruct in the program required for the  
22 endorsement areas.

23 A school district must report its board findings and  
24 decision on implementation to the State Board of Education. A  
25 school district electing to opt out of implementation may  
26 reverse its decision in whole or in part at any time.

1 (e) The State Board of Education may adopt any rules  
2 necessary to implement this Section.

3 (Source: P.A. 102-917, eff. 1-1-23; revised 1-10-23.)

4 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

5 (Text of Section before amendment by P.A. 102-702)

6 Sec. 10-21.9. Criminal history records checks and checks  
7 of the Statewide Sex Offender Database and Statewide Murderer  
8 and Violent Offender Against Youth Database.

9 (a) Licensed and nonlicensed applicants for employment  
10 with a school district, except school bus driver applicants,  
11 are required as a condition of employment to authorize a  
12 fingerprint-based criminal history records check to determine  
13 if such applicants have been convicted of any disqualifying,  
14 enumerated criminal or drug offenses in subsection (c) of this  
15 Section or have been convicted, within 7 years of the  
16 application for employment with the school district, of any  
17 other felony under the laws of this State or of any offense  
18 committed or attempted in any other state or against the laws  
19 of the United States that, if committed or attempted in this  
20 State, would have been punishable as a felony under the laws of  
21 this State. Authorization for the check shall be furnished by  
22 the applicant to the school district, except that if the  
23 applicant is a substitute teacher seeking employment in more  
24 than one school district, a teacher seeking concurrent  
25 part-time employment positions with more than one school

1 district (as a reading specialist, special education teacher  
2 or otherwise), or an educational support personnel employee  
3 seeking employment positions with more than one district, any  
4 such district may require the applicant to furnish  
5 authorization for the check to the regional superintendent of  
6 the educational service region in which are located the school  
7 districts in which the applicant is seeking employment as a  
8 substitute or concurrent part-time teacher or concurrent  
9 educational support personnel employee. Upon receipt of this  
10 authorization, the school district or the appropriate regional  
11 superintendent, as the case may be, shall submit the  
12 applicant's name, sex, race, date of birth, social security  
13 number, fingerprint images, and other identifiers, as  
14 prescribed by the Illinois State Police, to the Illinois State  
15 Police. The regional superintendent submitting the requisite  
16 information to the Illinois State Police shall promptly notify  
17 the school districts in which the applicant is seeking  
18 employment as a substitute or concurrent part-time teacher or  
19 concurrent educational support personnel employee that the  
20 check of the applicant has been requested. The Illinois State  
21 Police and the Federal Bureau of Investigation shall furnish,  
22 pursuant to a fingerprint-based criminal history records  
23 check, records of convictions, forever and hereinafter, until  
24 expunged, to the president of the school board for the school  
25 district that requested the check, or to the regional  
26 superintendent who requested the check. The Illinois State

1 Police shall charge the school district or the appropriate  
2 regional superintendent a fee for conducting such check, which  
3 fee shall be deposited in the State Police Services Fund and  
4 shall not exceed the cost of the inquiry; and the applicant  
5 shall not be charged a fee for such check by the school  
6 district or by the regional superintendent, except that those  
7 applicants seeking employment as a substitute teacher with a  
8 school district may be charged a fee not to exceed the cost of  
9 the inquiry. Subject to appropriations for these purposes, the  
10 State Superintendent of Education shall reimburse school  
11 districts and regional superintendents for fees paid to obtain  
12 criminal history records checks under this Section.

13 (a-5) The school district or regional superintendent shall  
14 further perform a check of the Statewide Sex Offender  
15 Database, as authorized by the Sex Offender Community  
16 Notification Law, for each applicant. The check of the  
17 Statewide Sex Offender Database must be conducted by the  
18 school district or regional superintendent once for every 5  
19 years that an applicant remains employed by the school  
20 district.

21 (a-6) The school district or regional superintendent shall  
22 further perform a check of the Statewide Murderer and Violent  
23 Offender Against Youth Database, as authorized by the Murderer  
24 and Violent Offender Against Youth Community Notification Law,  
25 for each applicant. The check of the Murderer and Violent  
26 Offender Against Youth Database must be conducted by the

1 school district or regional superintendent once for every 5  
2 years that an applicant remains employed by the school  
3 district.

4 (b) Any information concerning the record of convictions  
5 obtained by the president of the school board or the regional  
6 superintendent shall be confidential and may only be  
7 transmitted to the superintendent of the school district or  
8 his designee, the appropriate regional superintendent if the  
9 check was requested by the school district, the presidents of  
10 the appropriate school boards if the check was requested from  
11 the Illinois State Police by the regional superintendent, the  
12 State Board of Education and a school district as authorized  
13 under subsection (b-5), the State Superintendent of Education,  
14 the State Educator Preparation and Licensure Board, any other  
15 person necessary to the decision of hiring the applicant for  
16 employment, or for clarification purposes the Illinois State  
17 Police or Statewide Sex Offender Database, or both. A copy of  
18 the record of convictions obtained from the Illinois State  
19 Police shall be provided to the applicant for employment. Upon  
20 the check of the Statewide Sex Offender Database or Statewide  
21 Murderer and Violent Offender Against Youth Database, the  
22 school district or regional superintendent shall notify an  
23 applicant as to whether or not the applicant has been  
24 identified in the Database. If a check of an applicant for  
25 employment as a substitute or concurrent part-time teacher or  
26 concurrent educational support personnel employee in more than



1 one school district was requested by the regional  
2 superintendent, and the Illinois State Police upon a check  
3 ascertains that the applicant has not been convicted of any of  
4 the enumerated criminal or drug offenses in subsection (c) of  
5 this Section or has not been convicted, within 7 years of the  
6 application for employment with the school district, of any  
7 other felony under the laws of this State or of any offense  
8 committed or attempted in any other state or against the laws  
9 of the United States that, if committed or attempted in this  
10 State, would have been punishable as a felony under the laws of  
11 this State and so notifies the regional superintendent and if  
12 the regional superintendent upon a check ascertains that the  
13 applicant has not been identified in the Sex Offender Database  
14 or Statewide Murderer and Violent Offender Against Youth  
15 Database, then the regional superintendent shall issue to the  
16 applicant a certificate evidencing that as of the date  
17 specified by the Illinois State Police the applicant has not  
18 been convicted of any of the enumerated criminal or drug  
19 offenses in subsection (c) of this Section or has not been  
20 convicted, within 7 years of the application for employment  
21 with the school district, of any other felony under the laws of  
22 this State or of any offense committed or attempted in any  
23 other state or against the laws of the United States that, if  
24 committed or attempted in this State, would have been  
25 punishable as a felony under the laws of this State and  
26 evidencing that as of the date that the regional

1 superintendent conducted a check of the Statewide Sex Offender  
2 Database or Statewide Murderer and Violent Offender Against  
3 Youth Database, the applicant has not been identified in the  
4 Database. The school board of any school district may rely on  
5 the certificate issued by any regional superintendent to that  
6 substitute teacher, concurrent part-time teacher, or  
7 concurrent educational support personnel employee or may  
8 initiate its own criminal history records check of the  
9 applicant through the Illinois State Police and its own check  
10 of the Statewide Sex Offender Database or Statewide Murderer  
11 and Violent Offender Against Youth Database as provided in  
12 this Section. Any unauthorized release of confidential  
13 information may be a violation of Section 7 of the Criminal  
14 Identification Act.

15 (b-5) If a criminal history records check or check of the  
16 Statewide Sex Offender Database or Statewide Murderer and  
17 Violent Offender Against Youth Database is performed by a  
18 regional superintendent for an applicant seeking employment as  
19 a substitute teacher with a school district, the regional  
20 superintendent may disclose to the State Board of Education  
21 whether the applicant has been issued a certificate under  
22 subsection (b) based on those checks. If the State Board  
23 receives information on an applicant under this subsection,  
24 then it must indicate in the Educator Licensure Information  
25 System for a 90-day period that the applicant has been issued  
26 or has not been issued a certificate.

1           (c) No school board shall knowingly employ a person who  
2 has been convicted of any offense that would subject him or her  
3 to license suspension or revocation pursuant to Section 21B-80  
4 of this Code, except as provided under subsection (b) of  
5 Section 21B-80. Further, no school board shall knowingly  
6 employ a person who has been found to be the perpetrator of  
7 sexual or physical abuse of any minor under 18 years of age  
8 pursuant to proceedings under Article II of the Juvenile Court  
9 Act of 1987. As a condition of employment, each school board  
10 must consider the status of a person who has been issued an  
11 indicated finding of abuse or neglect of a child by the  
12 Department of Children and Family Services under the Abused  
13 and Neglected Child Reporting Act or by a child welfare agency  
14 of another jurisdiction.

15           (d) No school board shall knowingly employ a person for  
16 whom a criminal history records check and a Statewide Sex  
17 Offender Database check have not been initiated.

18           (e) Within 10 days after a superintendent, regional office  
19 of education, or entity that provides background checks of  
20 license holders to public schools receives information of a  
21 pending criminal charge against a license holder for an  
22 offense set forth in Section 21B-80 of this Code, the  
23 superintendent, regional office of education, or entity must  
24 notify the State Superintendent of Education of the pending  
25 criminal charge.

26           If permissible by federal or State law, no later than 15

1 business days after receipt of a record of conviction or of  
2 checking the Statewide Murderer and Violent Offender Against  
3 Youth Database or the Statewide Sex Offender Database and  
4 finding a registration, the superintendent of the employing  
5 school board or the applicable regional superintendent shall,  
6 in writing, notify the State Superintendent of Education of  
7 any license holder who has been convicted of a crime set forth  
8 in Section 21B-80 of this Code. Upon receipt of the record of a  
9 conviction of or a finding of child abuse by a holder of any  
10 license issued pursuant to Article 21B or Section 34-8.1 of  
11 this Code, the State Superintendent of Education may initiate  
12 licensure suspension and revocation proceedings as authorized  
13 by law. If the receipt of the record of conviction or finding  
14 of child abuse is received within 6 months after the initial  
15 grant of or renewal of a license, the State Superintendent of  
16 Education may rescind the license holder's license.

17 (e-5) The superintendent of the employing school board  
18 shall, in writing, notify the State Superintendent of  
19 Education and the applicable regional superintendent of  
20 schools of any license holder whom he or she has reasonable  
21 cause to believe has committed an intentional act of abuse or  
22 neglect with the result of making a child an abused child or a  
23 neglected child, as defined in Section 3 of the Abused and  
24 Neglected Child Reporting Act, and that act resulted in the  
25 license holder's dismissal or resignation from the school  
26 district. This notification must be submitted within 30 days

1 after the dismissal or resignation and must include the  
2 Illinois Educator Identification Number (IEIN) of the license  
3 holder and a brief description of the misconduct alleged. The  
4 license holder must also be contemporaneously sent a copy of  
5 the notice by the superintendent. All correspondence,  
6 documentation, and other information so received by the  
7 regional superintendent of schools, the State Superintendent  
8 of Education, the State Board of Education, or the State  
9 Educator Preparation and Licensure Board under this subsection  
10 (e-5) is confidential and must not be disclosed to third  
11 parties, except (i) as necessary for the State Superintendent  
12 of Education or his or her designee to investigate and  
13 prosecute pursuant to Article 21B of this Code, (ii) pursuant  
14 to a court order, (iii) for disclosure to the license holder or  
15 his or her representative, or (iv) as otherwise provided in  
16 this Article and provided that any such information admitted  
17 into evidence in a hearing is exempt from this confidentiality  
18 and non-disclosure requirement. Except for an act of willful  
19 or wanton misconduct, any superintendent who provides  
20 notification as required in this subsection (e-5) shall have  
21 immunity from any liability, whether civil or criminal or that  
22 otherwise might result by reason of such action.

23 (f) After January 1, 1990 the provisions of this Section  
24 shall apply to all employees of persons or firms holding  
25 contracts with any school district including, but not limited  
26 to, food service workers, school bus drivers and other

1 transportation employees, who have direct, daily contact with  
2 the pupils of any school in such district. For purposes of  
3 criminal history records checks and checks of the Statewide  
4 Sex Offender Database on employees of persons or firms holding  
5 contracts with more than one school district and assigned to  
6 more than one school district, the regional superintendent of  
7 the educational service region in which the contracting school  
8 districts are located may, at the request of any such school  
9 district, be responsible for receiving the authorization for a  
10 criminal history records check prepared by each such employee  
11 and submitting the same to the Illinois State Police and for  
12 conducting a check of the Statewide Sex Offender Database for  
13 each employee. Any information concerning the record of  
14 conviction and identification as a sex offender of any such  
15 employee obtained by the regional superintendent shall be  
16 promptly reported to the president of the appropriate school  
17 board or school boards.

18 (f-5) Upon request of a school or school district, any  
19 information obtained by a school district pursuant to  
20 subsection (f) of this Section within the last year must be  
21 made available to the requesting school or school district.

22 (g) Prior to the commencement of any student teaching  
23 experience or required internship (which is referred to as  
24 student teaching in this Section) in the public schools, a  
25 student teacher is required to authorize a fingerprint-based  
26 criminal history records check. Authorization for and payment

1 of the costs of the check must be furnished by the student  
2 teacher to the school district where the student teaching is  
3 to be completed. Upon receipt of this authorization and  
4 payment, the school district shall submit the student  
5 teacher's name, sex, race, date of birth, social security  
6 number, fingerprint images, and other identifiers, as  
7 prescribed by the Illinois State Police, to the Illinois State  
8 Police. The Illinois State Police and the Federal Bureau of  
9 Investigation shall furnish, pursuant to a fingerprint-based  
10 criminal history records check, records of convictions,  
11 forever and hereinafter, until expunged, to the president of  
12 the school board for the school district that requested the  
13 check. The Illinois State Police shall charge the school  
14 district a fee for conducting the check, which fee must not  
15 exceed the cost of the inquiry and must be deposited into the  
16 State Police Services Fund. The school district shall further  
17 perform a check of the Statewide Sex Offender Database, as  
18 authorized by the Sex Offender Community Notification Law, and  
19 of the Statewide Murderer and Violent Offender Against Youth  
20 Database, as authorized by the Murderer and Violent Offender  
21 Against Youth Registration Act, for each student teacher. No  
22 school board may knowingly allow a person to student teach for  
23 whom a criminal history records check, a Statewide Sex  
24 Offender Database check, and a Statewide Murderer and Violent  
25 Offender Against Youth Database check have not been completed  
26 and reviewed by the district.

1           A copy of the record of convictions obtained from the  
2 Illinois State Police must be provided to the student teacher.  
3 Any information concerning the record of convictions obtained  
4 by the president of the school board is confidential and may  
5 only be transmitted to the superintendent of the school  
6 district or his or her designee, the State Superintendent of  
7 Education, the State Educator Preparation and Licensure Board,  
8 or, for clarification purposes, the Illinois State Police or  
9 the Statewide Sex Offender Database or Statewide Murderer and  
10 Violent Offender Against Youth Database. Any unauthorized  
11 release of confidential information may be a violation of  
12 Section 7 of the Criminal Identification Act.

13           No school board shall knowingly allow a person to student  
14 teach who has been convicted of any offense that would subject  
15 him or her to license suspension or revocation pursuant to  
16 subsection (c) of Section 21B-80 of this Code, except as  
17 provided under subsection (b) of Section 21B-80. Further, no  
18 school board shall allow a person to student teach if he or she  
19 has been found to be the perpetrator of sexual or physical  
20 abuse of a minor under 18 years of age pursuant to proceedings  
21 under Article II of the Juvenile Court Act of 1987. Each school  
22 board must consider the status of a person to student teach who  
23 has been issued an indicated finding of abuse or neglect of a  
24 child by the Department of Children and Family Services under  
25 the Abused and Neglected Child Reporting Act or by a child  
26 welfare agency of another jurisdiction.



1 (h) (Blank).

2 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;  
3 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.  
4 1-1-22; 102-813, eff. 5-13-22; 102-894, eff. 5-20-22;  
5 102-1071, eff. 6-10-22.)

6 (Text of Section after amendment by P.A. 102-702)

7 Sec. 10-21.9. Criminal history records checks and checks  
8 of the Statewide Sex Offender Database and Statewide Murderer  
9 and Violent Offender Against Youth Database.

10 (a) Licensed and nonlicensed applicants for employment  
11 with a school district, except school bus driver applicants,  
12 are required as a condition of employment to authorize a  
13 fingerprint-based criminal history records check to determine  
14 if such applicants have been convicted of any disqualifying,  
15 enumerated criminal or drug offenses in subsection (c) of this  
16 Section or have been convicted, within 7 years of the  
17 application for employment with the school district, of any  
18 other felony under the laws of this State or of any offense  
19 committed or attempted in any other state or against the laws  
20 of the United States that, if committed or attempted in this  
21 State, would have been punishable as a felony under the laws of  
22 this State. Authorization for the check shall be furnished by  
23 the applicant to the school district, except that if the  
24 applicant is a substitute teacher seeking employment in more  
25 than one school district, a teacher seeking concurrent

1 part-time employment positions with more than one school  
2 district (as a reading specialist, special education teacher  
3 or otherwise), or an educational support personnel employee  
4 seeking employment positions with more than one district, any  
5 such district may require the applicant to furnish  
6 authorization for the check to the regional superintendent of  
7 the educational service region in which are located the school  
8 districts in which the applicant is seeking employment as a  
9 substitute or concurrent part-time teacher or concurrent  
10 educational support personnel employee. Upon receipt of this  
11 authorization, the school district or the appropriate regional  
12 superintendent, as the case may be, shall submit the  
13 applicant's name, sex, race, date of birth, social security  
14 number, fingerprint images, and other identifiers, as  
15 prescribed by the Illinois State Police, to the Illinois State  
16 Police. The regional superintendent submitting the requisite  
17 information to the Illinois State Police shall promptly notify  
18 the school districts in which the applicant is seeking  
19 employment as a substitute or concurrent part-time teacher or  
20 concurrent educational support personnel employee that the  
21 check of the applicant has been requested. The Illinois State  
22 Police and the Federal Bureau of Investigation shall furnish,  
23 pursuant to a fingerprint-based criminal history records  
24 check, records of convictions, forever and hereinafter, until  
25 expunged, to the president of the school board for the school  
26 district that requested the check, or to the regional

1 superintendent who requested the check. The Illinois State  
2 Police shall charge the school district or the appropriate  
3 regional superintendent a fee for conducting such check, which  
4 fee shall be deposited in the State Police Services Fund and  
5 shall not exceed the cost of the inquiry; and the applicant  
6 shall not be charged a fee for such check by the school  
7 district or by the regional superintendent, except that those  
8 applicants seeking employment as a substitute teacher with a  
9 school district may be charged a fee not to exceed the cost of  
10 the inquiry. Subject to appropriations for these purposes, the  
11 State Superintendent of Education shall reimburse school  
12 districts and regional superintendents for fees paid to obtain  
13 criminal history records checks under this Section.

14 (a-5) The school district or regional superintendent shall  
15 further perform a check of the Statewide Sex Offender  
16 Database, as authorized by the Sex Offender Community  
17 Notification Law, for each applicant. The check of the  
18 Statewide Sex Offender Database must be conducted by the  
19 school district or regional superintendent once for every 5  
20 years that an applicant remains employed by the school  
21 district.

22 (a-6) The school district or regional superintendent shall  
23 further perform a check of the Statewide Murderer and Violent  
24 Offender Against Youth Database, as authorized by the Murderer  
25 and Violent Offender Against Youth Community Notification Law,  
26 for each applicant. The check of the Murderer and Violent

1 Offender Against Youth Database must be conducted by the  
2 school district or regional superintendent once for every 5  
3 years that an applicant remains employed by the school  
4 district.

5 (b) Any information concerning the record of convictions  
6 obtained by the president of the school board or the regional  
7 superintendent shall be confidential and may only be  
8 transmitted to the superintendent of the school district or  
9 his designee, the appropriate regional superintendent if the  
10 check was requested by the school district, the presidents of  
11 the appropriate school boards if the check was requested from  
12 the Illinois State Police by the regional superintendent, the  
13 State Board of Education and a school district as authorized  
14 under subsection (b-5), the State Superintendent of Education,  
15 the State Educator Preparation and Licensure Board, any other  
16 person necessary to the decision of hiring the applicant for  
17 employment, or for clarification purposes the Illinois State  
18 Police or Statewide Sex Offender Database, or both. A copy of  
19 the record of convictions obtained from the Illinois State  
20 Police shall be provided to the applicant for employment. Upon  
21 the check of the Statewide Sex Offender Database or Statewide  
22 Murderer and Violent Offender Against Youth Database, the  
23 school district or regional superintendent shall notify an  
24 applicant as to whether or not the applicant has been  
25 identified in the Database. If a check of an applicant for  
26 employment as a substitute or concurrent part-time teacher or

1 concurrent educational support personnel employee in more than  
2 one school district was requested by the regional  
3 superintendent, and the Illinois State Police upon a check  
4 ascertains that the applicant has not been convicted of any of  
5 the enumerated criminal or drug offenses in subsection (c) of  
6 this Section or has not been convicted, within 7 years of the  
7 application for employment with the school district, of any  
8 other felony under the laws of this State or of any offense  
9 committed or attempted in any other state or against the laws  
10 of the United States that, if committed or attempted in this  
11 State, would have been punishable as a felony under the laws of  
12 this State and so notifies the regional superintendent and if  
13 the regional superintendent upon a check ascertains that the  
14 applicant has not been identified in the Sex Offender Database  
15 or Statewide Murderer and Violent Offender Against Youth  
16 Database, then the regional superintendent shall issue to the  
17 applicant a certificate evidencing that as of the date  
18 specified by the Illinois State Police the applicant has not  
19 been convicted of any of the enumerated criminal or drug  
20 offenses in subsection (c) of this Section or has not been  
21 convicted, within 7 years of the application for employment  
22 with the school district, of any other felony under the laws of  
23 this State or of any offense committed or attempted in any  
24 other state or against the laws of the United States that, if  
25 committed or attempted in this State, would have been  
26 punishable as a felony under the laws of this State and

1 evidencing that as of the date that the regional  
2 superintendent conducted a check of the Statewide Sex Offender  
3 Database or Statewide Murderer and Violent Offender Against  
4 Youth Database, the applicant has not been identified in the  
5 Database. The school board of any school district may rely on  
6 the certificate issued by any regional superintendent to that  
7 substitute teacher, concurrent part-time teacher, or  
8 concurrent educational support personnel employee or may  
9 initiate its own criminal history records check of the  
10 applicant through the Illinois State Police and its own check  
11 of the Statewide Sex Offender Database or Statewide Murderer  
12 and Violent Offender Against Youth Database as provided in  
13 this Section. Any unauthorized release of confidential  
14 information may be a violation of Section 7 of the Criminal  
15 Identification Act.

16 (b-5) If a criminal history records check or check of the  
17 Statewide Sex Offender Database or Statewide Murderer and  
18 Violent Offender Against Youth Database is performed by a  
19 regional superintendent for an applicant seeking employment as  
20 a substitute teacher with a school district, the regional  
21 superintendent may disclose to the State Board of Education  
22 whether the applicant has been issued a certificate under  
23 subsection (b) based on those checks. If the State Board  
24 receives information on an applicant under this subsection,  
25 then it must indicate in the Educator Licensure Information  
26 System for a 90-day period that the applicant has been issued

1 or has not been issued a certificate.

2 (c) No school board shall knowingly employ a person who  
3 has been convicted of any offense that would subject him or her  
4 to license suspension or revocation pursuant to Section 21B-80  
5 of this Code, except as provided under subsection (b) of  
6 Section 21B-80. Further, no school board shall knowingly  
7 employ a person who has been found to be the perpetrator of  
8 sexual or physical abuse of any minor under 18 years of age  
9 pursuant to proceedings under Article II of the Juvenile Court  
10 Act of 1987. As a condition of employment, each school board  
11 must consider the status of a person who has been issued an  
12 indicated finding of abuse or neglect of a child by the  
13 Department of Children and Family Services under the Abused  
14 and Neglected Child Reporting Act or by a child welfare agency  
15 of another jurisdiction.

16 (d) No school board shall knowingly employ a person for  
17 whom a criminal history records check and a Statewide Sex  
18 Offender Database check have not been initiated.

19 (e) Within 10 days after a superintendent, regional office  
20 of education, or entity that provides background checks of  
21 license holders to public schools receives information of a  
22 pending criminal charge against a license holder for an  
23 offense set forth in Section 21B-80 of this Code, the  
24 superintendent, regional office of education, or entity must  
25 notify the State Superintendent of Education of the pending  
26 criminal charge.

1           If permissible by federal or State law, no later than 15  
2 business days after receipt of a record of conviction or of  
3 checking the Statewide Murderer and Violent Offender Against  
4 Youth Database or the Statewide Sex Offender Database and  
5 finding a registration, the superintendent of the employing  
6 school board or the applicable regional superintendent shall,  
7 in writing, notify the State Superintendent of Education of  
8 any license holder who has been convicted of a crime set forth  
9 in Section 21B-80 of this Code. Upon receipt of the record of a  
10 conviction of or a finding of child abuse by a holder of any  
11 license issued pursuant to Article 21B or Section 34-8.1 of  
12 this Code, the State Superintendent of Education may initiate  
13 licensure suspension and revocation proceedings as authorized  
14 by law. If the receipt of the record of conviction or finding  
15 of child abuse is received within 6 months after the initial  
16 grant of or renewal of a license, the State Superintendent of  
17 Education may rescind the license holder's license.

18           (e-5) The superintendent of the employing school board  
19 shall, in writing, notify the State Superintendent of  
20 Education and the applicable regional superintendent of  
21 schools of any license holder whom he or she has reasonable  
22 cause to believe has committed (i) an intentional act of abuse  
23 or neglect with the result of making a child an abused child or  
24 a neglected child, as defined in Section 3 of the Abused and  
25 Neglected Child Reporting Act, or (ii) an act of sexual  
26 misconduct, as defined in Section 22-85.5 of this Code, and



1 that act resulted in the license holder's dismissal or  
2 resignation from the school district. This notification must  
3 be submitted within 30 days after the dismissal or resignation  
4 and must include the Illinois Educator Identification Number  
5 (IEIN) of the license holder and a brief description of the  
6 misconduct alleged. The license holder must also be  
7 contemporaneously sent a copy of the notice by the  
8 superintendent. All correspondence, documentation, and other  
9 information so received by the regional superintendent of  
10 schools, the State Superintendent of Education, the State  
11 Board of Education, or the State Educator Preparation and  
12 Licensure Board under this subsection (e-5) is confidential  
13 and must not be disclosed to third parties, except (i) as  
14 necessary for the State Superintendent of Education or his or  
15 her designee to investigate and prosecute pursuant to Article  
16 21B of this Code, (ii) pursuant to a court order, (iii) for  
17 disclosure to the license holder or his or her representative,  
18 or (iv) as otherwise provided in this Article and provided  
19 that any such information admitted into evidence in a hearing  
20 is exempt from this confidentiality and non-disclosure  
21 requirement. Except for an act of willful or wanton  
22 misconduct, any superintendent who provides notification as  
23 required in this subsection (e-5) shall have immunity from any  
24 liability, whether civil or criminal or that otherwise might  
25 result by reason of such action.

26 (f) After January 1, 1990 the provisions of this Section

1 shall apply to all employees of persons or firms holding  
2 contracts with any school district including, but not limited  
3 to, food service workers, school bus drivers and other  
4 transportation employees, who have direct, daily contact with  
5 the pupils of any school in such district. For purposes of  
6 criminal history records checks and checks of the Statewide  
7 Sex Offender Database on employees of persons or firms holding  
8 contracts with more than one school district and assigned to  
9 more than one school district, the regional superintendent of  
10 the educational service region in which the contracting school  
11 districts are located may, at the request of any such school  
12 district, be responsible for receiving the authorization for a  
13 criminal history records check prepared by each such employee  
14 and submitting the same to the Illinois State Police and for  
15 conducting a check of the Statewide Sex Offender Database for  
16 each employee. Any information concerning the record of  
17 conviction and identification as a sex offender of any such  
18 employee obtained by the regional superintendent shall be  
19 promptly reported to the president of the appropriate school  
20 board or school boards.

21 (f-5) Upon request of a school or school district, any  
22 information obtained by a school district pursuant to  
23 subsection (f) of this Section within the last year must be  
24 made available to the requesting school or school district.

25 (g) Prior to the commencement of any student teaching  
26 experience or required internship (which is referred to as

1 student teaching in this Section) in the public schools, a  
2 student teacher is required to authorize a fingerprint-based  
3 criminal history records check. Authorization for and payment  
4 of the costs of the check must be furnished by the student  
5 teacher to the school district where the student teaching is  
6 to be completed. Upon receipt of this authorization and  
7 payment, the school district shall submit the student  
8 teacher's name, sex, race, date of birth, social security  
9 number, fingerprint images, and other identifiers, as  
10 prescribed by the Illinois State Police, to the Illinois State  
11 Police. The Illinois State Police and the Federal Bureau of  
12 Investigation shall furnish, pursuant to a fingerprint-based  
13 criminal history records check, records of convictions,  
14 forever and hereinafter, until expunged, to the president of  
15 the school board for the school district that requested the  
16 check. The Illinois State Police shall charge the school  
17 district a fee for conducting the check, which fee must not  
18 exceed the cost of the inquiry and must be deposited into the  
19 State Police Services Fund. The school district shall further  
20 perform a check of the Statewide Sex Offender Database, as  
21 authorized by the Sex Offender Community Notification Law, and  
22 of the Statewide Murderer and Violent Offender Against Youth  
23 Database, as authorized by the Murderer and Violent Offender  
24 Against Youth Registration Act, for each student teacher. No  
25 school board may knowingly allow a person to student teach for  
26 whom a criminal history records check, a Statewide Sex

1 Offender Database check, and a Statewide Murderer and Violent  
2 Offender Against Youth Database check have not been completed  
3 and reviewed by the district.

4 A copy of the record of convictions obtained from the  
5 Illinois State Police must be provided to the student teacher.  
6 Any information concerning the record of convictions obtained  
7 by the president of the school board is confidential and may  
8 only be transmitted to the superintendent of the school  
9 district or his or her designee, the State Superintendent of  
10 Education, the State Educator Preparation and Licensure Board,  
11 or, for clarification purposes, the Illinois State Police or  
12 the Statewide Sex Offender Database or Statewide Murderer and  
13 Violent Offender Against Youth Database. Any unauthorized  
14 release of confidential information may be a violation of  
15 Section 7 of the Criminal Identification Act.

16 No school board shall knowingly allow a person to student  
17 teach who has been convicted of any offense that would subject  
18 him or her to license suspension or revocation pursuant to  
19 subsection (c) of Section 21B-80 of this Code, except as  
20 provided under subsection (b) of Section 21B-80. Further, no  
21 school board shall allow a person to student teach if he or she  
22 has been found to be the perpetrator of sexual or physical  
23 abuse of a minor under 18 years of age pursuant to proceedings  
24 under Article II of the Juvenile Court Act of 1987. Each school  
25 board must consider the status of a person to student teach who  
26 has been issued an indicated finding of abuse or neglect of a

1 child by the Department of Children and Family Services under  
2 the Abused and Neglected Child Reporting Act or by a child  
3 welfare agency of another jurisdiction.

4 (h) (Blank).

5 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;  
6 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.  
7 1-1-22; 102-702, eff. 7-1-23; 102-813, eff. 5-13-22; 102-894,  
8 eff. 5-20-22; 102-1071, eff. 6-10-22; revised 8-24-22.)

9 (105 ILCS 5/10-22.24b)

10 Sec. 10-22.24b. School counseling services. School  
11 counseling services in public schools may be provided by  
12 school counselors as defined in Section 10-22.24a of this Code  
13 or by individuals who hold a Professional Educator License  
14 with a school support personnel endorsement in the area of  
15 school counseling under Section 21B-25 of this Code.

16 School counseling services may include, but are not  
17 limited to:

18 (1) designing and delivering a comprehensive school  
19 counseling program that promotes student achievement and  
20 wellness;

21 (2) incorporating the common core language into the  
22 school counselor's work and role;

23 (3) school counselors working as culturally skilled  
24 professionals who act sensitively to promote social  
25 justice and equity in a pluralistic society;

- 1           (4) providing individual and group counseling;
- 2           (5) providing a core counseling curriculum that serves  
3 all students and addresses the knowledge and skills  
4 appropriate to their developmental level through a  
5 collaborative model of delivery involving the school  
6 counselor, classroom teachers, and other appropriate  
7 education professionals, and including prevention and  
8 pre-referral activities;
- 9           (6) making referrals when necessary to appropriate  
10 offices or outside agencies;
- 11          (7) providing college and career development  
12 activities and counseling;
- 13          (8) developing individual career plans with students,  
14 which includes planning for post-secondary education, as  
15 appropriate, and engaging in related and relevant career  
16 and technical education coursework in high school as  
17 described in paragraph (55);
- 18          (9) assisting all students with a college or  
19 post-secondary education plan, which must include a  
20 discussion on all post-secondary education options,  
21 including 4-year colleges or universities, community  
22 colleges, and vocational schools, and includes planning  
23 for post-secondary education, as appropriate, and engaging  
24 in related and relevant career and technical education  
25 coursework in high school as described in paragraph (55);
- 26          (10) intentionally addressing the career and college

1 needs of first generation students;

2 (11) educating all students on scholarships, financial  
3 aid, and preparation of the Federal Application for  
4 Federal Student Aid;

5 (12) collaborating with institutions of higher  
6 education and local community colleges so that students  
7 understand post-secondary education options and are ready  
8 to transition successfully;

9 (13) providing crisis intervention and contributing to  
10 the development of a specific crisis plan within the  
11 school setting in collaboration with multiple  
12 stakeholders;

13 (14) educating students, teachers, and parents on  
14 anxiety, depression, cutting, and suicide issues and  
15 intervening with students who present with these issues;

16 (15) providing counseling and other resources to  
17 students who are in crisis;

18 (16) providing resources for those students who do not  
19 have access to mental health services;

20 (17) addressing bullying and conflict resolution with  
21 all students;

22 (18) teaching communication skills and helping  
23 students develop positive relationships;

24 (19) using culturally sensitive ~~culturally sensitive~~  
25 skills in working with all students to promote wellness;

26 (20) addressing the needs of undocumented students in

1 the school, as well as students who are legally in the  
2 United States, but whose parents are undocumented;

3 (21) contributing to a student's functional behavioral  
4 assessment, as well as assisting in the development of  
5 non-aversive behavioral intervention strategies;

6 (22) (i) assisting students in need of special  
7 education services by implementing the academic supports  
8 and social-emotional and college or career development  
9 counseling services or interventions per a student's  
10 individualized education program (IEP); (ii) participating  
11 in or contributing to a student's IEP and completing a  
12 social-developmental history; or (iii) providing services  
13 to a student with a disability under the student's IEP or  
14 federal Section 504 plan, as recommended by the student's  
15 IEP team or Section 504 plan team and in compliance with  
16 federal and State laws and rules governing the provision  
17 of educational and related services and school-based  
18 accommodations to students with disabilities and the  
19 qualifications of school personnel to provide such  
20 services and accommodations;

21 (23) assisting in the development of a personal  
22 educational plan with each student;

23 (24) educating students on dual credit and learning  
24 opportunities on the Internet;

25 (25) providing information for all students in the  
26 selection of courses that will lead to post-secondary



1 education opportunities toward a successful career;

2 (26) interpreting achievement test results and guiding  
3 students in appropriate directions;

4 (27) counseling with students, families, and teachers,  
5 in compliance with federal and State laws;

6 (28) providing families with opportunities for  
7 education and counseling as appropriate in relation to the  
8 student's educational assessment;

9 (29) consulting and collaborating with teachers and  
10 other school personnel regarding behavior management and  
11 intervention plans and inclusion in support of students;

12 (30) teaming and partnering with staff, parents,  
13 businesses, and community organizations to support student  
14 achievement and social-emotional learning standards for  
15 all students;

16 (31) developing and implementing school-based  
17 prevention programs, including, but not limited to,  
18 mediation and violence prevention, implementing social and  
19 emotional education programs and services, and  
20 establishing and implementing bullying prevention and  
21 intervention programs;

22 (32) developing culturally sensitive  
23 ~~culturally sensitive~~ assessment instruments for measuring  
24 school counseling prevention and intervention  
25 effectiveness and collecting, analyzing, and interpreting  
26 data;

1           (33) participating on school and district committees  
2           to advocate for student programs and resources, as well as  
3           establishing a school counseling advisory council that  
4           includes representatives of key stakeholders selected to  
5           review and advise on the implementation of the school  
6           counseling program;

7           (34) acting as a liaison between the public schools  
8           and community resources and building relationships with  
9           important stakeholders, such as families, administrators,  
10          teachers, and board members;

11          (35) maintaining organized, clear, and useful records  
12          in a confidential manner consistent with Section 5 of the  
13          Illinois School Student Records Act, the Family  
14          Educational Rights and Privacy Act, and the Health  
15          Insurance Portability and Accountability Act;

16          (36) presenting an annual agreement to the  
17          administration, including a formal discussion of the  
18          alignment of school and school counseling program missions  
19          and goals and detailing specific school counselor  
20          responsibilities;

21          (37) identifying and implementing culturally sensitive  
22          ~~culturally sensitive~~ measures of success for student  
23          competencies in each of the 3 domains of academic, social  
24          and emotional, and college and career learning based on  
25          planned and periodic assessment of the comprehensive  
26          developmental school counseling program;

1 (38) collaborating as a team member in Response to  
2 Intervention (RtI) and other school initiatives;

3 (39) conducting observations and participating in  
4 recommendations or interventions regarding the placement  
5 of children in educational programs or special education  
6 classes;

7 (40) analyzing data and results of school counseling  
8 program assessments, including curriculum, small-group,  
9 and closing-the-gap results reports, and designing  
10 strategies to continue to improve program effectiveness;

11 (41) analyzing data and results of school counselor  
12 competency assessments;

13 (42) following American School Counselor Association  
14 Ethical Standards for School Counselors to demonstrate  
15 high standards of integrity, leadership, and  
16 professionalism;

17 (43) knowing and embracing common core standards by  
18 using common core language;

19 (44) practicing as a culturally skilled  
20 ~~culturally skilled~~ school counselor by infusing the  
21 multicultural competencies within the role of the school  
22 counselor, including the practice of culturally sensitive  
23 ~~culturally sensitive~~ attitudes and beliefs, knowledge, and  
24 skills;

25 (45) infusing the Social-Emotional Standards, as  
26 presented in the State Board of Education standards,

1 across the curriculum and in the counselor's role in ways  
2 that empower and enable students to achieve academic  
3 success across all grade levels;

4 (46) providing services only in areas in which the  
5 school counselor has appropriate training or expertise, as  
6 well as only providing counseling or consulting services  
7 within his or her employment to any student in the  
8 district or districts which employ such school counselor,  
9 in accordance with professional ethics;

10 (47) having adequate training in supervision knowledge  
11 and skills in order to supervise school counseling interns  
12 enrolled in graduate school counselor preparation programs  
13 that meet the standards established by the State Board of  
14 Education;

15 (48) being involved with State and national  
16 professional associations;

17 (49) participating, at least once every 2 years, in an  
18 in-service training program for school counselors  
19 conducted by persons with expertise in domestic and sexual  
20 violence and the needs of expectant and parenting youth,  
21 which shall include training concerning (i) communicating  
22 with and listening to youth victims of domestic or sexual  
23 violence and expectant and parenting youth, (ii)  
24 connecting youth victims of domestic or sexual violence  
25 and expectant and parenting youth to appropriate in-school  
26 services and other agencies, programs, and services as

1 needed, and (iii) implementing the school district's  
2 policies, procedures, and protocols with regard to such  
3 youth, including confidentiality; at a minimum, school  
4 personnel must be trained to understand, provide  
5 information and referrals, and address issues pertaining  
6 to youth who are parents, expectant parents, or victims of  
7 domestic or sexual violence;

8 (50) participating, at least every 2 years, in an  
9 in-service training program for school counselors  
10 conducted by persons with expertise in anaphylactic  
11 reactions and management;

12 (51) participating, at least once every 2 years, in an  
13 in-service training on educator ethics, teacher-student  
14 conduct, and school employee-student conduct for all  
15 personnel;

16 (52) participating, in addition to other topics at  
17 in-service training programs, in training to identify the  
18 warning signs of mental illness and suicidal behavior in  
19 adolescents and teenagers and learning appropriate  
20 intervention and referral techniques;

21 (53) obtaining training to have a basic knowledge of  
22 matters relating to acquired immunodeficiency syndrome  
23 (AIDS), including the nature of the disease, its causes  
24 and effects, the means of detecting it and preventing its  
25 transmission, and the availability of appropriate sources  
26 of counseling and referral and any other information that

1           may be appropriate considering the age and grade level of  
2           the pupils; the school board shall supervise such training  
3           and the State Board of Education and the Department of  
4           Public Health shall jointly develop standards for such  
5           training;

6           (54) participating in mandates from the State Board of  
7           Education for bullying education and social-emotional  
8           literacy ~~literary~~; and

9           (55) promoting career and technical education by  
10          assisting each student to determine an appropriate  
11          postsecondary plan based upon the student's skills,  
12          strengths, and goals and assisting the student to  
13          implement the best practices that improve career or  
14          workforce readiness after high school.

15          School districts may employ a sufficient number of school  
16          counselors to maintain the national and State recommended  
17          student-counselor ratio of 250 to 1. School districts may have  
18          school counselors spend at least 80% of his or her work time in  
19          direct contact with students.

20          Nothing in this Section prohibits other qualified  
21          professionals, including other endorsed school support  
22          personnel, from providing the services listed in this Section.

23          (Source: P.A. 101-290, eff. 8-9-19; 102-876, eff. 1-1-23;  
24          revised 12-9-22.)

25                 (105 ILCS 5/13-40) (from Ch. 122, par. 13-40)

1           Sec. 13-40. To increase the effectiveness of the  
2 Department of Juvenile Justice and thereby to better serve the  
3 interests of the people of Illinois the following bill is  
4 presented.

5           Its purpose is to enhance the quality and scope of  
6 education for inmates and wards within the Department of  
7 Juvenile Justice so that they will be better motivated and  
8 better equipped to restore themselves to constructive and  
9 law-abiding ~~law-abiding~~ lives in the community. The specific  
10 measure sought is the creation of a school district within the  
11 Department so that its educational programs can meet the needs  
12 of persons committed and so the resources of public education  
13 at the state and federal levels are best used, all of the same  
14 being contemplated within the provisions of the Illinois State  
15 Constitution of 1970 which provides that "A fundamental goal  
16 of the People of the State is the educational development of  
17 all persons to the limits of their capacities." Therefore, on  
18 July 1, 2006, the Department of Corrections school district  
19 shall be transferred to the Department of Juvenile Justice. It  
20 shall be responsible for the education of youth within the  
21 Department of Juvenile Justice and inmates age 21 or under  
22 within the Department of Corrections who have not yet earned a  
23 high school diploma or a State of Illinois High School  
24 Diploma, and the district may establish primary, secondary,  
25 vocational, adult, special, and advanced educational schools  
26 as provided in this Act. The Department of Corrections retains

1 authority as provided for in subsection (d) of Section 3-6-2  
2 of the Unified Code of Corrections. The Board of Education for  
3 this district shall with the aid and advice of professional  
4 educational personnel of the Department of Juvenile Justice  
5 and the State Board of Education determine the needs and type  
6 of schools and the curriculum for each school within the  
7 school district and may proceed to establish the same through  
8 existing means within present and future appropriations,  
9 federal and state school funds, vocational rehabilitation  
10 grants and funds and all other funds, gifts and grants,  
11 private or public, including federal funds, but not exclusive  
12 to the said sources but inclusive of all funds which might be  
13 available for school purposes.

14 (Source: P.A. 102-1100, eff. 1-1-23; revised 12-9-22.)

15 (105 ILCS 5/13B-20.5)

16 Sec. 13B-20.5. Eligible activities and services.  
17 Alternative learning opportunities programs may include,  
18 without limitation, evening high school, in-school tutoring  
19 and mentoring programs, in-school suspension programs, high  
20 school completion programs to assist high school dropouts in  
21 completing their education, high school completion programs to  
22 allow students eligible for remote learning under Section  
23 34-18.81 ~~34-18.78~~ to complete their education while  
24 incarcerated in an institution or facility of the Department  
25 of Corrections, support services, parental involvement



1 programs, and programs to develop, enhance, or extend the  
2 transition for students transferring back to the regular  
3 school program, an adult education program, or a  
4 post-secondary education program.

5 (Source: P.A. 102-966, eff. 5-27-22; revised 8-3-22.)

6 (105 ILCS 5/18-8.15)

7 Sec. 18-8.15. Evidence-Based Funding for student success  
8 for the 2017-2018 and subsequent school years.

9 (a) General provisions.

10 (1) The purpose of this Section is to ensure that, by  
11 June 30, 2027 and beyond, this State has a kindergarten  
12 through grade 12 public education system with the capacity  
13 to ensure the educational development of all persons to  
14 the limits of their capacities in accordance with Section  
15 1 of Article X of the Constitution of the State of  
16 Illinois. To accomplish that objective, this Section  
17 creates a method of funding public education that is  
18 evidence-based; is sufficient to ensure every student  
19 receives a meaningful opportunity to learn irrespective of  
20 race, ethnicity, sexual orientation, gender, or  
21 community-income level; and is sustainable and  
22 predictable. When fully funded under this Section, every  
23 school shall have the resources, based on what the  
24 evidence indicates is needed, to:

25 (A) provide all students with a high quality

1 education that offers the academic, enrichment, social  
2 and emotional support, technical, and career-focused  
3 programs that will allow them to become competitive  
4 workers, responsible parents, productive citizens of  
5 this State, and active members of our national  
6 democracy;

7 (B) ensure all students receive the education they  
8 need to graduate from high school with the skills  
9 required to pursue post-secondary education and  
10 training for a rewarding career;

11 (C) reduce, with a goal of eliminating, the  
12 achievement gap between at-risk and non-at-risk  
13 students by raising the performance of at-risk  
14 students and not by reducing standards; and

15 (D) ensure this State satisfies its obligation to  
16 assume the primary responsibility to fund public  
17 education and simultaneously relieve the  
18 disproportionate burden placed on local property taxes  
19 to fund schools.

20 (2) The Evidence-Based Funding formula under this  
21 Section shall be applied to all Organizational Units in  
22 this State. The Evidence-Based Funding formula outlined in  
23 this Act is based on the formula outlined in Senate Bill 1  
24 of the 100th General Assembly, as passed by both  
25 legislative chambers. As further defined and described in  
26 this Section, there are 4 major components of the

1 Evidence-Based Funding model:

2 (A) First, the model calculates a unique Adequacy  
3 Target for each Organizational Unit in this State that  
4 considers the costs to implement research-based  
5 activities, the unit's student demographics, and  
6 regional wage differences.

7 (B) Second, the model calculates each  
8 Organizational Unit's Local Capacity, or the amount  
9 each Organizational Unit is assumed to contribute  
10 toward its Adequacy Target from local resources.

11 (C) Third, the model calculates how much funding  
12 the State currently contributes to the Organizational  
13 Unit and adds that to the unit's Local Capacity to  
14 determine the unit's overall current adequacy of  
15 funding.

16 (D) Finally, the model's distribution method  
17 allocates new State funding to those Organizational  
18 Units that are least well-funded, considering both  
19 Local Capacity and State funding, in relation to their  
20 Adequacy Target.

21 (3) An Organizational Unit receiving any funding under  
22 this Section may apply those funds to any fund so received  
23 for which that Organizational Unit is authorized to make  
24 expenditures by law.

25 (4) As used in this Section, the following terms shall  
26 have the meanings ascribed in this paragraph (4):

1           "Adequacy Target" is defined in paragraph (1) of  
2 subsection (b) of this Section.

3           "Adjusted EAV" is defined in paragraph (4) of  
4 subsection (d) of this Section.

5           "Adjusted Local Capacity Target" is defined in  
6 paragraph (3) of subsection (c) of this Section.

7           "Adjusted Operating Tax Rate" means a tax rate for all  
8 Organizational Units, for which the State Superintendent  
9 shall calculate and subtract for the Operating Tax Rate a  
10 transportation rate based on total expenses for  
11 transportation services under this Code, as reported on  
12 the most recent Annual Financial Report in Pupil  
13 Transportation Services, function 2550 in both the  
14 Education and Transportation funds and functions 4110 and  
15 4120 in the Transportation fund, less any corresponding  
16 fiscal year State of Illinois scheduled payments excluding  
17 net adjustments for prior years for regular, vocational,  
18 or special education transportation reimbursement pursuant  
19 to Section 29-5 or subsection (b) of Section 14-13.01 of  
20 this Code divided by the Adjusted EAV. If an  
21 Organizational Unit's corresponding fiscal year State of  
22 Illinois scheduled payments excluding net adjustments for  
23 prior years for regular, vocational, or special education  
24 transportation reimbursement pursuant to Section 29-5 or  
25 subsection (b) of Section 14-13.01 of this Code exceed the  
26 total transportation expenses, as defined in this

1 paragraph, no transportation rate shall be subtracted from  
2 the Operating Tax Rate.

3 "Allocation Rate" is defined in paragraph (3) of  
4 subsection (g) of this Section.

5 "Alternative School" means a public school that is  
6 created and operated by a regional superintendent of  
7 schools and approved by the State Board.

8 "Applicable Tax Rate" is defined in paragraph (1) of  
9 subsection (d) of this Section.

10 "Assessment" means any of those benchmark, progress  
11 monitoring, formative, diagnostic, and other assessments,  
12 in addition to the State accountability assessment, that  
13 assist teachers' needs in understanding the skills and  
14 meeting the needs of the students they serve.

15 "Assistant principal" means a school administrator  
16 duly endorsed to be employed as an assistant principal in  
17 this State.

18 "At-risk student" means a student who is at risk of  
19 not meeting the Illinois Learning Standards or not  
20 graduating from elementary or high school and who  
21 demonstrates a need for vocational support or social  
22 services beyond that provided by the regular school  
23 program. All students included in an Organizational Unit's  
24 Low-Income Count, as well as all English learner and  
25 disabled students attending the Organizational Unit, shall  
26 be considered at-risk students under this Section.

1 "Average Student Enrollment" or "ASE" for fiscal year  
2 2018 means, for an Organizational Unit, the greater of the  
3 average number of students (grades K through 12) reported  
4 to the State Board as enrolled in the Organizational Unit  
5 on October 1 in the immediately preceding school year,  
6 plus the pre-kindergarten students who receive special  
7 education services of 2 or more hours a day as reported to  
8 the State Board on December 1 in the immediately preceding  
9 school year, or the average number of students (grades K  
10 through 12) reported to the State Board as enrolled in the  
11 Organizational Unit on October 1, plus the  
12 pre-kindergarten students who receive special education  
13 services of 2 or more hours a day as reported to the State  
14 Board on December 1, for each of the immediately preceding  
15 3 school years. For fiscal year 2019 and each subsequent  
16 fiscal year, "Average Student Enrollment" or "ASE" means,  
17 for an Organizational Unit, the greater of the average  
18 number of students (grades K through 12) reported to the  
19 State Board as enrolled in the Organizational Unit on  
20 October 1 and March 1 in the immediately preceding school  
21 year, plus the pre-kindergarten students who receive  
22 special education services as reported to the State Board  
23 on October 1 and March 1 in the immediately preceding  
24 school year, or the average number of students (grades K  
25 through 12) reported to the State Board as enrolled in the  
26 Organizational Unit on October 1 and March 1, plus the

1 pre-kindergarten students who receive special education  
2 services as reported to the State Board on October 1 and  
3 March 1, for each of the immediately preceding 3 school  
4 years. For the purposes of this definition, "enrolled in  
5 the Organizational Unit" means the number of students  
6 reported to the State Board who are enrolled in schools  
7 within the Organizational Unit that the student attends or  
8 would attend if not placed or transferred to another  
9 school or program to receive needed services. For the  
10 purposes of calculating "ASE", all students, grades K  
11 through 12, excluding those attending kindergarten for a  
12 half day and students attending an alternative education  
13 program operated by a regional office of education or  
14 intermediate service center, shall be counted as 1.0. All  
15 students attending kindergarten for a half day shall be  
16 counted as 0.5, unless in 2017 by June 15 or by March 1 in  
17 subsequent years, the school district reports to the State  
18 Board of Education the intent to implement full-day  
19 kindergarten district-wide for all students, then all  
20 students attending kindergarten shall be counted as 1.0.  
21 Special education pre-kindergarten students shall be  
22 counted as 0.5 each. If the State Board does not collect or  
23 has not collected both an October 1 and March 1 enrollment  
24 count by grade or a December 1 collection of special  
25 education pre-kindergarten students as of August 31, 2017  
26 (the effective date of Public Act 100-465), it shall

1 establish such collection for all future years. For any  
2 year in which a count by grade level was collected only  
3 once, that count shall be used as the single count  
4 available for computing a 3-year average ASE. Funding for  
5 programs operated by a regional office of education or an  
6 intermediate service center must be calculated using the  
7 Evidence-Based Funding formula under this Section for the  
8 2019-2020 school year and each subsequent school year  
9 until separate adequacy formulas are developed and adopted  
10 for each type of program. ASE for a program operated by a  
11 regional office of education or an intermediate service  
12 center must be determined by the March 1 enrollment for  
13 the program. For the 2019-2020 school year, the ASE used  
14 in the calculation must be the first-year ASE and, in that  
15 year only, the assignment of students served by a regional  
16 office of education or intermediate service center shall  
17 not result in a reduction of the March enrollment for any  
18 school district. For the 2020-2021 school year, the ASE  
19 must be the greater of the current-year ASE or the 2-year  
20 average ASE. Beginning with the 2021-2022 school year, the  
21 ASE must be the greater of the current-year ASE or the  
22 3-year average ASE. School districts shall submit the data  
23 for the ASE calculation to the State Board within 45 days  
24 of the dates required in this Section for submission of  
25 enrollment data in order for it to be included in the ASE  
26 calculation. For fiscal year 2018 only, the ASE



1 calculation shall include only enrollment taken on October  
2 1. In recognition of the impact of COVID-19, the  
3 definition of "Average Student Enrollment" or "ASE" shall  
4 be adjusted for calculations under this Section for fiscal  
5 years 2022 through 2024. For fiscal years 2022 through  
6 2024, the enrollment used in the calculation of ASE  
7 representing the 2020-2021 school year shall be the  
8 greater of the enrollment for the 2020-2021 school year or  
9 the 2019-2020 school year.

10 "Base Funding Guarantee" is defined in paragraph (10)  
11 of subsection (g) of this Section.

12 "Base Funding Minimum" is defined in subsection (e) of  
13 this Section.

14 "Base Tax Year" means the property tax levy year used  
15 to calculate the Budget Year allocation of primary State  
16 aid.

17 "Base Tax Year's Extension" means the product of the  
18 equalized assessed valuation utilized by the county clerk  
19 in the Base Tax Year multiplied by the limiting rate as  
20 calculated by the county clerk and defined in PTELL.

21 "Bilingual Education Allocation" means the amount of  
22 an Organizational Unit's final Adequacy Target  
23 attributable to bilingual education divided by the  
24 Organizational Unit's final Adequacy Target, the product  
25 of which shall be multiplied by the amount of new funding  
26 received pursuant to this Section. An Organizational

1 Unit's final Adequacy Target attributable to bilingual  
2 education shall include all additional investments in  
3 English learner students' adequacy elements.

4 "Budget Year" means the school year for which primary  
5 State aid is calculated and awarded under this Section.

6 "Central office" means individual administrators and  
7 support service personnel charged with managing the  
8 instructional programs, business and operations, and  
9 security of the Organizational Unit.

10 "Comparable Wage Index" or "CWI" means a regional cost  
11 differentiation metric that measures systemic, regional  
12 variations in the salaries of college graduates who are  
13 not educators. The CWI utilized for this Section shall,  
14 for the first 3 years of Evidence-Based Funding  
15 implementation, be the CWI initially developed by the  
16 National Center for Education Statistics, as most recently  
17 updated by Texas A & M University. In the fourth and  
18 subsequent years of Evidence-Based Funding implementation,  
19 the State Superintendent shall re-determine the CWI using  
20 a similar methodology to that identified in the Texas A & M  
21 University study, with adjustments made no less frequently  
22 than once every 5 years.

23 "Computer technology and equipment" means computers  
24 servers, notebooks, network equipment, copiers, printers,  
25 instructional software, security software, curriculum  
26 management courseware, and other similar materials and

1 equipment.

2 "Computer technology and equipment investment  
3 allocation" means the final Adequacy Target amount of an  
4 Organizational Unit assigned to Tier 1 or Tier 2 in the  
5 prior school year attributable to the additional \$285.50  
6 per student computer technology and equipment investment  
7 grant divided by the Organizational Unit's final Adequacy  
8 Target, the result of which shall be multiplied by the  
9 amount of new funding received pursuant to this Section.  
10 An Organizational Unit assigned to a Tier 1 or Tier 2 final  
11 Adequacy Target attributable to the received computer  
12 technology and equipment investment grant shall include  
13 all additional investments in computer technology and  
14 equipment adequacy elements.

15 "Core subject" means mathematics; science; reading,  
16 English, writing, and language arts; history and social  
17 studies; world languages; and subjects taught as Advanced  
18 Placement in high schools.

19 "Core teacher" means a regular classroom teacher in  
20 elementary schools and teachers of a core subject in  
21 middle and high schools.

22 "Core Intervention teacher (tutor)" means a licensed  
23 teacher providing one-on-one or small group tutoring to  
24 students struggling to meet proficiency in core subjects.

25 "CPPRT" means corporate personal property replacement  
26 tax funds paid to an Organizational Unit during the

1 calendar year one year before the calendar year in which a  
2 school year begins, pursuant to "An Act in relation to the  
3 abolition of ad valorem personal property tax and the  
4 replacement of revenues lost thereby, and amending and  
5 repealing certain Acts and parts of Acts in connection  
6 therewith", certified August 14, 1979, as amended (Public  
7 Act 81-1st S.S.-1).

8 "EAV" means equalized assessed valuation as defined in  
9 paragraph (2) of subsection (d) of this Section and  
10 calculated in accordance with paragraph (3) of subsection  
11 (d) of this Section.

12 "ECI" means the Bureau of Labor Statistics' national  
13 employment cost index for civilian workers in educational  
14 services in elementary and secondary schools on a  
15 cumulative basis for the 12-month calendar year preceding  
16 the fiscal year of the Evidence-Based Funding calculation.

17 "EIS Data" means the employment information system  
18 data maintained by the State Board on educators within  
19 Organizational Units.

20 "Employee benefits" means health, dental, and vision  
21 insurance offered to employees of an Organizational Unit,  
22 the costs associated with the statutorily required payment  
23 of the normal cost of the Organizational Unit's teacher  
24 pensions, Social Security employer contributions, and  
25 Illinois Municipal Retirement Fund employer contributions.

26 "English learner" or "EL" means a child included in

1 the definition of "English learners" under Section 14C-2  
2 of this Code participating in a program of transitional  
3 bilingual education or a transitional program of  
4 instruction meeting the requirements and program  
5 application procedures of Article 14C of this Code. For  
6 the purposes of collecting the number of EL students  
7 enrolled, the same collection and calculation methodology  
8 as defined above for "ASE" shall apply to English  
9 learners, with the exception that EL student enrollment  
10 shall include students in grades pre-kindergarten through  
11 12.

12 "Essential Elements" means those elements, resources,  
13 and educational programs that have been identified through  
14 academic research as necessary to improve student success,  
15 improve academic performance, close achievement gaps, and  
16 provide for other per student costs related to the  
17 delivery and leadership of the Organizational Unit, as  
18 well as the maintenance and operations of the unit, and  
19 which are specified in paragraph (2) of subsection (b) of  
20 this Section.

21 "Evidence-Based Funding" means State funding provided  
22 to an Organizational Unit pursuant to this Section.

23 "Extended day" means academic and enrichment programs  
24 provided to students outside the regular school day before  
25 and after school or during non-instructional times during  
26 the school day.

1 "Extension Limitation Ratio" means a numerical ratio  
2 in which the numerator is the Base Tax Year's Extension  
3 and the denominator is the Preceding Tax Year's Extension.

4 "Final Percent of Adequacy" is defined in paragraph  
5 (4) of subsection (f) of this Section.

6 "Final Resources" is defined in paragraph (3) of  
7 subsection (f) of this Section.

8 "Full-time equivalent" or "FTE" means the full-time  
9 equivalency compensation for staffing the relevant  
10 position at an Organizational Unit.

11 "Funding Gap" is defined in paragraph (1) of  
12 subsection (g).

13 "Hybrid District" means a partial elementary unit  
14 district created pursuant to Article 11E of this Code.

15 "Instructional assistant" means a core or special  
16 education, non-licensed employee who assists a teacher in  
17 the classroom and provides academic support to students.

18 "Instructional facilitator" means a qualified teacher  
19 or licensed teacher leader who facilitates and coaches  
20 continuous improvement in classroom instruction; provides  
21 instructional support to teachers in the elements of  
22 research-based instruction or demonstrates the alignment  
23 of instruction with curriculum standards and assessment  
24 tools; develops or coordinates instructional programs or  
25 strategies; develops and implements training; chooses  
26 standards-based instructional materials; provides

1 teachers with an understanding of current research; serves  
2 as a mentor, site coach, curriculum specialist, or lead  
3 teacher; or otherwise works with fellow teachers, in  
4 collaboration, to use data to improve instructional  
5 practice or develop model lessons.

6 "Instructional materials" means relevant  
7 instructional materials for student instruction,  
8 including, but not limited to, textbooks, consumable  
9 workbooks, laboratory equipment, library books, and other  
10 similar materials.

11 "Laboratory School" means a public school that is  
12 created and operated by a public university and approved  
13 by the State Board.

14 "Librarian" means a teacher with an endorsement as a  
15 library information specialist or another individual whose  
16 primary responsibility is overseeing library resources  
17 within an Organizational Unit.

18 "Limiting rate for Hybrid Districts" means the  
19 combined elementary school and high school limiting rates.

20 "Local Capacity" is defined in paragraph (1) of  
21 subsection (c) of this Section.

22 "Local Capacity Percentage" is defined in subparagraph  
23 (A) of paragraph (2) of subsection (c) of this Section.

24 "Local Capacity Ratio" is defined in subparagraph (B)  
25 of paragraph (2) of subsection (c) of this Section.

26 "Local Capacity Target" is defined in paragraph (2) of

1 subsection (c) of this Section.

2 "Low-Income Count" means, for an Organizational Unit  
3 in a fiscal year, the higher of the average number of  
4 students for the prior school year or the immediately  
5 preceding 3 school years who, as of July 1 of the  
6 immediately preceding fiscal year (as determined by the  
7 Department of Human Services), are eligible for at least  
8 one of the following low-income programs: Medicaid, the  
9 Children's Health Insurance Program, Temporary Assistance  
10 for Needy Families (TANF), or the Supplemental Nutrition  
11 Assistance Program, excluding pupils who are eligible for  
12 services provided by the Department of Children and Family  
13 Services. Until such time that grade level low-income  
14 populations become available, grade level low-income  
15 populations shall be determined by applying the low-income  
16 percentage to total student enrollments by grade level.  
17 The low-income percentage is determined by dividing the  
18 Low-Income Count by the Average Student Enrollment. The  
19 low-income percentage for programs operated by a regional  
20 office of education or an intermediate service center must  
21 be set to the weighted average of the low-income  
22 percentages of all of the school districts in the service  
23 region. The weighted low-income percentage is the result  
24 of multiplying the low-income percentage of each school  
25 district served by the regional office of education or  
26 intermediate service center by each school district's



1 Average Student Enrollment, summarizing those products and  
2 dividing the total by the total Average Student Enrollment  
3 for the service region.

4 "Maintenance and operations" means custodial services,  
5 facility and ground maintenance, facility operations,  
6 facility security, routine facility repairs, and other  
7 similar services and functions.

8 "Minimum Funding Level" is defined in paragraph (9) of  
9 subsection (g) of this Section.

10 "New Property Tax Relief Pool Funds" means, for any  
11 given fiscal year, all State funds appropriated under  
12 Section 2-3.170 of this Code.

13 "New State Funds" means, for a given school year, all  
14 State funds appropriated for Evidence-Based Funding in  
15 excess of the amount needed to fund the Base Funding  
16 Minimum for all Organizational Units in that school year.

17 "Nurse" means an individual licensed as a certified  
18 school nurse, in accordance with the rules established for  
19 nursing services by the State Board, who is an employee of  
20 and is available to provide health care-related services  
21 for students of an Organizational Unit.

22 "Operating Tax Rate" means the rate utilized in the  
23 previous year to extend property taxes for all purposes,  
24 except Bond and Interest, Summer School, Rent, Capital  
25 Improvement, and Vocational Education Building purposes.  
26 For Hybrid Districts, the Operating Tax Rate shall be the

1 combined elementary and high school rates utilized in the  
2 previous year to extend property taxes for all purposes,  
3 except Bond and Interest, Summer School, Rent, Capital  
4 Improvement, and Vocational Education Building purposes.

5 "Organizational Unit" means a Laboratory School or any  
6 public school district that is recognized as such by the  
7 State Board and that contains elementary schools typically  
8 serving kindergarten through 5th grades, middle schools  
9 typically serving 6th through 8th grades, high schools  
10 typically serving 9th through 12th grades, a program  
11 established under Section 2-3.66 or 2-3.41, or a program  
12 operated by a regional office of education or an  
13 intermediate service center under Article 13A or 13B. The  
14 General Assembly acknowledges that the actual grade levels  
15 served by a particular Organizational Unit may vary  
16 slightly from what is typical.

17 "Organizational Unit CWI" is determined by calculating  
18 the CWI in the region and original county in which an  
19 Organizational Unit's primary administrative office is  
20 located as set forth in this paragraph, provided that if  
21 the Organizational Unit CWI as calculated in accordance  
22 with this paragraph is less than 0.9, the Organizational  
23 Unit CWI shall be increased to 0.9. Each county's current  
24 CWI value shall be adjusted based on the CWI value of that  
25 county's neighboring Illinois counties, to create a  
26 "weighted adjusted index value". This shall be calculated

1 by summing the CWI values of all of a county's adjacent  
2 Illinois counties and dividing by the number of adjacent  
3 Illinois counties, then taking the weighted value of the  
4 original county's CWI value and the adjacent Illinois  
5 county average. To calculate this weighted value, if the  
6 number of adjacent Illinois counties is greater than 2,  
7 the original county's CWI value will be weighted at 0.25  
8 and the adjacent Illinois county average will be weighted  
9 at 0.75. If the number of adjacent Illinois counties is 2,  
10 the original county's CWI value will be weighted at 0.33  
11 and the adjacent Illinois county average will be weighted  
12 at 0.66. The greater of the county's current CWI value and  
13 its weighted adjusted index value shall be used as the  
14 Organizational Unit CWI.

15 "Preceding Tax Year" means the property tax levy year  
16 immediately preceding the Base Tax Year.

17 "Preceding Tax Year's Extension" means the product of  
18 the equalized assessed valuation utilized by the county  
19 clerk in the Preceding Tax Year multiplied by the  
20 Operating Tax Rate.

21 "Preliminary Percent of Adequacy" is defined in  
22 paragraph (2) of subsection (f) of this Section.

23 "Preliminary Resources" is defined in paragraph (2) of  
24 subsection (f) of this Section.

25 "Principal" means a school administrator duly endorsed  
26 to be employed as a principal in this State.

1 "Professional development" means training programs for  
2 licensed staff in schools, including, but not limited to,  
3 programs that assist in implementing new curriculum  
4 programs, provide data focused or academic assessment data  
5 training to help staff identify a student's weaknesses and  
6 strengths, target interventions, improve instruction,  
7 encompass instructional strategies for English learner,  
8 gifted, or at-risk students, address inclusivity, cultural  
9 sensitivity, or implicit bias, or otherwise provide  
10 professional support for licensed staff.

11 "Prototypical" means 450 special education  
12 pre-kindergarten and kindergarten through grade 5 students  
13 for an elementary school, 450 grade 6 through 8 students  
14 for a middle school, and 600 grade 9 through 12 students  
15 for a high school.

16 "PTELL" means the Property Tax Extension Limitation  
17 Law.

18 "PTELL EAV" is defined in paragraph (4) of subsection  
19 (d) of this Section.

20 "Pupil support staff" means a nurse, psychologist,  
21 social worker, family liaison personnel, or other staff  
22 member who provides support to at-risk or struggling  
23 students.

24 "Real Receipts" is defined in paragraph (1) of  
25 subsection (d) of this Section.

26 "Regionalization Factor" means, for a particular

1 Organizational Unit, the figure derived by dividing the  
2 Organizational Unit CWI by the Statewide Weighted CWI.

3 "School counselor" means a licensed school counselor  
4 who provides guidance and counseling support for students  
5 within an Organizational Unit.

6 "School site staff" means the primary school secretary  
7 and any additional clerical personnel assigned to a  
8 school.

9 "Special education" means special educational  
10 facilities and services, as defined in Section 14-1.08 of  
11 this Code.

12 "Special Education Allocation" means the amount of an  
13 Organizational Unit's final Adequacy Target attributable  
14 to special education divided by the Organizational Unit's  
15 final Adequacy Target, the product of which shall be  
16 multiplied by the amount of new funding received pursuant  
17 to this Section. An Organizational Unit's final Adequacy  
18 Target attributable to special education shall include all  
19 special education investment adequacy elements.

20 "Specialist teacher" means a teacher who provides  
21 instruction in subject areas not included in core  
22 subjects, including, but not limited to, art, music,  
23 physical education, health, driver education,  
24 career-technical education, and such other subject areas  
25 as may be mandated by State law or provided by an  
26 Organizational Unit.

1 "Specially Funded Unit" means an Alternative School,  
2 safe school, Department of Juvenile Justice school,  
3 special education cooperative or entity recognized by the  
4 State Board as a special education cooperative,  
5 State-approved charter school, or alternative learning  
6 opportunities program that received direct funding from  
7 the State Board during the 2016-2017 school year through  
8 any of the funding sources included within the calculation  
9 of the Base Funding Minimum or Glenwood Academy.

10 "Supplemental Grant Funding" means supplemental  
11 general State aid funding received by an Organizational  
12 Unit during the 2016-2017 school year pursuant to  
13 subsection (H) of Section 18-8.05 of this Code (now  
14 repealed).

15 "State Adequacy Level" is the sum of the Adequacy  
16 Targets of all Organizational Units.

17 "State Board" means the State Board of Education.

18 "State Superintendent" means the State Superintendent  
19 of Education.

20 "Statewide Weighted CWI" means a figure determined by  
21 multiplying each Organizational Unit CWI times the ASE for  
22 that Organizational Unit creating a weighted value,  
23 summing all Organizational Units' weighted values, and  
24 dividing by the total ASE of all Organizational Units,  
25 thereby creating an average weighted index.

26 "Student activities" means non-credit producing

1 after-school programs, including, but not limited to,  
2 clubs, bands, sports, and other activities authorized by  
3 the school board of the Organizational Unit.

4 "Substitute teacher" means an individual teacher or  
5 teaching assistant who is employed by an Organizational  
6 Unit and is temporarily serving the Organizational Unit on  
7 a per diem or per period-assignment basis to replace  
8 another staff member.

9 "Summer school" means academic and enrichment programs  
10 provided to students during the summer months outside of  
11 the regular school year.

12 "Supervisory aide" means a non-licensed staff member  
13 who helps in supervising students of an Organizational  
14 Unit, but does so outside of the classroom, in situations  
15 such as, but not limited to, monitoring hallways and  
16 playgrounds, supervising lunchrooms, or supervising  
17 students when being transported in buses serving the  
18 Organizational Unit.

19 "Target Ratio" is defined in paragraph (4) of  
20 subsection (g).

21 "Tier 1", "Tier 2", "Tier 3", and "Tier 4" are defined  
22 in paragraph (3) of subsection (g).

23 "Tier 1 Aggregate Funding", "Tier 2 Aggregate  
24 Funding", "Tier 3 Aggregate Funding", and "Tier 4  
25 Aggregate Funding" are defined in paragraph (1) of  
26 subsection (g).

1 (b) Adequacy Target calculation.

2 (1) Each Organizational Unit's Adequacy Target is the  
3 sum of the Organizational Unit's cost of providing  
4 Essential Elements, as calculated in accordance with this  
5 subsection (b), with the salary amounts in the Essential  
6 Elements multiplied by a Regionalization Factor calculated  
7 pursuant to paragraph (3) of this subsection (b).

8 (2) The Essential Elements are attributable on a pro  
9 rata basis related to defined subgroups of the ASE of each  
10 Organizational Unit as specified in this paragraph (2),  
11 with investments and FTE positions pro rata funded based  
12 on ASE counts in excess of or less than the thresholds set  
13 forth in this paragraph (2). The method for calculating  
14 attributable pro rata costs and the defined subgroups  
15 thereto are as follows:

16 (A) Core class size investments. Each  
17 Organizational Unit shall receive the funding required  
18 to support that number of FTE core teacher positions  
19 as is needed to keep the respective class sizes of the  
20 Organizational Unit to the following maximum numbers:

21 (i) For grades kindergarten through 3, the  
22 Organizational Unit shall receive funding required  
23 to support one FTE core teacher position for every  
24 15 Low-Income Count students in those grades and  
25 one FTE core teacher position for every 20  
26 non-Low-Income Count students in those grades.



1           (ii) For grades 4 through 12, the  
2           Organizational Unit shall receive funding required  
3           to support one FTE core teacher position for every  
4           20 Low-Income Count students in those grades and  
5           one FTE core teacher position for every 25  
6           non-Low-Income Count students in those grades.

7           The number of non-Low-Income Count students in a  
8           grade shall be determined by subtracting the  
9           Low-Income students in that grade from the ASE of the  
10          Organizational Unit for that grade.

11          (B) Specialist teacher investments. Each  
12          Organizational Unit shall receive the funding needed  
13          to cover that number of FTE specialist teacher  
14          positions that correspond to the following  
15          percentages:

16               (i) if the Organizational Unit operates an  
17               elementary or middle school, then 20.00% of the  
18               number of the Organizational Unit's core teachers,  
19               as determined under subparagraph (A) of this  
20               paragraph (2); and

21               (ii) if such Organizational Unit operates a  
22               high school, then 33.33% of the number of the  
23               Organizational Unit's core teachers.

24          (C) Instructional facilitator investments. Each  
25          Organizational Unit shall receive the funding needed  
26          to cover one FTE instructional facilitator position

1           for every 200 combined ASE of pre-kindergarten  
2           children with disabilities and all kindergarten  
3           through grade 12 students of the Organizational Unit.

4           (D) Core intervention teacher (tutor) investments.  
5           Each Organizational Unit shall receive the funding  
6           needed to cover one FTE teacher position for each  
7           prototypical elementary, middle, and high school.

8           (E) Substitute teacher investments. Each  
9           Organizational Unit shall receive the funding needed  
10          to cover substitute teacher costs that is equal to  
11          5.70% of the minimum pupil attendance days required  
12          under Section 10-19 of this Code for all full-time  
13          equivalent core, specialist, and intervention  
14          teachers, school nurses, special education teachers  
15          and instructional assistants, instructional  
16          facilitators, and summer school and extended day  
17          teacher positions, as determined under this paragraph  
18          (2), at a salary rate of 33.33% of the average salary  
19          for grade K through 12 teachers and 33.33% of the  
20          average salary of each instructional assistant  
21          position.

22          (F) Core school counselor investments. Each  
23          Organizational Unit shall receive the funding needed  
24          to cover one FTE school counselor for each 450  
25          combined ASE of pre-kindergarten children with  
26          disabilities and all kindergarten through grade 5

1 students, plus one FTE school counselor for each 250  
2 grades 6 through 8 ASE middle school students, plus  
3 one FTE school counselor for each 250 grades 9 through  
4 12 ASE high school students.

5 (G) Nurse investments. Each Organizational Unit  
6 shall receive the funding needed to cover one FTE  
7 nurse for each 750 combined ASE of pre-kindergarten  
8 children with disabilities and all kindergarten  
9 through grade 12 students across all grade levels it  
10 serves.

11 (H) Supervisory aide investments. Each  
12 Organizational Unit shall receive the funding needed  
13 to cover one FTE for each 225 combined ASE of  
14 pre-kindergarten children with disabilities and all  
15 kindergarten through grade 5 students, plus one FTE  
16 for each 225 ASE middle school students, plus one FTE  
17 for each 200 ASE high school students.

18 (I) Librarian investments. Each Organizational  
19 Unit shall receive the funding needed to cover one FTE  
20 librarian for each prototypical elementary school,  
21 middle school, and high school and one FTE aide or  
22 media technician for every 300 combined ASE of  
23 pre-kindergarten children with disabilities and all  
24 kindergarten through grade 12 students.

25 (J) Principal investments. Each Organizational  
26 Unit shall receive the funding needed to cover one FTE

1 principal position for each prototypical elementary  
2 school, plus one FTE principal position for each  
3 prototypical middle school, plus one FTE principal  
4 position for each prototypical high school.

5 (K) Assistant principal investments. Each  
6 Organizational Unit shall receive the funding needed  
7 to cover one FTE assistant principal position for each  
8 prototypical elementary school, plus one FTE assistant  
9 principal position for each prototypical middle  
10 school, plus one FTE assistant principal position for  
11 each prototypical high school.

12 (L) School site staff investments. Each  
13 Organizational Unit shall receive the funding needed  
14 for one FTE position for each 225 ASE of  
15 pre-kindergarten children with disabilities and all  
16 kindergarten through grade 5 students, plus one FTE  
17 position for each 225 ASE middle school students, plus  
18 one FTE position for each 200 ASE high school  
19 students.

20 (M) Gifted investments. Each Organizational Unit  
21 shall receive \$40 per kindergarten through grade 12  
22 ASE.

23 (N) Professional development investments. Each  
24 Organizational Unit shall receive \$125 per student of  
25 the combined ASE of pre-kindergarten children with  
26 disabilities and all kindergarten through grade 12

1 students for trainers and other professional  
2 development-related expenses for supplies and  
3 materials.

4 (O) Instructional material investments. Each  
5 Organizational Unit shall receive \$190 per student of  
6 the combined ASE of pre-kindergarten children with  
7 disabilities and all kindergarten through grade 12  
8 students to cover instructional material costs.

9 (P) Assessment investments. Each Organizational  
10 Unit shall receive \$25 per student of the combined ASE  
11 of pre-kindergarten children with disabilities and all  
12 kindergarten through grade 12 students to cover  
13 assessment costs.

14 (Q) Computer technology and equipment investments.  
15 Each Organizational Unit shall receive \$285.50 per  
16 student of the combined ASE of pre-kindergarten  
17 children with disabilities and all kindergarten  
18 through grade 12 students to cover computer technology  
19 and equipment costs. For the 2018-2019 school year and  
20 subsequent school years, Organizational Units assigned  
21 to Tier 1 and Tier 2 in the prior school year shall  
22 receive an additional \$285.50 per student of the  
23 combined ASE of pre-kindergarten children with  
24 disabilities and all kindergarten through grade 12  
25 students to cover computer technology and equipment  
26 costs in the Organizational Unit's Adequacy Target.

1           The State Board may establish additional requirements  
2           for Organizational Unit expenditures of funds received  
3           pursuant to this subparagraph (Q), including a  
4           requirement that funds received pursuant to this  
5           subparagraph (Q) may be used only for serving the  
6           technology needs of the district. It is the intent of  
7           Public Act 100-465 that all Tier 1 and Tier 2 districts  
8           receive the addition to their Adequacy Target in the  
9           following year, subject to compliance with the  
10          requirements of the State Board.

11          (R) Student activities investments. Each  
12          Organizational Unit shall receive the following  
13          funding amounts to cover student activities: \$100 per  
14          kindergarten through grade 5 ASE student in elementary  
15          school, plus \$200 per ASE student in middle school,  
16          plus \$675 per ASE student in high school.

17          (S) Maintenance and operations investments. Each  
18          Organizational Unit shall receive \$1,038 per student  
19          of the combined ASE of pre-kindergarten children with  
20          disabilities and all kindergarten through grade 12  
21          students for day-to-day maintenance and operations  
22          expenditures, including salary, supplies, and  
23          materials, as well as purchased services, but  
24          excluding employee benefits. The proportion of salary  
25          for the application of a Regionalization Factor and  
26          the calculation of benefits is equal to \$352.92.

1           (T)       Central       office       investments.       Each  
2       Organizational Unit shall receive \$742 per student of  
3       the combined ASE of pre-kindergarten children with  
4       disabilities and all kindergarten through grade 12  
5       students to cover central office operations, including  
6       administrators and classified personnel charged with  
7       managing the instructional programs, business and  
8       operations of the school district, and security  
9       personnel. The proportion of salary for the  
10      application of a Regionalization Factor and the  
11      calculation of benefits is equal to \$368.48.

12          (U)       Employee       benefit       investments.       Each  
13      Organizational Unit shall receive 30% of the total of  
14      all salary-calculated elements of the Adequacy Target,  
15      excluding substitute teachers and student activities  
16      investments, to cover benefit costs. For central  
17      office and maintenance and operations investments, the  
18      benefit calculation shall be based upon the salary  
19      proportion of each investment. If at any time the  
20      responsibility for funding the employer normal cost of  
21      teacher pensions is assigned to school districts, then  
22      that amount certified by the Teachers' Retirement  
23      System of the State of Illinois to be paid by the  
24      Organizational Unit for the preceding school year  
25      shall be added to the benefit investment. For any  
26      fiscal year in which a school district organized under

1 Article 34 of this Code is responsible for paying the  
2 employer normal cost of teacher pensions, then that  
3 amount of its employer normal cost plus the amount for  
4 retiree health insurance as certified by the Public  
5 School Teachers' Pension and Retirement Fund of  
6 Chicago to be paid by the school district for the  
7 preceding school year that is statutorily required to  
8 cover employer normal costs and the amount for retiree  
9 health insurance shall be added to the 30% specified  
10 in this subparagraph (U). The Teachers' Retirement  
11 System of the State of Illinois and the Public School  
12 Teachers' Pension and Retirement Fund of Chicago shall  
13 submit such information as the State Superintendent  
14 may require for the calculations set forth in this  
15 subparagraph (U).

16 (V) Additional investments in low-income students.  
17 In addition to and not in lieu of all other funding  
18 under this paragraph (2), each Organizational Unit  
19 shall receive funding based on the average teacher  
20 salary for grades K through 12 to cover the costs of:

21 (i) one FTE intervention teacher (tutor)  
22 position for every 125 Low-Income Count students;

23 (ii) one FTE pupil support staff position for  
24 every 125 Low-Income Count students;

25 (iii) one FTE extended day teacher position  
26 for every 120 Low-Income Count students; and



1 (iv) one FTE summer school teacher position  
2 for every 120 Low-Income Count students.

3 (W) Additional investments in English learner  
4 students. In addition to and not in lieu of all other  
5 funding under this paragraph (2), each Organizational  
6 Unit shall receive funding based on the average  
7 teacher salary for grades K through 12 to cover the  
8 costs of:

9 (i) one FTE intervention teacher (tutor)  
10 position for every 125 English learner students;

11 (ii) one FTE pupil support staff position for  
12 every 125 English learner students;

13 (iii) one FTE extended day teacher position  
14 for every 120 English learner students;

15 (iv) one FTE summer school teacher position  
16 for every 120 English learner students; and

17 (v) one FTE core teacher position for every  
18 100 English learner students.

19 (X) Special education investments. Each  
20 Organizational Unit shall receive funding based on the  
21 average teacher salary for grades K through 12 to  
22 cover special education as follows:

23 (i) one FTE teacher position for every 141  
24 combined ASE of pre-kindergarten children with  
25 disabilities and all kindergarten through grade 12  
26 students;

1                   (ii) one FTE instructional assistant for every  
2                   141 combined ASE of pre-kindergarten children with  
3                   disabilities and all kindergarten through grade 12  
4                   students; and

5                   (iii) one FTE psychologist position for every  
6                   1,000 combined ASE of pre-kindergarten children  
7                   with disabilities and all kindergarten through  
8                   grade 12 students.

9                   (3) For calculating the salaries included within the  
10                  Essential Elements, the State Superintendent shall  
11                  annually calculate average salaries to the nearest dollar  
12                  using the employment information system data maintained by  
13                  the State Board, limited to public schools only and  
14                  excluding special education and vocational cooperatives,  
15                  schools operated by the Department of Juvenile Justice,  
16                  and charter schools, for the following positions:

17                  (A) Teacher for grades K through 8.

18                  (B) Teacher for grades 9 through 12.

19                  (C) Teacher for grades K through 12.

20                  (D) School counselor for grades K through 8.

21                  (E) School counselor for grades 9 through 12.

22                  (F) School counselor for grades K through 12.

23                  (G) Social worker.

24                  (H) Psychologist.

25                  (I) Librarian.

26                  (J) Nurse.

1 (K) Principal.

2 (L) Assistant principal.

3 For the purposes of this paragraph (3), "teacher"  
4 includes core teachers, specialist and elective teachers,  
5 instructional facilitators, tutors, special education  
6 teachers, pupil support staff teachers, English learner  
7 teachers, extended day teachers, and summer school  
8 teachers. Where specific grade data is not required for  
9 the Essential Elements, the average salary for  
10 corresponding positions shall apply. For substitute  
11 teachers, the average teacher salary for grades K through  
12 shall apply.

13 For calculating the salaries included within the  
14 Essential Elements for positions not included within EIS  
15 Data, the following salaries shall be used in the first  
16 year of implementation of Evidence-Based Funding:

17 (i) school site staff, \$30,000; and

18 (ii) non-instructional assistant, instructional  
19 assistant, library aide, library media tech, or  
20 supervisory aide: \$25,000.

21 In the second and subsequent years of implementation  
22 of Evidence-Based Funding, the amounts in items (i) and  
23 (ii) of this paragraph (3) shall annually increase by the  
24 ECI.

25 The salary amounts for the Essential Elements  
26 determined pursuant to subparagraphs (A) through (L), (S)

1 and (T), and (V) through (X) of paragraph (2) of  
2 subsection (b) of this Section shall be multiplied by a  
3 Regionalization Factor.

4 (c) Local Capacity calculation.

5 (1) Each Organizational Unit's Local Capacity  
6 represents an amount of funding it is assumed to  
7 contribute toward its Adequacy Target for purposes of the  
8 Evidence-Based Funding formula calculation. "Local  
9 Capacity" means either (i) the Organizational Unit's Local  
10 Capacity Target as calculated in accordance with paragraph  
11 (2) of this subsection (c) if its Real Receipts are equal  
12 to or less than its Local Capacity Target or (ii) the  
13 Organizational Unit's Adjusted Local Capacity, as  
14 calculated in accordance with paragraph (3) of this  
15 subsection (c) if Real Receipts are more than its Local  
16 Capacity Target.

17 (2) "Local Capacity Target" means, for an  
18 Organizational Unit, that dollar amount that is obtained  
19 by multiplying its Adequacy Target by its Local Capacity  
20 Ratio.

21 (A) An Organizational Unit's Local Capacity  
22 Percentage is the conversion of the Organizational  
23 Unit's Local Capacity Ratio, as such ratio is  
24 determined in accordance with subparagraph (B) of this  
25 paragraph (2), into a cumulative distribution  
26 resulting in a percentile ranking to determine each

1 Organizational Unit's relative position to all other  
2 Organizational Units in this State. The calculation of  
3 Local Capacity Percentage is described in subparagraph  
4 (C) of this paragraph (2).

5 (B) An Organizational Unit's Local Capacity Ratio  
6 in a given year is the percentage obtained by dividing  
7 its Adjusted EAV or PTELL EAV, whichever is less, by  
8 its Adequacy Target, with the resulting ratio further  
9 adjusted as follows:

10 (i) for Organizational Units serving grades  
11 kindergarten through 12 and Hybrid Districts, no  
12 further adjustments shall be made;

13 (ii) for Organizational Units serving grades  
14 kindergarten through 8, the ratio shall be  
15 multiplied by 9/13;

16 (iii) for Organizational Units serving grades  
17 9 through 12, the Local Capacity Ratio shall be  
18 multiplied by 4/13; and

19 (iv) for an Organizational Unit with a  
20 different grade configuration than those specified  
21 in items (i) through (iii) of this subparagraph  
22 (B), the State Superintendent shall determine a  
23 comparable adjustment based on the grades served.

24 (C) The Local Capacity Percentage is equal to the  
25 percentile ranking of the district. Local Capacity  
26 Percentage converts each Organizational Unit's Local

1 Capacity Ratio to a cumulative distribution resulting  
2 in a percentile ranking to determine each  
3 Organizational Unit's relative position to all other  
4 Organizational Units in this State. The Local Capacity  
5 Percentage cumulative distribution resulting in a  
6 percentile ranking for each Organizational Unit shall  
7 be calculated using the standard normal distribution  
8 of the score in relation to the weighted mean and  
9 weighted standard deviation and Local Capacity Ratios  
10 of all Organizational Units. If the value assigned to  
11 any Organizational Unit is in excess of 90%, the value  
12 shall be adjusted to 90%. For Laboratory Schools, the  
13 Local Capacity Percentage shall be set at 10% in  
14 recognition of the absence of EAV and resources from  
15 the public university that are allocated to the  
16 Laboratory School. For programs operated by a regional  
17 office of education or an intermediate service center,  
18 the Local Capacity Percentage must be set at 10% in  
19 recognition of the absence of EAV and resources from  
20 school districts that are allocated to the regional  
21 office of education or intermediate service center.  
22 The weighted mean for the Local Capacity Percentage  
23 shall be determined by multiplying each Organizational  
24 Unit's Local Capacity Ratio times the ASE for the unit  
25 creating a weighted value, summing the weighted values  
26 of all Organizational Units, and dividing by the total

1 ASE of all Organizational Units. The weighted standard  
2 deviation shall be determined by taking the square  
3 root of the weighted variance of all Organizational  
4 Units' Local Capacity Ratio, where the variance is  
5 calculated by squaring the difference between each  
6 unit's Local Capacity Ratio and the weighted mean,  
7 then multiplying the variance for each unit times the  
8 ASE for the unit to create a weighted variance for each  
9 unit, then summing all units' weighted variance and  
10 dividing by the total ASE of all units.

11 (D) For any Organizational Unit, the  
12 Organizational Unit's Adjusted Local Capacity Target  
13 shall be reduced by either (i) the school board's  
14 remaining contribution pursuant to paragraph (ii) of  
15 subsection (b-4) of Section 16-158 of the Illinois  
16 Pension Code in a given year or (ii) the board of  
17 education's remaining contribution pursuant to  
18 paragraph (iv) of subsection (b) of Section 17-129 of  
19 the Illinois Pension Code absent the employer normal  
20 cost portion of the required contribution and amount  
21 allowed pursuant to subdivision (3) of Section  
22 17-142.1 of the Illinois Pension Code in a given year.  
23 In the preceding sentence, item (i) shall be certified  
24 to the State Board of Education by the Teachers'  
25 Retirement System of the State of Illinois and item  
26 (ii) shall be certified to the State Board of

1 Education by the Public School Teachers' Pension and  
2 Retirement Fund of the City of Chicago.

3 (3) If an Organizational Unit's Real Receipts are more  
4 than its Local Capacity Target, then its Local Capacity  
5 shall equal an Adjusted Local Capacity Target as  
6 calculated in accordance with this paragraph (3). The  
7 Adjusted Local Capacity Target is calculated as the sum of  
8 the Organizational Unit's Local Capacity Target and its  
9 Real Receipts Adjustment. The Real Receipts Adjustment  
10 equals the Organizational Unit's Real Receipts less its  
11 Local Capacity Target, with the resulting figure  
12 multiplied by the Local Capacity Percentage.

13 As used in this paragraph (3), "Real Percent of  
14 Adequacy" means the sum of an Organizational Unit's Real  
15 Receipts, CPPRT, and Base Funding Minimum, with the  
16 resulting figure divided by the Organizational Unit's  
17 Adequacy Target.

18 (d) Calculation of Real Receipts, EAV, and Adjusted EAV  
19 for purposes of the Local Capacity calculation.

20 (1) An Organizational Unit's Real Receipts are the  
21 product of its Applicable Tax Rate and its Adjusted EAV.  
22 An Organizational Unit's Applicable Tax Rate is its  
23 Adjusted Operating Tax Rate for property within the  
24 Organizational Unit.

25 (2) The State Superintendent shall calculate the  
26 equalized assessed valuation, or EAV, of all taxable



1 property of each Organizational Unit as of September 30 of  
2 the previous year in accordance with paragraph (3) of this  
3 subsection (d). The State Superintendent shall then  
4 determine the Adjusted EAV of each Organizational Unit in  
5 accordance with paragraph (4) of this subsection (d),  
6 which Adjusted EAV figure shall be used for the purposes  
7 of calculating Local Capacity.

8 (3) To calculate Real Receipts and EAV, the Department  
9 of Revenue shall supply to the State Superintendent the  
10 value as equalized or assessed by the Department of  
11 Revenue of all taxable property of every Organizational  
12 Unit, together with (i) the applicable tax rate used in  
13 extending taxes for the funds of the Organizational Unit  
14 as of September 30 of the previous year and (ii) the  
15 limiting rate for all Organizational Units subject to  
16 property tax extension limitations as imposed under PTELL.

17 (A) The Department of Revenue shall add to the  
18 equalized assessed value of all taxable property of  
19 each Organizational Unit situated entirely or  
20 partially within a county that is or was subject to the  
21 provisions of Section 15-176 or 15-177 of the Property  
22 Tax Code (i) an amount equal to the total amount by  
23 which the homestead exemption allowed under Section  
24 15-176 or 15-177 of the Property Tax Code for real  
25 property situated in that Organizational Unit exceeds  
26 the total amount that would have been allowed in that

1 Organizational Unit if the maximum reduction under  
2 Section 15-176 was (I) \$4,500 in Cook County or \$3,500  
3 in all other counties in tax year 2003 or (II) \$5,000  
4 in all counties in tax year 2004 and thereafter and  
5 (ii) an amount equal to the aggregate amount for the  
6 taxable year of all additional exemptions under  
7 Section 15-175 of the Property Tax Code for owners  
8 with a household income of \$30,000 or less. The county  
9 clerk of any county that is or was subject to the  
10 provisions of Section 15-176 or 15-177 of the Property  
11 Tax Code shall annually calculate and certify to the  
12 Department of Revenue for each Organizational Unit all  
13 homestead exemption amounts under Section 15-176 or  
14 15-177 of the Property Tax Code and all amounts of  
15 additional exemptions under Section 15-175 of the  
16 Property Tax Code for owners with a household income  
17 of \$30,000 or less. It is the intent of this  
18 subparagraph (A) that if the general homestead  
19 exemption for a parcel of property is determined under  
20 Section 15-176 or 15-177 of the Property Tax Code  
21 rather than Section 15-175, then the calculation of  
22 EAV shall not be affected by the difference, if any,  
23 between the amount of the general homestead exemption  
24 allowed for that parcel of property under Section  
25 15-176 or 15-177 of the Property Tax Code and the  
26 amount that would have been allowed had the general

1 homestead exemption for that parcel of property been  
2 determined under Section 15-175 of the Property Tax  
3 Code. It is further the intent of this subparagraph  
4 (A) that if additional exemptions are allowed under  
5 Section 15-175 of the Property Tax Code for owners  
6 with a household income of less than \$30,000, then the  
7 calculation of EAV shall not be affected by the  
8 difference, if any, because of those additional  
9 exemptions.

10 (B) With respect to any part of an Organizational  
11 Unit within a redevelopment project area in respect to  
12 which a municipality has adopted tax increment  
13 allocation financing pursuant to the Tax Increment  
14 Allocation Redevelopment Act, Division 74.4 of Article  
15 11 of the Illinois Municipal Code, or the Industrial  
16 Jobs Recovery Law, Division 74.6 of Article 11 of the  
17 Illinois Municipal Code, no part of the current EAV of  
18 real property located in any such project area that is  
19 attributable to an increase above the total initial  
20 EAV of such property shall be used as part of the EAV  
21 of the Organizational Unit, until such time as all  
22 redevelopment project costs have been paid, as  
23 provided in Section 11-74.4-8 of the Tax Increment  
24 Allocation Redevelopment Act or in Section 11-74.6-35  
25 of the Industrial Jobs Recovery Law. For the purpose  
26 of the EAV of the Organizational Unit, the total

1 initial EAV or the current EAV, whichever is lower,  
2 shall be used until such time as all redevelopment  
3 project costs have been paid.

4 (B-5) The real property equalized assessed  
5 valuation for a school district shall be adjusted by  
6 subtracting from the real property value, as equalized  
7 or assessed by the Department of Revenue, for the  
8 district an amount computed by dividing the amount of  
9 any abatement of taxes under Section 18-170 of the  
10 Property Tax Code by 3.00% for a district maintaining  
11 grades kindergarten through 12, by 2.30% for a  
12 district maintaining grades kindergarten through 8, or  
13 by 1.05% for a district maintaining grades 9 through  
14 12 and adjusted by an amount computed by dividing the  
15 amount of any abatement of taxes under subsection (a)  
16 of Section 18-165 of the Property Tax Code by the same  
17 percentage rates for district type as specified in  
18 this subparagraph (B-5).

19 (C) For Organizational Units that are Hybrid  
20 Districts, the State Superintendent shall use the  
21 lesser of the adjusted equalized assessed valuation  
22 for property within the partial elementary unit  
23 district for elementary purposes, as defined in  
24 Article 11E of this Code, or the adjusted equalized  
25 assessed valuation for property within the partial  
26 elementary unit district for high school purposes, as

1 defined in Article 11E of this Code.

2 (D) If a school district's boundaries span  
3 multiple counties, then the Department of Revenue  
4 shall send to the State Board, for the purposes of  
5 calculating Evidence-Based Funding, the limiting rate  
6 and individual rates by purpose for the county that  
7 contains the majority of the school district's  
8 equalized assessed valuation.

9 (4) An Organizational Unit's Adjusted EAV shall be the  
10 average of its EAV over the immediately preceding 3 years  
11 or the lesser of its EAV in the immediately preceding year  
12 or the average of its EAV over the immediately preceding 3  
13 years if the EAV in the immediately preceding year has  
14 declined by 10% or more when comparing the 2 most recent  
15 years. In the event of Organizational Unit reorganization,  
16 consolidation, or annexation, the Organizational Unit's  
17 Adjusted EAV for the first 3 years after such change shall  
18 be as follows: the most current EAV shall be used in the  
19 first year, the average of a 2-year EAV or its EAV in the  
20 immediately preceding year if the EAV declines by 10% or  
21 more when comparing the 2 most recent years for the second  
22 year, and the lesser of a 3-year average EAV or its EAV in  
23 the immediately preceding year if the Adjusted EAV  
24 declines by 10% or more when comparing the 2 most recent  
25 years for the third year. For any school district whose  
26 EAV in the immediately preceding year is used in

1        calculations, in the following year, the Adjusted EAV  
2        shall be the average of its EAV over the immediately  
3        preceding 2 years or the immediately preceding year if  
4        that year represents a decline of 10% or more when  
5        comparing the 2 most recent years.

6        "PTELL EAV" means a figure calculated by the State  
7        Board for Organizational Units subject to PTELL as  
8        described in this paragraph (4) for the purposes of  
9        calculating an Organizational Unit's Local Capacity Ratio.  
10       Except as otherwise provided in this paragraph (4), the  
11       PTELL EAV of an Organizational Unit shall be equal to the  
12       product of the equalized assessed valuation last used in  
13       the calculation of general State aid under Section 18-8.05  
14       of this Code (now repealed) or Evidence-Based Funding  
15       under this Section and the Organizational Unit's Extension  
16       Limitation Ratio. If an Organizational Unit has approved  
17       or does approve an increase in its limiting rate, pursuant  
18       to Section 18-190 of the Property Tax Code, affecting the  
19       Base Tax Year, the PTELL EAV shall be equal to the product  
20       of the equalized assessed valuation last used in the  
21       calculation of general State aid under Section 18-8.05 of  
22       this Code (now repealed) or Evidence-Based Funding under  
23       this Section multiplied by an amount equal to one plus the  
24       percentage increase, if any, in the Consumer Price Index  
25       for All Urban Consumers for all items published by the  
26       United States Department of Labor for the 12-month

1 calendar year preceding the Base Tax Year, plus the  
2 equalized assessed valuation of new property, annexed  
3 property, and recovered tax increment value and minus the  
4 equalized assessed valuation of disconnected property.

5 As used in this paragraph (4), "new property" and  
6 "recovered tax increment value" shall have the meanings  
7 set forth in the Property Tax Extension Limitation Law.

8 (e) Base Funding Minimum calculation.

9 (1) For the 2017-2018 school year, the Base Funding  
10 Minimum of an Organizational Unit or a Specially Funded  
11 Unit shall be the amount of State funds distributed to the  
12 Organizational Unit or Specially Funded Unit during the  
13 2016-2017 school year prior to any adjustments and  
14 specified appropriation amounts described in this  
15 paragraph (1) from the following Sections, as calculated  
16 by the State Superintendent: Section 18-8.05 of this Code  
17 (now repealed); Section 5 of Article 224 of Public Act  
18 99-524 (equity grants); Section 14-7.02b of this Code  
19 (funding for children requiring special education  
20 services); Section 14-13.01 of this Code (special  
21 education facilities and staffing), except for  
22 reimbursement of the cost of transportation pursuant to  
23 Section 14-13.01; Section 14C-12 of this Code (English  
24 learners); and Section 18-4.3 of this Code (summer  
25 school), based on an appropriation level of \$13,121,600.  
26 For a school district organized under Article 34 of this

1 Code, the Base Funding Minimum also includes (i) the funds  
2 allocated to the school district pursuant to Section 1D-1  
3 of this Code attributable to funding programs authorized  
4 by the Sections of this Code listed in the preceding  
5 sentence and (ii) the difference between (I) the funds  
6 allocated to the school district pursuant to Section 1D-1  
7 of this Code attributable to the funding programs  
8 authorized by Section 14-7.02 (non-public special  
9 education reimbursement), subsection (b) of Section  
10 14-13.01 (special education transportation), Section 29-5  
11 (transportation), Section 2-3.80 (agricultural  
12 education), Section 2-3.66 (truants' alternative  
13 education), Section 2-3.62 (educational service centers),  
14 and Section 14-7.03 (special education - orphanage) of  
15 this Code and Section 15 of the Childhood Hunger Relief  
16 Act (free breakfast program) and (II) the school  
17 district's actual expenditures for its non-public special  
18 education, special education transportation,  
19 transportation programs, agricultural education, truants'  
20 alternative education, services that would otherwise be  
21 performed by a regional office of education, special  
22 education orphanage expenditures, and free breakfast, as  
23 most recently calculated and reported pursuant to  
24 subsection (f) of Section 1D-1 of this Code. The Base  
25 Funding Minimum for Glenwood Academy shall be \$625,500.  
26 For programs operated by a regional office of education or



1 an intermediate service center, the Base Funding Minimum  
2 must be the total amount of State funds allocated to those  
3 programs in the 2018-2019 school year and amounts provided  
4 pursuant to Article 34 of Public Act 100-586 and Section  
5 3-16 of this Code. All programs established after June 5,  
6 2019 (the effective date of Public Act 101-10) and  
7 administered by a regional office of education or an  
8 intermediate service center must have an initial Base  
9 Funding Minimum set to an amount equal to the first-year  
10 ASE multiplied by the amount of per pupil funding received  
11 in the previous school year by the lowest funded similar  
12 existing program type. If the enrollment for a program  
13 operated by a regional office of education or an  
14 intermediate service center is zero, then it may not  
15 receive Base Funding Minimum funds for that program in the  
16 next fiscal year, and those funds must be distributed to  
17 Organizational Units under subsection (g).

18 (2) For the 2018-2019 and subsequent school years, the  
19 Base Funding Minimum of Organizational Units and Specially  
20 Funded Units shall be the sum of (i) the amount of  
21 Evidence-Based Funding for the prior school year, (ii) the  
22 Base Funding Minimum for the prior school year, and (iii)  
23 any amount received by a school district pursuant to  
24 Section 7 of Article 97 of Public Act 100-21.

25 For the 2022-2023 school year, the Base Funding  
26 Minimum of Organizational Units shall be the amounts

1 recalculated by the State Board of Education for Fiscal  
2 Year 2019 through Fiscal Year 2022 that were necessary due  
3 to average student enrollment errors for districts  
4 organized under Article 34 of this Code, plus the Fiscal  
5 Year 2022 property tax relief grants provided under  
6 Section 2-3.170 of this Code, ensuring each Organizational  
7 Unit has the correct amount of resources for Fiscal Year  
8 2023 Evidence-Based Funding calculations and that Fiscal  
9 Year 2023 Evidence-Based Funding Distributions are made in  
10 accordance with this Section.

11 (3) Subject to approval by the General Assembly as  
12 provided in this paragraph (3), an Organizational Unit  
13 that meets all of the following criteria, as determined by  
14 the State Board, shall have District Intervention Money  
15 added to its Base Funding Minimum at the time the Base  
16 Funding Minimum is calculated by the State Board:

17 (A) The Organizational Unit is operating under an  
18 Independent Authority under Section 2-3.25f-5 of this  
19 Code for a minimum of 4 school years or is subject to  
20 the control of the State Board pursuant to a court  
21 order for a minimum of 4 school years.

22 (B) The Organizational Unit was designated as a  
23 Tier 1 or Tier 2 Organizational Unit in the previous  
24 school year under paragraph (3) of subsection (g) of  
25 this Section.

26 (C) The Organizational Unit demonstrates

1 sustainability through a 5-year financial and  
2 strategic plan.

3 (D) The Organizational Unit has made sufficient  
4 progress and achieved sufficient stability in the  
5 areas of governance, academic growth, and finances.

6 As part of its determination under this paragraph (3),  
7 the State Board may consider the Organizational Unit's  
8 summative designation, any accreditations of the  
9 Organizational Unit, or the Organizational Unit's  
10 financial profile, as calculated by the State Board.

11 If the State Board determines that an Organizational  
12 Unit has met the criteria set forth in this paragraph (3),  
13 it must submit a report to the General Assembly, no later  
14 than January 2 of the fiscal year in which the State Board  
15 makes its determination, on the amount of District  
16 Intervention Money to add to the Organizational Unit's  
17 Base Funding Minimum. The General Assembly must review the  
18 State Board's report and may approve or disapprove, by  
19 joint resolution, the addition of District Intervention  
20 Money. If the General Assembly fails to act on the report  
21 within 40 calendar days from the receipt of the report,  
22 the addition of District Intervention Money is deemed  
23 approved. If the General Assembly approves the amount of  
24 District Intervention Money to be added to the  
25 Organizational Unit's Base Funding Minimum, the District  
26 Intervention Money must be added to the Base Funding

1 Minimum annually thereafter.

2 For the first 4 years following the initial year that  
3 the State Board determines that an Organizational Unit has  
4 met the criteria set forth in this paragraph (3) and has  
5 received funding under this Section, the Organizational  
6 Unit must annually submit to the State Board, on or before  
7 November 30, a progress report regarding its financial and  
8 strategic plan under subparagraph (C) of this paragraph  
9 (3). The plan shall include the financial data from the  
10 past 4 annual financial reports or financial audits that  
11 must be presented to the State Board by November 15 of each  
12 year and the approved budget financial data for the  
13 current year. The plan shall be developed according to the  
14 guidelines presented to the Organizational Unit by the  
15 State Board. The plan shall further include financial  
16 projections for the next 3 fiscal years and include a  
17 discussion and financial summary of the Organizational  
18 Unit's facility needs. If the Organizational Unit does not  
19 demonstrate sufficient progress toward its 5-year plan or  
20 if it has failed to file an annual financial report, an  
21 annual budget, a financial plan, a deficit reduction plan,  
22 or other financial information as required by law, the  
23 State Board may establish a Financial Oversight Panel  
24 under Article 1H of this Code. However, if the  
25 Organizational Unit already has a Financial Oversight  
26 Panel, the State Board may extend the duration of the

1 Panel.

2 (f) Percent of Adequacy and Final Resources calculation.

3 (1) The Evidence-Based Funding formula establishes a  
4 Percent of Adequacy for each Organizational Unit in order  
5 to place such units into tiers for the purposes of the  
6 funding distribution system described in subsection (g) of  
7 this Section. Initially, an Organizational Unit's  
8 Preliminary Resources and Preliminary Percent of Adequacy  
9 are calculated pursuant to paragraph (2) of this  
10 subsection (f). Then, an Organizational Unit's Final  
11 Resources and Final Percent of Adequacy are calculated to  
12 account for the Organizational Unit's poverty  
13 concentration levels pursuant to paragraphs (3) and (4) of  
14 this subsection (f).

15 (2) An Organizational Unit's Preliminary Resources are  
16 equal to the sum of its Local Capacity Target, CPPRT, and  
17 Base Funding Minimum. An Organizational Unit's Preliminary  
18 Percent of Adequacy is the lesser of (i) its Preliminary  
19 Resources divided by its Adequacy Target or (ii) 100%.

20 (3) Except for Specially Funded Units, an  
21 Organizational Unit's Final Resources are equal to the sum  
22 of its Local Capacity, CPPRT, and Adjusted Base Funding  
23 Minimum. The Base Funding Minimum of each Specially Funded  
24 Unit shall serve as its Final Resources, except that the  
25 Base Funding Minimum for State-approved charter schools  
26 shall not include any portion of general State aid

1 allocated in the prior year based on the per capita  
2 tuition charge times the charter school enrollment.

3 (4) An Organizational Unit's Final Percent of Adequacy  
4 is its Final Resources divided by its Adequacy Target. An  
5 Organizational Unit's Adjusted Base Funding Minimum is  
6 equal to its Base Funding Minimum less its Supplemental  
7 Grant Funding, with the resulting figure added to the  
8 product of its Supplemental Grant Funding and Preliminary  
9 Percent of Adequacy.

10 (g) Evidence-Based Funding formula distribution system.

11 (1) In each school year under the Evidence-Based  
12 Funding formula, each Organizational Unit receives funding  
13 equal to the sum of its Base Funding Minimum and the unit's  
14 allocation of New State Funds determined pursuant to this  
15 subsection (g). To allocate New State Funds, the  
16 Evidence-Based Funding formula distribution system first  
17 places all Organizational Units into one of 4 tiers in  
18 accordance with paragraph (3) of this subsection (g),  
19 based on the Organizational Unit's Final Percent of  
20 Adequacy. New State Funds are allocated to each of the 4  
21 tiers as follows: Tier 1 Aggregate Funding equals 50% of  
22 all New State Funds, Tier 2 Aggregate Funding equals 49%  
23 of all New State Funds, Tier 3 Aggregate Funding equals  
24 0.9% of all New State Funds, and Tier 4 Aggregate Funding  
25 equals 0.1% of all New State Funds. Each Organizational  
26 Unit within Tier 1 or Tier 2 receives an allocation of New

1 State Funds equal to its tier Funding Gap, as defined in  
2 the following sentence, multiplied by the tier's  
3 Allocation Rate determined pursuant to paragraph (4) of  
4 this subsection (g). For Tier 1, an Organizational Unit's  
5 Funding Gap equals the tier's Target Ratio, as specified  
6 in paragraph (5) of this subsection (g), multiplied by the  
7 Organizational Unit's Adequacy Target, with the resulting  
8 amount reduced by the Organizational Unit's Final  
9 Resources. For Tier 2, an Organizational Unit's Funding  
10 Gap equals the tier's Target Ratio, as described in  
11 paragraph (5) of this subsection (g), multiplied by the  
12 Organizational Unit's Adequacy Target, with the resulting  
13 amount reduced by the Organizational Unit's Final  
14 Resources and its Tier 1 funding allocation. To determine  
15 the Organizational Unit's Funding Gap, the resulting  
16 amount is then multiplied by a factor equal to one minus  
17 the Organizational Unit's Local Capacity Target  
18 percentage. Each Organizational Unit within Tier 3 or Tier  
19 4 receives an allocation of New State Funds equal to the  
20 product of its Adequacy Target and the tier's Allocation  
21 Rate, as specified in paragraph (4) of this subsection  
22 (g).

23 (2) To ensure equitable distribution of dollars for  
24 all Tier 2 Organizational Units, no Tier 2 Organizational  
25 Unit shall receive fewer dollars per ASE than any Tier 3  
26 Organizational Unit. Each Tier 2 and Tier 3 Organizational

1 Unit shall have its funding allocation divided by its ASE.  
2 Any Tier 2 Organizational Unit with a funding allocation  
3 per ASE below the greatest Tier 3 allocation per ASE shall  
4 get a funding allocation equal to the greatest Tier 3  
5 funding allocation per ASE multiplied by the  
6 Organizational Unit's ASE. Each Tier 2 Organizational  
7 Unit's Tier 2 funding allocation shall be multiplied by  
8 the percentage calculated by dividing the original Tier 2  
9 Aggregate Funding by the sum of all Tier 2 Organizational  
10 Units' Tier 2 funding allocation after adjusting  
11 districts' funding below Tier 3 levels.

12 (3) Organizational Units are placed into one of 4  
13 tiers as follows:

14 (A) Tier 1 consists of all Organizational Units,  
15 except for Specially Funded Units, with a Percent of  
16 Adequacy less than the Tier 1 Target Ratio. The Tier 1  
17 Target Ratio is the ratio level that allows for Tier 1  
18 Aggregate Funding to be distributed, with the Tier 1  
19 Allocation Rate determined pursuant to paragraph (4)  
20 of this subsection (g).

21 (B) Tier 2 consists of all Tier 1 Units and all  
22 other Organizational Units, except for Specially  
23 Funded Units, with a Percent of Adequacy of less than  
24 0.90.

25 (C) Tier 3 consists of all Organizational Units,  
26 except for Specially Funded Units, with a Percent of



1 Adequacy of at least 0.90 and less than 1.0.

2 (D) Tier 4 consists of all Organizational Units  
3 with a Percent of Adequacy of at least 1.0.

4 (4) The Allocation Rates for Tiers 1 through 4 are  
5 determined as follows:

6 (A) The Tier 1 Allocation Rate is 30%.

7 (B) The Tier 2 Allocation Rate is the result of the  
8 following equation: Tier 2 Aggregate Funding, divided  
9 by the sum of the Funding Gaps for all Tier 2  
10 Organizational Units, unless the result of such  
11 equation is higher than 1.0. If the result of such  
12 equation is higher than 1.0, then the Tier 2  
13 Allocation Rate is 1.0.

14 (C) The Tier 3 Allocation Rate is the result of the  
15 following equation: Tier 3 Aggregate Funding, divided  
16 by the sum of the Adequacy Targets of all Tier 3  
17 Organizational Units.

18 (D) The Tier 4 Allocation Rate is the result of the  
19 following equation: Tier 4 Aggregate Funding, divided  
20 by the sum of the Adequacy Targets of all Tier 4  
21 Organizational Units.

22 (5) A tier's Target Ratio is determined as follows:

23 (A) The Tier 1 Target Ratio is the ratio level that  
24 allows for Tier 1 Aggregate Funding to be distributed  
25 with the Tier 1 Allocation Rate.

26 (B) The Tier 2 Target Ratio is 0.90.

1 (C) The Tier 3 Target Ratio is 1.0.

2 (6) If, at any point, the Tier 1 Target Ratio is  
3 greater than 90%, then all Tier 1 funding shall be  
4 allocated to Tier 2 and no Tier 1 Organizational Unit's  
5 funding may be identified.

6 (7) In the event that all Tier 2 Organizational Units  
7 receive funding at the Tier 2 Target Ratio level, any  
8 remaining New State Funds shall be allocated to Tier 3 and  
9 Tier 4 Organizational Units.

10 (8) If any Specially Funded Units, excluding Glenwood  
11 Academy, recognized by the State Board do not qualify for  
12 direct funding following the implementation of Public Act  
13 100-465 from any of the funding sources included within  
14 the definition of Base Funding Minimum, the unqualified  
15 portion of the Base Funding Minimum shall be transferred  
16 to one or more appropriate Organizational Units as  
17 determined by the State Superintendent based on the prior  
18 year ASE of the Organizational Units.

19 (8.5) If a school district withdraws from a special  
20 education cooperative, the portion of the Base Funding  
21 Minimum that is attributable to the school district may be  
22 redistributed to the school district upon withdrawal. The  
23 school district and the cooperative must include the  
24 amount of the Base Funding Minimum that is to be  
25 reapportioned in their withdrawal agreement and notify the  
26 State Board of the change with a copy of the agreement upon

1 withdrawal.

2 (9) The Minimum Funding Level is intended to establish  
3 a target for State funding that will keep pace with  
4 inflation and continue to advance equity through the  
5 Evidence-Based Funding formula. The target for State  
6 funding of New Property Tax Relief Pool Funds is  
7 \$50,000,000 for State fiscal year 2019 and subsequent  
8 State fiscal years. The Minimum Funding Level is equal to  
9 \$350,000,000. In addition to any New State Funds, no more  
10 than \$50,000,000 New Property Tax Relief Pool Funds may be  
11 counted toward the Minimum Funding Level. If the sum of  
12 New State Funds and applicable New Property Tax Relief  
13 Pool Funds are less than the Minimum Funding Level, than  
14 funding for tiers shall be reduced in the following  
15 manner:

16 (A) First, Tier 4 funding shall be reduced by an  
17 amount equal to the difference between the Minimum  
18 Funding Level and New State Funds until such time as  
19 Tier 4 funding is exhausted.

20 (B) Next, Tier 3 funding shall be reduced by an  
21 amount equal to the difference between the Minimum  
22 Funding Level and New State Funds and the reduction in  
23 Tier 4 funding until such time as Tier 3 funding is  
24 exhausted.

25 (C) Next, Tier 2 funding shall be reduced by an  
26 amount equal to the difference between the Minimum

1 Funding Level and New State Funds and the reduction in  
2 Tier 4 and Tier 3.

3 (D) Finally, Tier 1 funding shall be reduced by an  
4 amount equal to the difference between the Minimum  
5 Funding level and New State Funds and the reduction in  
6 Tier 2, 3, and 4 funding. In addition, the Allocation  
7 Rate for Tier 1 shall be reduced to a percentage equal  
8 to the Tier 1 Allocation Rate set by paragraph (4) of  
9 this subsection (g), multiplied by the result of New  
10 State Funds divided by the Minimum Funding Level.

11 (9.5) For State fiscal year 2019 and subsequent State  
12 fiscal years, if New State Funds exceed \$300,000,000, then  
13 any amount in excess of \$300,000,000 shall be dedicated  
14 for purposes of Section 2-3.170 of this Code up to a  
15 maximum of \$50,000,000.

16 (10) In the event of a decrease in the amount of the  
17 appropriation for this Section in any fiscal year after  
18 implementation of this Section, the Organizational Units  
19 receiving Tier 1 and Tier 2 funding, as determined under  
20 paragraph (3) of this subsection (g), shall be held  
21 harmless by establishing a Base Funding Guarantee equal to  
22 the per pupil kindergarten through grade 12 funding  
23 received in accordance with this Section in the prior  
24 fiscal year. Reductions shall be made to the Base Funding  
25 Minimum of Organizational Units in Tier 3 and Tier 4 on a  
26 per pupil basis equivalent to the total number of the ASE

1 in Tier 3-funded and Tier 4-funded Organizational Units  
2 divided by the total reduction in State funding. The Base  
3 Funding Minimum as reduced shall continue to be applied to  
4 Tier 3 and Tier 4 Organizational Units and adjusted by the  
5 relative formula when increases in appropriations for this  
6 Section resume. In no event may State funding reductions  
7 to Organizational Units in Tier 3 or Tier 4 exceed an  
8 amount that would be less than the Base Funding Minimum  
9 established in the first year of implementation of this  
10 Section. If additional reductions are required, all school  
11 districts shall receive a reduction by a per pupil amount  
12 equal to the aggregate additional appropriation reduction  
13 divided by the total ASE of all Organizational Units.

14 (11) The State Superintendent shall make minor  
15 adjustments to the distribution formula set forth in this  
16 subsection (g) to account for the rounding of percentages  
17 to the nearest tenth of a percentage and dollar amounts to  
18 the nearest whole dollar.

19 (h) State Superintendent administration of funding and  
20 district submission requirements.

21 (1) The State Superintendent shall, in accordance with  
22 appropriations made by the General Assembly, meet the  
23 funding obligations created under this Section.

24 (2) The State Superintendent shall calculate the  
25 Adequacy Target for each Organizational Unit under this  
26 Section. No Evidence-Based Funding shall be distributed

1 within an Organizational Unit without the approval of the  
2 unit's school board.

3 (3) Annually, the State Superintendent shall calculate  
4 and report to each Organizational Unit the unit's  
5 aggregate financial adequacy amount, which shall be the  
6 sum of the Adequacy Target for each Organizational Unit.  
7 The State Superintendent shall calculate and report  
8 separately for each Organizational Unit the unit's total  
9 State funds allocated for its students with disabilities.  
10 The State Superintendent shall calculate and report  
11 separately for each Organizational Unit the amount of  
12 funding and applicable FTE calculated for each Essential  
13 Element of the unit's Adequacy Target.

14 (4) Annually, the State Superintendent shall calculate  
15 and report to each Organizational Unit the amount the unit  
16 must expend on special education and bilingual education  
17 and computer technology and equipment for Organizational  
18 Units assigned to Tier 1 or Tier 2 that received an  
19 additional \$285.50 per student computer technology and  
20 equipment investment grant to their Adequacy Target  
21 pursuant to the unit's Base Funding Minimum, Special  
22 Education Allocation, Bilingual Education Allocation, and  
23 computer technology and equipment investment allocation.

24 (5) Moneys distributed under this Section shall be  
25 calculated on a school year basis, but paid on a fiscal  
26 year basis, with payments beginning in August and

1 extending through June. Unless otherwise provided, the  
2 moneys appropriated for each fiscal year shall be  
3 distributed in 22 equal payments at least 2 times monthly  
4 to each Organizational Unit. If moneys appropriated for  
5 any fiscal year are distributed other than monthly, the  
6 distribution shall be on the same basis for each  
7 Organizational Unit.

8 (6) Any school district that fails, for any given  
9 school year, to maintain school as required by law or to  
10 maintain a recognized school is not eligible to receive  
11 Evidence-Based Funding. In case of non-recognition of one  
12 or more attendance centers in a school district otherwise  
13 operating recognized schools, the claim of the district  
14 shall be reduced in the proportion that the enrollment in  
15 the attendance center or centers bears to the enrollment  
16 of the school district. "Recognized school" means any  
17 public school that meets the standards for recognition by  
18 the State Board. A school district or attendance center  
19 not having recognition status at the end of a school term  
20 is entitled to receive State aid payments due upon a legal  
21 claim that was filed while it was recognized.

22 (7) School district claims filed under this Section  
23 are subject to Sections 18-9 and 18-12 of this Code,  
24 except as otherwise provided in this Section.

25 (8) Each fiscal year, the State Superintendent shall  
26 calculate for each Organizational Unit an amount of its

1 Base Funding Minimum and Evidence-Based Funding that shall  
2 be deemed attributable to the provision of special  
3 educational facilities and services, as defined in Section  
4 14-1.08 of this Code, in a manner that ensures compliance  
5 with maintenance of State financial support requirements  
6 under the federal Individuals with Disabilities Education  
7 Act. An Organizational Unit must use such funds only for  
8 the provision of special educational facilities and  
9 services, as defined in Section 14-1.08 of this Code, and  
10 must comply with any expenditure verification procedures  
11 adopted by the State Board.

12 (9) All Organizational Units in this State must submit  
13 annual spending plans by the end of September of each year  
14 to the State Board as part of the annual budget process,  
15 which shall describe how each Organizational Unit will  
16 utilize the Base Funding Minimum and Evidence-Based  
17 Funding it receives from this State under this Section  
18 with specific identification of the intended utilization  
19 of Low-Income, English learner, and special education  
20 resources. Additionally, the annual spending plans of each  
21 Organizational Unit shall describe how the Organizational  
22 Unit expects to achieve student growth and how the  
23 Organizational Unit will achieve State education goals, as  
24 defined by the State Board. The State Superintendent may,  
25 from time to time, identify additional requisites for  
26 Organizational Units to satisfy when compiling the annual



1 spending plans required under this subsection (h). The  
2 format and scope of annual spending plans shall be  
3 developed by the State Superintendent and the State Board  
4 of Education. School districts that serve students under  
5 Article 14C of this Code shall continue to submit  
6 information as required under Section 14C-12 of this Code.

7 (10) No later than January 1, 2018, the State  
8 Superintendent shall develop a 5-year strategic plan for  
9 all Organizational Units to help in planning for adequacy  
10 funding under this Section. The State Superintendent shall  
11 submit the plan to the Governor and the General Assembly,  
12 as provided in Section 3.1 of the General Assembly  
13 Organization Act. The plan shall include recommendations  
14 for:

15 (A) a framework for collaborative, professional,  
16 innovative, and 21st century learning environments  
17 using the Evidence-Based Funding model;

18 (B) ways to prepare and support this State's  
19 educators for successful instructional careers;

20 (C) application and enhancement of the current  
21 financial accountability measures, the approved State  
22 plan to comply with the federal Every Student Succeeds  
23 Act, and the Illinois Balanced Accountability Measures  
24 in relation to student growth and elements of the  
25 Evidence-Based Funding model; and

26 (D) implementation of an effective school adequacy

1 funding system based on projected and recommended  
2 funding levels from the General Assembly.

3 (11) On an annual basis, the State Superintendent must  
4 recalibrate all of the following per pupil elements of the  
5 Adequacy Target and applied to the formulas, based on the  
6 study of average expenses and as reported in the most  
7 recent annual financial report:

8 (A) Gifted under subparagraph (M) of paragraph (2)  
9 of subsection (b).

10 (B) Instructional materials under subparagraph (O)  
11 of paragraph (2) of subsection (b).

12 (C) Assessment under subparagraph (P) of paragraph  
13 (2) of subsection (b).

14 (D) Student activities under subparagraph (R) of  
15 paragraph (2) of subsection (b).

16 (E) Maintenance and operations under subparagraph  
17 (S) of paragraph (2) of subsection (b).

18 (F) Central office under subparagraph (T) of  
19 paragraph (2) of subsection (b).

20 (i) Professional Review Panel.

21 (1) A Professional Review Panel is created to study  
22 and review topics related to the implementation and effect  
23 of Evidence-Based Funding, as assigned by a joint  
24 resolution or Public Act of the General Assembly or a  
25 motion passed by the State Board of Education. The Panel  
26 must provide recommendations to and serve the Governor,

1 the General Assembly, and the State Board. The State  
2 Superintendent or his or her designee must serve as a  
3 voting member and chairperson of the Panel. The State  
4 Superintendent must appoint a vice chairperson from the  
5 membership of the Panel. The Panel must advance  
6 recommendations based on a three-fifths majority vote of  
7 Panel members present and voting. A minority opinion may  
8 also accompany any recommendation of the Panel. The Panel  
9 shall be appointed by the State Superintendent, except as  
10 otherwise provided in paragraph (2) of this subsection (i)  
11 and include the following members:

12 (A) Two appointees that represent district  
13 superintendents, recommended by a statewide  
14 organization that represents district superintendents.

15 (B) Two appointees that represent school boards,  
16 recommended by a statewide organization that  
17 represents school boards.

18 (C) Two appointees from districts that represent  
19 school business officials, recommended by a statewide  
20 organization that represents school business  
21 officials.

22 (D) Two appointees that represent school  
23 principals, recommended by a statewide organization  
24 that represents school principals.

25 (E) Two appointees that represent teachers,  
26 recommended by a statewide organization that

1 represents teachers.

2 (F) Two appointees that represent teachers,  
3 recommended by another statewide organization that  
4 represents teachers.

5 (G) Two appointees that represent regional  
6 superintendents of schools, recommended by  
7 organizations that represent regional superintendents.

8 (H) Two independent experts selected solely by the  
9 State Superintendent.

10 (I) Two independent experts recommended by public  
11 universities in this State.

12 (J) One member recommended by a statewide  
13 organization that represents parents.

14 (K) Two representatives recommended by collective  
15 impact organizations that represent major metropolitan  
16 areas or geographic areas in Illinois.

17 (L) One member from a statewide organization  
18 focused on research-based education policy to support  
19 a school system that prepares all students for  
20 college, a career, and democratic citizenship.

21 (M) One representative from a school district  
22 organized under Article 34 of this Code.

23 The State Superintendent shall ensure that the  
24 membership of the Panel includes representatives from  
25 school districts and communities reflecting the  
26 geographic, socio-economic, racial, and ethnic diversity

1 of this State. The State Superintendent shall additionally  
2 ensure that the membership of the Panel includes  
3 representatives with expertise in bilingual education and  
4 special education. Staff from the State Board shall staff  
5 the Panel.

6 (2) In addition to those Panel members appointed by  
7 the State Superintendent, 4 members of the General  
8 Assembly shall be appointed as follows: one member of the  
9 House of Representatives appointed by the Speaker of the  
10 House of Representatives, one member of the Senate  
11 appointed by the President of the Senate, one member of  
12 the House of Representatives appointed by the Minority  
13 Leader of the House of Representatives, and one member of  
14 the Senate appointed by the Minority Leader of the Senate.  
15 There shall be one additional member appointed by the  
16 Governor. All members appointed by legislative leaders or  
17 the Governor shall be non-voting, ex officio members.

18 (3) The Panel must study topics at the direction of  
19 the General Assembly or State Board of Education, as  
20 provided under paragraph (1). The Panel may also study the  
21 following topics at the direction of the chairperson:

22 (A) The format and scope of annual spending plans  
23 referenced in paragraph (9) of subsection (h) of this  
24 Section.

25 (B) The Comparable Wage Index under this Section.

26 (C) Maintenance and operations, including capital

1 maintenance and construction costs.

2 (D) "At-risk student" definition.

3 (E) Benefits.

4 (F) Technology.

5 (G) Local Capacity Target.

6 (H) Funding for Alternative Schools, Laboratory  
7 Schools, safe schools, and alternative learning  
8 opportunities programs.

9 (I) Funding for college and career acceleration  
10 strategies.

11 (J) Special education investments.

12 (K) Early childhood investments, in collaboration  
13 with the Illinois Early Learning Council.

14 (4) (Blank).

15 (5) Within 5 years after the implementation of this  
16 Section, and every 5 years thereafter, the Panel shall  
17 complete an evaluative study of the entire Evidence-Based  
18 Funding model, including an assessment of whether or not  
19 the formula is achieving State goals. The Panel shall  
20 report to the State Board, the General Assembly, and the  
21 Governor on the findings of the study.

22 (6) (Blank).

23 (7) To ensure that (i) the Adequacy Target calculation  
24 under subsection (b) accurately reflects the needs of  
25 students living in poverty or attending schools located in  
26 areas of high poverty, (ii) racial equity within the

1 Evidence-Based Funding formula is explicitly explored and  
2 advanced, and (iii) the funding goals of the formula  
3 distribution system established under this Section are  
4 sufficient to provide adequate funding for every student  
5 and to fully fund every school in this State, the Panel  
6 shall review the Essential Elements under paragraph (2) of  
7 subsection (b). The Panel shall consider all of the  
8 following in its review:

9 (A) The financial ability of school districts to  
10 provide instruction in a foreign language to every  
11 student and whether an additional Essential Element  
12 should be added to the formula to ensure that every  
13 student has access to instruction in a foreign  
14 language.

15 (B) The adult-to-student ratio for each Essential  
16 Element in which a ratio is identified. The Panel  
17 shall consider whether the ratio accurately reflects  
18 the staffing needed to support students living in  
19 poverty or who have traumatic backgrounds.

20 (C) Changes to the Essential Elements that may be  
21 required to better promote racial equity and eliminate  
22 structural racism within schools.

23 (D) The impact of investing \$350,000,000 in  
24 additional funds each year under this Section and an  
25 estimate of when the school system will become fully  
26 funded under this level of appropriation.

1           (E) Provide an overview of alternative funding  
2 structures that would enable the State to become fully  
3 funded at an earlier date.

4           (F) The potential to increase efficiency and to  
5 find cost savings within the school system to expedite  
6 the journey to a fully funded system.

7           (G) The appropriate levels for reenrolling and  
8 graduating high-risk high school students who have  
9 been previously out of school. These outcomes shall  
10 include enrollment, attendance, skill gains, credit  
11 gains, graduation or promotion to the next grade  
12 level, and the transition to college, training, or  
13 employment, with an emphasis on progressively  
14 increasing the overall attendance.

15           (H) The evidence-based or research-based practices  
16 that are shown to reduce the gaps and disparities  
17 experienced by African American students in academic  
18 achievement and educational performance, including  
19 practices that have been shown to reduce disparities  
20 in disciplinary rates, drop-out rates, graduation  
21 rates, college matriculation rates, and college  
22 completion rates.

23           On or before December 31, 2021, the Panel shall report  
24 to the State Board, the General Assembly, and the Governor  
25 on the findings of its review. This paragraph (7) is  
26 inoperative on and after July 1, 2022.



1 (j) References. Beginning July 1, 2017, references in  
2 other laws to general State aid funds or calculations under  
3 Section 18-8.05 of this Code (now repealed) shall be deemed to  
4 be references to evidence-based model formula funds or  
5 calculations under this Section.

6 (Source: P.A. 101-10, eff. 6-5-19; 101-17, eff. 6-14-19;  
7 101-643, eff. 6-18-20; 101-654, eff. 3-8-21; 102-33, eff.  
8 6-25-21; 102-197, eff. 7-30-21; 102-558, eff. 8-20-21;  
9 102-699, eff. 4-19-22; 102-782, eff. 1-1-23; 102-813, eff.  
10 5-13-22; 102-894, eff. 5-20-22; revised 12-13-22.)

11 (105 ILCS 5/21B-20)

12 Sec. 21B-20. Types of licenses. The State Board of  
13 Education shall implement a system of educator licensure,  
14 whereby individuals employed in school districts who are  
15 required to be licensed must have one of the following  
16 licenses: (i) a professional educator license; (ii) an  
17 educator license with stipulations; (iii) a substitute  
18 teaching license; or (iv) until June 30, 2023, a short-term  
19 substitute teaching license. References in law regarding  
20 individuals certified or certificated or required to be  
21 certified or certificated under Article 21 of this Code shall  
22 also include individuals licensed or required to be licensed  
23 under this Article. The first year of all licenses ends on June  
24 30 following one full year of the license being issued.

25 The State Board of Education, in consultation with the

1 State Educator Preparation and Licensure Board, may adopt such  
2 rules as may be necessary to govern the requirements for  
3 licenses and endorsements under this Section.

4 (1) Professional Educator License. Persons who (i)  
5 have successfully completed an approved educator  
6 preparation program and are recommended for licensure by  
7 the Illinois institution offering the educator preparation  
8 program, (ii) have successfully completed the required  
9 testing under Section 21B-30 of this Code, (iii) have  
10 successfully completed coursework on the psychology of,  
11 the identification of, and the methods of instruction for  
12 the exceptional child, including without limitation  
13 children with learning disabilities, (iv) have  
14 successfully completed coursework in methods of reading  
15 and reading in the content area, and (v) have met all other  
16 criteria established by rule of the State Board of  
17 Education shall be issued a Professional Educator License.  
18 All Professional Educator Licenses are valid until June 30  
19 immediately following 5 years of the license being issued.  
20 The Professional Educator License shall be endorsed with  
21 specific areas and grade levels in which the individual is  
22 eligible to practice. For an early childhood education  
23 endorsement, an individual may satisfy the student  
24 teaching requirement of his or her early childhood teacher  
25 preparation program through placement in a setting with  
26 children from birth through grade 2, and the individual

1           may be paid and receive credit while student teaching. The  
2           student teaching experience must meet the requirements of  
3           and be approved by the individual's early childhood  
4           teacher preparation program.

5           Individuals can receive subsequent endorsements on the  
6           Professional Educator License. Subsequent endorsements  
7           shall require a minimum of 24 semester hours of coursework  
8           in the endorsement area and passage of the applicable  
9           content area test, unless otherwise specified by rule.

10           (2) Educator License with Stipulations. An Educator  
11           License with Stipulations shall be issued an endorsement  
12           that limits the license holder to one particular position  
13           or does not require completion of an approved educator  
14           program or both.

15           An individual with an Educator License with  
16           Stipulations must not be employed by a school district or  
17           any other entity to replace any presently employed teacher  
18           who otherwise would not be replaced for any reason.

19           An Educator License with Stipulations may be issued  
20           with the following endorsements:

21                   (A) (Blank).

22                   (B) Alternative provisional educator. An  
23           alternative provisional educator endorsement on an  
24           Educator License with Stipulations may be issued to an  
25           applicant who, at the time of applying for the  
26           endorsement, has done all of the following:

1 (i) Graduated from a regionally accredited  
2 college or university with a minimum of a  
3 bachelor's degree.

4 (ii) Successfully completed the first phase of  
5 the Alternative Educator Licensure Program for  
6 Teachers, as described in Section 21B-50 of this  
7 Code.

8 (iii) Passed a content area test, as required  
9 under Section 21B-30 of this Code.

10 The alternative provisional educator endorsement is  
11 valid for 2 years of teaching and may be renewed for a  
12 third year by an individual meeting the requirements set  
13 forth in Section 21B-50 of this Code.

14 (C) Alternative provisional superintendent. An  
15 alternative provisional superintendent endorsement on  
16 an Educator License with Stipulations entitles the  
17 holder to serve only as a superintendent or assistant  
18 superintendent in a school district's central office.  
19 This endorsement may only be issued to an applicant  
20 who, at the time of applying for the endorsement, has  
21 done all of the following:

22 (i) Graduated from a regionally accredited  
23 college or university with a minimum of a master's  
24 degree in a management field other than education.

25 (ii) Been employed for a period of at least 5  
26 years in a management level position in a field

1 other than education.

2 (iii) Successfully completed the first phase  
3 of an alternative route to superintendent  
4 endorsement program, as provided in Section 21B-55  
5 of this Code.

6 (iv) Passed a content area test required under  
7 Section 21B-30 of this Code.

8 The endorsement is valid for 2 fiscal years in  
9 order to complete one full year of serving as a  
10 superintendent or assistant superintendent.

11 (D) (Blank).

12 (E) Career and technical educator. A career and  
13 technical educator endorsement on an Educator License  
14 with Stipulations may be issued to an applicant who  
15 has a minimum of 60 semester hours of coursework from a  
16 regionally accredited institution of higher education  
17 or an accredited trade and technical institution and  
18 has a minimum of 2,000 hours of experience outside of  
19 education in each area to be taught.

20 The career and technical educator endorsement on  
21 an Educator License with Stipulations is valid until  
22 June 30 immediately following 5 years of the  
23 endorsement being issued and may be renewed.

24 An individual who holds a valid career and  
25 technical educator endorsement on an Educator License  
26 with Stipulations but does not hold a bachelor's

1 degree may substitute teach in career and technical  
2 education classrooms.

3 (F) (Blank).

4 (G) Transitional bilingual educator. A  
5 transitional bilingual educator endorsement on an  
6 Educator License with Stipulations may be issued for  
7 the purpose of providing instruction in accordance  
8 with Article 14C of this Code to an applicant who  
9 provides satisfactory evidence that he or she meets  
10 all of the following requirements:

11 (i) Possesses adequate speaking, reading, and  
12 writing ability in the language other than English  
13 in which transitional bilingual education is  
14 offered.

15 (ii) Has the ability to successfully  
16 communicate in English.

17 (iii) Either possessed, within 5 years  
18 previous to his or her applying for a transitional  
19 bilingual educator endorsement, a valid and  
20 comparable teaching certificate or comparable  
21 authorization issued by a foreign country or holds  
22 a degree from an institution of higher learning in  
23 a foreign country that the State Educator  
24 Preparation and Licensure Board determines to be  
25 the equivalent of a bachelor's degree from a  
26 regionally accredited institution of higher

1 learning in the United States.

2 A transitional bilingual educator endorsement  
3 shall be valid for prekindergarten through grade 12,  
4 is valid until June 30 immediately following 5 years  
5 of the endorsement being issued, and shall not be  
6 renewed.

7 Persons holding a transitional bilingual educator  
8 endorsement shall not be employed to replace any  
9 presently employed teacher who otherwise would not be  
10 replaced for any reason.

11 (H) Language endorsement. In an effort to  
12 alleviate the shortage of teachers speaking a language  
13 other than English in the public schools, an  
14 individual who holds an Educator License with  
15 Stipulations may also apply for a language  
16 endorsement, provided that the applicant provides  
17 satisfactory evidence that he or she meets all of the  
18 following requirements:

19 (i) Holds a transitional bilingual  
20 endorsement.

21 (ii) Has demonstrated proficiency in the  
22 language for which the endorsement is to be issued  
23 by passing the applicable language content test  
24 required by the State Board of Education.

25 (iii) Holds a bachelor's degree or higher from  
26 a regionally accredited institution of higher

1 education or, for individuals educated in a  
2 country other than the United States, holds a  
3 degree from an institution of higher learning in a  
4 foreign country that the State Educator  
5 Preparation and Licensure Board determines to be  
6 the equivalent of a bachelor's degree from a  
7 regionally accredited institution of higher  
8 learning in the United States.

9 (iv) (Blank).

10 A language endorsement on an Educator License with  
11 Stipulations is valid for prekindergarten through  
12 grade 12 for the same validity period as the  
13 individual's transitional bilingual educator  
14 endorsement on the Educator License with Stipulations  
15 and shall not be renewed.

16 (I) Visiting international educator. A visiting  
17 international educator endorsement on an Educator  
18 License with Stipulations may be issued to an  
19 individual who is being recruited by a particular  
20 school district that conducts formal recruitment  
21 programs outside of the United States to secure the  
22 services of qualified teachers and who meets all of  
23 the following requirements:

24 (i) Holds the equivalent of a minimum of a  
25 bachelor's degree issued in the United States.

26 (ii) Has been prepared as a teacher at the



1 grade level for which he or she will be employed.

2 (iii) Has adequate content knowledge in the  
3 subject to be taught.

4 (iv) Has an adequate command of the English  
5 language.

6 A holder of a visiting international educator  
7 endorsement on an Educator License with Stipulations  
8 shall be permitted to teach in bilingual education  
9 programs in the language that was the medium of  
10 instruction in his or her teacher preparation program,  
11 provided that he or she passes the English Language  
12 Proficiency Examination or another test of writing  
13 skills in English identified by the State Board of  
14 Education, in consultation with the State Educator  
15 Preparation and Licensure Board.

16 A visiting international educator endorsement on  
17 an Educator License with Stipulations is valid for 5  
18 years and shall not be renewed.

19 (J) Paraprofessional educator. A paraprofessional  
20 educator endorsement on an Educator License with  
21 Stipulations may be issued to an applicant who holds a  
22 high school diploma or its recognized equivalent and  
23 (i) holds an associate's degree or a minimum of 60  
24 semester hours of credit from a regionally accredited  
25 institution of higher education; (ii) has passed a  
26 paraprofessional competency test under subsection

1 (c-5) of Section 21B-30; or (iii) is at least 18 years  
2 of age and will be using the Educator License with  
3 Stipulations exclusively for grades prekindergarten  
4 through grade 8, until the individual reaches the age  
5 of 19 years and otherwise meets the criteria for a  
6 paraprofessional educator endorsement pursuant to this  
7 subparagraph (J). The paraprofessional educator  
8 endorsement is valid until June 30 immediately  
9 following 5 years of the endorsement being issued and  
10 may be renewed through application and payment of the  
11 appropriate fee, as required under Section 21B-40 of  
12 this Code. An individual who holds only a  
13 paraprofessional educator endorsement is not subject  
14 to additional requirements in order to renew the  
15 endorsement.

16 (K) Chief school business official. A chief school  
17 business official endorsement on an Educator License  
18 with Stipulations may be issued to an applicant who  
19 qualifies by having a master's degree or higher, 2  
20 years of full-time administrative experience in school  
21 business management or 2 years of university-approved  
22 practical experience, and a minimum of 24 semester  
23 hours of graduate credit in a program approved by the  
24 State Board of Education for the preparation of school  
25 business administrators and by passage of the  
26 applicable State tests, including an applicable

1 content area test.

2 The chief school business official endorsement may  
3 also be affixed to the Educator License with  
4 Stipulations of any holder who qualifies by having a  
5 master's degree in business administration, finance,  
6 accounting, or public administration and who completes  
7 an additional 6 semester hours of internship in school  
8 business management from a regionally accredited  
9 institution of higher education and passes the  
10 applicable State tests, including an applicable  
11 content area test. This endorsement shall be required  
12 for any individual employed as a chief school business  
13 official.

14 The chief school business official endorsement on  
15 an Educator License with Stipulations is valid until  
16 June 30 immediately following 5 years of the  
17 endorsement being issued and may be renewed if the  
18 license holder completes renewal requirements as  
19 required for individuals who hold a Professional  
20 Educator License endorsed for chief school business  
21 official under Section 21B-45 of this Code and such  
22 rules as may be adopted by the State Board of  
23 Education.

24 The State Board of Education shall adopt any rules  
25 necessary to implement Public Act 100-288.

26 (L) Provisional in-state educator. A provisional

1 in-state educator endorsement on an Educator License  
2 with Stipulations may be issued to a candidate who has  
3 completed an Illinois-approved educator preparation  
4 program at an Illinois institution of higher education  
5 and who has not successfully completed an  
6 evidence-based assessment of teacher effectiveness but  
7 who meets all of the following requirements:

8 (i) Holds at least a bachelor's degree.

9 (ii) Has completed an approved educator  
10 preparation program at an Illinois institution.

11 (iii) Has passed an applicable content area  
12 test, as required by Section 21B-30 of this Code.

13 (iv) Has attempted an evidence-based  
14 assessment of teacher effectiveness and received a  
15 minimum score on that assessment, as established  
16 by the State Board of Education in consultation  
17 with the State Educator Preparation and Licensure  
18 Board.

19 A provisional in-state educator endorsement on an  
20 Educator License with Stipulations is valid for one  
21 full fiscal year after the date of issuance and may not  
22 be renewed.

23 (M) (Blank).

24 (N) Specialized services. A specialized services  
25 endorsement on an Educator License with Stipulations  
26 may be issued as defined and specified by rule.

1           (3) Substitute Teaching License. A Substitute Teaching  
2 License may be issued to qualified applicants for  
3 substitute teaching in all grades of the public schools,  
4 prekindergarten through grade 12. Substitute Teaching  
5 Licenses are not eligible for endorsements. Applicants for  
6 a Substitute Teaching License must hold a bachelor's  
7 degree or higher from a regionally accredited institution  
8 of higher education or must be enrolled in an approved  
9 educator preparation program in this State and have earned  
10 at least 90 credit hours.

11           Substitute Teaching Licenses are valid for 5 years.

12           Substitute Teaching Licenses are valid for substitute  
13 teaching in every county of this State. If an individual  
14 has had his or her Professional Educator License or  
15 Educator License with Stipulations suspended or revoked,  
16 then that individual is not eligible to obtain a  
17 Substitute Teaching License.

18           A substitute teacher may only teach in the place of a  
19 licensed teacher who is under contract with the employing  
20 board. If, however, there is no licensed teacher under  
21 contract because of an emergency situation, then a  
22 district may employ a substitute teacher for no longer  
23 than 30 calendar days per each vacant position in the  
24 district if the district notifies the appropriate regional  
25 office of education within 5 business days after the  
26 employment of the substitute teacher in the emergency

1 situation. An emergency situation is one in which an  
2 unforeseen vacancy has occurred and (i) a teacher is  
3 unable to fulfill his or her contractual duties or (ii)  
4 teacher capacity needs of the district exceed previous  
5 indications, and the district is actively engaged in  
6 advertising to hire a fully licensed teacher for the  
7 vacant position.

8 There is no limit on the number of days that a  
9 substitute teacher may teach in a single school district,  
10 provided that no substitute teacher may teach for longer  
11 than 120 days beginning with the 2021-2022 school year  
12 through the 2022-2023 school year, otherwise 90 school  
13 days for any one licensed teacher under contract in the  
14 same school year. A substitute teacher who holds a  
15 Professional Educator License or Educator License with  
16 Stipulations shall not teach for more than 120 school days  
17 for any one licensed teacher under contract in the same  
18 school year. The limitations in this paragraph (3) on the  
19 number of days a substitute teacher may be employed do not  
20 apply to any school district operating under Article 34 of  
21 this Code.

22 A school district may not require an individual who  
23 holds a valid Professional Educator License or Educator  
24 License with Stipulations to seek or hold a Substitute  
25 Teaching License to teach as a substitute teacher.

26 (4) Short-Term Substitute Teaching License. Beginning

1 on July 1, 2018 and until June 30, 2023, the State Board of  
2 Education may issue a Short-Term Substitute Teaching  
3 License. A Short-Term Substitute Teaching License may be  
4 issued to a qualified applicant for substitute teaching in  
5 all grades of the public schools, prekindergarten through  
6 grade 12. Short-Term Substitute Teaching Licenses are not  
7 eligible for endorsements. Applicants for a Short-Term  
8 Substitute Teaching License must hold an associate's  
9 degree or have completed at least 60 credit hours from a  
10 regionally accredited institution of higher education.

11 Short-Term Substitute Teaching Licenses are valid for  
12 substitute teaching in every county of this State. If an  
13 individual has had his or her Professional Educator  
14 License or Educator License with Stipulations suspended or  
15 revoked, then that individual is not eligible to obtain a  
16 Short-Term Substitute Teaching License.

17 The provisions of Sections 10-21.9 and 34-18.5 of this  
18 Code apply to short-term substitute teachers.

19 An individual holding a Short-Term Substitute Teaching  
20 License may teach no more than 15 consecutive days per  
21 licensed teacher who is under contract. For teacher  
22 absences lasting 6 or more days per licensed teacher who  
23 is under contract, a school district may not hire an  
24 individual holding a Short-Term Substitute Teaching  
25 License, unless the Governor has declared a disaster due  
26 to a public health emergency pursuant to Section 7 of the

1 Illinois Emergency Management Agency Act. An individual  
2 holding a Short-Term Substitute Teaching License must  
3 complete the training program under Section 10-20.67 or  
4 34-18.60 of this Code to be eligible to teach at a public  
5 school. This paragraph (4) is inoperative on and after  
6 July 1, 2023.

7 (Source: P.A. 101-81, eff. 7-12-19; 101-220, eff. 8-7-19;  
8 101-594, eff. 12-5-19; 101-643, eff. 6-18-20; 102-711, eff.  
9 1-1-23; 102-712, eff. 4-27-22; 102-713, eff. 1-1-23; 102-717,  
10 eff. 4-29-22; 102-894, eff. 5-20-22; revised 12-13-22.)

11 (105 ILCS 5/21B-45)

12 Sec. 21B-45. Professional Educator License renewal.

13 (a) Individuals holding a Professional Educator License  
14 are required to complete the licensure renewal requirements as  
15 specified in this Section, unless otherwise provided in this  
16 Code.

17 Individuals holding a Professional Educator License shall  
18 meet the renewal requirements set forth in this Section,  
19 unless otherwise provided in this Code. If an individual holds  
20 a license endorsed in more than one area that has different  
21 renewal requirements, that individual shall follow the renewal  
22 requirements for the position for which he or she spends the  
23 majority of his or her time working.

24 (b) All Professional Educator Licenses not renewed as  
25 provided in this Section shall lapse on September 1 of that



1 year. Notwithstanding any other provisions of this Section, if  
2 a license holder's electronic mail address is available, the  
3 State Board of Education shall send him or her notification  
4 electronically that his or her license will lapse if not  
5 renewed, to be sent no more than 6 months prior to the license  
6 lapsing. Lapsed licenses may be immediately reinstated upon  
7 (i) payment to the State Board of Education by the applicant of  
8 a \$50 penalty or (ii) the demonstration of proficiency by  
9 completing 9 semester hours of coursework from a regionally  
10 accredited institution of higher education in the content area  
11 that most aligns with one or more of the educator's  
12 endorsement areas. Any and all back fees, including without  
13 limitation registration fees owed from the time of expiration  
14 of the license until the date of reinstatement, shall be paid  
15 and kept in accordance with the provisions in Article 3 of this  
16 Code concerning an institute fund and the provisions in  
17 Article 21B of this Code concerning fees and requirements for  
18 registration. Licenses not registered in accordance with  
19 Section 21B-40 of this Code shall lapse after a period of 6  
20 months from the expiration of the last year of registration or  
21 on January 1 of the fiscal year following initial issuance of  
22 the license. An unregistered license is invalid after  
23 September 1 for employment and performance of services in an  
24 Illinois public or State-operated school or cooperative and in  
25 a charter school. Any license or endorsement may be  
26 voluntarily surrendered by the license holder. A voluntarily

1 surrendered license shall be treated as a revoked license. An  
2 Educator License with Stipulations with only a  
3 paraprofessional endorsement does not lapse.

4 (c) From July 1, 2013 through June 30, 2014, in order to  
5 satisfy the requirements for licensure renewal provided for in  
6 this Section, each professional educator licensee with an  
7 administrative endorsement who is working in a position  
8 requiring such endorsement shall complete one Illinois  
9 Administrators' Academy course, as described in Article 2 of  
10 this Code, per fiscal year.

11 (c-5) All licenses issued by the State Board of Education  
12 under this Article that expire on June 30, 2020 and have not  
13 been renewed by the end of the 2020 renewal period shall be  
14 extended for one year and shall expire on June 30, 2021.

15 (d) Beginning July 1, 2014, in order to satisfy the  
16 requirements for licensure renewal provided for in this  
17 Section, each professional educator licensee may create a  
18 professional development plan each year. The plan shall  
19 address one or more of the endorsements that are required of  
20 his or her educator position if the licensee is employed and  
21 performing services in an Illinois public or State-operated  
22 school or cooperative. If the licensee is employed in a  
23 charter school, the plan shall address that endorsement or  
24 those endorsements most closely related to his or her educator  
25 position. Licensees employed and performing services in any  
26 other Illinois schools may participate in the renewal

1 requirements by adhering to the same process.

2 Except as otherwise provided in this Section, the  
3 licensee's professional development activities shall align  
4 with one or more of the following criteria:

5 (1) activities are of a type that engages ~~engage~~  
6 participants over a sustained period of time allowing for  
7 analysis, discovery, and application as they relate to  
8 student learning, social or emotional achievement, or  
9 well-being;

10 (2) professional development aligns to the licensee's  
11 performance;

12 (3) outcomes for the activities must relate to student  
13 growth or district improvement;

14 (4) activities align to State-approved standards; and

15 (5) higher education coursework.

16 (e) For each renewal cycle, each professional educator  
17 licensee shall engage in professional development activities.  
18 Prior to renewal, the licensee shall enter electronically into  
19 the Educator Licensure Information System (ELIS) the name,  
20 date, and location of the activity, the number of professional  
21 development hours, and the provider's name. The following  
22 provisions shall apply concerning professional development  
23 activities:

24 (1) Each licensee shall complete a total of 120 hours  
25 of professional development per 5-year renewal cycle in  
26 order to renew the license, except as otherwise provided

1 in this Section.

2 (2) Beginning with his or her first full 5-year cycle,  
3 any licensee with an administrative endorsement who is not  
4 working in a position requiring such endorsement is not  
5 required to complete Illinois Administrators' Academy  
6 courses, as described in Article 2 of this Code. Such  
7 licensees must complete one Illinois Administrators'  
8 Academy course within one year after returning to a  
9 position that requires the administrative endorsement.

10 (3) Any licensee with an administrative endorsement  
11 who is working in a position requiring such endorsement or  
12 an individual with a Teacher Leader endorsement serving in  
13 an administrative capacity at least 50% of the day shall  
14 complete one Illinois Administrators' Academy course, as  
15 described in Article 2 of this Code, each fiscal year in  
16 addition to 100 hours of professional development per  
17 5-year renewal cycle in accordance with this Code.  
18 However, for the 2021-2022 school year only, a licensee  
19 under this paragraph (3) is not required to complete an  
20 Illinois Administrators' Academy course.

21 (4) Any licensee holding a current National Board for  
22 Professional Teaching Standards (NBPTS) master teacher  
23 designation shall complete a total of 60 hours of  
24 professional development per 5-year renewal cycle in order  
25 to renew the license.

26 (5) Licensees working in a position that does not

1       require educator licensure or working in a position for  
2       less than 50% for any particular year are considered to be  
3       exempt and shall be required to pay only the registration  
4       fee in order to renew and maintain the validity of the  
5       license.

6               (6) Licensees who are retired and qualify for benefits  
7       from a State of Illinois retirement system shall be listed  
8       as retired, and the license shall be maintained in retired  
9       status. For any renewal cycle in which a licensee retires  
10       during the renewal cycle, the licensee must complete  
11       professional development activities on a prorated basis  
12       depending on the number of years during the renewal cycle  
13       the educator held an active license. If a licensee retires  
14       during a renewal cycle, the license status must be updated  
15       using ELIS indicating that the licensee wishes to maintain  
16       the license in retired status and the licensee must show  
17       proof of completion of professional development activities  
18       on a prorated basis for all years of that renewal cycle for  
19       which the license was active. An individual with a license  
20       in retired status shall not be required to complete  
21       professional development activities until returning to a  
22       position that requires educator licensure. Upon returning  
23       to work in a position that requires the Professional  
24       Educator License, the license status shall immediately be  
25       updated using ELIS and the licensee shall complete renewal  
26       requirements for that year. A retired teacher, even if

1 returning to a position that requires educator licensure,  
2 shall not be required to pay registration fees. A license  
3 in retired status cannot lapse. Beginning on January 6,  
4 2017 (the effective date of Public Act 99-920) through  
5 December 31, 2017, any licensee who has retired and whose  
6 license has lapsed for failure to renew as provided in  
7 this Section may reinstate that license and maintain it in  
8 retired status upon providing proof to the State Board of  
9 Education using ELIS that the licensee is retired and is  
10 not working in a position that requires a Professional  
11 Educator License.

12 (7) For any renewal cycle in which professional  
13 development hours were required, but not fulfilled, the  
14 licensee shall complete any missed hours to total the  
15 minimum professional development hours required in this  
16 Section prior to September 1 of that year. Professional  
17 development hours used to fulfill the minimum required  
18 hours for a renewal cycle may be used for only one renewal  
19 cycle. For any fiscal year or renewal cycle in which an  
20 Illinois Administrators' Academy course was required but  
21 not completed, the licensee shall complete any missed  
22 Illinois Administrators' Academy courses prior to  
23 September 1 of that year. The licensee may complete all  
24 deficient hours and Illinois Administrators' Academy  
25 courses while continuing to work in a position that  
26 requires that license until September 1 of that year.

1           (8) Any licensee who has not fulfilled the  
2 professional development renewal requirements set forth in  
3 this Section at the end of any 5-year renewal cycle is  
4 ineligible to register his or her license and may submit  
5 an appeal to the State Superintendent of Education for  
6 reinstatement of the license.

7           (9) If professional development opportunities were  
8 unavailable to a licensee, proof that opportunities were  
9 unavailable and request for an extension of time beyond  
10 August 31 to complete the renewal requirements may be  
11 submitted from April 1 through June 30 of that year to the  
12 State Educator Preparation and Licensure Board. If an  
13 extension is approved, the license shall remain valid  
14 during the extension period.

15           (10) Individuals who hold exempt licenses prior to  
16 December 27, 2013 (the effective date of Public Act  
17 98-610) shall commence the annual renewal process with the  
18 first scheduled registration due after December 27, 2013  
19 (the effective date of Public Act 98-610).

20           (11) Notwithstanding any other provision of this  
21 subsection (e), if a licensee earns more than the required  
22 number of professional development hours during a renewal  
23 cycle, then the licensee may carry over any hours earned  
24 from April 1 through June 30 of the last year of the  
25 renewal cycle. Any hours carried over in this manner must  
26 be applied to the next renewal cycle. Illinois

1 Administrators' Academy courses or hours earned in those  
2 courses may not be carried over.

3 (e-5) The number of professional development hours  
4 required under subsection (e) is reduced by 20% for any  
5 renewal cycle that includes the 2021-2022 school year.

6 (f) At the time of renewal, each licensee shall respond to  
7 the required questions under penalty of perjury.

8 (f-5) The State Board of Education shall conduct random  
9 audits of licensees to verify a licensee's fulfillment of the  
10 professional development hours required under this Section.  
11 Upon completion of a random audit, if it is determined by the  
12 State Board of Education that the licensee did not complete  
13 the required number of professional development hours or did  
14 not provide sufficient proof of completion, the licensee shall  
15 be notified that his or her license has lapsed. A license that  
16 has lapsed under this subsection may be reinstated as provided  
17 in subsection (b).

18 (g) The following entities shall be designated as approved  
19 to provide professional development activities for the renewal  
20 of Professional Educator Licenses:

21 (1) The State Board of Education.

22 (2) Regional offices of education and intermediate  
23 service centers.

24 (3) Illinois professional associations representing  
25 the following groups that are approved by the State  
26 Superintendent of Education:



- 1 (A) school administrators;  
2 (B) principals;  
3 (C) school business officials;  
4 (D) teachers, including special education  
5 teachers;  
6 (E) school boards;  
7 (F) school districts;  
8 (G) parents; and  
9 (H) school service personnel.

10 (4) Regionally accredited institutions of higher  
11 education that offer Illinois-approved educator  
12 preparation programs and public community colleges subject  
13 to the Public Community College Act.

14 (5) Illinois public school districts, charter schools  
15 authorized under Article 27A of this Code, and joint  
16 educational programs authorized under Article 10 of this  
17 Code for the purposes of providing career and technical  
18 education or special education services.

19 (6) A not-for-profit organization that, as of December  
20 31, 2014 (the effective date of Public Act 98-1147), has  
21 had or has a grant from or a contract with the State Board  
22 of Education to provide professional development services  
23 in the area of English Learning to Illinois school  
24 districts, teachers, or administrators.

25 (7) State agencies, State boards, and State  
26 commissions.

1           (8) Museums as defined in Section 10 of the Museum  
2           Disposition of Property Act.

3           (h) Approved providers under subsection (g) of this  
4           Section shall make available professional development  
5           opportunities that satisfy at least one of the following:

6                 (1) increase the knowledge and skills of school and  
7                 district leaders who guide continuous professional  
8                 development;

9                 (2) improve the learning of students;

10                (3) organize adults into learning communities whose  
11                goals are aligned with those of the school and district;

12                (4) deepen educator's content knowledge;

13                (5) provide educators with research-based  
14                instructional strategies to assist students in meeting  
15                rigorous academic standards;

16                (6) prepare educators to appropriately use various  
17                types of classroom assessments;

18                (7) use learning strategies appropriate to the  
19                intended goals;

20                (8) provide educators with the knowledge and skills to  
21                collaborate;

22                (9) prepare educators to apply research to decision  
23                making;

24                (10) provide educators with training on inclusive  
25                practices in the classroom that examines instructional and  
26                behavioral strategies that improve academic and

1 social-emotional outcomes for all students, with or  
2 without disabilities, in a general education setting; or

3 (11) beginning on July 1, 2022, provide educators with  
4 training on the physical and mental health needs of  
5 students, student safety, educator ethics, professional  
6 conduct, and other topics that address the well-being of  
7 students and improve the academic and social-emotional  
8 outcomes of students.

9 (i) Approved providers under subsection (g) of this  
10 Section shall do the following:

11 (1) align professional development activities to the  
12 State-approved national standards for professional  
13 learning;

14 (2) meet the professional development criteria for  
15 Illinois licensure renewal;

16 (3) produce a rationale for the activity that explains  
17 how it aligns to State standards and identify the  
18 assessment for determining the expected impact on student  
19 learning or school improvement;

20 (4) maintain original documentation for completion of  
21 activities;

22 (5) provide license holders with evidence of  
23 completion of activities;

24 (6) request an Illinois Educator Identification Number  
25 (IEIN) for each educator during each professional  
26 development activity; and

1           (7) beginning on July 1, 2019, register annually with  
2           the State Board of Education prior to offering any  
3           professional development opportunities in the current  
4           fiscal year.

5           (j) The State Board of Education shall conduct annual  
6           audits of a subset of approved providers, except for school  
7           districts, which shall be audited by regional offices of  
8           education and intermediate service centers. The State Board of  
9           Education shall ensure that each approved provider, except for  
10          a school district, is audited at least once every 5 years. The  
11          State Board of Education may conduct more frequent audits of  
12          providers if evidence suggests the requirements of this  
13          Section or administrative rules are not being met.

14           (1) (Blank).

15           (2) Approved providers shall comply with the  
16           requirements in subsections (h) and (i) of this Section by  
17           annually submitting data to the State Board of Education  
18           demonstrating how the professional development activities  
19           impacted one or more of the following:

20                   (A) educator and student growth in regards to  
21                   content knowledge or skills, or both;

22                   (B) educator and student social and emotional  
23                   growth; or

24                   (C) alignment to district or school improvement  
25                   plans.

26           (3) The State Superintendent of Education shall review

1           the annual data collected by the State Board of Education,  
2           regional offices of education, and intermediate service  
3           centers in audits to determine if the approved provider  
4           has met the criteria and should continue to be an approved  
5           provider or if further action should be taken as provided  
6           in rules.

7           (k) Registration fees shall be paid for the next renewal  
8           cycle between April 1 and June 30 in the last year of each  
9           5-year renewal cycle using ELIS. If all required professional  
10          development hours for the renewal cycle have been completed  
11          and entered by the licensee, the licensee shall pay the  
12          registration fees for the next cycle using a form of credit or  
13          debit card.

14          (1) Any professional educator licensee endorsed for school  
15          support personnel who is employed and performing services in  
16          Illinois public schools and who holds an active and current  
17          professional license issued by the Department of Financial and  
18          Professional Regulation or a national certification board, as  
19          approved by the State Board of Education, related to the  
20          endorsement areas on the Professional Educator License shall  
21          be deemed to have satisfied the continuing professional  
22          development requirements provided for in this Section. Such  
23          individuals shall be required to pay only registration fees to  
24          renew the Professional Educator License. An individual who  
25          does not hold a license issued by the Department of Financial  
26          and Professional Regulation shall complete professional

1 development requirements for the renewal of a Professional  
2 Educator License provided for in this Section.

3 (m) Appeals to the State Educator Preparation and  
4 Licensure Board must be made within 30 days after receipt of  
5 notice from the State Superintendent of Education that a  
6 license will not be renewed based upon failure to complete the  
7 requirements of this Section. A licensee may appeal that  
8 decision to the State Educator Preparation and Licensure Board  
9 in a manner prescribed by rule.

10 (1) Each appeal shall state the reasons why the State  
11 Superintendent's decision should be reversed and shall be  
12 sent by certified mail, return receipt requested, to the  
13 State Board of Education.

14 (2) The State Educator Preparation and Licensure Board  
15 shall review each appeal regarding renewal of a license  
16 within 90 days after receiving the appeal in order to  
17 determine whether the licensee has met the requirements of  
18 this Section. The State Educator Preparation and Licensure  
19 Board may hold an appeal hearing or may make its  
20 determination based upon the record of review, which shall  
21 consist of the following:

22 (A) the regional superintendent of education's  
23 rationale for recommending nonrenewal of the license,  
24 if applicable;

25 (B) any evidence submitted to the State  
26 Superintendent along with the individual's electronic

1 statement of assurance for renewal; and

2 (C) the State Superintendent's rationale for  
3 nonrenewal of the license.

4 (3) The State Educator Preparation and Licensure Board  
5 shall notify the licensee of its decision regarding  
6 license renewal by certified mail, return receipt  
7 requested, no later than 30 days after reaching a  
8 decision. Upon receipt of notification of renewal, the  
9 licensee, using ELIS, shall pay the applicable  
10 registration fee for the next cycle using a form of credit  
11 or debit card.

12 (n) The State Board of Education may adopt rules as may be  
13 necessary to implement this Section.

14 (Source: P.A. 101-85, eff. 1-1-20; 101-531, eff. 8-23-19;  
15 101-643, eff. 6-18-20; 102-676, eff. 12-3-21; 102-710, eff.  
16 4-27-22; 102-730, eff. 5-6-22; 102-852, eff. 5-13-22; revised  
17 8-25-22.)

18 (105 ILCS 5/24-6)

19 Sec. 24-6. Sick leave. The school boards of all school  
20 districts, including special charter districts, but not  
21 including school districts in municipalities of 500,000 or  
22 more, shall grant their full-time teachers, and also shall  
23 grant such of their other employees as are eligible to  
24 participate in the Illinois Municipal Retirement Fund under  
25 the "600-Hour Standard" established, or under such other

1 eligibility participation standard as may from time to time be  
2 established, by rules and regulations now or hereafter  
3 promulgated by the Board of that Fund under Section 7-198 of  
4 the Illinois Pension Code, as now or hereafter amended, sick  
5 leave provisions not less in amount than 10 days at full pay in  
6 each school year. If any such teacher or employee does not use  
7 the full amount of annual leave thus allowed, the unused  
8 amount shall be allowed to accumulate to a minimum available  
9 leave of 180 days at full pay, including the leave of the  
10 current year. Sick leave shall be interpreted to mean personal  
11 illness, mental or behavioral health complications, quarantine  
12 at home, or serious illness or death in the immediate family or  
13 household. The school board may require a certificate from a  
14 physician licensed in Illinois to practice medicine and  
15 surgery in all its branches, a mental health professional  
16 licensed in Illinois providing ongoing care or treatment to  
17 the teacher or employee, a chiropractic physician licensed  
18 under the Medical Practice Act of 1987, a licensed advanced  
19 practice registered nurse, a licensed physician assistant, or,  
20 if the treatment is by prayer or spiritual means, a spiritual  
21 adviser or practitioner of the teacher's or employee's faith  
22 as a basis for pay during leave after an absence of 3 days for  
23 personal illness or as the school board may deem necessary in  
24 other cases. If the school board does require a certificate as  
25 a basis for pay during leave of less than 3 days for personal  
26 illness, the school board shall pay, from school funds, the



1 expenses incurred by the teachers or other employees in  
2 obtaining the certificate.

3 Sick leave shall also be interpreted to mean birth,  
4 adoption, placement for adoption, and the acceptance of a  
5 child in need of foster care. Teachers and other employees to  
6 which this Section applies are entitled to use up to 30 days of  
7 paid sick leave because of the birth of a child that is not  
8 dependent on the need to recover from childbirth. Paid sick  
9 leave because of the birth of a child may be used absent  
10 medical certification for up to 30 working school days, which  
11 days may be used at any time within the 12-month period  
12 following the birth of the child. The use of up to 30 working  
13 school days of paid sick leave because of the birth of a child  
14 may not be diminished as a result of any intervening period of  
15 nonworking days or school not being in session, such as for  
16 summer, winter, or spring break or holidays, that may occur  
17 during the use of the paid sick leave. For paid sick leave for  
18 adoption, placement for adoption, or the acceptance of a child  
19 in need of foster care, the school board may require that the  
20 teacher or other employee to which this Section applies  
21 provide evidence that the formal adoption process or the  
22 formal foster care process is underway, and such sick leave is  
23 limited to 30 days unless a longer leave has been negotiated  
24 with the exclusive bargaining representative. Paid sick leave  
25 for adoption, placement for adoption, or the acceptance of a  
26 child in need of foster care need not be used consecutively

1 once the formal adoption process or the formal foster care  
2 process is underway, and such sick leave may be used for  
3 reasons related to the formal adoption process or the formal  
4 foster care process prior to taking custody of the child or  
5 accepting the child in need of foster care, in addition to  
6 using such sick leave upon taking custody of the child or  
7 accepting the child in need of foster care.

8 If, by reason of any change in the boundaries of school  
9 districts, or by reason of the creation of a new school  
10 district, the employment of a teacher is transferred to a new  
11 or different board, the accumulated sick leave of such teacher  
12 is not thereby lost, but is transferred to such new or  
13 different district.

14 Any sick leave used by a teacher or employee during the  
15 2021-2022 school year shall be returned to a teacher or  
16 employee who receives all doses required to be fully  
17 vaccinated against COVID-19, as defined in Section 10-20.83 of  
18 this Code, if:

19 (1) the sick leave was taken because the teacher or  
20 employee was restricted from being on school district  
21 property because the teacher or employee:

22 (A) had a confirmed positive COVID-19 diagnosis  
23 via a molecular amplification diagnostic test, such as  
24 a polymerase chain reaction (PCR) test for COVID-19;

25 (B) had a probable COVID-19 diagnosis via an  
26 antigen diagnostic test;

1 (C) was in close contact with a person who had a  
2 confirmed case of COVID-19 and was required to be  
3 excluded from school; or

4 (D) was required by the school or school district  
5 policy to be excluded from school district property  
6 due to COVID-19 symptoms; or

7 (2) the sick leave was taken to care for a child of the  
8 teacher or employee who was unable to attend elementary or  
9 secondary school because the child:

10 (A) had a confirmed positive COVID-19 diagnosis  
11 via a molecular amplification diagnostic test, such as  
12 a polymerase chain reaction (PCR) test for COVID-19;

13 (B) had a probable COVID-19 diagnosis via an  
14 antigen diagnostic test;

15 (C) was in close contact with a person who had a  
16 confirmed case of COVID-19 and was required to be  
17 excluded from school; or

18 (D) was required by the school or school district  
19 policy to be excluded from school district property  
20 due to COVID-19 symptoms.

21 For purposes of return of sick leave used in the 2021-2022  
22 school year pursuant this Section, an "employee" is a teacher  
23 or employee employed by the school district on or after April  
24 5, 2022 (the effective date of Public Act 102-697) ~~this~~  
25 ~~amendatory Act of the 102nd General Assembly.~~

26 Leave shall be returned to a teacher or employee pursuant

1 to this Section provided that the teacher or employee has  
2 received all required doses to meet the definition of "fully  
3 vaccinated against COVID-19" under Section 10-20.83 of this  
4 Code no later than 5 weeks after April 5, 2022 (the effective  
5 date of Public Act 102-697) ~~this amendatory Act of the 102nd  
6 General Assembly.~~

7 No school may rescind any sick leave returned to a teacher  
8 or employee on the basis of a revision to the definition of  
9 "fully vaccinated against COVID-19" by the Centers for Disease  
10 Control and Prevention of the United States Department of  
11 Health and Human Services or the Department of Public Health,  
12 provided that the teacher or employee received all doses  
13 required to be fully vaccinated against COVID-19, as defined  
14 in Section 10-20.83 of this Code, at the time the sick leave  
15 was returned to the teacher or employee.

16 For purposes of this Section, "immediate family" shall  
17 include parents, spouse, brothers, sisters, children,  
18 grandparents, grandchildren, parents-in-law, brothers-in-law,  
19 sisters-in-law, and legal guardians.

20 (Source: P.A. 102-275, eff. 8-6-21; 102-697, eff. 4-5-22;  
21 102-866, eff. 5-13-22; revised 8-25-22.)

22 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

23 Sec. 26-2. Enrolled pupils not of compulsory school age.

24 (a) Any person having custody or control of a child who is  
25 below the age of 6 years or is 17 years of age or above and who

1 is enrolled in any of grades kindergarten through 12 in the  
2 public school shall cause the child to attend the public  
3 school in the district wherein he or she resides when it is in  
4 session during the regular school term, unless the child is  
5 excused under Section 26-1 of this Code.

6 (b) A school district shall deny reenrollment in its  
7 secondary schools to any child 19 years of age or above who has  
8 dropped out of school and who could not, because of age and  
9 lack of credits, attend classes during the normal school year  
10 and graduate before his or her twenty-first birthday. A  
11 district may, however, enroll the child in a graduation  
12 incentives program under Section 26-16 of this Code or an  
13 alternative learning opportunities program established under  
14 Article 13B. No child shall be denied reenrollment for the  
15 above reasons unless the school district first offers the  
16 child due process as required in cases of expulsion under  
17 Section 10-22.6. If a child is denied reenrollment after being  
18 provided with due process, the school district must provide  
19 counseling to that child and must direct that child to  
20 alternative educational programs, including adult education  
21 programs, that lead to graduation or receipt of a State of  
22 Illinois High School Diploma.

23 (c) A school or school district may deny enrollment to a  
24 student 17 years of age or older for one semester for failure  
25 to meet minimum attendance standards if all of the following  
26 conditions are met:

1           (1) The student was absent without valid cause for 20%  
2           or more of the attendance days in the semester immediately  
3           prior to the current semester.

4           (2) The student and the student's parent or guardian  
5           are given written notice warning that the student is  
6           subject to denial from enrollment for one semester unless  
7           the student is absent without valid cause less than 20% of  
8           the attendance days in the current semester.

9           (3) The student's parent or guardian is provided with  
10          the right to appeal the notice, as determined by the State  
11          Board of Education in accordance with due process.

12          (4) The student is provided with attendance  
13          remediation services, including without limitation  
14          assessment, counseling, and support services.

15          (5) The student is absent without valid cause for 20%  
16          or more of the attendance days in the current semester.

17          A school or school district may not deny enrollment to a  
18          student (or reenrollment to a dropout) who is at least 17 years  
19          of age or older but below 19 years for more than one  
20          consecutive semester for failure to meet attendance standards.

21          (d) No child may be denied reenrollment under this Section  
22          in violation of the federal Individuals with Disabilities  
23          Education Act or the Americans with Disabilities Act.

24          (e) In this subsection (e), "reenrolled student" means a  
25          dropout who has reenrolled full-time in a public school. Each  
26          school district shall identify, track, and report on the

1 educational progress and outcomes of reenrolled students as a  
2 subset of the district's required reporting on all  
3 enrollments. A reenrolled student who again drops out must not  
4 be counted again against a district's dropout rate performance  
5 measure. The State Board of Education shall set performance  
6 standards for programs serving reenrolled students.

7 (f) The State Board of Education shall adopt any rules  
8 necessary to implement the changes to this Section made by  
9 Public Act 93-803.

10 (Source: P.A. 102-981, eff. 1-1-23; 102-1100, eff. 1-1-23;  
11 revised 12-13-22.)

12 (105 ILCS 5/27-22) (from Ch. 122, par. 27-22)

13 Sec. 27-22. Required high school courses.

14 (a) (Blank).

15 (b) (Blank).

16 (c) (Blank).

17 (d) (Blank).

18 (e) Through the 2023-2024 school year, as a prerequisite  
19 to receiving a high school diploma, each pupil entering the  
20 9th grade must, in addition to other course requirements,  
21 successfully complete all of the following courses:

22 (1) Four years of language arts.

23 (2) Two years of writing intensive courses, one of  
24 which must be English and the other of which may be English  
25 or any other subject. When applicable, writing-intensive

1 courses may be counted towards the fulfillment of other  
2 graduation requirements.

3 (3) Three years of mathematics, one of which must be  
4 Algebra I, one of which must include geometry content, and  
5 one of which may be an Advanced Placement computer science  
6 course. A mathematics course that includes geometry  
7 content may be offered as an integrated, applied,  
8 interdisciplinary, or career and technical education  
9 course that prepares a student for a career readiness  
10 path.

11 (3.5) For pupils entering the 9th grade in the  
12 2022-2023 school year and 2023-2024 school year, one year  
13 of a course that includes intensive instruction in  
14 computer literacy, which may be English, social studies,  
15 or any other subject and which may be counted toward the  
16 fulfillment of other graduation requirements.

17 (4) Two years of science.

18 (5) Two years of social studies, of which at least one  
19 year must be history of the United States or a combination  
20 of history of the United States and American government  
21 and, beginning with pupils entering the 9th grade in the  
22 2016-2017 school year and each school year thereafter, at  
23 least one semester must be civics, which shall help young  
24 people acquire and learn to use the skills, knowledge, and  
25 attitudes that will prepare them to be competent and  
26 responsible citizens throughout their lives. Civics course



1 content shall focus on government institutions, the  
2 discussion of current and controversial issues, service  
3 learning, and simulations of the democratic process.  
4 School districts may utilize private funding available for  
5 the purposes of offering civics education. Beginning with  
6 pupils entering the 9th grade in the 2021-2022 school  
7 year, one semester, or part of one semester, may include a  
8 financial literacy course.

9 (6) One year chosen from (A) music, (B) art, (C)  
10 foreign language, which shall be deemed to include  
11 American Sign Language, (D) vocational education, or (E)  
12 forensic speech (speech and debate). A forensic speech  
13 course used to satisfy the course requirement under  
14 subdivision (1) may not be used to satisfy the course  
15 requirement under this subdivision (6).

16 (e-5) Beginning with the 2024-2025 school year, as a  
17 prerequisite to receiving a high school diploma, each pupil  
18 entering the 9th grade must, in addition to other course  
19 requirements, successfully complete all of the following  
20 courses:

21 (1) Four years of language arts.

22 (2) Two years of writing intensive courses, one of  
23 which must be English and the other of which may be English  
24 or any other subject. If applicable, writing-intensive  
25 courses may be counted toward the fulfillment of other  
26 graduation requirements.

1           (3) Three years of mathematics, one of which must be  
2 Algebra I, one of which must include geometry content, and  
3 one of which may be an Advanced Placement computer science  
4 course. A mathematics course that includes geometry  
5 content may be offered as an integrated, applied,  
6 interdisciplinary, or career and technical education  
7 course that prepares a student for a career readiness  
8 path.

9           (3.5) One year of a course that includes intensive  
10 instruction in computer literacy, which may be English,  
11 social studies, or any other subject and which may be  
12 counted toward the fulfillment of other graduation  
13 requirements.

14           (4) Two years of laboratory science.

15           (5) Two years of social studies, of which at least one  
16 year must be history of the United States or a combination  
17 of history of the United States and American government  
18 and at least one semester must be civics, which shall help  
19 young people acquire and learn to use the skills,  
20 knowledge, and attitudes that will prepare them to be  
21 competent and responsible citizens throughout their lives.  
22 Civics course content shall focus on government  
23 institutions, the discussion of current and controversial  
24 issues, service learning, and simulations of the  
25 democratic process. School districts may utilize private  
26 funding available for the purposes of offering civics

1 education. One semester, or part of one semester, may  
2 include a financial literacy course.

3 (6) One year chosen from (A) music, (B) art, (C)  
4 foreign language, which shall be deemed to include  
5 American Sign Language, (D) vocational education, or (E)  
6 forensic speech (speech and debate). A forensic speech  
7 course used to satisfy the course requirement under  
8 subdivision (1) may not be used to satisfy the course  
9 requirement under this subdivision (6).

10 (e-10) Beginning with the 2028-2029 school year, as a  
11 prerequisite to receiving a high school diploma, each pupil  
12 entering the 9th grade must, in addition to other course  
13 requirements, successfully complete 2 years of foreign  
14 language courses, which may include American Sign Language. A  
15 pupil may choose a third year of foreign language to satisfy  
16 the requirement under subdivision ~~paragraph~~ (6) of subsection  
17 (e-5).

18 (f) The State Board of Education shall develop and inform  
19 school districts of standards for writing-intensive  
20 coursework.

21 (f-5) If a school district offers an Advanced Placement  
22 computer science course to high school students, then the  
23 school board must designate that course as equivalent to a  
24 high school mathematics course and must denote on the  
25 student's transcript that the Advanced Placement computer  
26 science course qualifies as a mathematics-based, quantitative

1 course for students in accordance with subdivision (3) of  
2 subsection (e) of this Section.

3 (g) Public Act 83-1082 ~~This amendatory Act of 1983~~ does  
4 not apply to pupils entering the 9th grade in 1983-1984 school  
5 year and prior school years or to students with disabilities  
6 whose course of study is determined by an individualized  
7 education program.

8 Public Act 94-676 ~~This amendatory Act of the 94th General~~  
9 ~~Assembly~~ does not apply to pupils entering the 9th grade in the  
10 2004-2005 school year or a prior school year or to students  
11 with disabilities whose course of study is determined by an  
12 individualized education program.

13 Subdivision (3.5) of subsection (e) does not apply to  
14 pupils entering the 9th grade in the 2021-2022 school year or a  
15 prior school year or to students with disabilities whose  
16 course of study is determined by an individualized education  
17 program.

18 Subsection (e-5) does not apply to pupils entering the 9th  
19 grade in the 2023-2024 school year or a prior school year or to  
20 students with disabilities whose course of study is determined  
21 by an individualized education program. Subsection (e-10) does  
22 not apply to pupils entering the 9th grade in the 2027-2028  
23 school year or a prior school year or to students with  
24 disabilities whose course of study is determined by an  
25 individualized education program.

26 (h) The provisions of this Section are subject to the

1 provisions of Section 27-22.05 of this Code and the  
2 Postsecondary and Workforce Readiness Act.

3 (i) The State Board of Education may adopt rules to modify  
4 the requirements of this Section for any students enrolled in  
5 grades 9 through 12 if the Governor has declared a disaster due  
6 to a public health emergency pursuant to Section 7 of the  
7 Illinois Emergency Management Agency Act.

8 (Source: P.A. 101-464, eff. 1-1-20; 101-643, eff. 6-18-20;  
9 101-654, Article 50, Section 50-5, eff. 3-8-21; 101-654,  
10 Article 60, Section 60-5, eff. 3-8-21; 102-366, eff. 8-13-21;  
11 102-551, eff. 1-1-22; 102-864, eff. 5-13-22; revised 9-2-22.)

12 (105 ILCS 5/27A-5)

13 (Text of Section before amendment by P.A. 102-466 and  
14 102-702)

15 Sec. 27A-5. Charter school; legal entity; requirements.

16 (a) A charter school shall be a public, nonsectarian,  
17 nonreligious, non-home based, and non-profit school. A charter  
18 school shall be organized and operated as a nonprofit  
19 corporation or other discrete, legal, nonprofit entity  
20 authorized under the laws of the State of Illinois.

21 (b) A charter school may be established under this Article  
22 by creating a new school or by converting an existing public  
23 school or attendance center to charter school status.  
24 Beginning on April 16, 2003 (the effective date of Public Act  
25 93-3), in all new applications to establish a charter school

1 in a city having a population exceeding 500,000, operation of  
2 the charter school shall be limited to one campus. The changes  
3 made to this Section by Public Act 93-3 do not apply to charter  
4 schools existing or approved on or before April 16, 2003 (the  
5 effective date of Public Act 93-3).

6 (b-5) In this subsection (b-5), "virtual-schooling" means  
7 a cyber school where students engage in online curriculum and  
8 instruction via the Internet and electronic communication with  
9 their teachers at remote locations and with students  
10 participating at different times.

11 From April 1, 2013 through December 31, 2016, there is a  
12 moratorium on the establishment of charter schools with  
13 virtual-schooling components in school districts other than a  
14 school district organized under Article 34 of this Code. This  
15 moratorium does not apply to a charter school with  
16 virtual-schooling components existing or approved prior to  
17 April 1, 2013 or to the renewal of the charter of a charter  
18 school with virtual-schooling components already approved  
19 prior to April 1, 2013.

20 (c) A charter school shall be administered and governed by  
21 its board of directors or other governing body in the manner  
22 provided in its charter. The governing body of a charter  
23 school shall be subject to the Freedom of Information Act and  
24 the Open Meetings Act. No later than January 1, 2021 (one year  
25 after the effective date of Public Act 101-291), a charter  
26 school's board of directors or other governing body must

1 include at least one parent or guardian of a pupil currently  
2 enrolled in the charter school who may be selected through the  
3 charter school or a charter network election, appointment by  
4 the charter school's board of directors or other governing  
5 body, or by the charter school's Parent Teacher Organization  
6 or its equivalent.

7 (c-5) No later than January 1, 2021 (one year after the  
8 effective date of Public Act 101-291) or within the first year  
9 of his or her first term, every voting member of a charter  
10 school's board of directors or other governing body shall  
11 complete a minimum of 4 hours of professional development  
12 leadership training to ensure that each member has sufficient  
13 familiarity with the board's or governing body's role and  
14 responsibilities, including financial oversight and  
15 accountability of the school, evaluating the principal's and  
16 school's performance, adherence to the Freedom of Information  
17 Act and the Open Meetings Act, and compliance with education  
18 and labor law. In each subsequent year of his or her term, a  
19 voting member of a charter school's board of directors or  
20 other governing body shall complete a minimum of 2 hours of  
21 professional development training in these same areas. The  
22 training under this subsection may be provided or certified by  
23 a statewide charter school membership association or may be  
24 provided or certified by other qualified providers approved by  
25 the State Board of Education.

26 (d) For purposes of this subsection (d), "non-curricular

1 health and safety requirement" means any health and safety  
2 requirement created by statute or rule to provide, maintain,  
3 preserve, or safeguard safe or healthful conditions for  
4 students and school personnel or to eliminate, reduce, or  
5 prevent threats to the health and safety of students and  
6 school personnel. "Non-curricular health and safety  
7 requirement" does not include any course of study or  
8 specialized instructional requirement for which the State  
9 Board has established goals and learning standards or which is  
10 designed primarily to impart knowledge and skills for students  
11 to master and apply as an outcome of their education.

12 A charter school shall comply with all non-curricular  
13 health and safety requirements applicable to public schools  
14 under the laws of the State of Illinois. On or before September  
15 1, 2015, the State Board shall promulgate and post on its  
16 Internet website a list of non-curricular health and safety  
17 requirements that a charter school must meet. The list shall  
18 be updated annually no later than September 1. Any charter  
19 contract between a charter school and its authorizer must  
20 contain a provision that requires the charter school to follow  
21 the list of all non-curricular health and safety requirements  
22 promulgated by the State Board and any non-curricular health  
23 and safety requirements added by the State Board to such list  
24 during the term of the charter. Nothing in this subsection (d)  
25 precludes an authorizer from including non-curricular health  
26 and safety requirements in a charter school contract that are



1 not contained in the list promulgated by the State Board,  
2 including non-curricular health and safety requirements of the  
3 authorizing local school board.

4 (e) Except as otherwise provided in the School Code, a  
5 charter school shall not charge tuition; provided that a  
6 charter school may charge reasonable fees for textbooks,  
7 instructional materials, and student activities.

8 (f) A charter school shall be responsible for the  
9 management and operation of its fiscal affairs, including, but  
10 not limited to, the preparation of its budget. An audit of each  
11 charter school's finances shall be conducted annually by an  
12 outside, independent contractor retained by the charter  
13 school. The contractor shall not be an employee of the charter  
14 school or affiliated with the charter school or its authorizer  
15 in any way, other than to audit the charter school's finances.  
16 To ensure financial accountability for the use of public  
17 funds, on or before December 1 of every year of operation, each  
18 charter school shall submit to its authorizer and the State  
19 Board a copy of its audit and a copy of the Form 990 the  
20 charter school filed that year with the federal Internal  
21 Revenue Service. In addition, if deemed necessary for proper  
22 financial oversight of the charter school, an authorizer may  
23 require quarterly financial statements from each charter  
24 school.

25 (g) A charter school shall comply with all provisions of  
26 this Article, the Illinois Educational Labor Relations Act,

1 all federal and State laws and rules applicable to public  
2 schools that pertain to special education and the instruction  
3 of English learners, and its charter. A charter school is  
4 exempt from all other State laws and regulations in this Code  
5 governing public schools and local school board policies;  
6 however, a charter school is not exempt from the following:

7 (1) Sections 10-21.9 and 34-18.5 of this Code  
8 regarding criminal history records checks and checks of  
9 the Statewide Sex Offender Database and Statewide Murderer  
10 and Violent Offender Against Youth Database of applicants  
11 for employment;

12 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
13 34-84a of this Code regarding discipline of students;

14 (3) the Local Governmental and Governmental Employees  
15 Tort Immunity Act;

16 (4) Section 108.75 of the General Not For Profit  
17 Corporation Act of 1986 regarding indemnification of  
18 officers, directors, employees, and agents;

19 (5) the Abused and Neglected Child Reporting Act;

20 (5.5) subsection (b) of Section 10-23.12 and  
21 subsection (b) of Section 34-18.6 of this Code;

22 (6) the Illinois School Student Records Act;

23 (7) Section 10-17a of this Code regarding school  
24 report cards;

25 (8) the P-20 Longitudinal Education Data System Act;

26 (9) Section 27-23.7 of this Code regarding bullying

1 prevention;

2 (10) Section 2-3.162 of this Code regarding student  
3 discipline reporting;

4 (11) Sections 22-80 and 27-8.1 of this Code;

5 (12) Sections 10-20.60 and 34-18.53 of this Code;

6 (13) Sections 10-20.63 and 34-18.56 of this Code;

7 (14) Sections 22-90 and 26-18 of this Code;

8 (15) Section 22-30 of this Code;

9 (16) Sections 24-12 and 34-85 of this Code;

10 (17) the Seizure Smart School Act;

11 (18) Section 2-3.64a-10 of this Code;

12 (19) Sections 10-20.73 and 34-21.9 of this Code;

13 (20) Section 10-22.25b of this Code;

14 (21) Section 27-9.1a of this Code;

15 (22) Section 27-9.1b of this Code;

16 (23) Section 34-18.8 of this Code;

17 (25) Section 2-3.188 of this Code;

18 (26) Section 22-85.5 of this Code;

19 (27) subsections ~~Subsections~~ (d-10), (d-15), and  
20 (d-20) of Section 10-20.56 of this Code; ~~and~~

21 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~and~~

22 (29) ~~(27)~~ Section 10-20.13 of this Code;

23 (30) ~~(28)~~ Section 28-19.2 of this Code; and

24 (31) ~~(29)~~ Section 34-21.6 of this Code.

25 The change made by Public Act 96-104 to this subsection  
26 (g) is declaratory of existing law.

1 (h) A charter school may negotiate and contract with a  
2 school district, the governing body of a State college or  
3 university or public community college, or any other public or  
4 for-profit or nonprofit private entity for: (i) the use of a  
5 school building and grounds or any other real property or  
6 facilities that the charter school desires to use or convert  
7 for use as a charter school site, (ii) the operation and  
8 maintenance thereof, and (iii) the provision of any service,  
9 activity, or undertaking that the charter school is required  
10 to perform in order to carry out the terms of its charter.  
11 However, a charter school that is established on or after  
12 April 16, 2003 (the effective date of Public Act 93-3) and that  
13 operates in a city having a population exceeding 500,000 may  
14 not contract with a for-profit entity to manage or operate the  
15 school during the period that commences on April 16, 2003 (the  
16 effective date of Public Act 93-3) and concludes at the end of  
17 the 2004-2005 school year. Except as provided in subsection  
18 (i) of this Section, a school district may charge a charter  
19 school reasonable rent for the use of the district's  
20 buildings, grounds, and facilities. Any services for which a  
21 charter school contracts with a school district shall be  
22 provided by the district at cost. Any services for which a  
23 charter school contracts with a local school board or with the  
24 governing body of a State college or university or public  
25 community college shall be provided by the public entity at  
26 cost.

1 (i) In no event shall a charter school that is established  
2 by converting an existing school or attendance center to  
3 charter school status be required to pay rent for space that is  
4 deemed available, as negotiated and provided in the charter  
5 agreement, in school district facilities. However, all other  
6 costs for the operation and maintenance of school district  
7 facilities that are used by the charter school shall be  
8 subject to negotiation between the charter school and the  
9 local school board and shall be set forth in the charter.

10 (j) A charter school may limit student enrollment by age  
11 or grade level.

12 (k) If the charter school is approved by the State Board or  
13 Commission, then the charter school is its own local education  
14 agency.

15 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;  
16 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.  
17 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,  
18 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;  
19 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.  
20 12-3-21; 102-697, eff. 4-5-22; 102-805, eff. 1-1-23; 102-813,  
21 eff. 5-13-22; revised 12-13-22.)

22 (Text of Section after amendment by P.A. 102-702 but  
23 before amendment by P.A. 102-466)

24 Sec. 27A-5. Charter school; legal entity; requirements.

25 (a) A charter school shall be a public, nonsectarian,

1 nonreligious, non-home based, and non-profit school. A charter  
2 school shall be organized and operated as a nonprofit  
3 corporation or other discrete, legal, nonprofit entity  
4 authorized under the laws of the State of Illinois.

5 (b) A charter school may be established under this Article  
6 by creating a new school or by converting an existing public  
7 school or attendance center to charter school status.  
8 Beginning on April 16, 2003 (the effective date of Public Act  
9 93-3), in all new applications to establish a charter school  
10 in a city having a population exceeding 500,000, operation of  
11 the charter school shall be limited to one campus. The changes  
12 made to this Section by Public Act 93-3 do not apply to charter  
13 schools existing or approved on or before April 16, 2003 (the  
14 effective date of Public Act 93-3).

15 (b-5) In this subsection (b-5), "virtual-schooling" means  
16 a cyber school where students engage in online curriculum and  
17 instruction via the Internet and electronic communication with  
18 their teachers at remote locations and with students  
19 participating at different times.

20 From April 1, 2013 through December 31, 2016, there is a  
21 moratorium on the establishment of charter schools with  
22 virtual-schooling components in school districts other than a  
23 school district organized under Article 34 of this Code. This  
24 moratorium does not apply to a charter school with  
25 virtual-schooling components existing or approved prior to  
26 April 1, 2013 or to the renewal of the charter of a charter

1 school with virtual-schooling components already approved  
2 prior to April 1, 2013.

3 (c) A charter school shall be administered and governed by  
4 its board of directors or other governing body in the manner  
5 provided in its charter. The governing body of a charter  
6 school shall be subject to the Freedom of Information Act and  
7 the Open Meetings Act. No later than January 1, 2021 (one year  
8 after the effective date of Public Act 101-291), a charter  
9 school's board of directors or other governing body must  
10 include at least one parent or guardian of a pupil currently  
11 enrolled in the charter school who may be selected through the  
12 charter school or a charter network election, appointment by  
13 the charter school's board of directors or other governing  
14 body, or by the charter school's Parent Teacher Organization  
15 or its equivalent.

16 (c-5) No later than January 1, 2021 (one year after the  
17 effective date of Public Act 101-291) or within the first year  
18 of his or her first term, every voting member of a charter  
19 school's board of directors or other governing body shall  
20 complete a minimum of 4 hours of professional development  
21 leadership training to ensure that each member has sufficient  
22 familiarity with the board's or governing body's role and  
23 responsibilities, including financial oversight and  
24 accountability of the school, evaluating the principal's and  
25 school's performance, adherence to the Freedom of Information  
26 Act and the Open Meetings Act, and compliance with education

1 and labor law. In each subsequent year of his or her term, a  
2 voting member of a charter school's board of directors or  
3 other governing body shall complete a minimum of 2 hours of  
4 professional development training in these same areas. The  
5 training under this subsection may be provided or certified by  
6 a statewide charter school membership association or may be  
7 provided or certified by other qualified providers approved by  
8 the State Board of Education.

9 (d) For purposes of this subsection (d), "non-curricular  
10 health and safety requirement" means any health and safety  
11 requirement created by statute or rule to provide, maintain,  
12 preserve, or safeguard safe or healthful conditions for  
13 students and school personnel or to eliminate, reduce, or  
14 prevent threats to the health and safety of students and  
15 school personnel. "Non-curricular health and safety  
16 requirement" does not include any course of study or  
17 specialized instructional requirement for which the State  
18 Board has established goals and learning standards or which is  
19 designed primarily to impart knowledge and skills for students  
20 to master and apply as an outcome of their education.

21 A charter school shall comply with all non-curricular  
22 health and safety requirements applicable to public schools  
23 under the laws of the State of Illinois. On or before September  
24 1, 2015, the State Board shall promulgate and post on its  
25 Internet website a list of non-curricular health and safety  
26 requirements that a charter school must meet. The list shall



1 be updated annually no later than September 1. Any charter  
2 contract between a charter school and its authorizer must  
3 contain a provision that requires the charter school to follow  
4 the list of all non-curricular health and safety requirements  
5 promulgated by the State Board and any non-curricular health  
6 and safety requirements added by the State Board to such list  
7 during the term of the charter. Nothing in this subsection (d)  
8 precludes an authorizer from including non-curricular health  
9 and safety requirements in a charter school contract that are  
10 not contained in the list promulgated by the State Board,  
11 including non-curricular health and safety requirements of the  
12 authorizing local school board.

13 (e) Except as otherwise provided in the School Code, a  
14 charter school shall not charge tuition; provided that a  
15 charter school may charge reasonable fees for textbooks,  
16 instructional materials, and student activities.

17 (f) A charter school shall be responsible for the  
18 management and operation of its fiscal affairs, including, but  
19 not limited to, the preparation of its budget. An audit of each  
20 charter school's finances shall be conducted annually by an  
21 outside, independent contractor retained by the charter  
22 school. The contractor shall not be an employee of the charter  
23 school or affiliated with the charter school or its authorizer  
24 in any way, other than to audit the charter school's finances.  
25 To ensure financial accountability for the use of public  
26 funds, on or before December 1 of every year of operation, each

1 charter school shall submit to its authorizer and the State  
2 Board a copy of its audit and a copy of the Form 990 the  
3 charter school filed that year with the federal Internal  
4 Revenue Service. In addition, if deemed necessary for proper  
5 financial oversight of the charter school, an authorizer may  
6 require quarterly financial statements from each charter  
7 school.

8 (g) A charter school shall comply with all provisions of  
9 this Article, the Illinois Educational Labor Relations Act,  
10 all federal and State laws and rules applicable to public  
11 schools that pertain to special education and the instruction  
12 of English learners, and its charter. A charter school is  
13 exempt from all other State laws and regulations in this Code  
14 governing public schools and local school board policies;  
15 however, a charter school is not exempt from the following:

16 (1) Sections 10-21.9 and 34-18.5 of this Code  
17 regarding criminal history records checks and checks of  
18 the Statewide Sex Offender Database and Statewide Murderer  
19 and Violent Offender Against Youth Database of applicants  
20 for employment;

21 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
22 34-84a of this Code regarding discipline of students;

23 (3) the Local Governmental and Governmental Employees  
24 Tort Immunity Act;

25 (4) Section 108.75 of the General Not For Profit  
26 Corporation Act of 1986 regarding indemnification of

- 1           officers, directors, employees, and agents;
- 2           (5) the Abused and Neglected Child Reporting Act;
- 3           (5.5) subsection (b) of Section 10-23.12 and
- 4           subsection (b) of Section 34-18.6 of this Code;
- 5           (6) the Illinois School Student Records Act;
- 6           (7) Section 10-17a of this Code regarding school
- 7           report cards;
- 8           (8) the P-20 Longitudinal Education Data System Act;
- 9           (9) Section 27-23.7 of this Code regarding bullying
- 10          prevention;
- 11          (10) Section 2-3.162 of this Code regarding student
- 12          discipline reporting;
- 13          (11) Sections 22-80 and 27-8.1 of this Code;
- 14          (12) Sections 10-20.60 and 34-18.53 of this Code;
- 15          (13) Sections 10-20.63 and 34-18.56 of this Code;
- 16          (14) Sections 22-90 and 26-18 of this Code;
- 17          (15) Section 22-30 of this Code;
- 18          (16) Sections 24-12 and 34-85 of this Code;
- 19          (17) the Seizure Smart School Act;
- 20          (18) Section 2-3.64a-10 of this Code;
- 21          (19) Sections 10-20.73 and 34-21.9 of this Code;
- 22          (20) Section 10-22.25b of this Code;
- 23          (21) Section 27-9.1a of this Code;
- 24          (22) Section 27-9.1b of this Code;
- 25          (23) Section 34-18.8 of this Code; ~~and~~
- 26          (25) Section 2-3.188 of this Code;

- 1 (26) Section 22-85.5 of this Code;
- 2 (27) subsections ~~Subsections~~ (d-10), (d-15), and
- 3 (d-20) of Section 10-20.56 of this Code; ~~and~~
- 4 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~;~~
- 5 (29) ~~(27)~~ Section 10-20.13 of this Code;
- 6 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
- 7 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~and~~
- 8 (32) ~~(25)~~ Section 22-85.10 of this Code.

9 The change made by Public Act 96-104 to this subsection

10 (g) is declaratory of existing law.

11 (h) A charter school may negotiate and contract with a

12 school district, the governing body of a State college or

13 university or public community college, or any other public or

14 for-profit or nonprofit private entity for: (i) the use of a

15 school building and grounds or any other real property or

16 facilities that the charter school desires to use or convert

17 for use as a charter school site, (ii) the operation and

18 maintenance thereof, and (iii) the provision of any service,

19 activity, or undertaking that the charter school is required

20 to perform in order to carry out the terms of its charter.

21 However, a charter school that is established on or after

22 April 16, 2003 (the effective date of Public Act 93-3) and that

23 operates in a city having a population exceeding 500,000 may

24 not contract with a for-profit entity to manage or operate the

25 school during the period that commences on April 16, 2003 (the

26 effective date of Public Act 93-3) and concludes at the end of

1 the 2004-2005 school year. Except as provided in subsection  
2 (i) of this Section, a school district may charge a charter  
3 school reasonable rent for the use of the district's  
4 buildings, grounds, and facilities. Any services for which a  
5 charter school contracts with a school district shall be  
6 provided by the district at cost. Any services for which a  
7 charter school contracts with a local school board or with the  
8 governing body of a State college or university or public  
9 community college shall be provided by the public entity at  
10 cost.

11 (i) In no event shall a charter school that is established  
12 by converting an existing school or attendance center to  
13 charter school status be required to pay rent for space that is  
14 deemed available, as negotiated and provided in the charter  
15 agreement, in school district facilities. However, all other  
16 costs for the operation and maintenance of school district  
17 facilities that are used by the charter school shall be  
18 subject to negotiation between the charter school and the  
19 local school board and shall be set forth in the charter.

20 (j) A charter school may limit student enrollment by age  
21 or grade level.

22 (k) If the charter school is approved by the State Board or  
23 Commission, then the charter school is its own local education  
24 agency.

25 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;  
26 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.

1 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,  
2 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;  
3 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.  
4 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805,  
5 eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-13-22.)

6 (Text of Section after amendment by P.A. 102-466)

7 Sec. 27A-5. Charter school; legal entity; requirements.

8 (a) A charter school shall be a public, nonsectarian,  
9 nonreligious, non-home based, and non-profit school. A charter  
10 school shall be organized and operated as a nonprofit  
11 corporation or other discrete, legal, nonprofit entity  
12 authorized under the laws of the State of Illinois.

13 (b) A charter school may be established under this Article  
14 by creating a new school or by converting an existing public  
15 school or attendance center to charter school status.  
16 Beginning on April 16, 2003 (the effective date of Public Act  
17 93-3), in all new applications to establish a charter school  
18 in a city having a population exceeding 500,000, operation of  
19 the charter school shall be limited to one campus. The changes  
20 made to this Section by Public Act 93-3 do not apply to charter  
21 schools existing or approved on or before April 16, 2003 (the  
22 effective date of Public Act 93-3).

23 (b-5) In this subsection (b-5), "virtual-schooling" means  
24 a cyber school where students engage in online curriculum and  
25 instruction via the Internet and electronic communication with

1 their teachers at remote locations and with students  
2 participating at different times.

3 From April 1, 2013 through December 31, 2016, there is a  
4 moratorium on the establishment of charter schools with  
5 virtual-schooling components in school districts other than a  
6 school district organized under Article 34 of this Code. This  
7 moratorium does not apply to a charter school with  
8 virtual-schooling components existing or approved prior to  
9 April 1, 2013 or to the renewal of the charter of a charter  
10 school with virtual-schooling components already approved  
11 prior to April 1, 2013.

12 (c) A charter school shall be administered and governed by  
13 its board of directors or other governing body in the manner  
14 provided in its charter. The governing body of a charter  
15 school shall be subject to the Freedom of Information Act and  
16 the Open Meetings Act. No later than January 1, 2021 (one year  
17 after the effective date of Public Act 101-291), a charter  
18 school's board of directors or other governing body must  
19 include at least one parent or guardian of a pupil currently  
20 enrolled in the charter school who may be selected through the  
21 charter school or a charter network election, appointment by  
22 the charter school's board of directors or other governing  
23 body, or by the charter school's Parent Teacher Organization  
24 or its equivalent.

25 (c-5) No later than January 1, 2021 (one year after the  
26 effective date of Public Act 101-291) or within the first year

1 of his or her first term, every voting member of a charter  
2 school's board of directors or other governing body shall  
3 complete a minimum of 4 hours of professional development  
4 leadership training to ensure that each member has sufficient  
5 familiarity with the board's or governing body's role and  
6 responsibilities, including financial oversight and  
7 accountability of the school, evaluating the principal's and  
8 school's performance, adherence to the Freedom of Information  
9 Act and the Open Meetings Act, and compliance with education  
10 and labor law. In each subsequent year of his or her term, a  
11 voting member of a charter school's board of directors or  
12 other governing body shall complete a minimum of 2 hours of  
13 professional development training in these same areas. The  
14 training under this subsection may be provided or certified by  
15 a statewide charter school membership association or may be  
16 provided or certified by other qualified providers approved by  
17 the State Board of Education.

18 (d) For purposes of this subsection (d), "non-curricular  
19 health and safety requirement" means any health and safety  
20 requirement created by statute or rule to provide, maintain,  
21 preserve, or safeguard safe or healthful conditions for  
22 students and school personnel or to eliminate, reduce, or  
23 prevent threats to the health and safety of students and  
24 school personnel. "Non-curricular health and safety  
25 requirement" does not include any course of study or  
26 specialized instructional requirement for which the State



1 Board has established goals and learning standards or which is  
2 designed primarily to impart knowledge and skills for students  
3 to master and apply as an outcome of their education.

4 A charter school shall comply with all non-curricular  
5 health and safety requirements applicable to public schools  
6 under the laws of the State of Illinois. On or before September  
7 1, 2015, the State Board shall promulgate and post on its  
8 Internet website a list of non-curricular health and safety  
9 requirements that a charter school must meet. The list shall  
10 be updated annually no later than September 1. Any charter  
11 contract between a charter school and its authorizer must  
12 contain a provision that requires the charter school to follow  
13 the list of all non-curricular health and safety requirements  
14 promulgated by the State Board and any non-curricular health  
15 and safety requirements added by the State Board to such list  
16 during the term of the charter. Nothing in this subsection (d)  
17 precludes an authorizer from including non-curricular health  
18 and safety requirements in a charter school contract that are  
19 not contained in the list promulgated by the State Board,  
20 including non-curricular health and safety requirements of the  
21 authorizing local school board.

22 (e) Except as otherwise provided in the School Code, a  
23 charter school shall not charge tuition; provided that a  
24 charter school may charge reasonable fees for textbooks,  
25 instructional materials, and student activities.

26 (f) A charter school shall be responsible for the

1 management and operation of its fiscal affairs, including, but  
2 not limited to, the preparation of its budget. An audit of each  
3 charter school's finances shall be conducted annually by an  
4 outside, independent contractor retained by the charter  
5 school. The contractor shall not be an employee of the charter  
6 school or affiliated with the charter school or its authorizer  
7 in any way, other than to audit the charter school's finances.  
8 To ensure financial accountability for the use of public  
9 funds, on or before December 1 of every year of operation, each  
10 charter school shall submit to its authorizer and the State  
11 Board a copy of its audit and a copy of the Form 990 the  
12 charter school filed that year with the federal Internal  
13 Revenue Service. In addition, if deemed necessary for proper  
14 financial oversight of the charter school, an authorizer may  
15 require quarterly financial statements from each charter  
16 school.

17 (g) A charter school shall comply with all provisions of  
18 this Article, the Illinois Educational Labor Relations Act,  
19 all federal and State laws and rules applicable to public  
20 schools that pertain to special education and the instruction  
21 of English learners, and its charter. A charter school is  
22 exempt from all other State laws and regulations in this Code  
23 governing public schools and local school board policies;  
24 however, a charter school is not exempt from the following:

25 (1) Sections 10-21.9 and 34-18.5 of this Code  
26 regarding criminal history records checks and checks of

1 the Statewide Sex Offender Database and Statewide Murderer  
2 and Violent Offender Against Youth Database of applicants  
3 for employment;

4 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
5 34-84a of this Code regarding discipline of students;

6 (3) the Local Governmental and Governmental Employees  
7 Tort Immunity Act;

8 (4) Section 108.75 of the General Not For Profit  
9 Corporation Act of 1986 regarding indemnification of  
10 officers, directors, employees, and agents;

11 (5) the Abused and Neglected Child Reporting Act;

12 (5.5) subsection (b) of Section 10-23.12 and  
13 subsection (b) of Section 34-18.6 of this Code;

14 (6) the Illinois School Student Records Act;

15 (7) Section 10-17a of this Code regarding school  
16 report cards;

17 (8) the P-20 Longitudinal Education Data System Act;

18 (9) Section 27-23.7 of this Code regarding bullying  
19 prevention;

20 (10) Section 2-3.162 of this Code regarding student  
21 discipline reporting;

22 (11) Sections 22-80 and 27-8.1 of this Code;

23 (12) Sections 10-20.60 and 34-18.53 of this Code;

24 (13) Sections 10-20.63 and 34-18.56 of this Code;

25 (14) Sections 22-90 and 26-18 of this Code;

26 (15) Section 22-30 of this Code;

- 1 (16) Sections 24-12 and 34-85 of this Code;
- 2 (17) the Seizure Smart School Act;
- 3 (18) Section 2-3.64a-10 of this Code;
- 4 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 5 (20) Section 10-22.25b of this Code;
- 6 (21) Section 27-9.1a of this Code;
- 7 (22) Section 27-9.1b of this Code;
- 8 (23) Section 34-18.8 of this Code;
- 9 (24) Article 26A of this Code; ~~and~~
- 10 (25) Section 2-3.188 of this Code;
- 11 (26) Section 22-85.5 of this Code;
- 12 (27) subsections ~~Subsections~~ (d-10), (d-15), and
- 13 (d-20) of Section 10-20.56 of this Code; ~~and~~
- 14 (28) Sections 10-20.83 and 34-18.78 of this Code; i;
- 15 (29) ~~(27)~~ Section 10-20.13 of this Code;
- 16 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
- 17 (31) ~~(29)~~ Section 34-21.6 of this Code; and;
- 18 (32) ~~(25)~~ Section 22-85.10 of this Code.

19 The change made by Public Act 96-104 to this subsection  
20 (g) is declaratory of existing law.

21 (h) A charter school may negotiate and contract with a  
22 school district, the governing body of a State college or  
23 university or public community college, or any other public or  
24 for-profit or nonprofit private entity for: (i) the use of a  
25 school building and grounds or any other real property or  
26 facilities that the charter school desires to use or convert

1 for use as a charter school site, (ii) the operation and  
2 maintenance thereof, and (iii) the provision of any service,  
3 activity, or undertaking that the charter school is required  
4 to perform in order to carry out the terms of its charter.  
5 However, a charter school that is established on or after  
6 April 16, 2003 (the effective date of Public Act 93-3) and that  
7 operates in a city having a population exceeding 500,000 may  
8 not contract with a for-profit entity to manage or operate the  
9 school during the period that commences on April 16, 2003 (the  
10 effective date of Public Act 93-3) and concludes at the end of  
11 the 2004-2005 school year. Except as provided in subsection  
12 (i) of this Section, a school district may charge a charter  
13 school reasonable rent for the use of the district's  
14 buildings, grounds, and facilities. Any services for which a  
15 charter school contracts with a school district shall be  
16 provided by the district at cost. Any services for which a  
17 charter school contracts with a local school board or with the  
18 governing body of a State college or university or public  
19 community college shall be provided by the public entity at  
20 cost.

21 (i) In no event shall a charter school that is established  
22 by converting an existing school or attendance center to  
23 charter school status be required to pay rent for space that is  
24 deemed available, as negotiated and provided in the charter  
25 agreement, in school district facilities. However, all other  
26 costs for the operation and maintenance of school district

1 facilities that are used by the charter school shall be  
2 subject to negotiation between the charter school and the  
3 local school board and shall be set forth in the charter.

4 (j) A charter school may limit student enrollment by age  
5 or grade level.

6 (k) If the charter school is approved by the State Board or  
7 Commission, then the charter school is its own local education  
8 agency.

9 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;  
10 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.  
11 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,  
12 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;  
13 102-466, eff. 7-1-25; 102-522, eff. 8-20-21; 102-558, eff.  
14 8-20-21; 102-676, eff. 12-3-21; 102-697, eff. 4-5-22; 102-702,  
15 eff. 7-1-23; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22;  
16 revised 12-13-22.)

17 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

18 (Text of Section before amendment by P.A. 102-702)

19 Sec. 34-18.5. Criminal history records checks and checks  
20 of the Statewide Sex Offender Database and Statewide Murderer  
21 and Violent Offender Against Youth Database.

22 (a) Licensed and nonlicensed applicants for employment  
23 with the school district are required as a condition of  
24 employment to authorize a fingerprint-based criminal history  
25 records check to determine if such applicants have been

1 convicted of any disqualifying, enumerated criminal or drug  
2 offense in subsection (c) of this Section or have been  
3 convicted, within 7 years of the application for employment  
4 with the school district, of any other felony under the laws of  
5 this State or of any offense committed or attempted in any  
6 other state or against the laws of the United States that, if  
7 committed or attempted in this State, would have been  
8 punishable as a felony under the laws of this State.  
9 Authorization for the check shall be furnished by the  
10 applicant to the school district, except that if the applicant  
11 is a substitute teacher seeking employment in more than one  
12 school district, or a teacher seeking concurrent part-time  
13 employment positions with more than one school district (as a  
14 reading specialist, special education teacher or otherwise),  
15 or an educational support personnel employee seeking  
16 employment positions with more than one district, any such  
17 district may require the applicant to furnish authorization  
18 for the check to the regional superintendent of the  
19 educational service region in which are located the school  
20 districts in which the applicant is seeking employment as a  
21 substitute or concurrent part-time teacher or concurrent  
22 educational support personnel employee. Upon receipt of this  
23 authorization, the school district or the appropriate regional  
24 superintendent, as the case may be, shall submit the  
25 applicant's name, sex, race, date of birth, social security  
26 number, fingerprint images, and other identifiers, as

1 prescribed by the Illinois State Police, to the Illinois State  
2 Police. The regional superintendent submitting the requisite  
3 information to the Illinois State Police shall promptly notify  
4 the school districts in which the applicant is seeking  
5 employment as a substitute or concurrent part-time teacher or  
6 concurrent educational support personnel employee that the  
7 check of the applicant has been requested. The Illinois State  
8 Police and the Federal Bureau of Investigation shall furnish,  
9 pursuant to a fingerprint-based criminal history records  
10 check, records of convictions, forever and hereinafter, until  
11 expunged, to the president of the school board for the school  
12 district that requested the check, or to the regional  
13 superintendent who requested the check. The Illinois State  
14 Police shall charge the school district or the appropriate  
15 regional superintendent a fee for conducting such check, which  
16 fee shall be deposited in the State Police Services Fund and  
17 shall not exceed the cost of the inquiry; and the applicant  
18 shall not be charged a fee for such check by the school  
19 district or by the regional superintendent. Subject to  
20 appropriations for these purposes, the State Superintendent of  
21 Education shall reimburse the school district and regional  
22 superintendent for fees paid to obtain criminal history  
23 records checks under this Section.

24 (a-5) The school district or regional superintendent shall  
25 further perform a check of the Statewide Sex Offender  
26 Database, as authorized by the Sex Offender Community



1 Notification Law, for each applicant. The check of the  
2 Statewide Sex Offender Database must be conducted by the  
3 school district or regional superintendent once for every 5  
4 years that an applicant remains employed by the school  
5 district.

6 (a-6) The school district or regional superintendent shall  
7 further perform a check of the Statewide Murderer and Violent  
8 Offender Against Youth Database, as authorized by the Murderer  
9 and Violent Offender Against Youth Community Notification Law,  
10 for each applicant. The check of the Murderer and Violent  
11 Offender Against Youth Database must be conducted by the  
12 school district or regional superintendent once for every 5  
13 years that an applicant remains employed by the school  
14 district.

15 (b) Any information concerning the record of convictions  
16 obtained by the president of the board of education or the  
17 regional superintendent shall be confidential and may only be  
18 transmitted to the general superintendent of the school  
19 district or his designee, the appropriate regional  
20 superintendent if the check was requested by the board of  
21 education for the school district, the presidents of the  
22 appropriate board of education or school boards if the check  
23 was requested from the Illinois State Police by the regional  
24 superintendent, the State Board of Education and the school  
25 district as authorized under subsection (b-5), the State  
26 Superintendent of Education, the State Educator Preparation

1 and Licensure Board or any other person necessary to the  
2 decision of hiring the applicant for employment. A copy of the  
3 record of convictions obtained from the Illinois State Police  
4 shall be provided to the applicant for employment. Upon the  
5 check of the Statewide Sex Offender Database or Statewide  
6 Murderer and Violent Offender Against Youth Database, the  
7 school district or regional superintendent shall notify an  
8 applicant as to whether or not the applicant has been  
9 identified in the Database. If a check of an applicant for  
10 employment as a substitute or concurrent part-time teacher or  
11 concurrent educational support personnel employee in more than  
12 one school district was requested by the regional  
13 superintendent, and the Illinois State Police upon a check  
14 ascertains that the applicant has not been convicted of any of  
15 the enumerated criminal or drug offenses in subsection (c) of  
16 this Section or has not been convicted, within 7 years of the  
17 application for employment with the school district, of any  
18 other felony under the laws of this State or of any offense  
19 committed or attempted in any other state or against the laws  
20 of the United States that, if committed or attempted in this  
21 State, would have been punishable as a felony under the laws of  
22 this State and so notifies the regional superintendent and if  
23 the regional superintendent upon a check ascertains that the  
24 applicant has not been identified in the Sex Offender Database  
25 or Statewide Murderer and Violent Offender Against Youth  
26 Database, then the regional superintendent shall issue to the

1 applicant a certificate evidencing that as of the date  
2 specified by the Illinois State Police the applicant has not  
3 been convicted of any of the enumerated criminal or drug  
4 offenses in subsection (c) of this Section or has not been  
5 convicted, within 7 years of the application for employment  
6 with the school district, of any other felony under the laws of  
7 this State or of any offense committed or attempted in any  
8 other state or against the laws of the United States that, if  
9 committed or attempted in this State, would have been  
10 punishable as a felony under the laws of this State and  
11 evidencing that as of the date that the regional  
12 superintendent conducted a check of the Statewide Sex Offender  
13 Database or Statewide Murderer and Violent Offender Against  
14 Youth Database, the applicant has not been identified in the  
15 Database. The school board of any school district may rely on  
16 the certificate issued by any regional superintendent to that  
17 substitute teacher, concurrent part-time teacher, or  
18 concurrent educational support personnel employee or may  
19 initiate its own criminal history records check of the  
20 applicant through the Illinois State Police and its own check  
21 of the Statewide Sex Offender Database or Statewide Murderer  
22 and Violent Offender Against Youth Database as provided in  
23 this Section. Any unauthorized release of confidential  
24 information may be a violation of Section 7 of the Criminal  
25 Identification Act.

26 (b-5) If a criminal history records check or check of the

1 Statewide Sex Offender Database or Statewide Murderer and  
2 Violent Offender Against Youth Database is performed by a  
3 regional superintendent for an applicant seeking employment as  
4 a substitute teacher with the school district, the regional  
5 superintendent may disclose to the State Board of Education  
6 whether the applicant has been issued a certificate under  
7 subsection (b) based on those checks. If the State Board  
8 receives information on an applicant under this subsection,  
9 then it must indicate in the Educator Licensure Information  
10 System for a 90-day period that the applicant has been issued  
11 or has not been issued a certificate.

12 (c) The board of education shall not knowingly employ a  
13 person who has been convicted of any offense that would  
14 subject him or her to license suspension or revocation  
15 pursuant to Section 21B-80 of this Code, except as provided  
16 under subsection (b) of 21B-80. Further, the board of  
17 education shall not knowingly employ a person who has been  
18 found to be the perpetrator of sexual or physical abuse of any  
19 minor under 18 years of age pursuant to proceedings under  
20 Article II of the Juvenile Court Act of 1987. As a condition of  
21 employment, the board of education must consider the status of  
22 a person who has been issued an indicated finding of abuse or  
23 neglect of a child by the Department of Children and Family  
24 Services under the Abused and Neglected Child Reporting Act or  
25 by a child welfare agency of another jurisdiction.

26 (d) The board of education shall not knowingly employ a

1 person for whom a criminal history records check and a  
2 Statewide Sex Offender Database check have not been initiated.

3 (e) Within 10 days after the general superintendent of  
4 schools, a regional office of education, or an entity that  
5 provides background checks of license holders to public  
6 schools receives information of a pending criminal charge  
7 against a license holder for an offense set forth in Section  
8 21B-80 of this Code, the superintendent, regional office of  
9 education, or entity must notify the State Superintendent of  
10 Education of the pending criminal charge.

11 No later than 15 business days after receipt of a record of  
12 conviction or of checking the Statewide Murderer and Violent  
13 Offender Against Youth Database or the Statewide Sex Offender  
14 Database and finding a registration, the general  
15 superintendent of schools or the applicable regional  
16 superintendent shall, in writing, notify the State  
17 Superintendent of Education of any license holder who has been  
18 convicted of a crime set forth in Section 21B-80 of this Code.  
19 Upon receipt of the record of a conviction of or a finding of  
20 child abuse by a holder of any license issued pursuant to  
21 Article 21B or Section 34-8.1 of this Code, the State  
22 Superintendent of Education may initiate licensure suspension  
23 and revocation proceedings as authorized by law. If the  
24 receipt of the record of conviction or finding of child abuse  
25 is received within 6 months after the initial grant of or  
26 renewal of a license, the State Superintendent of Education

1 may rescind the license holder's license.

2 (e-5) The general superintendent of schools shall, in  
3 writing, notify the State Superintendent of Education of any  
4 license holder whom he or she has reasonable cause to believe  
5 has committed an intentional act of abuse or neglect with the  
6 result of making a child an abused child or a neglected child,  
7 as defined in Section 3 of the Abused and Neglected Child  
8 Reporting Act, and that act resulted in the license holder's  
9 dismissal or resignation from the school district and must  
10 include the Illinois Educator Identification Number (IEIN) of  
11 the license holder and a brief description of the misconduct  
12 alleged. This notification must be submitted within 30 days  
13 after the dismissal or resignation. The license holder must  
14 also be contemporaneously sent a copy of the notice by the  
15 superintendent. All correspondence, documentation, and other  
16 information so received by the State Superintendent of  
17 Education, the State Board of Education, or the State Educator  
18 Preparation and Licensure Board under this subsection (e-5) is  
19 confidential and must not be disclosed to third parties,  
20 except (i) as necessary for the State Superintendent of  
21 Education or his or her designee to investigate and prosecute  
22 pursuant to Article 21B of this Code, (ii) pursuant to a court  
23 order, (iii) for disclosure to the license holder or his or her  
24 representative, or (iv) as otherwise provided in this Article  
25 and provided that any such information admitted into evidence  
26 in a hearing is exempt from this confidentiality and

1 non-disclosure requirement. Except for an act of willful or  
2 wanton misconduct, any superintendent who provides  
3 notification as required in this subsection (e-5) shall have  
4 immunity from any liability, whether civil or criminal or that  
5 otherwise might result by reason of such action.

6 (f) After March 19, 1990, the provisions of this Section  
7 shall apply to all employees of persons or firms holding  
8 contracts with any school district including, but not limited  
9 to, food service workers, school bus drivers and other  
10 transportation employees, who have direct, daily contact with  
11 the pupils of any school in such district. For purposes of  
12 criminal history records checks and checks of the Statewide  
13 Sex Offender Database on employees of persons or firms holding  
14 contracts with more than one school district and assigned to  
15 more than one school district, the regional superintendent of  
16 the educational service region in which the contracting school  
17 districts are located may, at the request of any such school  
18 district, be responsible for receiving the authorization for a  
19 criminal history records check prepared by each such employee  
20 and submitting the same to the Illinois State Police and for  
21 conducting a check of the Statewide Sex Offender Database for  
22 each employee. Any information concerning the record of  
23 conviction and identification as a sex offender of any such  
24 employee obtained by the regional superintendent shall be  
25 promptly reported to the president of the appropriate school  
26 board or school boards.

1 (f-5) Upon request of a school or school district, any  
2 information obtained by the school district pursuant to  
3 subsection (f) of this Section within the last year must be  
4 made available to the requesting school or school district.

5 (g) Prior to the commencement of any student teaching  
6 experience or required internship (which is referred to as  
7 student teaching in this Section) in the public schools, a  
8 student teacher is required to authorize a fingerprint-based  
9 criminal history records check. Authorization for and payment  
10 of the costs of the check must be furnished by the student  
11 teacher to the school district. Upon receipt of this  
12 authorization and payment, the school district shall submit  
13 the student teacher's name, sex, race, date of birth, social  
14 security number, fingerprint images, and other identifiers, as  
15 prescribed by the Illinois State Police, to the Illinois State  
16 Police. The Illinois State Police and the Federal Bureau of  
17 Investigation shall furnish, pursuant to a fingerprint-based  
18 criminal history records check, records of convictions,  
19 forever and hereinafter, until expunged, to the president of  
20 the board. The Illinois State Police shall charge the school  
21 district a fee for conducting the check, which fee must not  
22 exceed the cost of the inquiry and must be deposited into the  
23 State Police Services Fund. The school district shall further  
24 perform a check of the Statewide Sex Offender Database, as  
25 authorized by the Sex Offender Community Notification Law, and  
26 of the Statewide Murderer and Violent Offender Against Youth



1 Database, as authorized by the Murderer and Violent Offender  
2 Against Youth Registration Act, for each student teacher. The  
3 board may not knowingly allow a person to student teach for  
4 whom a criminal history records check, a Statewide Sex  
5 Offender Database check, and a Statewide Murderer and Violent  
6 Offender Against Youth Database check have not been completed  
7 and reviewed by the district.

8 A copy of the record of convictions obtained from the  
9 Illinois State Police must be provided to the student teacher.  
10 Any information concerning the record of convictions obtained  
11 by the president of the board is confidential and may only be  
12 transmitted to the general superintendent of schools or his or  
13 her designee, the State Superintendent of Education, the State  
14 Educator Preparation and Licensure Board, or, for  
15 clarification purposes, the Illinois State Police or the  
16 Statewide Sex Offender Database or Statewide Murderer and  
17 Violent Offender Against Youth Database. Any unauthorized  
18 release of confidential information may be a violation of  
19 Section 7 of the Criminal Identification Act.

20 The board may not knowingly allow a person to student  
21 teach who has been convicted of any offense that would subject  
22 him or her to license suspension or revocation pursuant to  
23 subsection (c) of Section 21B-80 of this Code, except as  
24 provided under subsection (b) of Section 21B-80. Further, the  
25 board may not allow a person to student teach if he or she has  
26 been found to be the perpetrator of sexual or physical abuse of

1 a minor under 18 years of age pursuant to proceedings under  
2 Article II of the Juvenile Court Act of 1987. The board must  
3 consider the status of a person to student teach who has been  
4 issued an indicated finding of abuse or neglect of a child by  
5 the Department of Children and Family Services under the  
6 Abused and Neglected Child Reporting Act or by a child welfare  
7 agency of another jurisdiction.

8 (h) (Blank).

9 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;  
10 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.  
11 1-1-22; 102-813, eff. 5-13-22; 102-894, eff. 5-20-22;  
12 102-1071, eff. 6-10-22.)

13 (Text of Section after amendment by P.A. 102-702)

14 Sec. 34-18.5. Criminal history records checks and checks  
15 of the Statewide Sex Offender Database and Statewide Murderer  
16 and Violent Offender Against Youth Database.

17 (a) Licensed and nonlicensed applicants for employment  
18 with the school district are required as a condition of  
19 employment to authorize a fingerprint-based criminal history  
20 records check to determine if such applicants have been  
21 convicted of any disqualifying, enumerated criminal or drug  
22 offense in subsection (c) of this Section or have been  
23 convicted, within 7 years of the application for employment  
24 with the school district, of any other felony under the laws of  
25 this State or of any offense committed or attempted in any

1 other state or against the laws of the United States that, if  
2 committed or attempted in this State, would have been  
3 punishable as a felony under the laws of this State.  
4 Authorization for the check shall be furnished by the  
5 applicant to the school district, except that if the applicant  
6 is a substitute teacher seeking employment in more than one  
7 school district, or a teacher seeking concurrent part-time  
8 employment positions with more than one school district (as a  
9 reading specialist, special education teacher or otherwise),  
10 or an educational support personnel employee seeking  
11 employment positions with more than one district, any such  
12 district may require the applicant to furnish authorization  
13 for the check to the regional superintendent of the  
14 educational service region in which are located the school  
15 districts in which the applicant is seeking employment as a  
16 substitute or concurrent part-time teacher or concurrent  
17 educational support personnel employee. Upon receipt of this  
18 authorization, the school district or the appropriate regional  
19 superintendent, as the case may be, shall submit the  
20 applicant's name, sex, race, date of birth, social security  
21 number, fingerprint images, and other identifiers, as  
22 prescribed by the Illinois State Police, to the Illinois State  
23 Police. The regional superintendent submitting the requisite  
24 information to the Illinois State Police shall promptly notify  
25 the school districts in which the applicant is seeking  
26 employment as a substitute or concurrent part-time teacher or

1 concurrent educational support personnel employee that the  
2 check of the applicant has been requested. The Illinois State  
3 Police and the Federal Bureau of Investigation shall furnish,  
4 pursuant to a fingerprint-based criminal history records  
5 check, records of convictions, forever and hereinafter, until  
6 expunged, to the president of the school board for the school  
7 district that requested the check, or to the regional  
8 superintendent who requested the check. The Illinois State  
9 Police shall charge the school district or the appropriate  
10 regional superintendent a fee for conducting such check, which  
11 fee shall be deposited in the State Police Services Fund and  
12 shall not exceed the cost of the inquiry; and the applicant  
13 shall not be charged a fee for such check by the school  
14 district or by the regional superintendent. Subject to  
15 appropriations for these purposes, the State Superintendent of  
16 Education shall reimburse the school district and regional  
17 superintendent for fees paid to obtain criminal history  
18 records checks under this Section.

19 (a-5) The school district or regional superintendent shall  
20 further perform a check of the Statewide Sex Offender  
21 Database, as authorized by the Sex Offender Community  
22 Notification Law, for each applicant. The check of the  
23 Statewide Sex Offender Database must be conducted by the  
24 school district or regional superintendent once for every 5  
25 years that an applicant remains employed by the school  
26 district.

1 (a-6) The school district or regional superintendent shall  
2 further perform a check of the Statewide Murderer and Violent  
3 Offender Against Youth Database, as authorized by the Murderer  
4 and Violent Offender Against Youth Community Notification Law,  
5 for each applicant. The check of the Murderer and Violent  
6 Offender Against Youth Database must be conducted by the  
7 school district or regional superintendent once for every 5  
8 years that an applicant remains employed by the school  
9 district.

10 (b) Any information concerning the record of convictions  
11 obtained by the president of the board of education or the  
12 regional superintendent shall be confidential and may only be  
13 transmitted to the general superintendent of the school  
14 district or his designee, the appropriate regional  
15 superintendent if the check was requested by the board of  
16 education for the school district, the presidents of the  
17 appropriate board of education or school boards if the check  
18 was requested from the Illinois State Police by the regional  
19 superintendent, the State Board of Education and the school  
20 district as authorized under subsection (b-5), the State  
21 Superintendent of Education, the State Educator Preparation  
22 and Licensure Board or any other person necessary to the  
23 decision of hiring the applicant for employment. A copy of the  
24 record of convictions obtained from the Illinois State Police  
25 shall be provided to the applicant for employment. Upon the  
26 check of the Statewide Sex Offender Database or Statewide

1 Murderer and Violent Offender Against Youth Database, the  
2 school district or regional superintendent shall notify an  
3 applicant as to whether or not the applicant has been  
4 identified in the Database. If a check of an applicant for  
5 employment as a substitute or concurrent part-time teacher or  
6 concurrent educational support personnel employee in more than  
7 one school district was requested by the regional  
8 superintendent, and the Illinois State Police upon a check  
9 ascertains that the applicant has not been convicted of any of  
10 the enumerated criminal or drug offenses in subsection (c) of  
11 this Section or has not been convicted, within 7 years of the  
12 application for employment with the school district, of any  
13 other felony under the laws of this State or of any offense  
14 committed or attempted in any other state or against the laws  
15 of the United States that, if committed or attempted in this  
16 State, would have been punishable as a felony under the laws of  
17 this State and so notifies the regional superintendent and if  
18 the regional superintendent upon a check ascertains that the  
19 applicant has not been identified in the Sex Offender Database  
20 or Statewide Murderer and Violent Offender Against Youth  
21 Database, then the regional superintendent shall issue to the  
22 applicant a certificate evidencing that as of the date  
23 specified by the Illinois State Police the applicant has not  
24 been convicted of any of the enumerated criminal or drug  
25 offenses in subsection (c) of this Section or has not been  
26 convicted, within 7 years of the application for employment

1 with the school district, of any other felony under the laws of  
2 this State or of any offense committed or attempted in any  
3 other state or against the laws of the United States that, if  
4 committed or attempted in this State, would have been  
5 punishable as a felony under the laws of this State and  
6 evidencing that as of the date that the regional  
7 superintendent conducted a check of the Statewide Sex Offender  
8 Database or Statewide Murderer and Violent Offender Against  
9 Youth Database, the applicant has not been identified in the  
10 Database. The school board of any school district may rely on  
11 the certificate issued by any regional superintendent to that  
12 substitute teacher, concurrent part-time teacher, or  
13 concurrent educational support personnel employee or may  
14 initiate its own criminal history records check of the  
15 applicant through the Illinois State Police and its own check  
16 of the Statewide Sex Offender Database or Statewide Murderer  
17 and Violent Offender Against Youth Database as provided in  
18 this Section. Any unauthorized release of confidential  
19 information may be a violation of Section 7 of the Criminal  
20 Identification Act.

21 (b-5) If a criminal history records check or check of the  
22 Statewide Sex Offender Database or Statewide Murderer and  
23 Violent Offender Against Youth Database is performed by a  
24 regional superintendent for an applicant seeking employment as  
25 a substitute teacher with the school district, the regional  
26 superintendent may disclose to the State Board of Education

1 whether the applicant has been issued a certificate under  
2 subsection (b) based on those checks. If the State Board  
3 receives information on an applicant under this subsection,  
4 then it must indicate in the Educator Licensure Information  
5 System for a 90-day period that the applicant has been issued  
6 or has not been issued a certificate.

7 (c) The board of education shall not knowingly employ a  
8 person who has been convicted of any offense that would  
9 subject him or her to license suspension or revocation  
10 pursuant to Section 21B-80 of this Code, except as provided  
11 under subsection (b) of 21B-80. Further, the board of  
12 education shall not knowingly employ a person who has been  
13 found to be the perpetrator of sexual or physical abuse of any  
14 minor under 18 years of age pursuant to proceedings under  
15 Article II of the Juvenile Court Act of 1987. As a condition of  
16 employment, the board of education must consider the status of  
17 a person who has been issued an indicated finding of abuse or  
18 neglect of a child by the Department of Children and Family  
19 Services under the Abused and Neglected Child Reporting Act or  
20 by a child welfare agency of another jurisdiction.

21 (d) The board of education shall not knowingly employ a  
22 person for whom a criminal history records check and a  
23 Statewide Sex Offender Database check have not been initiated.

24 (e) Within 10 days after the general superintendent of  
25 schools, a regional office of education, or an entity that  
26 provides background checks of license holders to public



1 schools receives information of a pending criminal charge  
2 against a license holder for an offense set forth in Section  
3 21B-80 of this Code, the superintendent, regional office of  
4 education, or entity must notify the State Superintendent of  
5 Education of the pending criminal charge.

6 No later than 15 business days after receipt of a record of  
7 conviction or of checking the Statewide Murderer and Violent  
8 Offender Against Youth Database or the Statewide Sex Offender  
9 Database and finding a registration, the general  
10 superintendent of schools or the applicable regional  
11 superintendent shall, in writing, notify the State  
12 Superintendent of Education of any license holder who has been  
13 convicted of a crime set forth in Section 21B-80 of this Code.  
14 Upon receipt of the record of a conviction of or a finding of  
15 child abuse by a holder of any license issued pursuant to  
16 Article 21B or Section 34-8.1 of this Code, the State  
17 Superintendent of Education may initiate licensure suspension  
18 and revocation proceedings as authorized by law. If the  
19 receipt of the record of conviction or finding of child abuse  
20 is received within 6 months after the initial grant of or  
21 renewal of a license, the State Superintendent of Education  
22 may rescind the license holder's license.

23 (e-5) The general superintendent of schools shall, in  
24 writing, notify the State Superintendent of Education of any  
25 license holder whom he or she has reasonable cause to believe  
26 has committed (i) an intentional act of abuse or neglect with

1 the result of making a child an abused child or a neglected  
2 child, as defined in Section 3 of the Abused and Neglected  
3 Child Reporting Act or (ii) an act of sexual misconduct, as  
4 defined in Section 22-85.5 of this Code, and that act resulted  
5 in the license holder's dismissal or resignation from the  
6 school district and must include the Illinois Educator  
7 Identification Number (IEIN) of the license holder and a brief  
8 description of the misconduct alleged. This notification must  
9 be submitted within 30 days after the dismissal or  
10 resignation. The license holder must also be contemporaneously  
11 sent a copy of the notice by the superintendent. All  
12 correspondence, documentation, and other information so  
13 received by the State Superintendent of Education, the State  
14 Board of Education, or the State Educator Preparation and  
15 Licensure Board under this subsection (e-5) is confidential  
16 and must not be disclosed to third parties, except (i) as  
17 necessary for the State Superintendent of Education or his or  
18 her designee to investigate and prosecute pursuant to Article  
19 21B of this Code, (ii) pursuant to a court order, (iii) for  
20 disclosure to the license holder or his or her representative,  
21 or (iv) as otherwise provided in this Article and provided  
22 that any such information admitted into evidence in a hearing  
23 is exempt from this confidentiality and non-disclosure  
24 requirement. Except for an act of willful or wanton  
25 misconduct, any superintendent who provides notification as  
26 required in this subsection (e-5) shall have immunity from any

1 liability, whether civil or criminal or that otherwise might  
2 result by reason of such action.

3 (f) After March 19, 1990, the provisions of this Section  
4 shall apply to all employees of persons or firms holding  
5 contracts with any school district including, but not limited  
6 to, food service workers, school bus drivers and other  
7 transportation employees, who have direct, daily contact with  
8 the pupils of any school in such district. For purposes of  
9 criminal history records checks and checks of the Statewide  
10 Sex Offender Database on employees of persons or firms holding  
11 contracts with more than one school district and assigned to  
12 more than one school district, the regional superintendent of  
13 the educational service region in which the contracting school  
14 districts are located may, at the request of any such school  
15 district, be responsible for receiving the authorization for a  
16 criminal history records check prepared by each such employee  
17 and submitting the same to the Illinois State Police and for  
18 conducting a check of the Statewide Sex Offender Database for  
19 each employee. Any information concerning the record of  
20 conviction and identification as a sex offender of any such  
21 employee obtained by the regional superintendent shall be  
22 promptly reported to the president of the appropriate school  
23 board or school boards.

24 (f-5) Upon request of a school or school district, any  
25 information obtained by the school district pursuant to  
26 subsection (f) of this Section within the last year must be

1 made available to the requesting school or school district.

2 (g) Prior to the commencement of any student teaching  
3 experience or required internship (which is referred to as  
4 student teaching in this Section) in the public schools, a  
5 student teacher is required to authorize a fingerprint-based  
6 criminal history records check. Authorization for and payment  
7 of the costs of the check must be furnished by the student  
8 teacher to the school district. Upon receipt of this  
9 authorization and payment, the school district shall submit  
10 the student teacher's name, sex, race, date of birth, social  
11 security number, fingerprint images, and other identifiers, as  
12 prescribed by the Illinois State Police, to the Illinois State  
13 Police. The Illinois State Police and the Federal Bureau of  
14 Investigation shall furnish, pursuant to a fingerprint-based  
15 criminal history records check, records of convictions,  
16 forever and hereinafter, until expunged, to the president of  
17 the board. The Illinois State Police shall charge the school  
18 district a fee for conducting the check, which fee must not  
19 exceed the cost of the inquiry and must be deposited into the  
20 State Police Services Fund. The school district shall further  
21 perform a check of the Statewide Sex Offender Database, as  
22 authorized by the Sex Offender Community Notification Law, and  
23 of the Statewide Murderer and Violent Offender Against Youth  
24 Database, as authorized by the Murderer and Violent Offender  
25 Against Youth Registration Act, for each student teacher. The  
26 board may not knowingly allow a person to student teach for

1 whom a criminal history records check, a Statewide Sex  
2 Offender Database check, and a Statewide Murderer and Violent  
3 Offender Against Youth Database check have not been completed  
4 and reviewed by the district.

5 A copy of the record of convictions obtained from the  
6 Illinois State Police must be provided to the student teacher.  
7 Any information concerning the record of convictions obtained  
8 by the president of the board is confidential and may only be  
9 transmitted to the general superintendent of schools or his or  
10 her designee, the State Superintendent of Education, the State  
11 Educator Preparation and Licensure Board, or, for  
12 clarification purposes, the Illinois State Police or the  
13 Statewide Sex Offender Database or Statewide Murderer and  
14 Violent Offender Against Youth Database. Any unauthorized  
15 release of confidential information may be a violation of  
16 Section 7 of the Criminal Identification Act.

17 The board may not knowingly allow a person to student  
18 teach who has been convicted of any offense that would subject  
19 him or her to license suspension or revocation pursuant to  
20 subsection (c) of Section 21B-80 of this Code, except as  
21 provided under subsection (b) of Section 21B-80. Further, the  
22 board may not allow a person to student teach if he or she has  
23 been found to be the perpetrator of sexual or physical abuse of  
24 a minor under 18 years of age pursuant to proceedings under  
25 Article II of the Juvenile Court Act of 1987. The board must  
26 consider the status of a person to student teach who has been

1 issued an indicated finding of abuse or neglect of a child by  
2 the Department of Children and Family Services under the  
3 Abused and Neglected Child Reporting Act or by a child welfare  
4 agency of another jurisdiction.

5 (h) (Blank).

6 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;  
7 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.  
8 1-1-22; 102-702, eff. 7-1-23; 102-813, eff. 5-13-22; 102-894,  
9 eff. 5-20-22; 102-1071, eff. 6-10-22; revised 8-17-22.)

10 (105 ILCS 5/34-18.78)

11 Sec. 34-18.78. COVID-19 paid administrative leave.

12 (a) In this Section:

13 "Employee" means a person employed by the school district  
14 on or after April 5, 2022 (the effective date of Public Act  
15 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

16 "Fully vaccinated against COVID-19" means:

17 (1) 2 weeks after receiving the second dose in a  
18 2-dose series of a COVID-19 vaccine authorized for  
19 emergency use, licensed, or otherwise approved by the  
20 United States Food and Drug Administration; or

21 (2) 2 weeks after receiving a single dose of a  
22 COVID-19 vaccine authorized for emergency use, licensed,  
23 or otherwise approved by the United States Food and Drug  
24 Administration.

25 "Fully vaccinated against COVID-19" also includes any

1 recommended booster doses for which the individual is eligible  
2 upon the adoption by the Department of Public Health of any  
3 changes made by the Centers for Disease Control and Prevention  
4 of the United States Department of Health and Human Services  
5 to the definition of "fully vaccinated against COVID-19" to  
6 include any such booster doses. For purposes of this Section,  
7 individuals who are eligible for a booster dose but have not  
8 received a booster dose by 5 weeks after the Department of  
9 Public Health adopts a revised definition of "fully vaccinated  
10 against COVID-19" are not considered fully vaccinated for  
11 determining eligibility for future paid administrative leave  
12 pursuant to this Section.

13 "School district" includes charter schools established  
14 under Article 27A of this Code.

15 (b) During any time when the Governor has declared a  
16 disaster due to a public health emergency pursuant to Section  
17 7 of the Illinois Emergency Management Agency Act and the  
18 school district, the State or any of its agencies, or a local  
19 public health department has issued guidance, mandates, or  
20 rules related to COVID-19 that restrict an employee of the  
21 school district from being on school district property because  
22 the employee (i) has a confirmed positive COVID-19 diagnosis  
23 via a molecular amplification diagnostic test, such as a  
24 polymerase chain reaction (PCR) test for COVID-19, (ii) has a  
25 probable COVID-19 diagnosis via an antigen diagnostic test,  
26 (iii) has been in close contact with a person who had a

1 confirmed case of COVID-19 and is required to be excluded from  
2 the school, or (iv) is required by the school or school  
3 district policy to be excluded from school district property  
4 due to COVID-19 symptoms, the employee of the school district  
5 shall receive as many days of administrative leave as required  
6 to abide by the public health guidance, mandates, and  
7 requirements issued by the Department of Public Health, unless  
8 a longer period of paid administrative leave has been  
9 negotiated with the exclusive bargaining representative. Such  
10 leave shall be provided to an employee for any days for which  
11 the employee was required to be excluded from school property  
12 prior to April 5, 2022 (the effective date of Public Act  
13 102-697) ~~this amendatory Act of the 102nd General Assembly,~~  
14 provided that the employee receives all doses required to meet  
15 the definition of "fully vaccinated against COVID-19" under  
16 this Section no later than 5 weeks after April 5, 2022 (the  
17 effective date of Public Act 102-697) ~~this amendatory Act of~~  
18 ~~the 102nd General Assembly.~~

19 (c) An employee of the school district shall receive paid  
20 administrative leave pursuant to subsection (b) of this  
21 Section, unless a longer period of paid administrative leave  
22 has been negotiated with the exclusive bargaining  
23 representative, to care for a child of the employee if the  
24 child is unable to attend elementary or secondary school  
25 because the child has:

26 (1) a confirmed positive COVID-19 diagnosis via a



1 molecular amplification diagnostic test, such as a  
2 polymerase chain reaction (PCR) test for COVID-19;

3 (2) a probable COVID-19 diagnosis via an antigen  
4 diagnostic test;

5 (3) been in close contact with a person who has a  
6 confirmed case of COVID-19 and is required to be excluded  
7 from school; or

8 (4) been required by the school or school district  
9 policy to be excluded from school district property due to  
10 COVID-19 symptoms.

11 Such leave shall be provided to an employee for any days needed  
12 to care for a child of the employee prior to April 5, 2022 (the  
13 effective date of Public Act 102-697) ~~this amendatory Act of~~  
14 ~~the 102nd General Assembly~~, provided that the employee  
15 receives the doses required to meet the definition of "fully  
16 vaccinated against COVID-19" under this Section no later than  
17 5 weeks after April 5, 2022 (the effective date of Public Act  
18 102-697) ~~this amendatory Act of the 102nd General Assembly~~.

19 (d) An employee of the school district who is on paid  
20 administrative leave pursuant to this Section must provide all  
21 documentation requested by the board.

22 (e) An employee of the school district who is on paid  
23 administrative leave pursuant to this Section shall receive  
24 the employee's regular rate of pay. The use of a paid  
25 administrative leave day or days by an employee pursuant to  
26 this Section may not diminish any other leave or benefits of

1 the employee.

2 (f) An employee of the school district may not accrue paid  
3 administrative leave pursuant to this Section.

4 (g) For an employee of the school district to be eligible  
5 to receive paid administrative leave pursuant to this Section,  
6 the employee must:

7 (1) have received all required doses to be fully  
8 vaccinated against COVID-19, as defined in this Section;  
9 and

10 (2) participate in the COVID-19 testing program  
11 adopted by the school district to the extent such a  
12 testing program requires participation by individuals who  
13 are fully vaccinated against COVID-19.

14 (h) Nothing in this Section is intended to affect any  
15 right or remedy under federal law.

16 (i) No paid administrative leave awarded to or used by a  
17 fully vaccinated employee prior to the Department of Public  
18 Health's adoption of a revised definition of the term "fully  
19 vaccinated against COVID-19" may be rescinded on the basis  
20 that the employee no longer meets the definition of "fully  
21 vaccinated against COVID-19" based on the revised definition.

22 (Source: P.A. 102-697, eff. 4-5-22; revised 8-3-22.)

23 (105 ILCS 5/34-18.79)

24 Sec. 34-18.79 ~~34-18.78~~. Sick leave; mental or behavioral  
25 health complications. In addition to any interpretation or

1 definition included in a collective bargaining agreement or  
2 board of education or district policy, sick leave, or its  
3 equivalent, to which a teacher or other eligible employee is  
4 entitled shall be interpreted to include mental or behavioral  
5 health complications. Unless contrary to a collective  
6 bargaining agreement or board of education or district policy,  
7 the board may require a certificate from a mental health  
8 professional licensed in Illinois providing ongoing care or  
9 treatment to the teacher or employee as a basis for pay during  
10 leave after an absence of 3 days for mental or behavioral  
11 health complications.

12 (Source: P.A. 102-866, eff. 5-13-22; revised 8-3-22.)

13 (105 ILCS 5/34-18.80)

14 Sec. 34-18.80 ~~34-18.78~~. College and career readiness  
15 systems.

16 (a) Subject to subsection (c) of this Section, by July 1,  
17 2024, the school district shall adopt and commence  
18 implementation of a postsecondary and career expectations  
19 framework for each of grades 6 through 12 that substantially  
20 aligns to the model framework adopted by State agencies  
21 pursuant to Section 15 of the Postsecondary and Workforce  
22 Readiness Act. The local postsecondary and career expectations  
23 framework shall be available on a prominent location on the  
24 school district's website.

25 The career exploration and career development activities

1 offered in alignment with the postsecondary and career  
2 expectations framework shall prepare students enrolled in  
3 grades 6 through 12 to make informed plans and decisions about  
4 their future education and career goals, including possible  
5 participation in a career and technical education pathway, by  
6 providing students with opportunities to explore a wide  
7 variety of high-skill, high-wage, and in-demand career fields.

8 (b) Subject to subsection (c) of this Section, the school  
9 district shall become an eligible school district and award  
10 College and Career Pathway Endorsements pursuant to the  
11 Postsecondary and Workforce Readiness Act and pursuant to the  
12 following schedule:

13 (1) for the high school graduating class of 2026, the  
14 school district shall offer College and Career Pathway  
15 Endorsements in at least one endorsement area;

16 (2) for the high school graduating class of 2028, the  
17 school district shall offer College and Career Pathway  
18 Endorsements in at least 2 endorsement areas; and

19 (3) for the high school graduating class of 2030, the  
20 school district shall offer College and Career Pathway  
21 Endorsements in at least 3 endorsement areas.

22 (c) The board may, by action of the board, opt out of  
23 implementation of all or any part of this Section through  
24 adoption of a set of findings that considers the following:

25 (1) the school district's current systems for college  
26 and career readiness;

1           (2) the school district's cost of implementation  
2 balanced against the potential benefits to students and  
3 families through improved postsecondary education and  
4 career outcomes;

5           (3) the willingness and capacity of local businesses  
6 to partner with the school district for successful  
7 implementation of pathways other than education;

8           (4) the availability of a statewide database of  
9 participating local business partners, as provided under  
10 the Postsecondary and Workforce Readiness Act, for the  
11 purpose of career readiness and the accessibility of those  
12 work experiences and apprenticeships listed in the  
13 database to the students of the school district; and

14           (5) the availability of properly licensed teachers or  
15 teachers meeting faculty credential standards for dual  
16 credit courses to instruct in the program required for the  
17 endorsement areas.

18           The school district must report its board findings and  
19 decision on implementation to the State Board of Education. If  
20 the school district elects to opt out of implementation, the  
21 district may reverse its decision in whole or in part at any  
22 time.

23           (d) The State Board of Education may adopt any rules  
24 necessary to implement this Section.

25           (Source: P.A. 102-917, eff. 1-1-23; revised 1-10-23.)

1 (105 ILCS 5/34-18.81)

2 Sec. 34-18.81 ~~34-18.78~~. Pilot program for remote learning  
3 for students in the custody of the Department of Corrections.  
4 The board may offer the option of remote learning to allow a  
5 student who is in the custody of the Department of Corrections  
6 to successfully complete the course requirements necessary to  
7 graduate from high school and receive a high school diploma.  
8 The school district may offer a remote learning option to a  
9 student if the student:

10 (1) is enrolled at Consuella B. York Alternative High  
11 School at the time the student is transferred to a  
12 Department of Corrections facility or institution or had  
13 been enrolled at Consuella B. York Alternative High School  
14 within the 6 months prior to being transferred to a  
15 Department of Corrections facility or institution; and

16 (2) is within 2 school years of completing all of the  
17 course requirements necessary to graduate from high school  
18 and receive a high school diploma.

19 The Department of Corrections educators and security staff  
20 shall be involved in assisting and supervising students  
21 participating in the pilot program. The Department of  
22 Corrections shall negotiate with all bargaining units involved  
23 to ensure that the implementation of the pilot program is  
24 consistent with collective bargaining agreements.

25 The school district may continue to offer the option of  
26 remote learning to the student for up to one school year

1 following the student's release from the custody of the  
2 Department of Corrections to allow the student to complete any  
3 remaining course requirements necessary to graduate from high  
4 school and receive a high school diploma.

5 The establishment of the pilot program described in this  
6 Section is contingent upon there being provided to the  
7 Department of Corrections sufficient appropriations to  
8 implement and administer the program.

9 (Source: P.A. 102-966, eff. 5-27-22; revised 8-3-22.)

10 (105 ILCS 5/34-21.6) (from Ch. 122, par. 34-21.6)

11 Sec. 34-21.6. Waiver of fees and fines.

12 (a) The board shall waive all fees and any fines for the  
13 loss of school property assessed by the district on children  
14 whose parents are unable to afford them, including but not  
15 limited to:

16 (1) children living in households that meet the free  
17 lunch or breakfast eligibility guidelines established by  
18 the federal government pursuant to Section 1758 of the  
19 federal Richard B. Russell National School Lunch Act (42  
20 U.S.C. 1758; 7 CFR ~~C.F.R.~~ 245 et seq.) and students whose  
21 parents are veterans or active duty military personnel  
22 with income at or below 200% of the federal poverty level,  
23 subject to verification as set forth in subsection (b) of  
24 this Section;7 and

25 (2) homeless children and youths ~~youth~~ as defined in

1 Section 11434a of the federal McKinney-Vento Homeless  
2 Assistance Act (42 U.S.C. 11434a).

3 Notice of waiver availability shall be given to parents or  
4 guardians with every bill for fees or fines. The board shall  
5 develop written policies and procedures implementing this  
6 Section in accordance with regulations promulgated by the  
7 State Board of Education.

8 (b) If the board participates in a federally funded,  
9 school-based child nutrition program and uses a student's  
10 application for, eligibility for, or participation in the  
11 federally funded, school-based child nutrition program (42  
12 U.S.C. 1758; 7 ~~C.F.R.~~ 245 et seq.) as the basis for waiving  
13 fees assessed by the district, then the board must follow the  
14 verification requirements of the federally funded,  
15 school-based child nutrition program (42 U.S.C. 1758; 7 CFR  
16 ~~C.F.R.~~ 245.6a).

17 If the board establishes a process for the determination  
18 of eligibility for waiver of all fees assessed by the district  
19 that is completely independent of the criteria listed in  
20 subsection (b), the board may provide for waiver verification  
21 no more often than once every academic year. Information  
22 obtained during the independent waiver verification process  
23 indicating that the student does not meet free lunch or  
24 breakfast eligibility guidelines may be used to deny the  
25 waiver of the student's fees or fines for the loss of school  
26 property, provided that any information obtained through this



1 independent process for determining or verifying eligibility  
2 for fee waivers shall not be used to determine or verify  
3 eligibility for any federally funded, school-based child  
4 nutrition program.

5 This subsection shall not preclude children from obtaining  
6 waivers at any point during the academic year.

7 (Source: P.A. 102-805, eff. 1-1-23; 102-1032, eff. 5-27-22;  
8 revised 12-13-22.)

9 Section 295. The School Safety Drill Act is amended by  
10 changing Sections 5 and 45 as follows:

11 (105 ILCS 128/5)

12 Sec. 5. Definitions. In this Act:

13 "First responder" means and includes all fire departments  
14 and districts, law enforcement agencies and officials,  
15 emergency medical responders, emergency medical dispatchers,  
16 and emergency management officials involved in the execution  
17 and documentation of the drills administered under this Act.

18 "School" means a public or private facility that offers  
19 elementary or secondary education to students under the age of  
20 21, a charter school authorized by the State Board of  
21 Education, or a special education cooperative. As used in this  
22 definition, "public facility" means a facility operated by the  
23 State or by a unit of local government. As used in this  
24 definition, "private facility" means any non-profit,

1 non-home-based, non-public elementary or secondary school that  
2 is in compliance with Title VI of the Civil Rights Act of 1964  
3 and attendance at which satisfies the requirements of Section  
4 26-1 of the School Code. While more than one school may be  
5 housed in a facility, for purposes of this Act, the facility  
6 shall be considered a school. When a school has more than one  
7 location, for purposes of this Act, each different location  
8 shall be considered its own school.

9 "School safety drill" means a pre-planned exercise  
10 conducted by a school in accordance with the drills and  
11 requirements set forth in this Act.

12 (Source: P.A. 102-894, eff. 5-20-22; 102-1006, eff. 1-1-23;  
13 revised 12-13-22.)

14 (105 ILCS 128/45)

15 Sec. 45. Threat assessment procedure.

16 (a) Each school district must implement a threat  
17 assessment procedure that may be part of a school board policy  
18 on targeted school violence prevention. The procedure must  
19 include the creation of a threat assessment team. The team  
20 must include all of the following members:

21 (1) An administrator employed by the school district  
22 or a special education cooperative that serves the school  
23 district and is available to serve.

24 (2) A teacher employed by the school district or a  
25 special education cooperative that serves the school

1 district and is available to serve.

2 (3) A school counselor employed by the school district  
3 or a special education cooperative that serves the school  
4 district and is available to serve.

5 (4) A school psychologist employed by the school  
6 district or a special education cooperative that serves  
7 the school district and is available to serve.

8 (5) A school social worker employed by the school  
9 district or a special education cooperative that serves  
10 the school district and is available to serve.

11 (6) At least one law enforcement official.

12 If a school district is unable to establish a threat  
13 assessment team with school district staff and resources, it  
14 may utilize a regional behavioral threat assessment and  
15 intervention team that includes mental health professionals  
16 and representatives from the State, county, and local law  
17 enforcement agencies.

18 (b) A school district shall establish the threat  
19 assessment team under this Section no later than 180 days  
20 after August 23, 2019 (the effective date of Public Act  
21 101-455) ~~this amendatory Act of the 101st General Assembly~~ and  
22 must implement an initial threat assessment procedure no later  
23 than 120 days after August 23, 2019 (the effective date of  
24 Public Act 101-455) ~~this amendatory Act of the 101st General~~  
25 ~~Assembly~~. Each year prior to the start of the school year, the  
26 school board shall file the threat assessment procedure and a

1 list identifying the members of the school district's threat  
2 assessment team or regional behavior threat assessment and  
3 intervention team with (i) a local law enforcement agency and  
4 (ii) the regional office of education or, with respect to a  
5 school district organized under Article 34 of the School Code,  
6 the State Board of Education.

7 (c) Any sharing of student information under this Section  
8 must comply with the federal Family Educational Rights and  
9 Privacy Act of 1974 and the Illinois School Student Records  
10 Act.

11 (d) A charter school must follow the threat assessment  
12 procedures implemented by its authorizing school district or  
13 must implement its own threat assessment procedure that  
14 complies with this Section.

15 (Source: P.A. 101-455, eff. 8-23-19; 102-791, eff. 5-13-22;  
16 102-894, eff. 5-20-22; revised 8-25-22.)

17 Section 300. The School Construction Law is amended by  
18 changing Section 5-15 as follows:

19 (105 ILCS 230/5-15)

20 Sec. 5-15. Grant award amounts and required local match.

21 (a) After June 30, 2022, any time there is an  
22 appropriation of funds by the General Assembly from the School  
23 Infrastructure Fund or School Construction Fund and a release  
24 of the appropriated funds to the Capital Development Board for

1 expenditure on grant awards pursuant to the provisions of this  
2 Article, the State Board of Education is authorized to open an  
3 application cycle to receive grant applications from school  
4 districts for school construction projects. No grant  
5 application filed before the start of the first application  
6 cycle after June 30, 2022 may be considered. After the close of  
7 each application cycle, the State Board of Education shall  
8 determine the approval of applications, the required local  
9 match percentage for each approved application, and the  
10 priority order for school construction project grants to be  
11 made by the Capital Development Board and shall then notify  
12 all applicants regarding their eligibility for a grant. Such  
13 notification shall include an estimate of the required local  
14 match. The State Board of Education shall publish a list of  
15 applicants eligible for grants and forward it to the Capital  
16 Development Board.↵

17 (b) The Capital Development Board, to the extent that  
18 appropriated funds have been released and proceeding through  
19 the list of eligible applicants in the order of priority  
20 determined by the State Board of Education, shall issue  
21 conditional grant awards to eligible school districts. An  
22 applicant that does not receive a conditional grant award  
23 notification must submit a new application during another  
24 application cycle in order to receive future consideration for  
25 a grant award.

26 (c) The conditional grant award certifies to a school

1 district the recognized project costs for its school  
2 construction project determined by the Capital Development  
3 Board, the applicable required local match percentage and  
4 grant award percentage, the required local match and grant  
5 award amount calculated by multiplying the required local  
6 match percentage and the grant award percentage by the  
7 recognized project cost, and the required local match and  
8 grant award amount as those amounts may be adjusted as  
9 required in subsection (d).

10 (d) The required local match and grant award amount are  
11 calculated by multiplying the required local match percentage  
12 and the grant award percentage by the recognized project cost,  
13 provided that, only during the first application cycle after  
14 June 30, 2022, these amounts may be adjusted if the applicant  
15 had previously expended funds on a school construction project  
16 on the 2004, 2005, or 2006 School Construction Grant List. In  
17 that case, the required local match shall be reduced (but not  
18 below zero) and the grant award amount shall be increased (to  
19 an amount no greater than the recognized project cost) by an  
20 amount determined by the Capital Development Board to be equal  
21 to the amount of the grant the applicant would have received  
22 pursuant to Section 5-35 had it been awarded a grant in 2004,  
23 2005, or 2006 based on the 2004, 2005, or 2006 School  
24 Construction Grant List and the year in which the school  
25 district applied for the grant.

26 (e) A school district shall have 2 years from the date the

1 school district was issued a conditional grant award from the  
2 Capital Development Board to obtain the school district's  
3 required local match and receive a final grant award from the  
4 Capital Development Board. If the required local match is not  
5 obtained within the 2-year time frame, the school district  
6 shall be required to reapply in another application cycle,  
7 after the 2-year time frame, to be considered for a grant  
8 award. The State share of the grant amount in a conditional  
9 grant award that is not claimed by a school district within the  
10 2-year time frame shall be reallocated to future application  
11 cycles after the 2-year time frame expires.

12 (Source: P.A. 102-723, eff. 5-6-22; revised 9-2-22.)

13 Section 305. The Private Business and Vocational Schools  
14 Act of 2012 is amended by changing Sections 37, 70, and 75 as  
15 follows:

16 (105 ILCS 426/37)

17 Sec. 37. Disclosures. All schools shall make, at a  
18 minimum, the disclosures required under this Section clearly  
19 and conspicuously on their Internet websites. The disclosure  
20 shall consist of a statement containing the following  
21 information for the most recent 12-month reporting period of  
22 July 1 through June 30:

23 (1) The number of students who were admitted in the  
24 course of instruction as of July 1 of that reporting

1 period.

2 (2) Additions during the year due to:

3 (A) new starts;

4 (B) re-enrollments; and

5 (C) transfers into the course of instruction from  
6 other courses of instruction at the school.

7 (3) The total number of students admitted during the  
8 reporting period (the number of students reported under  
9 paragraph (1) of this Section plus the additions reported  
10 under subparagraphs (A), (B), and (C) of paragraph (2) of  
11 this Section).

12 (4) Of the total course of instruction enrollment, the  
13 number of students who:

14 (A) transferred out of the course of instruction  
15 to another course of instruction;

16 (B) completed or graduated from a course of  
17 instruction;

18 (C) withdrew from the school;

19 (D) are still enrolled.

20 (5) The number of students listed in paragraph (4) of  
21 this Section who:

22 (A) were placed in their field of study;

23 (B) were placed in a related field;

24 (C) placed out of the field;

25 (D) were not available for placement due to  
26 personal reasons;



1 (E) were not employed.

2 (6) The number of students who took a State licensing  
3 examination or professional certification examination, if  
4 any, during the reporting period, as well as the number  
5 who passed.

6 (7) The number of graduates who obtained employment in  
7 the field who did not use the school's placement  
8 assistance during the reporting period; such information  
9 may be compiled by reasonable efforts of the school to  
10 contact graduates by written correspondence.

11 (8) The average starting salary for all school  
12 graduates employed during the reporting period; such  
13 information may be compiled by reasonable efforts of the  
14 school to contact graduates by written correspondence.

15 (9) The following clear and conspicuous caption, set  
16 forth with the address and telephone number of the Board's  
17 office:

18 "COMPLAINTS AGAINST THIS SCHOOL MAY BE REGISTERED  
19 WITH THE BOARD OF HIGHER EDUCATION."

20 (10) If the United States Department of Education  
21 places the school on either the Heightened Cash Monitoring  
22 payment method or the reimbursement payment method, as  
23 authorized under 34 CFR 668.162, a clear and conspicuous  
24 disclosure that the United States Department of Education  
25 has heightened monitoring of the school's finances and the  
26 reason for such monitoring. Such disclosure shall be made

1           within 14 days of the action of the United States  
2           Department of Education both on the school's website and  
3           to all students and prospective students on a form  
4           prescribed by the Board.

5           An alphabetical list of names, addresses, and dates of  
6           admission by course or course of instruction and a sample copy  
7           of the enrollment agreement employed to enroll the students  
8           listed shall be filed with the Board's Executive Director on  
9           an annual basis. The list shall be signed and verified by the  
10          school's chief managing employee.

11          (Source: P.A. 102-1046, eff. 6-7-22; revised 9-2-22.)

12           (105 ILCS 426/70)

13           Sec. 70. Closing of a school.

14           (a) In the event a school proposes to discontinue its  
15          operations, the chief administrative officer of the school  
16          shall cause to be filed with the Board the original or legible  
17          true copies of all such academic records of the institution as  
18          may be specified by the Board.

19           (b) These records shall include, at a minimum, the  
20          academic records of each former student that is traditionally  
21          provided on an academic transcript, such as, but not limited  
22          to, courses taken, terms, grades, and other such information.

23           (c) In the event it appears to the Board that any such  
24          records of an institution discontinuing its operations is in  
25          danger of being lost, hidden, destroyed, or otherwise made

1 unavailable to the Board, the Board may seize and take  
2 possession of the records, on its own motion and without order  
3 of court.

4 (d) The Board shall maintain or cause to be maintained a  
5 permanent file of such records coming into its possession.

6 (e) As an alternative to the deposit of such records with  
7 the Board, the institution may propose to the Board a plan for  
8 permanent retention of the records. The plan must be put into  
9 effect only with the approval of the Board.

10 (f) When a postsecondary educational institution now or  
11 hereafter operating in this State proposes to discontinue its  
12 operation, such institution shall cause to be created a  
13 teach-out plan acceptable to the Board, which shall fulfill  
14 the school's educational obligations to its students. Should  
15 the school fail to deliver or act on the teach-out plan, the  
16 Board is in no way responsible for providing the teach-out.

17 (f-5) The school shall release any institutional holds  
18 placed on any student ~~students~~ record, regardless of the type  
19 of hold placed on the student record.

20 (g) The school and its designated surety bonding company  
21 are responsible for the return to students of all prepaid,  
22 unearned tuition. As identified in Section 55 of this Act, the  
23 surety bond must be a written agreement that provides for  
24 monetary compensation in the event that the school fails to  
25 fulfill its obligations. The surety bonding company shall  
26 guarantee the return to the school's students and their

1 parents, guardians, or sponsors of all prepaid, unearned  
2 tuition in the event of school closure. Should the school or  
3 its surety bonding company fail to deliver or act to fulfill  
4 the obligation, the Board is in no way responsible for the  
5 repayment or any related damages or claims.

6 (Source: P.A. 102-1046, eff. 6-7-22; revised 9-2-22.)

7 (105 ILCS 426/75)

8 Sec. 75. Application and renewal fees. The Board may not  
9 approve any application for a permit of approval or program of  
10 study that has been plagiarized in part or whole and may return  
11 any such application for a permit of approval or program of  
12 study. Additionally, the Board may not approve any application  
13 for a permit of approval or program of study that has not been  
14 completed in its entirety. Fees for application and renewal  
15 may be set by the Board by rule. Fees shall be collected for  
16 all of the following:

17 (1) An original school application for a permit of  
18 approval.

19 (2) An initial school application for a permit of  
20 approval upon occurrence of a change of ownership.

21 (3) An annual school application for renewal of a  
22 certificate of approval.

23 (4) A school application for a change of location.

24 (5) A school application for a classroom extension.

25 (6) If an applicant school ~~that~~ has not remedied all

1 deficiencies cited by the Board within 12 months after the  
2 date of its original application for a permit of approval,  
3 an additional original application fee for the continued  
4 cost of investigation of its application.

5 (7) Transcript processing.

6 (Source: P.A. 102-1046, eff. 6-7-22; revised 9-2-22.)

7 Section 310. The Dual Credit Quality Act is amended by  
8 changing Section 20 as follows:

9 (110 ILCS 27/20)

10 Sec. 20. Standards. All institutions offering dual credit  
11 courses shall meet the following standards:

12 (1) High school instructors teaching credit-bearing  
13 college-level courses for dual credit must meet any of the  
14 academic credential requirements set forth in this  
15 paragraph or paragraph (2) or (3) of this Section and need  
16 not meet higher certification requirements or those set  
17 out in Article 21B of the School Code:

18 (A) Approved instructors of dual credit courses  
19 shall meet any of the faculty credential standards  
20 allowed by the Higher Learning Commission to determine  
21 minimally qualified faculty. At the request of an  
22 instructor, an instructor who meets these credential  
23 standards shall be provided by the State Board of  
24 Education with a Dual Credit Endorsement, to be placed

1 on the professional educator license, as established  
2 by the State Board of Education and as authorized  
3 under Article 21B of the School Code and promulgated  
4 through administrative rule in cooperation with the  
5 Illinois Community College Board and the Board of  
6 Higher Education.

7 (B) An instructor who does not meet the faculty  
8 credential standards allowed by the Higher Learning  
9 Commission to determine minimally qualified faculty  
10 may teach dual credit courses if the instructor has a  
11 professional development plan, approved by the  
12 institution and shared with the State Board of  
13 Education no later than January 1, 2025, to raise his  
14 or her credentials to be in line with the credentials  
15 under subparagraph (A) of this paragraph (1). The  
16 institution shall have 30 days to review the plan and  
17 approve an instructor professional development plan  
18 that is in line with the credentials set forth in  
19 paragraph (2) of this Section. The institution shall  
20 not unreasonably withhold approval of a professional  
21 development plan. These approvals shall be good for as  
22 long as satisfactory progress toward the completion of  
23 the credential is demonstrated, but in no event shall  
24 a professional development plan be in effect for more  
25 than 3 years from the date of its approval or after  
26 January 1, 2028, whichever is sooner. A high school

1 instructor whose professional development plan is not  
2 approved by the institution may appeal to the Illinois  
3 Community College Board or the Board of Higher  
4 Education, as appropriate.

5 (C) The Illinois Community College Board and Board  
6 of Higher Education shall report yearly on their ~~its~~  
7 Internet websites ~~website~~ the following:

8 (i) the number of teachers presently enrolled  
9 in an approved professional development plan under  
10 this Section;

11 (ii) the number of instructors who  
12 successfully completed an approved professional  
13 development plan;

14 (iii) the number of instructors who did not  
15 successfully complete an approved professional  
16 development plan after 3 years;

17 (iv) a breakdown of the information in  
18 subdivisions (i), (ii), and (iii) of this  
19 subparagraph (C) by subject area; and

20 (v) a summary, by community college district,  
21 of professional development plans that are in  
22 progress, that were successfully completed, or  
23 that have expired.

24 (2) For a high school instructor entering into a  
25 professional development plan prior to January 1, 2023,  
26 the high school instructor shall qualify for a

1 professional development plan if the instructor:

2 (A) has a master's degree in any discipline and  
3 has earned 9 graduate hours in a discipline in which he  
4 or she is currently teaching or expects to teach; or

5 (B) has a bachelor's degree with a minimum of 18  
6 graduate hours in a discipline that he or she is  
7 currently teaching or expects to teach and is enrolled  
8 in a discipline-specific master's degree program; and

9 (C) agrees to demonstrate his or her progress  
10 toward completion to the supervising institution, as  
11 outlined in the professional development plan.

12 (2.5) For a high school instructor entering into a  
13 professional development plan on or after January 1, 2023,  
14 the high school instructor shall qualify for a  
15 professional development plan if the instructor:

16 (A) has a master's degree in any discipline, has  
17 earned 9 graduate hours in a discipline in which he or  
18 she currently teaches or expects to teach, and agrees  
19 to demonstrate his or her progress toward completion  
20 to the supervising institution, as outlined in the  
21 professional development plan; or

22 (B) is a fully licensed instructor in career and  
23 technical education who is halfway toward meeting the  
24 institution's requirements for faculty in the  
25 discipline to be taught and agrees to demonstrate his  
26 or her progress toward completion to the supervising



1 institution, as outlined in the professional  
2 development plan.

3 (3) An instructor in career and technical education  
4 courses must possess the credentials and demonstrated  
5 teaching competencies appropriate to the field of  
6 instruction.

7 (4) Course content must be equivalent to  
8 credit-bearing college-level courses offered at the  
9 community college.

10 (5) Learning outcomes must be the same as  
11 credit-bearing college-level courses and be appropriately  
12 measured.

13 (6) A high school instructor is expected to  
14 participate in any orientation developed by the  
15 institution for dual credit instructors in course  
16 curriculum, assessment methods, and administrative  
17 requirements.

18 (7) Dual credit instructors must be given the  
19 opportunity to participate in all activities available to  
20 other adjunct faculty, including professional development,  
21 seminars, site visits, and internal communication,  
22 provided that such opportunities do not interfere with an  
23 instructor's regular teaching duties.

24 (8) Every dual credit course must be reviewed annually  
25 by faculty through the appropriate department to ensure  
26 consistency with campus courses.

1           (9) Dual credit students must be assessed using  
2 methods consistent with students in traditional  
3 credit-bearing college courses.

4           (10) Within 15 days after entering into or renewing a  
5 partnership agreement, the institution shall notify its  
6 faculty of the agreement, including access to copies of  
7 the agreement if requested.

8 (Source: P.A. 102-558, eff. 8-20-21; 102-1077, eff. 1-1-23;  
9 revised 12-9-22.)

10           Section 315. The Board of Higher Education Act is amended  
11 by changing Section 9.16 as follows:

12           (110 ILCS 205/9.16) (from Ch. 144, par. 189.16)

13           Sec. 9.16. Underrepresentation of certain groups in higher  
14 education. To require public institutions of higher education  
15 to develop and implement an equity plan and practices that  
16 include methods and strategies to increase the access,  
17 retention, completion, and student loan repayment rates of  
18 minorities, rural students, adult students, women, and  
19 individuals with disabilities who are traditionally  
20 underrepresented in education programs and activities. To  
21 encourage private institutions of higher education to develop  
22 and implement an equity plan and practices. For the purpose of  
23 this Section, minorities shall mean persons ~~residents~~ who are  
24 any of the following:

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

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

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

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

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

18          The Board shall adopt any rules necessary to administer  
19 this Section. The Board, in collaboration with the Illinois  
20 Community College Board, shall also do the following:

21           (a) require all public institutions of higher  
22 education to develop and submit an equity plan and  
23 implement practices that, at a minimum, close gaps in  
24 enrollment, retention, completion, and student loan  
25 repayment rates for underrepresented groups and encourage  
26 all private institutions of higher education to develop

1 and submit such equity plans and implement such practices;

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

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

11 (d) conduct studies of the effectiveness and outcomes  
12 of the methods and strategies outlined in an institution's  
13 equity plan, as well as others designed to increase  
14 participation and success of students in education  
15 programs and activities in which minorities, rural  
16 students, adult students, women, and individuals with  
17 disabilities are traditionally underrepresented, and  
18 monitor and report the outcomes for students as a result  
19 of the implementation of equity plans;

20 (e) require components of an institution's equity plan  
21 to include strategies to increase minority student  
22 recruitment, retention, and student loan repayment rates  
23 in colleges and universities. In implementing this  
24 paragraph, the Board shall undertake, but need not be  
25 limited to, the following: the establishment of guidelines  
26 and plans for public institutions of higher education and

1 private institutions of higher education for minority  
2 student recruitment, retention, and student loan repayment  
3 rates, including requirements to establish campus climate  
4 and culture surveys, the review and monitoring of minority  
5 student services, programs, and supports implemented at  
6 public institutions of higher education and private  
7 institutions of higher education to determine their  
8 compliance with any guidelines and plans so established,  
9 the determination of the effectiveness and funding  
10 requirements of minority student services, programs, and  
11 supports at public institutions of higher education and  
12 private institutions of higher education, the  
13 dissemination of successful programs as models, and the  
14 encouragement of cooperative partnerships between  
15 community colleges, local school attendance centers, and  
16 4-year colleges and universities to support enrollment of  
17 minority students;

18 (f) mandate all public institutions of higher  
19 education and encourage all private institutions of higher  
20 education to submit data and information essential to  
21 determine compliance with this Section. The Board shall  
22 prescribe the format and the date for submission of this  
23 data and any other education equity data; and

24 (g) report to the General Assembly and the Governor  
25 annually with a description of the plans submitted by each  
26 public institution of higher education and each private

1 institution of higher education for implementation of this  
2 Section, including financial data relating to the most  
3 recent fiscal year, the effectiveness of such plans and  
4 programs and the effectiveness of the methods and  
5 strategies developed by the Board in meeting the purposes  
6 of this Section, the degree of compliance with this  
7 Section by each public institution of higher education and  
8 each private institution of higher education as determined  
9 by the Board pursuant to its periodic review  
10 responsibilities, and the findings made by the Board in  
11 conducting its studies and monitoring student outcomes and  
12 institutional success as required by paragraph (d) of this  
13 Section. With respect to each public institution of higher  
14 education and each private institution of higher  
15 education, such report also shall include, but need not be  
16 limited to, information with respect to each institution's  
17 minority program budget allocations; minority student  
18 admission, retention and graduation and student loan  
19 repayment rate statistics; admission, retention,  
20 graduation, and student loan repayment rate statistics of  
21 all students who are the first in their immediate family  
22 to attend an institution of higher education; number of  
23 financial assistance awards, not including student loans,  
24 to undergraduate and graduate minority students; and  
25 minority faculty representation. This paragraph shall not  
26 be construed to prohibit the Board from making, preparing,

1 or issuing additional surveys or studies with respect to  
2 minority education in Illinois.

3 (Source: P.A. 102-465, eff. 1-1-22; 102-1030, eff. 5-27-22;  
4 102-1046, eff. 6-7-22; revised 7-26-22.)

5 Section 320. The Higher Education Cooperation Act is  
6 amended by changing Section 4 as follows:

7 (110 ILCS 220/4) (from Ch. 144, par. 284)

8 Sec. 4. A program of financial assistance to programs of  
9 interinstitutional cooperation, in higher education is  
10 established to implement the policy of encouraging such  
11 cooperation in order to achieve an efficient use of  
12 educational resources, an equitable distribution of  
13 educational services, the development of innovative concepts  
14 and applications, and other public purposes.

15 The Board of Higher Education shall administer this  
16 program of financial assistance and shall distribute the funds  
17 appropriated by the General Assembly for this purpose in the  
18 form of grants to not-for-profit corporations organized to  
19 administer programs of interinstitutional cooperation in  
20 higher education or to public or nonpublic institutions of  
21 higher education participating in such programs.

22 In awarding grants to interinstitutional programs under  
23 this Act, the Board shall consider in relation to each such  
24 program whether it serves the public purposes expressed in

1 this Act, whether the local community is substantially  
2 involved, whether its function could be performed better by a  
3 single existing institution, whether the program is consistent  
4 with the Illinois strategic plan for higher education, and  
5 such other criteria as it determines to be appropriate.

6 No grant may be awarded under this Section for any program  
7 of sectarian instruction or for any program designed to serve  
8 a sectarian purpose.

9 As a part of its administration of this Act, the Board may  
10 require audits or reports in relation to the administrative,  
11 fiscal and academic aspects of any interinstitutional program  
12 for which a grant is awarded under this Act. The Board shall  
13 annually submit to the Governor and the General Assembly a  
14 budgetary recommendation for grants under this Act.

15 (Source: P.A. 102-1046, eff. 6-7-22; revised 9-2-22.)

16 Section 325. The University of Illinois Act is amended by  
17 setting forth, renumbering, and changing multiple versions of  
18 Section 160 as follows:

19 (110 ILCS 305/160)

20 Sec. 160. Benefits navigator.

21 (a) In this Section:

22 "Benefits navigator" means an individual who is designated  
23 by the University for the purpose of helping students at the  
24 University determine eligibility for benefit programs and



1 identify campuswide and community resource support.

2 "Benefit program" means any federal, State, or local  
3 program that provides assistance or benefits to individuals on  
4 the basis of need.

5 (b) The University shall:

6 (1) designate a benefits navigator who has a detailed  
7 understanding of eligibility requirements for benefit  
8 programs and campuswide and community resource support;

9 (2) provide training for the benefits navigator; and

10 (3) participate in a statewide consortium with other  
11 public institutions of higher education, facilitated by  
12 the Board of Higher Education, for the purpose of  
13 facilitating communication between benefits navigators at  
14 different institutions and developing best practices for  
15 benefits navigators.

16 (c) The benefits navigator designated under this Section  
17 shall:

18 (1) assist students at the University in determining  
19 eligibility for benefit programs and identifying  
20 campuswide and community resource support;

21 (2) use the consortium under paragraph (3) of  
22 subsection (b) of this Section to coordinate with benefits  
23 navigators at other public institutions of higher  
24 education for the purpose of collecting data and  
25 developing best practices for helping students apply for  
26 and receive assistance from benefit programs; and

1           (3) coordinate and provide culturally specific  
2 resources, including resources for non-English speakers,  
3 to support students at the University.

4           (d) The University, in consultation with the benefits  
5 navigator designated under this Section, shall develop an  
6 internal process to enable students at the University to  
7 provide feedback and recommendations on how the University can  
8 better assist students in determining eligibility for benefit  
9 programs and applying for assistance under benefit programs.  
10 (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

11           (110 ILCS 305/170)

12           Sec. 170 ~~160~~. COVID-19 sick leave. For purposes of this  
13 Section, "employee" means a person employed by the University  
14 on or after April 5, 2022 (the effective date of Public Act  
15 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

16           Any sick leave used by an employee of the University  
17 during the 2021-2022 academic year shall be returned to an  
18 employee of the University who receives all doses required to  
19 be fully vaccinated against COVID-19, as defined in Section  
20 175 of this Act, if:

21           (1) the sick leave was taken because the employee was  
22 restricted from being on University property because the  
23 employee:

24           (A) had a confirmed positive COVID-19 diagnosis  
25 via a molecular amplification diagnostic test, such as

1 a polymerase chain reaction (PCR) test for COVID-19;

2 (B) had a probable COVID-19 diagnosis via an  
3 antigen diagnostic test;

4 (C) was in close contact with a person who had a  
5 confirmed case of COVID-19 and was required to be  
6 excluded from the University; or

7 (D) was required by the University to be excluded  
8 from University property due to COVID-19 symptoms; or

9 (2) the sick leave was taken to care for a child of the  
10 employee who was unable to attend elementary or secondary  
11 school because the child:

12 (A) had a confirmed positive COVID-19 diagnosis  
13 via a molecular amplification diagnostic test, such as  
14 a polymerase chain reaction (PCR) test for COVID-19;

15 (B) had a probable COVID-19 diagnosis via an  
16 antigen diagnostic test;

17 (C) was in close contact with a person who had a  
18 confirmed case of COVID-19 and was required to be  
19 excluded from school; or

20 (D) was required by the school or school district  
21 policy to be excluded from school district property  
22 due to COVID-19 symptoms.

23 Leave shall be returned to an employee pursuant to this  
24 Section provided that the employee has received all required  
25 doses to meet the definition of "fully vaccinated against  
26 COVID-19" under Section 175 of this Act no later than 5 weeks

1 after April 5, 2022 (the effective date of Public Act 102-697)  
2 ~~this amendatory Act of the 102nd General Assembly.~~

3 The University may not rescind any sick leave returned to  
4 an employee of the University on the basis of a revision to the  
5 definition of "fully vaccinated against COVID-19" by the  
6 Centers for Disease Control and Prevention of the United  
7 States Department of Health and Human Services or the  
8 Department of Public Health, provided that the employee  
9 received all doses required to be fully vaccinated against  
10 COVID-19, as defined in Section 175 of this Act, at the time  
11 the sick leave was returned to the employee.

12 (Source: P.A. 102-697, eff. 4-5-22; revised 8-19-22.)

13 Section 330. The Southern Illinois University Management  
14 Act is amended by setting forth, renumbering, and changing  
15 multiple versions of Section 135 as follows:

16 (110 ILCS 520/135)

17 Sec. 135. Benefits navigator.

18 (a) In this Section:

19 "Benefits navigator" means an individual who is designated  
20 by the University for the purpose of helping students at the  
21 University determine eligibility for benefit programs and  
22 identify campuswide and community resource support.

23 "Benefit program" means any federal, State, or local  
24 program that provides assistance or benefits to individuals on

1 the basis of need.

2 (b) The University shall:

3 (1) designate a benefits navigator who has a detailed  
4 understanding of eligibility requirements for benefit  
5 programs and campuswide and community resource support;

6 (2) provide training for the benefits navigator; and

7 (3) participate in a statewide consortium with other  
8 public institutions of higher education, facilitated by  
9 the Board of Higher Education, for the purpose of  
10 facilitating communication between benefits navigators at  
11 different institutions and developing best practices for  
12 benefits navigators.

13 (c) The benefits navigator designated under this Section  
14 shall:

15 (1) assist students at the University in determining  
16 eligibility for benefit programs and identifying  
17 campuswide and community resource support;

18 (2) use the consortium under paragraph (3) of  
19 subsection (b) of this Section to coordinate with benefits  
20 navigators at other public institutions of higher  
21 education for the purpose of collecting data and  
22 developing best practices for helping students apply for  
23 and receive assistance from benefit programs; and

24 (3) coordinate and provide culturally specific  
25 resources, including resources for non-English speakers,  
26 to support students at the University.

1 (d) The University, in consultation with the benefits  
2 navigator designated under this Section, shall develop an  
3 internal process to enable students at the University to  
4 provide feedback and recommendations on how the University can  
5 better assist students in determining eligibility for benefit  
6 programs and applying for assistance under benefit programs.

7 (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

8 (110 ILCS 520/145)

9 Sec. 145 ~~135~~. COVID-19 sick leave. For purposes of this  
10 Section, "employee" means a person employed by the University  
11 on or after April 5, 2022 (the effective date of Public Act  
12 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

13 Any sick leave used by an employee of the University  
14 during the 2021-2022 academic year shall be returned to an  
15 employee of the University who receives all doses required to  
16 be fully vaccinated against COVID-19, as defined in Section  
17 150 of this Act, if:

18 (1) the sick leave was taken because the employee was  
19 restricted from being on University property because the  
20 employee:

21 (A) had a confirmed positive COVID-19 diagnosis  
22 via a molecular amplification diagnostic test, such as  
23 a polymerase chain reaction (PCR) test for COVID-19;

24 (B) had a probable COVID-19 diagnosis via an  
25 antigen diagnostic test;

1 (C) was in close contact with a person who had a  
2 confirmed case of COVID-19 and was required to be  
3 excluded from the University; or

4 (D) was required by the University to be excluded  
5 from University property due to COVID-19 symptoms; or

6 (2) the sick leave was taken to care for a child of the  
7 employee who was unable to attend elementary or secondary  
8 school because the child:

9 (A) had a confirmed positive COVID-19 diagnosis  
10 via a molecular amplification diagnostic test, such as  
11 a polymerase chain reaction (PCR) test for COVID-19;

12 (B) had a probable COVID-19 diagnosis via an  
13 antigen diagnostic test;

14 (C) was in close contact with a person who had a  
15 confirmed case of COVID-19 and was required to be  
16 excluded from school; or

17 (D) was required by the school or school district  
18 policy to be excluded from school district property  
19 due to COVID-19 symptoms.

20 Leave shall be returned to an employee pursuant to this  
21 Section provided that the employee has received all required  
22 doses to meet the definition of "fully vaccinated against  
23 COVID-19" under Section 150 of this Act no later than 5 weeks  
24 after April 5, 2022 (the effective date of Public Act 102-697)  
25 ~~this amendatory Act of the 102nd General Assembly.~~

26 The University may not rescind any sick leave returned to

1 an employee of the University on the basis of a revision to the  
2 definition of "fully vaccinated against COVID-19" by the  
3 Centers for Disease Control and Prevention of the United  
4 States Department of Health and Human Services or the  
5 Department of Public Health, provided that the employee  
6 received all doses required to be fully vaccinated against  
7 COVID-19, as defined in Section 150 of this Act, at the time  
8 the sick leave was returned to the employee.

9 (Source: P.A. 102-697, eff. 4-5-22; revised 8-22-22.)

10 Section 335. The Chicago State University Law is amended  
11 by setting forth, renumbering, and changing multiple versions  
12 of Section 5-245 as follows:

13 (110 ILCS 660/5-245)

14 Sec. 5-245. Benefits navigator.

15 (a) In this Section:

16 "Benefits navigator" means an individual who is designated  
17 by the University for the purpose of helping students at the  
18 University determine eligibility for benefit programs and  
19 identify campuswide and community resource support.

20 "Benefit program" means any federal, State, or local  
21 program that provides assistance or benefits to individuals on  
22 the basis of need.

23 (b) The University shall:

24 (1) designate a benefits navigator who has a detailed



1 understanding of eligibility requirements for benefit  
2 programs and campuswide and community resource support;

3 (2) provide training for the benefits navigator; and

4 (3) participate in a statewide consortium with other  
5 public institutions of higher education, facilitated by  
6 the Board of Higher Education, for the purpose of  
7 facilitating communication between benefits navigators at  
8 different institutions and developing best practices for  
9 benefits navigators.

10 (c) The benefits navigator designated under this Section  
11 shall:

12 (1) assist students at the University in determining  
13 eligibility for benefit programs and identifying  
14 campuswide and community resource support;

15 (2) use the consortium under paragraph (3) of  
16 subsection (b) of this Section to coordinate with benefits  
17 navigators at other public institutions of higher  
18 education for the purpose of collecting data and  
19 developing best practices for helping students apply for  
20 and receive assistance from benefit programs; and

21 (3) coordinate and provide culturally specific  
22 resources, including resources for non-English speakers,  
23 to support students at the University.

24 (d) The University, in consultation with the benefits  
25 navigator designated under this Section, shall develop an  
26 internal process to enable students at the University to

1 provide feedback and recommendations on how the University can  
2 better assist students in determining eligibility for benefit  
3 programs and applying for assistance under benefit programs.

4 (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

5 (110 ILCS 660/5-255)

6 Sec. 5-255 ~~5-245~~. COVID-19 sick leave. For purposes of  
7 this Section, "employee" means a person employed by the  
8 University on or after April 5, 2022 (the effective date of  
9 Public Act 102-697) ~~this amendatory Act of the 102nd General~~  
10 ~~Assembly.~~

11 Any sick leave used by an employee of the University  
12 during the 2021-2022 academic year shall be returned to an  
13 employee of the University who receives all doses required to  
14 be fully vaccinated against COVID-19, as defined in Section  
15 5-260 of this Law Act, if:

16 (1) the sick leave was taken because the employee was  
17 restricted from being on University property because the  
18 employee:

19 (A) had a confirmed positive COVID-19 diagnosis  
20 via a molecular amplification diagnostic test, such as  
21 a polymerase chain reaction (PCR) test for COVID-19;

22 (B) had a probable COVID-19 diagnosis via an  
23 antigen diagnostic test;

24 (C) was in close contact with a person who had a  
25 confirmed case of COVID-19 and was required to be

1 excluded from the University; or

2 (D) was required by the University to be excluded  
3 from University property due to COVID-19 symptoms; or

4 (2) the sick leave was taken to care for a child of the  
5 employee who was unable to attend elementary or secondary  
6 school because the child:

7 (A) had a confirmed positive COVID-19 diagnosis  
8 via a molecular amplification diagnostic test, such as  
9 a polymerase chain reaction (PCR) test for COVID-19;

10 (B) had a probable COVID-19 diagnosis via an  
11 antigen diagnostic test;

12 (C) was in close contact with a person who had a  
13 confirmed case of COVID-19 and was required to be  
14 excluded from school; or

15 (D) was required by the school or school district  
16 policy to be excluded from school district property  
17 due to COVID-19 symptoms.

18 Leave shall be returned to an employee pursuant to this  
19 Section provided that the employee has received all required  
20 doses to meet the definition of "fully vaccinated against  
21 COVID-19" under Section 5-260 of this ~~Law Act~~ no later than 5  
22 weeks after April 5, 2022 (the effective date of Public Act  
23 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

24 The University may not rescind any sick leave returned to  
25 an employee of the University on the basis of a revision to the  
26 definition of "fully vaccinated against COVID-19" by the

1 Centers for Disease Control and Prevention of the United  
2 States Department of Health and Human Services or the  
3 Department of Public Health, provided that the employee  
4 received all doses required to be fully vaccinated against  
5 COVID-19, as defined in Section 5-260 of this Law Act, at the  
6 time the sick leave was returned to the employee.

7 (Source: P.A. 102-697, eff. 4-5-22; revised 8-23-22.)

8 Section 340. The Eastern Illinois University Law is  
9 amended by setting forth, renumbering, and changing multiple  
10 versions of Section 10-245 as follows:

11 (110 ILCS 665/10-245)

12 Sec. 10-245. Benefits navigator.

13 (a) In this Section:

14 "Benefits navigator" means an individual who is designated  
15 by the University for the purpose of helping students at the  
16 University determine eligibility for benefit programs and  
17 identify campuswide and community resource support.

18 "Benefit program" means any federal, State, or local  
19 program that provides assistance or benefits to individuals on  
20 the basis of need.

21 (b) The University shall:

22 (1) designate a benefits navigator who has a detailed  
23 understanding of eligibility requirements for benefit  
24 programs and campuswide and community resource support;

1 (2) provide training for the benefits navigator; and

2 (3) participate in a statewide consortium with other  
3 public institutions of higher education, facilitated by  
4 the Board of Higher Education, for the purpose of  
5 facilitating communication between benefits navigators at  
6 different institutions and developing best practices for  
7 benefits navigators.

8 (c) The benefits navigator designated under this Section  
9 shall:

10 (1) assist students at the University in determining  
11 eligibility for benefit programs and identifying  
12 campuswide and community resource support;

13 (2) use the consortium under paragraph (3) of  
14 subsection (b) of this Section to coordinate with benefits  
15 navigators at other public institutions of higher  
16 education for the purpose of collecting data and  
17 developing best practices for helping students apply for  
18 and receive assistance from benefit programs; and

19 (3) coordinate and provide culturally specific  
20 resources, including resources for non-English speakers,  
21 to support students at the University.

22 (d) The University, in consultation with the benefits  
23 navigator designated under this Section, shall develop an  
24 internal process to enable students at the University to  
25 provide feedback and recommendations on how the University can  
26 better assist students in determining eligibility for benefit

1 programs and applying for assistance under benefit programs.

2 (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

3 (110 ILCS 665/10-260)

4 Sec. 10-260 ~~10-245~~. COVID-19 sick leave. For purposes of  
5 this Section, "employee" means a person employed by the  
6 University on or after April 5, 2022 (the effective date of  
7 Public Act 102-697) ~~this amendatory Act of the 102nd General~~  
8 ~~Assembly.~~

9 Any sick leave used by an employee of the University  
10 during the 2021-2022 academic year shall be returned to an  
11 employee of the University who receives all doses required to  
12 be fully vaccinated against COVID-19, as defined in Section  
13 10-265 of this Law Act, if:

14 (1) the sick leave was taken because the employee was  
15 restricted from being on University property because the  
16 employee:

17 (A) had a confirmed positive COVID-19 diagnosis  
18 via a molecular amplification diagnostic test, such as  
19 a polymerase chain reaction (PCR) test for COVID-19;

20 (B) had a probable COVID-19 diagnosis via an  
21 antigen diagnostic test;

22 (C) was in close contact with a person who had a  
23 confirmed case of COVID-19 and was required to be  
24 excluded from the University; or

25 (D) was required by the University to be excluded

1 from University property due to COVID-19 symptoms; or  
2 (2) the sick leave was taken to care for a child of the  
3 employee who was unable to attend elementary or secondary  
4 school because the child:

5 (A) had a confirmed positive COVID-19 diagnosis  
6 via a molecular amplification diagnostic test, such as  
7 a polymerase chain reaction (PCR) test for COVID-19;

8 (B) had a probable COVID-19 diagnosis via an  
9 antigen diagnostic test;

10 (C) was in close contact with a person who had a  
11 confirmed case of COVID-19 and was required to be  
12 excluded from school; or

13 (D) was required by the school or school district  
14 policy to be excluded from school district property  
15 due to COVID-19 symptoms.

16 Leave shall be returned to an employee pursuant to this  
17 Section provided that the employee has received all required  
18 doses to meet the definition of "fully vaccinated against  
19 COVID-19" under Section 10-265 of this ~~Law Act~~ no later than 5  
20 weeks after April 5, 2022 (the effective date of Public Act  
21 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

22 The University may not rescind any sick leave returned to  
23 an employee of the University on the basis of a revision to the  
24 definition of "fully vaccinated against COVID-19" by the  
25 Centers for Disease Control and Prevention of the United  
26 States Department of Health and Human Services or the

1 Department of Public Health, provided that the employee  
2 received all doses required to be fully vaccinated against  
3 COVID-19, as defined in Section 10-265 of this Law Act, at the  
4 time the sick leave was returned to the employee.

5 (Source: P.A. 102-697, eff. 4-5-22; revised 8-23-22.)

6 Section 345. The Governors State University Law is amended  
7 by setting forth, renumbering, and changing multiple versions  
8 of Section 15-245 as follows:

9 (110 ILCS 670/15-245)

10 Sec. 15-245. Benefits navigator.

11 (a) In this Section:

12 "Benefits navigator" means an individual who is designated  
13 by the University for the purpose of helping students at the  
14 University determine eligibility for benefit programs and  
15 identify campuswide and community resource support.

16 "Benefit program" means any federal, State, or local  
17 program that provides assistance or benefits to individuals on  
18 the basis of need.

19 (b) The University shall:

20 (1) designate a benefits navigator who has a detailed  
21 understanding of eligibility requirements for benefit  
22 programs and campuswide and community resource support;

23 (2) provide training for the benefits navigator; and

24 (3) participate in a statewide consortium with other



1 public institutions of higher education, facilitated by  
2 the Board of Higher Education, for the purpose of  
3 facilitating communication between benefits navigators at  
4 different institutions and developing best practices for  
5 benefits navigators.

6 (c) The benefits navigator designated under this Section  
7 shall:

8 (1) assist students at the University in determining  
9 eligibility for benefit programs and identifying  
10 campuswide and community resource support;

11 (2) use the consortium under paragraph (3) of  
12 subsection (b) of this Section to coordinate with benefits  
13 navigators at other public institutions of higher  
14 education for the purpose of collecting data and  
15 developing best practices for helping students apply for  
16 and receive assistance from benefit programs; and

17 (3) coordinate and provide culturally specific  
18 resources, including resources for non-English speakers,  
19 to support students at the University.

20 (d) The University, in consultation with the benefits  
21 navigator designated under this Section, shall develop an  
22 internal process to enable students at the University to  
23 provide feedback and recommendations on how the University can  
24 better assist students in determining eligibility for benefit  
25 programs and applying for assistance under benefit programs.

26 (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

1 (110 ILCS 670/15-255)

2 Sec. 15-255 ~~15-245~~. COVID-19 sick leave. For purposes of  
3 this Section, "employee" means a person employed by the  
4 University on or after April 5, 2022 (the effective date of  
5 Public Act 102-697) ~~this amendatory Act of the 102nd General~~  
6 ~~Assembly.~~

7 Any sick leave used by an employee of the University  
8 during the 2021-2022 academic year shall be returned to an  
9 employee of the University who receives all doses required to  
10 be fully vaccinated against COVID-19, as defined in Section  
11 15-260 of this Law Act, if:

12 (1) the sick leave was taken because the employee was  
13 restricted from being on University property because the  
14 employee:

15 (A) had a confirmed positive COVID-19 diagnosis  
16 via a molecular amplification diagnostic test, such as  
17 a polymerase chain reaction (PCR) test for COVID-19;

18 (B) had a probable COVID-19 diagnosis via an  
19 antigen diagnostic test;

20 (C) was in close contact with a person who had a  
21 confirmed case of COVID-19 and was required to be  
22 excluded from the University; or

23 (D) was required by the University to be excluded  
24 from University property due to COVID-19 symptoms; or

25 (2) the sick leave was taken to care for a child of the

1 employee who was unable to attend elementary or secondary  
2 school because the child:

3 (A) had a confirmed positive COVID-19 diagnosis  
4 via a molecular amplification diagnostic test, such as  
5 a polymerase chain reaction (PCR) test for COVID-19;

6 (B) had a probable COVID-19 diagnosis via an  
7 antigen diagnostic test;

8 (C) was in close contact with a person who had a  
9 confirmed case of COVID-19 and was required to be  
10 excluded from school; or

11 (D) was required by the school or school district  
12 policy to be excluded from school district property  
13 due to COVID-19 symptoms.

14 Leave shall be returned to an employee pursuant to this  
15 Section provided that the employee has received all required  
16 doses to meet the definition of "fully vaccinated against  
17 COVID-19" under Section 15-260 of this ~~Law Act~~ no later than 5  
18 weeks after April 5, 2022 (the effective date of Public Act  
19 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

20 The University may not rescind any sick leave returned to  
21 an employee of the University on the basis of a revision to the  
22 definition of "fully vaccinated against COVID-19" by the  
23 Centers for Disease Control and Prevention of the United  
24 States Department of Health and Human Services or the  
25 Department of Public Health, provided that the employee  
26 received all doses required to be fully vaccinated against

1 COVID-19, as defined in Section 15-260 of this Law Act, at the  
2 time the sick leave was returned to the employee.

3 (Source: P.A. 102-697, eff. 4-5-22; revised 8-24-22.)

4 Section 350. The Illinois State University Law is amended  
5 by setting forth, renumbering, and changing multiple versions  
6 of Section 20-250 as follows:

7 (110 ILCS 675/20-250)

8 Sec. 20-250. Benefits navigator.

9 (a) In this Section:

10 "Benefits navigator" means an individual who is designated  
11 by the University for the purpose of helping students at the  
12 University determine eligibility for benefit programs and  
13 identify campuswide and community resource support.

14 "Benefit program" means any federal, State, or local  
15 program that provides assistance or benefits to individuals on  
16 the basis of need.

17 (b) The University shall:

18 (1) designate a benefits navigator who has a detailed  
19 understanding of eligibility requirements for benefit  
20 programs and campuswide and community resource support;

21 (2) provide training for the benefits navigator; and

22 (3) participate in a statewide consortium with other  
23 public institutions of higher education, facilitated by  
24 the Board of Higher Education, for the purpose of

1           facilitating communication between benefits navigators at  
2           different institutions and developing best practices for  
3           benefits navigators.

4           (c) The benefits navigator designated under this Section  
5 shall:

6                   (1) assist students at the University in determining  
7                   eligibility for benefit programs and identifying  
8                   campuswide and community resource support;

9                   (2) use the consortium under paragraph (3) of  
10                   subsection (b) of this Section to coordinate with benefits  
11                   navigators at other public institutions of higher  
12                   education for the purpose of collecting data and  
13                   developing best practices for helping students apply for  
14                   and receive assistance from benefit programs; and

15                   (3) coordinate and provide culturally specific  
16                   resources, including resources for non-English speakers,  
17                   to support students at the University.

18           (d) The University, in consultation with the benefits  
19           navigator designated under this Section, shall develop an  
20           internal process to enable students at the University to  
21           provide feedback and recommendations on how the University can  
22           better assist students in determining eligibility for benefit  
23           programs and applying for assistance under benefit programs.

24           (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

25                   (110 ILCS 675/20-265)

1           Sec. 20-265 ~~20-250~~. COVID-19 sick leave. For purposes of  
2 this Section, "employee" means a person employed by the  
3 University on or after April 5, 2022 (the effective date of  
4 Public Act 102-697) ~~this amendatory Act of the 102nd General~~  
5 ~~Assembly~~.

6           Any sick leave used by an employee of the University  
7 during the 2021-2022 academic year shall be returned to an  
8 employee of the University who receives all doses required to  
9 be fully vaccinated against COVID-19, as defined in Section  
10 20-270 of this Law Act, if:

11           (1) the sick leave was taken because the employee was  
12 restricted from being on University property because the  
13 employee:

14                   (A) had a confirmed positive COVID-19 diagnosis  
15 via a molecular amplification diagnostic test, such as  
16 a polymerase chain reaction (PCR) test for COVID-19;

17                   (B) had a probable COVID-19 diagnosis via an  
18 antigen diagnostic test;

19                   (C) was in close contact with a person who had a  
20 confirmed case of COVID-19 and was required to be  
21 excluded from the University; or

22                   (D) was required by the University to be excluded  
23 from University property due to COVID-19 symptoms; or

24           (2) the sick leave was taken to care for a child of the  
25 employee who was unable to attend elementary or secondary  
26 school because the child:

1 (A) had a confirmed positive COVID-19 diagnosis  
2 via a molecular amplification diagnostic test, such as  
3 a polymerase chain reaction (PCR) test for COVID-19;

4 (B) had a probable COVID-19 diagnosis via an  
5 antigen diagnostic test;

6 (C) was in close contact with a person who had a  
7 confirmed case of COVID-19 and was required to be  
8 excluded from school; or

9 (D) was required by the school or school district  
10 policy to be excluded from school district property  
11 due to COVID-19 symptoms.

12 Leave shall be returned to an employee pursuant to this  
13 Section provided that the employee has received all required  
14 doses to meet the definition of "fully vaccinated against  
15 COVID-19" under Section 20-270 of this Law Act no later than 5  
16 weeks after April 5, 2022 (the effective date of Public Act  
17 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

18 The University may not rescind any sick leave returned to  
19 an employee of the University on the basis of a revision to the  
20 definition of "fully vaccinated against COVID-19" by the  
21 Centers for Disease Control and Prevention of the United  
22 States Department of Health and Human Services or the  
23 Department of Public Health, provided that the employee  
24 received all doses required to be fully vaccinated against  
25 COVID-19, as defined in Section 20-270 of this Law Act, at the  
26 time the sick leave was returned to the employee.

1 (Source: P.A. 102-697, eff. 4-5-22; revised 8-24-22.)

2 Section 355. The Northeastern Illinois University Law is  
3 amended by setting forth, renumbering, and changing multiple  
4 versions of Section 25-245 as follows:

5 (110 ILCS 680/25-245)

6 Sec. 25-245. Benefits navigator.

7 (a) In this Section:

8 "Benefits navigator" means an individual who is designated  
9 by the University for the purpose of helping students at the  
10 University determine eligibility for benefit programs and  
11 identify campuswide and community resource support.

12 "Benefit program" means any federal, State, or local  
13 program that provides assistance or benefits to individuals on  
14 the basis of need.

15 (b) The University shall:

16 (1) designate a benefits navigator who has a detailed  
17 understanding of eligibility requirements for benefit  
18 programs and campuswide and community resource support;

19 (2) provide training for the benefits navigator; and

20 (3) participate in a statewide consortium with other  
21 public institutions of higher education, facilitated by  
22 the Board of Higher Education, for the purpose of  
23 facilitating communication between benefits navigators at  
24 different institutions and developing best practices for



1 benefits navigators.

2 (c) The benefits navigator designated under this Section  
3 shall:

4 (1) assist students at the University in determining  
5 eligibility for benefit programs and identifying  
6 campuswide and community resource support;

7 (2) use the consortium under paragraph (3) of  
8 subsection (b) of this Section to coordinate with benefits  
9 navigators at other public institutions of higher  
10 education for the purpose of collecting data and  
11 developing best practices for helping students apply for  
12 and receive assistance from benefit programs; and

13 (3) coordinate and provide culturally specific  
14 resources, including resources for non-English speakers,  
15 to support students at the University.

16 (d) The University, in consultation with the benefits  
17 navigator designated under this Section, shall develop an  
18 internal process to enable students at the University to  
19 provide feedback and recommendations on how the University can  
20 better assist students in determining eligibility for benefit  
21 programs and applying for assistance under benefit programs.

22 (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

23 (110 ILCS 680/25-260)

24 Sec. 25-260 ~~25-245~~. COVID-19 sick leave. For purposes of  
25 this Section, "employee" means a person employed by the

1 University on or after April 5, 2022 (the effective date of  
2 Public Act 102-697) ~~this amendatory Act of the 102nd General~~  
3 ~~Assembly.~~

4 Any sick leave used by an employee of the University  
5 during the 2021-2022 academic year shall be returned to an  
6 employee of the University who receives all doses required to  
7 be fully vaccinated against COVID-19, as defined in Section  
8 25-265 of this Law Act, if:

9 (1) the sick leave was taken because the employee was  
10 restricted from being on University property because the  
11 employee:

12 (A) had a confirmed positive COVID-19 diagnosis  
13 via a molecular amplification diagnostic test, such as  
14 a polymerase chain reaction (PCR) test for COVID-19;

15 (B) had a probable COVID-19 diagnosis via an  
16 antigen diagnostic test;

17 (C) was in close contact with a person who had a  
18 confirmed case of COVID-19 and was required to be  
19 excluded from the University; or

20 (D) was required by the University to be excluded  
21 from University property due to COVID-19 symptoms; or

22 (2) the sick leave was taken to care for a child of the  
23 employee who was unable to attend elementary or secondary  
24 school because the child:

25 (A) had a confirmed positive COVID-19 diagnosis  
26 via a molecular amplification diagnostic test, such as

1 a polymerase chain reaction (PCR) test for COVID-19;

2 (B) had a probable COVID-19 diagnosis via an  
3 antigen diagnostic test;

4 (C) was in close contact with a person who had a  
5 confirmed case of COVID-19 and was required to be  
6 excluded from school; or

7 (D) was required by the school or school district  
8 policy to be excluded from school district property  
9 due to COVID-19 symptoms.

10 Leave shall be returned to an employee pursuant to this  
11 Section provided that the employee has received all required  
12 doses to meet the definition of "fully vaccinated against  
13 COVID-19" under Section 25-265 of this Law Act no later than 5  
14 weeks after April 5, 2022 (the effective date of Public Act  
15 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

16 The University may not rescind any sick leave returned to  
17 an employee of the University on the basis of a revision to the  
18 definition of "fully vaccinated against COVID-19" by the  
19 Centers for Disease Control and Prevention of the United  
20 States Department of Health and Human Services or the  
21 Department of Public Health, provided that the employee  
22 received all doses required to be fully vaccinated against  
23 COVID-19, as defined in Section 25-265 of this Law Act, at the  
24 time the sick leave was returned to the employee.

25 (Source: P.A. 102-697, eff. 4-5-22; revised 8-25-22.)

1           Section 360. The Northern Illinois University Law is  
2 amended by setting forth, renumbering, and changing multiple  
3 versions of Section 30-255 as follows:

4           (110 ILCS 685/30-255)

5           Sec. 30-255. Benefits navigator.

6           (a) In this Section:

7           "Benefits navigator" means an individual who is designated  
8 by the University for the purpose of helping students at the  
9 University determine eligibility for benefit programs and  
10 identify campuswide and community resource support.

11           "Benefit program" means any federal, State, or local  
12 program that provides assistance or benefits to individuals on  
13 the basis of need.

14           (b) The University shall:

15           (1) designate a benefits navigator who has a detailed  
16 understanding of eligibility requirements for benefit  
17 programs and campuswide and community resource support;

18           (2) provide training for the benefits navigator; and

19           (3) participate in a statewide consortium with other  
20 public institutions of higher education, facilitated by  
21 the Board of Higher Education, for the purpose of  
22 facilitating communication between benefits navigators at  
23 different institutions and developing best practices for  
24 benefits navigators.

25           (c) The benefits navigator designated under this Section

1 shall:

2 (1) assist students at the University in determining  
3 eligibility for benefit programs and identifying  
4 campuswide and community resource support;

5 (2) use the consortium under paragraph (3) of  
6 subsection (b) of this Section to coordinate with benefits  
7 navigators at other public institutions of higher  
8 education for the purpose of collecting data and  
9 developing best practices for helping students apply for  
10 and receive assistance from benefit programs; and

11 (3) coordinate and provide culturally specific  
12 resources, including resources for non-English speakers,  
13 to support students at the University.

14 (d) The University, in consultation with the benefits  
15 navigator designated under this Section, shall develop an  
16 internal process to enable students at the University to  
17 provide feedback and recommendations on how the University can  
18 better assist students in determining eligibility for benefit  
19 programs and applying for assistance under benefit programs.

20 (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

21 (110 ILCS 685/30-270)

22 Sec. 30-270 ~~30-255~~. COVID-19 sick leave. For purposes of  
23 this Section, "employee" means a person employed by the  
24 University on or after April 5, 2022 (the effective date of  
25 Public Act 102-697) ~~this amendatory Act of the 102nd General~~

1 ~~Assembly.~~

2 Any sick leave used by an employee of the University  
3 during the 2021-2022 academic year shall be returned to an  
4 employee of the University who receives all doses required to  
5 be fully vaccinated against COVID-19, as defined in Section  
6 30-275 of this Law Act, if:

7 (1) the sick leave was taken because the employee was  
8 restricted from being on University property because the  
9 employee:

10 (A) had a confirmed positive COVID-19 diagnosis  
11 via a molecular amplification diagnostic test, such as  
12 a polymerase chain reaction (PCR) test for COVID-19;

13 (B) had a probable COVID-19 diagnosis via an  
14 antigen diagnostic test;

15 (C) was in close contact with a person who had a  
16 confirmed case of COVID-19 and was required to be  
17 excluded from the University; or

18 (D) was required by the University to be excluded  
19 from University property due to COVID-19 symptoms; or

20 (2) the sick leave was taken to care for a child of the  
21 employee who was unable to attend elementary or secondary  
22 school because the child:

23 (A) had a confirmed positive COVID-19 diagnosis  
24 via a molecular amplification diagnostic test, such as  
25 a polymerase chain reaction (PCR) test for COVID-19;

26 (B) had a probable COVID-19 diagnosis via an

1 antigen diagnostic test;

2 (C) was in close contact with a person who had a  
3 confirmed case of COVID-19 and was required to be  
4 excluded from school; or

5 (D) was required by the school or school district  
6 policy to be excluded from school district property  
7 due to COVID-19 symptoms.

8 Leave shall be returned to an employee pursuant to this  
9 Section provided that the employee has received all required  
10 doses to meet the definition of "fully vaccinated against  
11 COVID-19" under Section 30-275 of this Law Act no later than 5  
12 weeks after April 5, 2022 (the effective date of Public Act  
13 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

14 The University may not rescind any sick leave returned to  
15 an employee of the University on the basis of a revision to the  
16 definition of "fully vaccinated against COVID-19" by the  
17 Centers for Disease Control and Prevention of the United  
18 States Department of Health and Human Services or the  
19 Department of Public Health, provided that the employee  
20 received all doses required to be fully vaccinated against  
21 COVID-19, as defined in Section 30-275 of this Law Act, at the  
22 time the sick leave was returned to the employee.

23 (Source: P.A. 102-697, eff. 4-5-22; revised 8-25-22.)

24 Section 365. The Western Illinois University Law is  
25 amended by setting forth, renumbering, and changing multiple

1 versions of Section 35-250 as follows:

2 (110 ILCS 690/35-250)

3 Sec. 35-250. Benefits navigator.

4 (a) In this Section:

5 "Benefits navigator" means an individual who is designated  
6 by the University for the purpose of helping students at the  
7 University determine eligibility for benefit programs and  
8 identify campuswide and community resource support.

9 "Benefit program" means any federal, State, or local  
10 program that provides assistance or benefits to individuals on  
11 the basis of need.

12 (b) The University shall:

13 (1) designate a benefits navigator who has a detailed  
14 understanding of eligibility requirements for benefit  
15 programs and campuswide and community resource support;

16 (2) provide training for the benefits navigator; and

17 (3) participate in a statewide consortium with other  
18 public institutions of higher education, facilitated by  
19 the Board of Higher Education, for the purpose of  
20 facilitating communication between benefits navigators at  
21 different institutions and developing best practices for  
22 benefits navigators.

23 (c) The benefits navigator designated under this Section  
24 shall:

25 (1) assist students at the University in determining



1 eligibility for benefit programs and identifying  
2 campuswide and community resource support;

3 (2) use the consortium under paragraph (3) of  
4 subsection (b) of this Section to coordinate with benefits  
5 navigators at other public institutions of higher  
6 education for the purpose of collecting data and  
7 developing best practices for helping students apply for  
8 and receive assistance from benefit programs; and

9 (3) coordinate and provide culturally specific  
10 resources, including resources for non-English speakers,  
11 to support students at the University.

12 (d) The University, in consultation with the benefits  
13 navigator designated under this Section, shall develop an  
14 internal process to enable students at the University to  
15 provide feedback and recommendations on how the University can  
16 better assist students in determining eligibility for benefit  
17 programs and applying for assistance under benefit programs.

18 (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

19 (110 ILCS 690/35-265)

20 Sec. 35-265 ~~35-250~~. COVID-19 sick leave. For purposes of  
21 this Section, "employee" means a person employed by the  
22 University on or after April 5, 2022 (the effective date of  
23 Public Act 102-697) ~~this amendatory Act of the 102nd General~~  
24 ~~Assembly~~.

25 Any sick leave used by an employee of the University

1 during the 2021-2022 academic year shall be returned to an  
2 employee of the University who receives all doses required to  
3 be fully vaccinated against COVID-19, as defined in Section  
4 35-270 of this Law Act, if:

5 (1) the sick leave was taken because the employee was  
6 restricted from being on University property because the  
7 employee:

8 (A) had a confirmed positive COVID-19 diagnosis  
9 via a molecular amplification diagnostic test, such as  
10 a polymerase chain reaction (PCR) test for COVID-19;

11 (B) had a probable COVID-19 diagnosis via an  
12 antigen diagnostic test;

13 (C) was in close contact with a person who had a  
14 confirmed case of COVID-19 and was required to be  
15 excluded from the University; or

16 (D) was required by the University to be excluded  
17 from University property due to COVID-19 symptoms; or

18 (2) the sick leave was taken to care for a child of the  
19 employee who was unable to attend elementary or secondary  
20 school because the child:

21 (A) had a confirmed positive COVID-19 diagnosis  
22 via a molecular amplification diagnostic test, such as  
23 a polymerase chain reaction (PCR) test for COVID-19;

24 (B) had a probable COVID-19 diagnosis via an  
25 antigen diagnostic test;

26 (C) was in close contact with a person who had a

1 confirmed case of COVID-19 and was required to be  
2 excluded from school; or

3 (D) was required by the school or school district  
4 policy to be excluded from school district property  
5 due to COVID-19 symptoms.

6 Leave shall be returned to an employee pursuant to this  
7 Section provided that the employee has received all required  
8 doses to meet the definition of "fully vaccinated against  
9 COVID-19" under Section 35-270 of this ~~Law Act~~ no later than 5  
10 weeks after April 5, 2022 (the effective date of Public Act  
11 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

12 The University may not rescind any sick leave returned to  
13 an employee of the University on the basis of a revision to the  
14 definition of "fully vaccinated against COVID-19" by the  
15 Centers for Disease Control and Prevention of the United  
16 States Department of Health and Human Services or the  
17 Department of Public Health, provided that the employee  
18 received all doses required to be fully vaccinated against  
19 COVID-19, as defined in Section 35-270 of this ~~Law Act~~, at the  
20 time the sick leave was returned to the employee.

21 (Source: P.A. 102-697, eff. 4-5-22; revised 8-25-22.)

22 Section 370. The Public Community College Act is amended  
23 by setting forth, renumbering, and changing multiple versions  
24 of Section 3-29.20 as follows:

1 (110 ILCS 805/3-29.20)

2 Sec. 3-29.20. Benefits navigator.

3 (a) In this Section:

4 "Benefits navigator" means an individual who is designated  
5 by a community college for the purpose of helping students at  
6 the community college determine eligibility for benefit  
7 programs and identify campuswide and community resource  
8 support.

9 "Benefit program" means any federal, State, or local  
10 program that provides assistance or benefits to individuals on  
11 the basis of need.

12 (b) A community college shall:

13 (1) designate a benefits navigator who has a detailed  
14 understanding of eligibility requirements for benefit  
15 programs and campuswide and community resource support;

16 (2) provide training for the benefits navigator; and

17 (3) participate in a statewide community college  
18 consortium, facilitated by the State Board, for the  
19 purpose of facilitating communication between benefits  
20 navigators at different institutions and developing best  
21 practices for benefits navigators.

22 (c) The benefits navigator designated under this Section  
23 shall:

24 (1) assist students at the community college in  
25 determining eligibility for benefit programs and  
26 identifying campuswide and community resource support;

1           (2) use the consortium under paragraph (3) of  
2 subsection (b) of this Section to coordinate with benefits  
3 navigators at other public institutions of higher  
4 education for the purpose of collecting data and  
5 developing best practices for helping students apply for  
6 and receive assistance from benefit programs; and

7           (3) coordinate and provide culturally specific  
8 resources, including resources for non-English speakers,  
9 to support students at the community college.

10          (d) The community college, in consultation with the  
11 benefits navigator designated under this Section, shall  
12 develop an internal process to enable students at the  
13 community college to provide feedback and recommendations on  
14 how the community college can better assist students in  
15 determining eligibility for benefit programs and applying for  
16 assistance under benefit programs.

17          (Source: P.A. 102-1045, eff. 1-1-23; revised 12-29-22.)

18           (110 ILCS 805/3-29.23)

19          Sec. 3-29.23 ~~3-29.20~~. COVID-19 sick leave. For purposes of  
20 this Section, "employee" means a person employed by a  
21 community college or community college district on or after  
22 April 5, 2022 (the effective date of Public Act 102-697) ~~this~~  
23 ~~amendatory Act of the 102nd General Assembly.~~

24          Any sick leave used by an employee of a community college  
25 or community college district during the 2021-2022 academic

1 year shall be returned to an employee of the community college  
2 or community college district who receives all doses required  
3 to be fully vaccinated against COVID-19, as defined in Section  
4 3-29.25 of this Act, if:

5 (1) the sick leave was taken because the employee was  
6 restricted from being on community college district  
7 property because the employee:

8 (A) had a confirmed positive COVID-19 diagnosis  
9 via a molecular amplification diagnostic test, such as  
10 a polymerase chain reaction (PCR) test for COVID-19;

11 (B) had a probable COVID-19 diagnosis via an  
12 antigen diagnostic test;

13 (C) was in close contact with a person who had a  
14 confirmed case of COVID-19 and was required to be  
15 excluded from community college district property; or

16 (D) was required by the community college or  
17 community college district policy to be excluded from  
18 community college district property due to COVID-19  
19 symptoms; or

20 (2) the sick leave was taken to care for a child of the  
21 employee who was unable to attend elementary or secondary  
22 school because the child:

23 (A) had a confirmed positive COVID-19 diagnosis  
24 via a molecular amplification diagnostic test, such as  
25 a polymerase chain reaction (PCR) test for COVID-19;

26 (B) had a probable COVID-19 diagnosis via an

1 antigen diagnostic test;

2 (C) was in close contact with a person who had a  
3 confirmed case of COVID-19 and was required to be  
4 excluded from school; or

5 (D) was required by the school or school district  
6 policy to be excluded from school district property  
7 due to COVID-19 symptoms.

8 Leave shall be returned to an employee pursuant to this  
9 Section provided that the employee has received all required  
10 doses to meet the definition of "fully vaccinated against  
11 COVID-19" under Section 3-29.25 of this Act no later than 5  
12 weeks after April 5, 2022 (the effective date of Public Act  
13 102-697) ~~this amendatory Act of the 102nd General Assembly.~~

14 The community college district may not rescind any sick  
15 leave returned to an employee of the community college or  
16 community college district on the basis of a revision to the  
17 definition of "fully vaccinated against COVID-19" by the  
18 Centers for Disease Control and Prevention of the United  
19 States Department of Health and Human Services or the  
20 Department of Public Health, provided that the employee  
21 received all doses required to be fully vaccinated against  
22 COVID-19, as defined in Section 3-29.25 of this Act, at the  
23 time the sick leave was returned to the employee.

24 (Source: P.A. 102-697, eff. 4-5-22; revised 8-25-22.)

25 Section 375. The Equity and Representation in Health Care

1 Act is amended by changing Section 10 as follows:

2 (110 ILCS 932/10)

3 Sec. 10. Definitions. As used in this Act:

4 "Accredited school" means a college or university in which  
5 a degree in allopathic medicine, osteopathic medicine,  
6 dentistry, physical therapy, or an equivalent credential for a  
7 health program is earned and for which the Council for Higher  
8 Education Accreditation or its affiliates has determined that  
9 the school meets specific standards for its programs, faculty,  
10 and curriculum.

11 "Advanced practice registered nurse" or "APRN" means an  
12 advanced practice registered nurse as defined under Section  
13 50-10 of the Nurse Practice Act.

14 "Allopathic medicine" means the use of pharmacological  
15 agents or physical interventions to treat or suppress symptoms  
16 or processes of diseases or conditions.

17 "Applicant" means a health care professional or medical  
18 facility who applies for loan repayment assistance or  
19 scholarship funds under this Act.

20 "Approved graduate training" means training in medicine,  
21 dentistry, or any other health profession that leads to  
22 eligibility for board certification, provides evidence of  
23 completion, and is approved by the appropriate health care  
24 professional's body.

25 "Behavioral health provider" means a provider of a



1 commonly recognized discipline in the behavioral health  
2 industry, including, but not limited to, licensed clinical  
3 social workers, behavioral health therapists, certified  
4 marriage and family counselors, licensed social workers, and  
5 addiction counselors.

6 "Breach of service obligation" means failure for any  
7 reason to begin or complete a contractual service commitment.

8 "Commercial loan" means a loan made by a bank, credit  
9 union, savings and loan association, insurance company,  
10 school, or other financial institution.

11 "Community health center" means a migrant health center,  
12 community health center, health care program for the homeless  
13 or for residents of public housing supported under Section 330  
14 of the federal Public Health Service Act, or FQHC, including  
15 an FQHC Look-Alike, as designated by the U.S. Department of  
16 Health and Human Services, that operates at least one  
17 federally designated primary health care delivery site in  
18 Illinois.

19 "Default" means failure to meet a legal obligation or  
20 condition of a loan.

21 "Department" means the Department of Public Health.

22 "Dental assistant" means a person who serves as a member  
23 of a dental care team, working directly with a dentist to  
24 perform duties that include, but are not limited to, assisting  
25 with dental procedures, preparing patients for procedures,  
26 preparing examinations, and sterilizing equipment.

1 "Dentist" means a person licensed to practice dentistry  
2 under the Illinois Dental Practice Act.

3 "Director" means the Director of Public Health.

4 "Equity and Representation in Health Care Workforce  
5 Repayment Program" or "Repayment Program" means the Equity and  
6 Representation in Health Care Workforce Repayment Program  
7 created under subsection (a) of Section 15.

8 "Equity and Representation in Health Care Workforce  
9 Scholarship Program" or "Scholarship Program" means the Equity  
10 and Representation in Health Care Workforce Scholarship  
11 Program created under subsection (b) of Section 15.

12 "Federally Qualified Health Center" or "FQHC" means a  
13 health center funded under Section 330 of the federal Public  
14 Health Service Act.

15 "Federally Qualified Health Center Look-Alike" or "FQHC  
16 Look-Alike" means a health center that meets the requirements  
17 for receiving a grant under Section 330 of the federal Public  
18 Health Service Act but does not receive funding under that  
19 authority.

20 "Government loan" means a loan made by a federal, State,  
21 county, or city agency authorized to make the loan.

22 "Health care professional" means a physician, physician  
23 assistant, advanced practice registered nurse, nurse,  
24 chiropractic physician, podiatric physician ~~pediatrist~~,  
25 physical therapist, physical therapist assistant, occupational  
26 therapist, speech therapist, behavioral health provider,

1 psychiatrist, psychologist, pharmacist, dentist, medical  
2 assistant, dental assistant, or dental hygienist.

3 "Health professional shortage area" or "HPSA" means a  
4 designation from the U.S. Department of Health and Human  
5 Services that indicates the shortage of primary medical care  
6 or dental or mental health providers. The designation may be  
7 geographic, such as a county or service area; demographic,  
8 such as low-income population; or institutional, such as a  
9 comprehensive health center, FQHC, or other public facility.

10 "Lender" means the commercial or government entity that  
11 makes a qualifying loan.

12 "Loan repayment award" or "award" means the amount of  
13 funding awarded to a recipient based upon his or her  
14 reasonable educational expenses, up to a maximum established  
15 by the program.

16 "Loan repayment agreement" or "agreement" means the  
17 written instrument defining a legal relationship entered into  
18 between the Department and a recipient.

19 "Medical assistant" means a person who serves as a member  
20 of a medical care team working directly with other providers  
21 to perform duties that include, but are not limited to,  
22 gathering patient information, taking vital signs, preparing  
23 patients for examinations, and assisting physicians during  
24 examinations.

25 "Medical facility" means a facility in which the delivery  
26 of health services is provided. A medical facility must be a

1 nonprofit or public facility located in Illinois and includes  
2 the following:

3 (1) A Federally Qualified Health Center.

4 (2) An FQHC Look-Alike.

5 (3) A hospital system operated by a county with more  
6 than 3,000,000 residents.

7 "Medically underserved area" or "MUA" means an area  
8 designated by the U.S. Department of Health and Human  
9 Services' Health Resources and Services Administration as  
10 having too few primary care providers, high infant mortality,  
11 high poverty, or a high elderly population.

12 "Nurse" means a person who is licensed as a licensed  
13 practical nurse or as a registered nurse under the Nurse  
14 Practice Act.

15 "Osteopathic medicine" means medical practice based upon  
16 the theory that diseases are due to loss of structural  
17 integrity, which can be restored by manipulation of the parts  
18 and supplemented by therapeutic measures.

19 "Physical therapist" means an individual licensed as a  
20 physical therapist under the Illinois Physical Therapy Act.

21 "Physical therapist assistant" means an individual  
22 licensed as a physical therapist assistant under the Illinois  
23 Physical Therapy Act.

24 "Physician" means a person licensed to practice medicine  
25 in all of its branches under the Medical Practice Act of 1987.

26 "Physician assistant" means an individual licensed under

1 the Physician Assistant Practice Act of 1987.

2 "Primary care" means health care that encompasses  
3 prevention services, basic diagnostic and treatment services,  
4 and support services, including laboratory, radiology,  
5 transportation, and pharmacy services.

6 "Psychiatrist" means a physician licensed to practice  
7 medicine in Illinois under the Medical Practice Act of 1987  
8 who has successfully completed an accredited residency program  
9 in psychiatry.

10 "Qualifying loan" means a government loan or commercial  
11 loan used for tuition and reasonable educational and living  
12 expenses related to undergraduate or graduate education that  
13 was obtained by the recipient prior to his or her application  
14 for loan repayment and that is contemporaneous with the  
15 education received.

16 "Reasonable educational expenses" means costs for  
17 education, exclusive of tuition. These costs include, but are  
18 not limited to, fees, books, supplies, clinical travel,  
19 educational equipment, materials, board certification, or  
20 licensing examinations. "Reasonable educational expenses" do  
21 not exceed the estimated standard budget for expenses for the  
22 degree program and for the years of enrollment.

23 "Reasonable living expenses" means room and board,  
24 transportation, and commuting costs associated with the  
25 applicant's attendance and participation in an educational and  
26 workforce training program. "Reasonable living expenses" do

1 not exceed the estimated standard budget for the recipient's  
2 degree program and for the years of enrollment.

3 "Recognized training entity" means an entity approved by  
4 the Department to provide training and education for medical  
5 assistants and dental assistants.

6 "Recipient" means a health care professional or medical  
7 facility that may use loan repayment funds.

8 "Rural" has the same meaning that is used by the federal  
9 Health Resources and Services Administration to determine  
10 eligibility for Rural Health Grants.

11 "State" means the State of Illinois.

12 (Source: P.A. 102-942, eff. 1-1-23; revised 2-5-23.)

13 Section 380. The Higher Education Student Assistance Act  
14 is amended by changing Section 52 as follows:

15 (110 ILCS 947/52)

16 Sec. 52. Golden Apple Scholars of Illinois Program; Golden  
17 Apple Foundation for Excellence in Teaching.

18 (a) In this Section, "Foundation" means the Golden Apple  
19 Foundation for Excellence in Teaching, a registered 501(c)(3)  
20 not-for-profit corporation.

21 (a-2) In order to encourage academically talented Illinois  
22 students, especially minority students, to pursue teaching  
23 careers, especially in teacher shortage disciplines (which  
24 shall be defined to include early childhood education) or at

1 hard-to-staff schools (as defined by the Commission in  
2 consultation with the State Board of Education), to provide  
3 those students with the crucial mentoring, guidance, and  
4 in-service support that will significantly increase the  
5 likelihood that they will complete their full teaching  
6 commitments and elect to continue teaching in targeted  
7 disciplines and hard-to-staff schools, and to ensure that  
8 students in this State will continue to have access to a pool  
9 of highly-qualified teachers, each qualified student shall be  
10 awarded a Golden Apple Scholars of Illinois Program  
11 scholarship to any Illinois institution of higher learning.  
12 The Commission shall administer the Golden Apple Scholars of  
13 Illinois Program, which shall be managed by the Foundation  
14 pursuant to the terms of a grant agreement meeting the  
15 requirements of Section 4 of the Illinois Grant Funds Recovery  
16 Act.

17 (a-3) For purposes of this Section, a qualified student  
18 shall be a student who meets the following qualifications:

19 (1) is a resident of this State and a citizen or  
20 eligible noncitizen of the United States;

21 (2) is a high school graduate or a person who has  
22 received a State of Illinois High School Diploma;

23 (3) is enrolled or accepted, on at least a half-time  
24 basis, at an institution of higher learning;

25 (4) is pursuing a postsecondary course of study  
26 leading to initial certification or pursuing additional

1 course work needed to gain State Board of Education  
2 approval to teach, including alternative teacher  
3 licensure; and

4 (5) is a participant in programs managed by and is  
5 approved to receive a scholarship from the Foundation.

6 (a-5) (Blank).

7 (b) (Blank).

8 (b-5) Funds designated for the Golden Apple Scholars of  
9 Illinois Program shall be used by the Commission for the  
10 payment of scholarship assistance under this Section or for  
11 the award of grant funds, subject to the Illinois Grant Funds  
12 Recovery Act, to the Foundation. Subject to appropriation,  
13 awards of grant funds to the Foundation shall be made on an  
14 annual basis and following an application for grant funds by  
15 the Foundation.

16 (b-10) Each year, the Foundation shall include in its  
17 application to the Commission for grant funds an estimate of  
18 the amount of scholarship assistance to be provided to  
19 qualified students during the grant period. Any amount of  
20 appropriated funds exceeding the estimated amount of  
21 scholarship assistance may be awarded by the Commission to the  
22 Foundation for management expenses expected to be incurred by  
23 the Foundation in providing the mentoring, guidance, and  
24 in-service supports that will increase the likelihood that  
25 qualified students will complete their teaching commitments  
26 and elect to continue teaching in hard-to-staff schools. If



1 the estimate of the amount of scholarship assistance described  
2 in the Foundation's application is less than the actual amount  
3 required for the award of scholarship assistance to qualified  
4 students, the Foundation shall be responsible for using  
5 awarded grant funds to ensure all qualified students receive  
6 scholarship assistance under this Section.

7 (b-15) All grant funds not expended or legally obligated  
8 within the time specified in a grant agreement between the  
9 Foundation and the Commission shall be returned to the  
10 Commission within 45 days. Any funds legally obligated by the  
11 end of a grant agreement shall be liquidated within 45 days or  
12 otherwise returned to the Commission within 90 days after the  
13 end of the grant agreement that resulted in the award of grant  
14 funds.

15 (c) Each scholarship awarded under this Section shall be  
16 in an amount sufficient to pay the tuition and fees and room  
17 and board costs of the Illinois institution of higher learning  
18 at which the recipient is enrolled, up to an annual maximum of  
19 \$5,000; except that, in the case of a recipient who does not  
20 reside on campus ~~on-campus~~ at the institution of higher  
21 learning at which he or she is enrolled, the amount of the  
22 scholarship shall be sufficient to pay tuition and fee  
23 expenses and a commuter allowance, up to an annual maximum of  
24 \$5,000. All scholarship funds distributed in accordance with  
25 this Section shall be paid to the institution on behalf of  
26 recipients.

1 (d) The total amount of scholarship assistance awarded by  
2 the Commission under this Section to an individual in any  
3 given fiscal year, when added to other financial assistance  
4 awarded to that individual for that year, shall not exceed the  
5 cost of attendance at the institution of higher learning at  
6 which the student is enrolled. In any academic year for which a  
7 qualified student under this Section accepts financial  
8 assistance through any other teacher scholarship program  
9 administered by the Commission, a qualified student shall not  
10 be eligible for scholarship assistance awarded under this  
11 Section.

12 (e) A recipient may receive up to 8 semesters or 12  
13 quarters of scholarship assistance under this Section.  
14 Scholarship funds are applicable toward 2 semesters or 3  
15 quarters of enrollment each academic year.

16 (f) All applications for scholarship assistance to be  
17 awarded under this Section shall be made to the Foundation in a  
18 form determined by the Foundation. Each year, the Foundation  
19 shall notify the Commission of the individuals awarded  
20 scholarship assistance under this Section. Each year, at least  
21 30% of the Golden Apple Scholars of Illinois Program  
22 scholarships shall be awarded to students residing in counties  
23 having a population of less than 500,000.

24 (g) (Blank).

25 (h) The Commission shall administer the payment of  
26 scholarship assistance provided through the Golden Apple

1 Scholars of Illinois Program and shall make all necessary and  
2 proper rules not inconsistent with this Section for the  
3 effective implementation of this Section.

4 (i) Prior to receiving scholarship assistance for any  
5 academic year, each recipient of a scholarship awarded under  
6 this Section shall be required by the Foundation to sign an  
7 agreement under which the recipient pledges that, within the  
8 2-year period following the termination of the academic  
9 program for which the recipient was awarded a scholarship, the  
10 recipient: (i) shall begin teaching for a period of not less  
11 than 5 years, (ii) shall fulfill this teaching obligation at a  
12 nonprofit Illinois public, private, or parochial preschool or  
13 an Illinois public elementary or secondary school that  
14 qualifies for teacher loan cancellation under Section  
15 465(a)(2)(A) of the federal Higher Education Act of 1965 (20  
16 U.S.C. 1087ee(a)(2)(A)) or other Illinois schools deemed  
17 eligible for fulfilling the teaching commitment as designated  
18 by the Foundation, and (iii) shall, upon request of the  
19 Foundation, provide the Foundation with evidence that he or  
20 she is fulfilling or has fulfilled the terms of the teaching  
21 agreement provided for in this subsection. Upon request, the  
22 Foundation shall provide evidence of teacher fulfillment to  
23 the Commission.

24 (j) If a recipient of a scholarship awarded under this  
25 Section fails to fulfill the teaching obligation set forth in  
26 subsection (i) of this Section, the Commission shall require

1 the recipient to repay the amount of the scholarships  
2 received, prorated according to the fraction of the teaching  
3 obligation not completed, plus interest at a rate of 5% and, if  
4 applicable, reasonable collection fees. Payments received by  
5 the Commission under this subsection (j) shall be remitted to  
6 the State Comptroller for deposit into the General Revenue  
7 Fund, except that that portion of a recipient's repayment that  
8 equals the amount in expenses that the Commission has  
9 reasonably incurred in attempting collection from that  
10 recipient shall be remitted to the State Comptroller for  
11 deposit into the ISAC Accounts Receivable Fund, a special fund  
12 in the State treasury.

13 (k) A recipient of a scholarship awarded by the Foundation  
14 under this Section shall not be considered to have failed to  
15 fulfill the teaching obligations of the agreement entered into  
16 pursuant to subsection (i) if the recipient (i) enrolls on a  
17 full-time basis as a graduate student in a course of study  
18 related to the field of teaching at an institution of higher  
19 learning; (ii) is serving as a member of the armed services of  
20 the United States; (iii) is a person with a temporary total  
21 disability, as established by sworn affidavit of a qualified  
22 physician; (iv) is seeking and unable to find full-time  
23 employment as a teacher at a school that satisfies the  
24 criteria set forth in subsection (i) and is able to provide  
25 evidence of that fact; (v) is taking additional courses, on at  
26 least a half-time basis, needed to obtain certification as a

1 teacher in Illinois; (vi) is fulfilling teaching requirements  
2 associated with other programs administered by the Commission  
3 and cannot concurrently fulfill them under this Section in a  
4 period of time equal to the length of the teaching obligation;  
5 or (vii) is participating in a program established under  
6 Executive Order 10924 of the President of the United States or  
7 the federal National Community Service Act of 1990 (42 U.S.C.  
8 12501 et seq.). Any such extension of the period during which  
9 the teaching requirement must be fulfilled shall be subject to  
10 limitations of duration as established by the Commission.

11 (l) A recipient who fails to fulfill the teaching  
12 obligations of the agreement entered into pursuant to  
13 subsection (i) of this Section shall repay the amount of  
14 scholarship assistance awarded to them under this Section  
15 within 10 years.

16 (m) Annually, at a time determined by the Commission in  
17 consultation with the Foundation, the Foundation shall submit  
18 a report to assist the Commission in monitoring the  
19 Foundation's performance of grant activities. The report shall  
20 describe the following:

21 (1) the Foundation's anticipated expenditures for the  
22 next fiscal year;

23 (2) the number of qualified students receiving  
24 scholarship assistance at each institution of higher  
25 learning where a qualified student was enrolled under this  
26 Section during the previous fiscal year;

1           (3) the total monetary value of scholarship funds paid  
2           to each institution of higher learning at which a  
3           qualified student was enrolled during the previous fiscal  
4           year;

5           (4) the number of scholarship recipients who completed  
6           a baccalaureate degree during the previous fiscal year;

7           (5) the number of scholarship recipients who fulfilled  
8           their teaching obligation during the previous fiscal year;

9           (6) the number of scholarship recipients who failed to  
10          fulfill their teaching obligation during the previous  
11          fiscal year;

12          (7) the number of scholarship recipients granted an  
13          extension described in subsection (k) of this Section  
14          during the previous fiscal year;

15          (8) the number of scholarship recipients required to  
16          repay scholarship assistance in accordance with subsection  
17          (j) of this Section during the previous fiscal year;

18          (9) the number of scholarship recipients who  
19          successfully repaid scholarship assistance in full during  
20          the previous fiscal year;

21          (10) the number of scholarship recipients who  
22          defaulted on their obligation to repay scholarship  
23          assistance during the previous fiscal year;

24          (11) the amount of scholarship assistance subject to  
25          collection in accordance with subsection (j) of this  
26          Section at the end of the previous fiscal year;

1 (12) the amount of collected funds to be remitted to  
2 the Comptroller in accordance with subsection (j) of this  
3 Section at the end of the previous fiscal year; and

4 (13) other information that the Commission may  
5 reasonably request.

6 (n) Nothing in this Section shall affect the rights of the  
7 Commission to collect moneys owed to it by recipients of  
8 scholarship assistance through the Illinois Future Teacher  
9 Corps Program, repealed by Public Act 98-533.

10 (o) The Auditor General shall prepare an annual audit of  
11 the operations and finances of the Golden Apple Scholars of  
12 Illinois Program. This audit shall be provided to the  
13 Governor, General Assembly, and the Commission.

14 (p) The suspension of grant making authority found in  
15 Section 4.2 of the Illinois Grant Funds Recovery Act shall not  
16 apply to grants made pursuant to this Section.

17 (Source: P.A. 102-1071, eff. 6-10-22; 102-1100, eff. 1-1-23;  
18 revised 12-13-22.)

19 Section 385. The Nursing Education Scholarship Law is  
20 amended by changing Sections 5 and 6.5 as follows:

21 (110 ILCS 975/5) (from Ch. 144, par. 2755)

22 Sec. 5. Nursing education scholarships. Beginning with the  
23 fall term of the 2004-2005 academic year, the Department, in  
24 accordance with rules and regulations promulgated by it for

1 this program, shall provide scholarships to individuals  
2 selected from among those applicants who qualify for  
3 consideration by showing:

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  
6 citizen or a lawful permanent resident of the United  
7 States;

8 (2) that he or she is enrolled in or accepted for  
9 admission to an associate degree in nursing program,  
10 hospital-based diploma in nursing program, baccalaureate  
11 degree in nursing program, graduate degree in nursing  
12 program, or practical nursing program at an approved  
13 institution; and

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

16 If in any year the number of qualified applicants exceeds  
17 the number of scholarships to be awarded, the Department  
18 shall, in consultation with the Illinois Nursing Workforce  
19 Center Advisory Board, consider the following factors in  
20 granting priority in awarding scholarships:

21 (A) Financial need, as shown on a standardized  
22 financial needs assessment form used by an approved  
23 institution, of students who will pursue their education  
24 on a full-time or close to full-time basis and who already  
25 have a certificate in practical nursing, a diploma in  
26 nursing, or an associate degree in nursing and are



1           pursuing a higher degree.

2           (B) A student's status as a registered nurse who is  
3           pursuing a graduate degree in nursing to pursue employment  
4           in an approved institution that educates licensed  
5           practical nurses and that educates registered nurses in  
6           undergraduate and graduate nursing programs.

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

11          Unless otherwise indicated, scholarships shall be awarded  
12          to recipients at approved institutions for a period of up to 2  
13          years if the recipient is enrolled in an associate degree in  
14          nursing program, up to 3 years if the recipient is enrolled in  
15          a hospital-based diploma in nursing program, up to 4 years if  
16          the recipient is enrolled in a baccalaureate degree in nursing  
17          program, up to 5 years if the recipient is enrolled in a  
18          graduate degree in nursing program, and up to one year if the  
19          recipient is enrolled in a certificate in practical nursing  
20          program. At least 40% of the scholarships awarded shall be for  
21          recipients who are pursuing baccalaureate degrees in nursing,  
22          30% of the scholarships awarded shall be for recipients who  
23          are pursuing associate degrees in nursing or a diploma in  
24          nursing, 10% of the scholarships awarded shall be for  
25          recipients who are pursuing a certificate in practical  
26          nursing, and 20% of the scholarships awarded shall be for

1 recipients who are pursuing a graduate degree in nursing.

2 During the 2021-2022 academic year, subject to  
3 appropriation from the Hospital Licensure Fund, in addition to  
4 any other funds available to the Department for such  
5 scholarships, the Department may award a total of \$500,000 in  
6 scholarships under this Section.

7 (Source: P.A. 102-641, eff. 8-27-21; 102-699, eff. 4-19-22;  
8 102-1030, eff. 5-27-22; revised 8-12-22.)

9 (110 ILCS 975/6.5)

10 Sec. 6.5. Nurse educator scholarships.

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

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

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

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

23 (b) If in any year the number of qualified applicants  
24 exceeds the number of scholarships to be awarded under this  
25 Section, the Department shall, in consultation with the

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

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

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

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

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

23 (d) Within 12 months after graduation from a graduate  
24 degree in nursing program for nurse educators, any recipient  
25 who accepted a scholarship under this Section shall begin  
26 meeting the required nurse educator employment obligation. In

1 order to defer his or her continuous employment obligation, a  
2 recipient must request the deferment in writing from the  
3 Department. A recipient shall receive a deferment if he or she  
4 notifies the Department, within 30 days after enlisting, that  
5 he or she is spending up to 4 years in military service. A  
6 recipient shall receive a deferment if he or she notifies the  
7 Department, within 30 days after enrolling, that he or she is  
8 enrolled in an academic program leading to a graduate degree  
9 in nursing. The recipient must begin meeting the required  
10 nurse educator employment obligation no later than 6 months  
11 after the end of the deferment or deferments.

12 Any person who fails to fulfill the nurse educator  
13 employment obligation shall pay to the Department an amount  
14 equal to the amount of scholarship funds received per year for  
15 each unfulfilled year of the nurse educator employment  
16 obligation, together with interest at 7% per year on the  
17 unpaid balance. Payment must begin within 6 months following  
18 the date of the occurrence initiating the repayment. All  
19 repayments must be completed within 6 years from the date of  
20 the occurrence initiating the repayment. However, this  
21 repayment obligation may be deferred and re-evaluated every 6  
22 months when the failure to fulfill the nurse educator  
23 employment obligation results from involuntarily leaving the  
24 profession due to a decrease in the number of nurses employed  
25 in this State or when the failure to fulfill the nurse educator  
26 employment obligation results from total and permanent

1 disability. The repayment obligation shall be excused if the  
2 failure to fulfill the nurse educator employment obligation  
3 results from the death or adjudication as incompetent of the  
4 person holding the scholarship. No claim for repayment may be  
5 filed against the estate of such a decedent or incompetent.

6 The Department may allow a nurse educator employment  
7 obligation fulfillment alternative if the nurse educator  
8 scholarship recipient is unsuccessful in finding work as a  
9 nurse educator. The Department shall maintain a database of  
10 all available nurse educator positions in this State.

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

14 (f) Rulemaking authority to implement this Act is  
15 conditioned on the rules being adopted in accordance with all  
16 provisions of the Illinois Administrative Procedure Act and  
17 all rules and procedures of the Joint Committee on  
18 Administrative Rules; any purported rule not so adopted, for  
19 whatever reason, is unauthorized.

20 (Source: P.A. 102-699, eff. 4-19-22; 102-1030, eff. 5-27-22;  
21 revised 8-12-22.)

22 Section 390. The Illinois Banking Act is amended by  
23 changing Section 48 as follows:

24 (205 ILCS 5/48)

1           Sec. 48. Secretary's powers; duties. The Secretary shall  
2 have the powers and authority, and is charged with the duties  
3 and responsibilities designated in this Act, and a State bank  
4 shall not be subject to any other visitorial power other than  
5 as authorized by this Act, except those vested in the courts,  
6 or upon prior consultation with the Secretary, a foreign bank  
7 regulator with an appropriate supervisory interest in the  
8 parent or affiliate of a State ~~state~~ bank. In the performance  
9 of the Secretary's duties:

10           (1) The Commissioner shall call for statements from  
11 all State banks as provided in Section 47 at least one time  
12 during each calendar quarter.

13           (2) (a) The Commissioner, as often as the Commissioner  
14 shall deem necessary or proper, and no less frequently  
15 than 18 months following the preceding examination, shall  
16 appoint a suitable person or persons to make an  
17 examination of the affairs of every State bank, except  
18 that for every eligible State bank, as defined by  
19 regulation, the Commissioner in lieu of the examination  
20 may accept on an alternating basis the examination made by  
21 the eligible State bank's appropriate federal banking  
22 agency pursuant to Section 111 of the Federal Deposit  
23 Insurance Corporation Improvement Act of 1991, provided  
24 the appropriate federal banking agency has made such an  
25 examination. A person so appointed shall not be a  
26 stockholder or officer or employee of any bank which that

1 person may be directed to examine, and shall have powers  
2 to make a thorough examination into all the affairs of the  
3 bank and in so doing to examine any of the officers or  
4 agents or employees thereof on oath and shall make a full  
5 and detailed report of the condition of the bank to the  
6 Commissioner. In making the examination the examiners  
7 shall include an examination of the affairs of all the  
8 affiliates of the bank, as defined in subsection (b) of  
9 Section 35.2 of this Act, or subsidiaries of the bank as  
10 shall be necessary to disclose fully the conditions of the  
11 subsidiaries or affiliates, the relations between the bank  
12 and the subsidiaries or affiliates and the effect of those  
13 relations upon the affairs of the bank, and in connection  
14 therewith shall have power to examine any of the officers,  
15 directors, agents, or employees of the subsidiaries or  
16 affiliates on oath. After May 31, 1997, the Commissioner  
17 may enter into cooperative agreements with state  
18 regulatory authorities of other states to provide for  
19 examination of State bank branches in those states, and  
20 the Commissioner may accept reports of examinations of  
21 State bank branches from those state regulatory  
22 authorities. These cooperative agreements may set forth  
23 the manner in which the other state regulatory authorities  
24 may be compensated for examinations prepared for and  
25 submitted to the Commissioner.

26 (b) After May 31, 1997, the Commissioner is authorized

1 to examine, as often as the Commissioner shall deem  
2 necessary or proper, branches of out-of-state banks. The  
3 Commissioner may establish and may assess fees to be paid  
4 to the Commissioner for examinations under this subsection  
5 (b). The fees shall be borne by the out-of-state bank,  
6 unless the fees are borne by the state regulatory  
7 authority that chartered the out-of-state bank, as  
8 determined by a cooperative agreement between the  
9 Commissioner and the state regulatory authority that  
10 chartered the out-of-state bank.

11 (2.1) Pursuant to paragraph (a) of subsection (6) of  
12 this Section, the Secretary shall adopt rules that ensure  
13 consistency and due process in the examination process.  
14 The Secretary may also establish guidelines that (i)  
15 define the scope of the examination process and (ii)  
16 clarify examination items to be resolved. The rules,  
17 formal guidance, interpretive letters, or opinions  
18 furnished to State banks by the Secretary may be relied  
19 upon by the State banks.

20 (2.5) Whenever any State bank, any subsidiary or  
21 affiliate of a State bank, or after May 31, 1997, any  
22 branch of an out-of-state bank causes to be performed, by  
23 contract or otherwise, any bank services for itself,  
24 whether on or off its premises:

25 (a) that performance shall be subject to  
26 examination by the Commissioner to the same extent as



1 if services were being performed by the bank or, after  
2 May 31, 1997, branch of the out-of-state bank itself  
3 on its own premises; and

4 (b) the bank or, after May 31, 1997, branch of the  
5 out-of-state bank shall notify the Commissioner of the  
6 existence of a service relationship. The notification  
7 shall be submitted with the first statement of  
8 condition (as required by Section 47 of this Act) due  
9 after the making of the service contract or the  
10 performance of the service, whichever occurs first.  
11 The Commissioner shall be notified of each subsequent  
12 contract in the same manner.

13 For purposes of this subsection (2.5), the term "bank  
14 services" means services such as sorting and posting of  
15 checks and deposits, computation and posting of interest  
16 and other credits and charges, preparation and mailing of  
17 checks, statements, notices, and similar items, or any  
18 other clerical, bookkeeping, accounting, statistical, or  
19 similar functions performed for a State bank, including,  
20 but not limited to, electronic data processing related to  
21 those bank services.

22 (3) The expense of administering this Act, including  
23 the expense of the examinations of State banks as provided  
24 in this Act, shall to the extent of the amounts resulting  
25 from the fees provided for in paragraphs (a), (a-2), and  
26 (b) of this subsection (3) be assessed against and borne

1 by the State banks:

2 (a) Each bank shall pay to the Secretary a Call  
3 Report Fee which shall be paid in quarterly  
4 installments equal to one-fourth of the sum of the  
5 annual fixed fee of \$800, plus a variable fee based on  
6 the assets shown on the quarterly statement of  
7 condition delivered to the Secretary in accordance  
8 with Section 47 for the preceding quarter according to  
9 the following schedule: 16¢ per \$1,000 of the first  
10 \$5,000,000 of total assets, 15¢ per \$1,000 of the next  
11 \$20,000,000 of total assets, 13¢ per \$1,000 of the  
12 next \$75,000,000 of total assets, 9¢ per \$1,000 of the  
13 next \$400,000,000 of total assets, 7¢ per \$1,000 of  
14 the next \$500,000,000 of total assets, and 5¢ per  
15 \$1,000 of all assets in excess of \$1,000,000,000, of  
16 the State bank. The Call Report Fee shall be  
17 calculated by the Secretary and billed to the banks  
18 for remittance at the time of the quarterly statements  
19 of condition provided for in Section 47. The Secretary  
20 may require payment of the fees provided in this  
21 Section by an electronic transfer of funds or an  
22 automatic debit of an account of each of the State  
23 banks. In case more than one examination of any bank is  
24 deemed by the Secretary to be necessary in any  
25 examination frequency cycle specified in subsection  
26 2(a) of this Section, and is performed at his

1 direction, the Secretary may assess a reasonable  
2 additional fee to recover the cost of the additional  
3 examination. In lieu of the method and amounts set  
4 forth in this paragraph (a) for the calculation of the  
5 Call Report Fee, the Secretary may specify by rule  
6 that the Call Report Fees provided by this Section may  
7 be assessed semiannually or some other period and may  
8 provide in the rule the formula to be used for  
9 calculating and assessing the periodic Call Report  
10 Fees to be paid by State banks.

11 (a-1) If in the opinion of the Commissioner an  
12 emergency exists or appears likely, the Commissioner  
13 may assign an examiner or examiners to monitor the  
14 affairs of a State bank with whatever frequency he  
15 deems appropriate, including, but not limited to, a  
16 daily basis. The reasonable and necessary expenses of  
17 the Commissioner during the period of the monitoring  
18 shall be borne by the subject bank. The Commissioner  
19 shall furnish the State bank a statement of time and  
20 expenses if requested to do so within 30 days of the  
21 conclusion of the monitoring period.

22 (a-2) On and after January 1, 1990, the reasonable  
23 and necessary expenses of the Commissioner during  
24 examination of the performance of electronic data  
25 processing services under subsection (2.5) shall be  
26 borne by the banks for which the services are

1 provided. An amount, based upon a fee structure  
2 prescribed by the Commissioner, shall be paid by the  
3 banks or, after May 31, 1997, branches of out-of-state  
4 banks receiving the electronic data processing  
5 services along with the Call Report Fee assessed under  
6 paragraph (a) of this subsection (3).

7 (a-3) After May 31, 1997, the reasonable and  
8 necessary expenses of the Commissioner during  
9 examination of the performance of electronic data  
10 processing services under subsection (2.5) at or on  
11 behalf of branches of out-of-state banks shall be  
12 borne by the out-of-state banks, unless those expenses  
13 are borne by the state regulatory authorities that  
14 chartered the out-of-state banks, as determined by  
15 cooperative agreements between the Commissioner and  
16 the state regulatory authorities that chartered the  
17 out-of-state banks.

18 (b) "Fiscal year" for purposes of this Section 48  
19 is defined as a period beginning July 1 of any year and  
20 ending June 30 of the next year. The Commissioner  
21 shall receive for each fiscal year, commencing with  
22 the fiscal year ending June 30, 1987, a contingent fee  
23 equal to the lesser of the aggregate of the fees paid  
24 by all State banks under paragraph (a) of subsection  
25 (3) for that year, or the amount, if any, whereby the  
26 aggregate of the administration expenses, as defined

1 in paragraph (c), for that fiscal year exceeds the sum  
2 of the aggregate of the fees payable by all State banks  
3 for that year under paragraph (a) of subsection (3),  
4 plus any amounts transferred into the Bank and Trust  
5 Company Fund from the State Pensions Fund for that  
6 year, plus all other amounts collected by the  
7 Commissioner for that year under any other provision  
8 of this Act, plus the aggregate of all fees collected  
9 for that year by the Commissioner under the Corporate  
10 Fiduciary Act, excluding the receivership fees  
11 provided for in Section 5-10 of the Corporate  
12 Fiduciary Act, and the Foreign Banking Office Act. The  
13 aggregate amount of the contingent fee thus arrived at  
14 for any fiscal year shall be apportioned among  
15 ~~amongst~~, assessed upon, and paid by the State banks  
16 and foreign banking corporations, respectively, in the  
17 same proportion that the fee of each under paragraph  
18 (a) of subsection (3), respectively, for that year  
19 bears to the aggregate for that year of the fees  
20 collected under paragraph (a) of subsection (3). The  
21 aggregate amount of the contingent fee, and the  
22 portion thereof to be assessed upon each State bank  
23 and foreign banking corporation, respectively, shall  
24 be determined by the Commissioner and shall be paid by  
25 each, respectively, within 120 days of the close of  
26 the period for which the contingent fee is computed

1           and is payable, and the Commissioner shall give 20  
2           days' advance notice of the amount of the contingent  
3           fee payable by the State bank and of the date fixed by  
4           the Commissioner for payment of the fee.

5           (c) The "administration expenses" for any fiscal  
6           year shall mean the ordinary and contingent expenses  
7           for that year incident to making the examinations  
8           provided for by, and for otherwise administering, this  
9           Act, the Corporate Fiduciary Act, excluding the  
10          expenses paid from the Corporate Fiduciary  
11          Receivership account in the Bank and Trust Company  
12          Fund, the Foreign Banking Office Act, the Electronic  
13          Fund Transfer Act, and the Illinois Bank Examiners'  
14          Education Foundation Act, including all salaries and  
15          other compensation paid for personal services rendered  
16          for the State by officers or employees of the State,  
17          including the Commissioner and the Deputy  
18          Commissioners, communication equipment and services,  
19          office furnishings, surety bond premiums, and travel  
20          expenses of those officers and employees, employees,  
21          expenditures or charges for the acquisition,  
22          enlargement or improvement of, or for the use of, any  
23          office space, building, or structure, or expenditures  
24          for the maintenance thereof or for furnishing heat,  
25          light, or power with respect thereto, all to the  
26          extent that those expenditures are directly incidental

1 to such examinations or administration. The  
2 Commissioner shall not be required by paragraph  
3 ~~paragraphs~~ (c) or (d-1) of this subsection (3) to  
4 maintain in any fiscal year's budget appropriated  
5 reserves for accrued vacation and accrued sick leave  
6 that is required to be paid to employees of the  
7 Commissioner upon termination of their service with  
8 the Commissioner in an amount that is more than is  
9 reasonably anticipated to be necessary for any  
10 anticipated turnover in employees, whether due to  
11 normal attrition or due to layoffs, terminations, or  
12 resignations.

13 (d) The aggregate of all fees collected by the  
14 Secretary under this Act, the Corporate Fiduciary Act,  
15 or the Foreign Banking Office Act on and after July 1,  
16 1979, shall be paid promptly after receipt of the  
17 same, accompanied by a detailed statement thereof,  
18 into the State treasury and shall be set apart in a  
19 special fund to be known as the "Bank and Trust Company  
20 Fund", except as provided in paragraph (c) of  
21 subsection (11) of this Section. All earnings received  
22 from investments of funds in the Bank and Trust  
23 Company Fund shall be deposited into ~~in~~ the Bank and  
24 Trust Company Fund and may be used for the same  
25 purposes as fees deposited into ~~in~~ that Fund. The  
26 amount from time to time deposited into the Bank and

1 Trust Company Fund shall be used: (i) to offset the  
2 ordinary administrative expenses of the Secretary as  
3 defined in this Section or (ii) as a credit against  
4 fees under paragraph (d-1) of this subsection (3).  
5 Nothing in Public Act 81-131 shall prevent continuing  
6 the practice of paying expenses involving salaries,  
7 retirement, social security, and State-paid insurance  
8 premiums of State officers by appropriations from the  
9 General Revenue Fund. However, the General Revenue  
10 Fund shall be reimbursed for those payments made on  
11 and after July 1, 1979, by an annual transfer of funds  
12 from the Bank and Trust Company Fund. Moneys in the  
13 Bank and Trust Company Fund may be transferred to the  
14 Professions Indirect Cost Fund, as authorized under  
15 Section 2105-300 of the Department of Professional  
16 Regulation Law of the Civil Administrative Code of  
17 Illinois.

18 Notwithstanding provisions in the State Finance  
19 Act, as now or hereafter amended, or any other law to  
20 the contrary, the Governor may, during any fiscal year  
21 through January 10, 2011, from time to time direct the  
22 State Treasurer and Comptroller to transfer a  
23 specified sum not exceeding 10% of the revenues to be  
24 deposited into the Bank and Trust Company Fund during  
25 that fiscal year from that Fund to the General Revenue  
26 Fund in order to help defray the State's operating



1 costs for the fiscal year. Notwithstanding provisions  
2 in the State Finance Act, as now or hereafter amended,  
3 or any other law to the contrary, the total sum  
4 transferred during any fiscal year through January 10,  
5 2011, from the Bank and Trust Company Fund to the  
6 General Revenue Fund pursuant to this provision shall  
7 not exceed during any fiscal year 10% of the revenues  
8 to be deposited into the Bank and Trust Company Fund  
9 during that fiscal year. The State Treasurer and  
10 Comptroller shall transfer the amounts designated  
11 under this Section as soon as may be practicable after  
12 receiving the direction to transfer from the Governor.

13 (d-1) Adequate funds shall be available in the  
14 Bank and Trust Company Fund to permit the timely  
15 payment of administration expenses. In each fiscal  
16 year the total administration expenses shall be  
17 deducted from the total fees collected by the  
18 Commissioner and the remainder transferred into the  
19 Cash Flow Reserve Account, unless the balance of the  
20 Cash Flow Reserve Account prior to the transfer equals  
21 or exceeds one-fourth of the total initial  
22 appropriations from the Bank and Trust Company Fund  
23 for the subsequent year, in which case the remainder  
24 shall be credited to State banks and foreign banking  
25 corporations and applied against their fees for the  
26 subsequent year. The amount credited to each State

1 bank and foreign banking corporation shall be in the  
2 same proportion as the Call Report Fees paid by each  
3 for the year bear to the total Call Report Fees  
4 collected for the year. If, after a transfer to the  
5 Cash Flow Reserve Account is made or if no remainder is  
6 available for transfer, the balance of the Cash Flow  
7 Reserve Account is less than one-fourth of the total  
8 initial appropriations for the subsequent year and the  
9 amount transferred is less than 5% of the total Call  
10 Report Fees for the year, additional amounts needed to  
11 make the transfer equal to 5% of the total Call Report  
12 Fees for the year shall be apportioned among ~~amongst~~,  
13 assessed upon, and paid by the State banks and foreign  
14 banking corporations in the same proportion that the  
15 Call Report Fees of each, respectively, for the year  
16 bear to the total Call Report Fees collected for the  
17 year. The additional amounts assessed shall be  
18 transferred into the Cash Flow Reserve Account. For  
19 purposes of this paragraph (d-1), the calculation of  
20 the fees collected by the Commissioner shall exclude  
21 the receivership fees provided for in Section 5-10 of  
22 the Corporate Fiduciary Act.

23 (e) The Commissioner may upon request certify to  
24 any public record in his keeping and shall have  
25 authority to levy a reasonable charge for issuing  
26 certifications of any public record in his keeping.

1           (f) In addition to fees authorized elsewhere in  
2           this Act, the Commissioner may, in connection with a  
3           review, approval, or provision of a service, levy a  
4           reasonable charge to recover the cost of the review,  
5           approval, or service.

6           (4) Nothing contained in this Act shall be construed  
7           to limit the obligation relative to examinations and  
8           reports of any State bank, deposits in which are to any  
9           extent insured by the United States or any agency thereof,  
10          nor to limit in any way the powers of the Commissioner with  
11          reference to examinations and reports of that bank.

12          (5) The nature and condition of the assets in or  
13          investment of any bonus, pension, or profit sharing plan  
14          for officers or employees of every State bank or, after  
15          May 31, 1997, branch of an out-of-state bank shall be  
16          deemed to be included in the affairs of that State bank or  
17          branch of an out-of-state bank subject to examination by  
18          the Commissioner under the provisions of subsection (2) of  
19          this Section, and if the Commissioner shall find from an  
20          examination that the condition of or operation of the  
21          investments or assets of the plan is unlawful, fraudulent,  
22          or unsafe, or that any trustee has abused his trust, the  
23          Commissioner shall, if the situation so found by the  
24          Commissioner shall not be corrected to his satisfaction  
25          within 60 days after the Commissioner has given notice to  
26          the board of directors of the State bank or out-of-state

1 bank of his findings, report the facts to the Attorney  
2 General who shall thereupon institute proceedings against  
3 the State bank or out-of-state bank, the board of  
4 directors thereof, or the trustees under such plan as the  
5 nature of the case may require.

6 (6) The Commissioner shall have the power:

7 (a) To promulgate reasonable rules for the purpose  
8 of administering the provisions of this Act.

9 (a-5) To impose conditions on any approval issued  
10 by the Commissioner if he determines that the  
11 conditions are necessary or appropriate. These  
12 conditions shall be imposed in writing and shall  
13 continue in effect for the period prescribed by the  
14 Commissioner.

15 (b) To issue orders against any person, if the  
16 Commissioner has reasonable cause to believe that an  
17 unsafe or unsound banking practice has occurred, is  
18 occurring, or is about to occur, if any person has  
19 violated, is violating, or is about to violate any  
20 law, rule, or written agreement with the Commissioner,  
21 or for the purpose of administering the provisions of  
22 this Act and any rule promulgated in accordance with  
23 this Act.

24 (b-1) To enter into agreements with a bank  
25 establishing a program to correct the condition of the  
26 bank or its practices.

1           (c) To appoint hearing officers to execute any of  
2           the powers granted to the Commissioner under this  
3           Section for the purpose of administering this Act and  
4           any rule promulgated in accordance with this Act and  
5           otherwise to authorize, in writing, an officer or  
6           employee of the Office of Banks and Real Estate to  
7           exercise his powers under this Act.

8           (d) To subpoena witnesses, to compel their  
9           attendance, to administer an oath, to examine any  
10          person under oath, and to require the production of  
11          any relevant books, papers, accounts, and documents in  
12          the course of and pursuant to any investigation being  
13          conducted, or any action being taken, by the  
14          Commissioner in respect of any matter relating to the  
15          duties imposed upon, or the powers vested in, the  
16          Commissioner under the provisions of this Act or any  
17          rule promulgated in accordance with this Act.

18          (e) To conduct hearings.

19          (7) Whenever, in the opinion of the Secretary, any  
20          director, officer, employee, or agent of a State bank or  
21          any subsidiary or bank holding company of the bank or,  
22          after May 31, 1997, of any branch of an out-of-state bank  
23          or any subsidiary or bank holding company of the bank  
24          shall have violated any law, rule, or order relating to  
25          that bank or any subsidiary or bank holding company of the  
26          bank, shall have obstructed or impeded any examination or

1 investigation by the Secretary, shall have engaged in an  
2 unsafe or unsound practice in conducting the business of  
3 that bank or any subsidiary or bank holding company of the  
4 bank, or shall have violated any law or engaged or  
5 participated in any unsafe or unsound practice in  
6 connection with any financial institution or other  
7 business entity such that the character and fitness of the  
8 director, officer, employee, or agent does not assure  
9 reasonable promise of safe and sound operation of the  
10 State bank, the Secretary may issue an order of removal.  
11 If, in the opinion of the Secretary, any former director,  
12 officer, employee, or agent of a State bank or any  
13 subsidiary or bank holding company of the bank, prior to  
14 the termination of his or her service with that bank or any  
15 subsidiary or bank holding company of the bank, violated  
16 any law, rule, or order relating to that State bank or any  
17 subsidiary or bank holding company of the bank, obstructed  
18 or impeded any examination or investigation by the  
19 Secretary, engaged in an unsafe or unsound practice in  
20 conducting the business of that bank or any subsidiary or  
21 bank holding company of the bank, or violated any law or  
22 engaged or participated in any unsafe or unsound practice  
23 in connection with any financial institution or other  
24 business entity such that the character and fitness of the  
25 director, officer, employee, or agent would not have  
26 assured reasonable promise of safe and sound operation of

1 the State bank, the Secretary may issue an order  
2 prohibiting that person from further service with a bank  
3 or any subsidiary or bank holding company of the bank as a  
4 director, officer, employee, or agent. An order issued  
5 pursuant to this subsection shall be served upon the  
6 director, officer, employee, or agent. A copy of the order  
7 shall be sent to each director of the bank affected by  
8 registered mail. A copy of the order shall also be served  
9 upon the bank of which he is a director, officer,  
10 employee, or agent, whereupon he shall cease to be a  
11 director, officer, employee, or agent of that bank. The  
12 Secretary may institute a civil action against the  
13 director, officer, or agent of the State bank or, after  
14 May 31, 1997, of the branch of the out-of-state bank  
15 against whom any order provided for by this subsection (7)  
16 of this Section 48 has been issued, and against the State  
17 bank or, after May 31, 1997, out-of-state bank, to enforce  
18 compliance with or to enjoin any violation of the terms of  
19 the order. Any person who has been the subject of an order  
20 of removal or an order of prohibition issued by the  
21 Secretary under this subsection or Section 5-6 of the  
22 Corporate Fiduciary Act may not thereafter serve as  
23 director, officer, employee, or agent of any State bank or  
24 of any branch of any out-of-state bank, or of any  
25 corporate fiduciary, as defined in Section 1-5.05 of the  
26 Corporate Fiduciary Act, or of any other entity that is

1 subject to licensure or regulation by the Division of  
2 Banking unless the Secretary has granted prior approval in  
3 writing.

4 For purposes of this paragraph (7), "bank holding  
5 company" has the meaning prescribed in Section 2 of the  
6 Illinois Bank Holding Company Act of 1957.

7 (7.5) Notwithstanding the provisions of this Section,  
8 the Secretary shall not:

9 (1) issue an order against a State bank or any  
10 subsidiary organized under this Act for unsafe or  
11 unsound banking practices solely because the entity  
12 provides or has provided financial services to a  
13 cannabis-related legitimate business;

14 (2) prohibit, penalize, or otherwise discourage a  
15 State bank or any subsidiary from providing financial  
16 services to a cannabis-related legitimate business  
17 solely because the entity provides or has provided  
18 financial services to a cannabis-related legitimate  
19 business;

20 (3) recommend, incentivize, or encourage a State  
21 bank or any subsidiary not to offer financial services  
22 to an account holder or to downgrade or cancel the  
23 financial services offered to an account holder solely  
24 because:

25 (A) the account holder is a manufacturer or  
26 producer, or is the owner, operator, or employee



1 of a cannabis-related legitimate business;

2 (B) the account holder later becomes an owner  
3 or operator of a cannabis-related legitimate  
4 business; or

5 (C) the State bank or any subsidiary was not  
6 aware that the account holder is the owner or  
7 operator of a cannabis-related legitimate  
8 business; and

9 (4) take any adverse or corrective supervisory  
10 action on a loan made to an owner or operator of:

11 (A) a cannabis-related legitimate business  
12 solely because the owner or operator owns or  
13 operates a cannabis-related legitimate business;  
14 or

15 (B) real estate or equipment that is leased to  
16 a cannabis-related legitimate business solely  
17 because the owner or operator of the real estate  
18 or equipment leased the equipment or real estate  
19 to a cannabis-related legitimate business.

20 (8) The Commissioner may impose civil penalties of up  
21 to \$100,000 against any person for each violation of any  
22 provision of this Act, any rule promulgated in accordance  
23 with this Act, any order of the Commissioner, or any other  
24 action which in the Commissioner's discretion is an unsafe  
25 or unsound banking practice.

26 (9) The Commissioner may impose civil penalties of up

1 to \$100 against any person for the first failure to comply  
2 with reporting requirements set forth in the report of  
3 examination of the bank and up to \$200 for the second and  
4 subsequent failures to comply with those reporting  
5 requirements.

6 (10) All final administrative decisions of the  
7 Commissioner hereunder shall be subject to judicial review  
8 pursuant to the provisions of the Administrative Review  
9 Law. For matters involving administrative review, venue  
10 shall be in either Sangamon County or Cook County.

11 (11) The endowment fund for the Illinois Bank  
12 Examiners' Education Foundation shall be administered as  
13 follows:

14 (a) (Blank).

15 (b) The Foundation is empowered to receive  
16 voluntary contributions, gifts, grants, bequests, and  
17 donations on behalf of the Illinois Bank Examiners'  
18 Education Foundation from national banks and other  
19 persons for the purpose of funding the endowment of  
20 the Illinois Bank Examiners' Education Foundation.

21 (c) The aggregate of all special educational fees  
22 collected by the Secretary and property received by  
23 the Secretary on behalf of the Illinois Bank  
24 Examiners' Education Foundation under this subsection  
25 (11) on or after June 30, 1986, shall be either (i)  
26 promptly paid after receipt of the same, accompanied

1 by a detailed statement thereof, into the State  
2 treasury ~~Treasury~~ and shall be set apart in a special  
3 fund to be known as the ~~"The~~ Illinois Bank Examiners'  
4 Education Fund~~"~~ to be invested by either the Treasurer  
5 of the State of Illinois in the Public Treasurers'  
6 Investment Pool or in any other investment he is  
7 authorized to make or by the Illinois State Board of  
8 Investment as the State Banking Board of Illinois may  
9 direct or (ii) deposited into an account maintained in  
10 a commercial bank or corporate fiduciary in the name  
11 of the Illinois Bank Examiners' Education Foundation  
12 pursuant to the order and direction of the Board of  
13 Trustees of the Illinois Bank Examiners' Education  
14 Foundation.

15 (12) (Blank).

16 (13) The Secretary may borrow funds from the General  
17 Revenue Fund on behalf of the Bank and Trust Company Fund  
18 if the Director of Banking certifies to the Governor that  
19 there is an economic emergency affecting banking that  
20 requires a borrowing to provide additional funds to the  
21 Bank and Trust Company Fund. The borrowed funds shall be  
22 paid back within 3 years and shall not exceed the total  
23 funding appropriated to the Agency in the previous year.

24 (14) In addition to the fees authorized in this Act,  
25 the Secretary may assess reasonable receivership fees  
26 against any State bank that does not maintain insurance

1 with the Federal Deposit Insurance Corporation. All fees  
2 collected under this subsection (14) shall be paid into  
3 the Non-insured Institutions Receivership account in the  
4 Bank and Trust Company Fund, as established by the  
5 Secretary. The fees assessed under this subsection (14)  
6 shall provide for the expenses that arise from the  
7 administration of the receivership of any such institution  
8 required to pay into the Non-insured Institutions  
9 Receivership account, whether pursuant to this Act, the  
10 Corporate Fiduciary Act, the Foreign Banking Office Act,  
11 or any other Act that requires payments into the  
12 Non-insured Institutions Receivership account. The  
13 Secretary may establish by rule a reasonable manner of  
14 assessing fees under this subsection (14).

15 (Source: P.A. 101-27, eff. 6-25-19; 101-275, eff. 8-9-19;  
16 102-558, eff. 8-20-21; revised 2-28-22.)

17 Section 395. The Illinois Credit Union Act is amended by  
18 changing Sections 8, 19, 20, and 59 as follows:

19 (205 ILCS 305/8) (from Ch. 17, par. 4409)

20 Sec. 8. Secretary's powers and duties. Credit unions are  
21 regulated by the Department. The Secretary in executing the  
22 powers and discharging the duties vested by law in the  
23 Department has the following powers and duties:

24 (1) To exercise the rights, powers, and duties set

1       forth in this Act or any related Act. The Director shall  
2       oversee the functions of the Division and report to the  
3       Secretary, with respect to the Director's exercise of any  
4       of the rights, powers, and duties vested by law in the  
5       Secretary under this Act. All references in this Act to  
6       the Secretary shall be deemed to include the Director, as  
7       a person authorized by the Secretary or this Act to assume  
8       responsibility for the oversight of the functions of the  
9       Department relating to the regulatory supervision of  
10      credit unions under this Act.

11       (2) To prescribe rules and regulations for the  
12      administration of this Act. The provisions of the Illinois  
13      Administrative Procedure Act are hereby expressly adopted  
14      and incorporated herein as though a part of this Act, and  
15      shall apply to all administrative rules and procedures of  
16      the Department under this Act.

17       (3) To direct and supervise all the administrative and  
18      technical activities of the Department including the  
19      employment of a Credit Union Supervisor who shall have  
20      knowledge in the theory and practice of, or experience in,  
21      the operations or supervision of financial institutions,  
22      preferably credit unions, and such other persons as are  
23      necessary to carry out his functions. The Secretary shall  
24      ensure that all examiners appointed or assigned to examine  
25      the affairs of State-chartered credit unions possess the  
26      necessary training and continuing education to effectively

1 execute their jobs.

2 (4) To issue cease and desist orders when in the  
3 opinion of the Secretary, a credit union is engaged or has  
4 engaged, or the Secretary has reasonable cause to believe  
5 the credit union is about to engage, in an unsafe or  
6 unsound practice, or is violating or has violated or the  
7 Secretary has reasonable cause to believe is about to  
8 violate a law, rule, or regulation or any condition  
9 imposed in writing by the Department.

10 (5) To suspend from office and to prohibit from  
11 further participation in any manner in the conduct of the  
12 affairs of any credit union any director, officer, or  
13 committee member who has committed any violation of a law,  
14 rule, or regulation or of a cease and desist order or who  
15 has engaged or participated in any unsafe or unsound  
16 practice in connection with the credit union or who has  
17 committed or engaged in any act, omission, or practice  
18 which constitutes a breach of his fiduciary duty as such  
19 director, officer, or committee member, when the Secretary  
20 has determined that such action or actions have resulted  
21 or will result in substantial financial loss or other  
22 damage that seriously prejudices the interests of the  
23 members.

24 (6) To assess a civil penalty against a credit union  
25 provided that:

26 (A) the Secretary reasonably determines, based on

1 objective facts and an accurate assessment of  
2 applicable legal standards, that the credit union has:

3 (i) committed a violation of this Act, any  
4 rule adopted in accordance with this Act, or any  
5 order of the Secretary issued pursuant to his or  
6 her authority under this Act; or

7 (ii) engaged or participated in any unsafe or  
8 unsound practice;

9 (B) before a civil penalty is assessed under this  
10 item (6), the Secretary must make the further  
11 reasonable determination, based on objective facts and  
12 an accurate assessment of applicable legal standards,  
13 that the credit union's action constituting a  
14 violation under subparagraph (i) of paragraph (A) of  
15 this item (6) or an unsafe and unsound practice under  
16 subparagraph (ii) of paragraph (A) of this item (6):

17 (i) directly resulted in a substantial and  
18 material financial loss or created a reasonable  
19 probability that a substantial and material  
20 financial loss will directly result; or

21 (ii) constituted willful misconduct or a  
22 material breach of fiduciary duty of any director,  
23 officer, or committee member of the credit union;

24 Material financial loss, as referenced in this  
25 paragraph (B), shall be assessed in light of  
26 surrounding circumstances and the relative size and

1 nature of the financial loss or probable financial  
2 loss. Certain benchmarks shall be used in determining  
3 whether financial loss is material, such as a  
4 percentage of total assets or total gross income for  
5 the immediately preceding 12-month period. Absent  
6 compelling and extraordinary circumstances, no civil  
7 penalty shall be assessed, unless the financial loss  
8 or probable financial loss is equal to or greater than  
9 either 1% of the credit union's total assets for the  
10 immediately preceding 12-month period, or 1% of the  
11 credit union's total gross income for the immediately  
12 preceding 12-month period, whichever is less;

13 (C) before a civil penalty is assessed under this  
14 item (6), the credit union must be expressly advised  
15 in writing of the:

16 (i) specific violation that could subject it  
17 to a penalty under this item (6); and

18 (ii) specific remedial action to be taken  
19 within a specific and reasonable time frame to  
20 avoid imposition of the penalty;

21 (D) civil ~~Civil~~ penalties assessed under this item  
22 (6) shall be remedial, not punitive, and reasonably  
23 tailored to ensure future compliance by the credit  
24 union with the provisions of this Act and any rules  
25 adopted pursuant to this Act;

26 (E) a credit union's failure to take timely



1 remedial action with respect to the specific violation  
 2 may result in the issuance of an order assessing a  
 3 civil penalty up to the following maximum amount,  
 4 based upon the total assets of the credit union:

5 (i) Credit unions with assets of less than \$10  
 6 million..... \$1,000

7 (ii) Credit unions with assets of at least \$10  
 8 million and less than \$50 million ..... \$2,500

9 (iii) Credit unions with assets of at least  
 10 \$50 million and less than \$100 million .... \$5,000

11 (iv) Credit unions with assets of at least  
 12 \$100 million and less than \$500 million .. \$10,000

13 (v) Credit unions with assets of at least \$500  
 14 million and less than \$1 billion ..... \$25,000

15 (vi) Credit unions with assets of \$1 billion  
 16 and greater..... \$50,000; and

17 (F) an order assessing a civil penalty under this  
 18 item (6) shall take effect upon service of the order,  
 19 unless the credit union makes a written request for a  
 20 hearing under 38 Ill. ~~IL~~ Adm. Code 190.20 of the  
 21 Department's rules for credit unions within 90 days  
 22 after issuance of the order; in that event, the order  
 23 shall be stayed until a final administrative order is  
 24 entered.

25 This item (6) shall not apply to violations separately  
 26 addressed in rules as authorized under item (7) of this

1 Section.

2 (7) Except for the fees established in this Act, to  
3 prescribe, by rule and regulation, fees and penalties for  
4 preparing, approving, and filing reports and other  
5 documents; furnishing transcripts; holding hearings;  
6 investigating applications for permission to organize,  
7 merge, or convert; failure to maintain accurate books and  
8 records to enable the Department to conduct an  
9 examination; and taking supervisory actions.

10 (8) To destroy, in his discretion, any or all books  
11 and records of any credit union in his possession or under  
12 his control after the expiration of three years from the  
13 date of cancellation of the charter of such credit unions.

14 (9) To make investigations and to conduct research and  
15 studies and to publish some of the problems of persons in  
16 obtaining credit at reasonable rates of interest and of  
17 the methods and benefits of cooperative saving and lending  
18 for such persons.

19 (10) To authorize, foster, or establish experimental,  
20 developmental, demonstration, or pilot projects by public  
21 or private organizations including credit unions which:

22 (a) promote more effective operation of credit  
23 unions so as to provide members an opportunity to use  
24 and control their own money to improve their economic  
25 and social conditions; or

26 (b) are in the best interests of credit unions,

1           their members and the people of the State of Illinois.

2           (11) To cooperate in studies, training, or other  
3 administrative activities with, but not limited to, the  
4 NCUA, other state credit union regulatory agencies and  
5 industry trade associations in order to promote more  
6 effective and efficient supervision of Illinois chartered  
7 credit unions.

8           (12) Notwithstanding the provisions of this Section,  
9 the Secretary shall not:

10           (1) issue an order against a credit union  
11 organized under this Act for unsafe or unsound banking  
12 practices solely because the entity provides or has  
13 provided financial services to a cannabis-related  
14 legitimate business;

15           (2) prohibit, penalize, or otherwise discourage a  
16 credit union from providing financial services to a  
17 cannabis-related legitimate business solely because  
18 the entity provides or has provided financial services  
19 to a cannabis-related legitimate business;

20           (3) recommend, incentivize, or encourage a credit  
21 union not to offer financial services to an account  
22 holder or to downgrade or cancel the financial  
23 services offered to an account holder solely because:

24           (A) the account holder is a manufacturer or  
25 producer, or is the owner, operator, or employee  
26 of a cannabis-related legitimate business;

1 (B) the account holder later becomes an owner  
2 or operator of a cannabis-related legitimate  
3 business; or

4 (C) the credit union was not aware that the  
5 account holder is the owner or operator of a  
6 cannabis-related legitimate business; and

7 (4) take any adverse or corrective supervisory  
8 action on a loan made to an owner or operator of:

9 (A) a cannabis-related legitimate business  
10 solely because the owner or operator owns or  
11 operates a cannabis-related legitimate business;  
12 or

13 (B) real estate or equipment that is leased to  
14 a cannabis-related legitimate business solely  
15 because the owner or operator of the real estate  
16 or equipment leased the equipment or real estate  
17 to a cannabis-related legitimate business.

18 (Source: P.A. 101-27, eff. 6-25-19; 102-858, eff. 5-13-22;  
19 revised 8-19-22.)

20 (205 ILCS 305/19) (from Ch. 17, par. 4420)

21 Sec. 19. Meeting of members.

22 (1) (a) The annual meeting shall be held each year during  
23 the months of January, February or March or such other month as  
24 may be approved by the Department. The meeting shall be held at  
25 the time, place and in the manner set forth in the bylaws. Any

1 special meetings of the members of the credit union shall be  
2 held at the time, place and in the manner set forth in the  
3 bylaws. Unless otherwise set forth in this Act, quorum  
4 requirements for meetings of members shall be established by a  
5 credit union in its bylaws. Notice of all meetings must be  
6 given by the secretary of the credit union at least 7 days  
7 before the date of such meeting, either by handing a written or  
8 printed notice to each member of the credit union, by mailing  
9 the notice to the member at his address as listed on the books  
10 and records of the credit union, by posting a notice of the  
11 meeting in three conspicuous places, including the office of  
12 the credit union, by posting the notice of the meeting on the  
13 credit union's website, or by disclosing the notice of the  
14 meeting in membership newsletters or account statements.

15 (b) Unless expressly prohibited by the articles of  
16 incorporation or bylaws and subject to applicable requirements  
17 of this Act, the board of directors may provide by resolution  
18 that members may attend, participate in, act in, and vote at  
19 any annual meeting or special meeting through the use of a  
20 conference telephone or interactive technology, including, but  
21 not limited to, electronic transmission, internet usage, or  
22 remote communication, by means of which all persons  
23 participating in the meeting can communicate with each other.  
24 Participation through the use of a conference telephone or  
25 interactive technology shall constitute attendance, presence,  
26 and representation in person at the annual meeting or special

1 meeting of the person or persons so participating and count  
2 towards the quorum required to conduct business at the  
3 meeting. The following conditions shall apply to any virtual  
4 meeting of the members:

5 (i) the credit union must internally possess or retain  
6 the technological capacity to facilitate virtual meeting  
7 attendance, participation, communication, and voting; and

8 (ii) the members must receive notice of the use of a  
9 virtual meeting format and appropriate instructions for  
10 joining, participating, and voting during the virtual  
11 meeting at least 7 days before the virtual meeting.

12 (2) On all questions and at all elections, except election  
13 of directors, each member has one vote regardless of the  
14 number of his shares. There shall be no voting by proxy except  
15 on the election of directors, proposals for merger or  
16 voluntary dissolution. Members may vote on questions,  
17 including, without limitation, the approval of mergers and  
18 voluntary dissolutions under this Act, and in elections by  
19 electronic record if approved by the board of directors. All  
20 voting on the election of directors shall be by ballot, but  
21 when there is no contest, written or electronic ballots need  
22 not be cast. The record date to be used for the purpose of  
23 determining which members are entitled to notice of or to vote  
24 at any meeting of members, may be fixed in advance by the  
25 directors on a date not more than 90 days nor less than 10 days  
26 prior to the date of the meeting. If no record date is fixed by

1 the directors, the first day on which notice of the meeting is  
2 given, mailed or posted is the record date.

3 (3) Regardless of the number of shares owned by a society,  
4 association, club, partnership, other credit union or  
5 corporation, having membership in the credit union, it shall  
6 be entitled to only one vote and it may be represented and have  
7 its vote cast by its designated agent acting on its behalf  
8 pursuant to a resolution adopted by the organization's board  
9 of directors or similar governing authority; provided that the  
10 credit union shall obtain a certified copy of such resolution  
11 before such vote may be cast.

12 (4) A member may revoke a proxy by delivery to the credit  
13 union of a written statement to that effect, by execution of a  
14 subsequently dated proxy, by execution of an electronic  
15 record, or by attendance at a meeting and voting in person.

16 (5) The use of electronic records for member voting  
17 pursuant to this Section shall employ a security procedure  
18 that meets the attribution criteria set forth in Section 9 of  
19 the Uniform Electronic Transactions Act.

20 (6) As used in this Section, "electronic", "electronic  
21 record", and "security procedure" have the meanings ascribed  
22 to those terms in the Uniform Electronic Transactions Act. ~~the~~  
23 (Source: P.A. 102-38, eff. 6-25-21; 102-496, eff. 8-20-21;  
24 102-774, eff. 5-13-22; 102-813, eff. 5-13-22; revised 8-3-22.)

25 (205 ILCS 305/20) (from Ch. 17, par. 4421)

1           Sec. 20. Election or appointment of officials.

2           (1) The credit union shall be directed by a board of  
3 directors consisting of no less than 7 in number, to be elected  
4 at the annual meeting by and from the members. Directors shall  
5 hold office until the next annual meeting, unless their terms  
6 are staggered. Upon amendment of its bylaws, a credit union  
7 may divide the directors into 2 or 3 classes with each class as  
8 nearly equal in number as possible. The term of office of the  
9 directors of the first class shall expire at the first annual  
10 meeting after their election, that of the second class shall  
11 expire at the second annual meeting after their election, and  
12 that of the third class, if any, shall expire at the third  
13 annual meeting after their election. At each annual meeting  
14 after the classification, the number of directors equal to the  
15 number of directors whose terms expire at the time of the  
16 meeting shall be elected to hold office until the second  
17 succeeding annual meeting if there are 2 classes or until the  
18 third succeeding annual meeting if there are 3 classes. A  
19 director shall hold office for the term for which he or she is  
20 elected and until his or her successor is elected and  
21 qualified.

22           (1.5) Except as provided in subsection (1.10), in all  
23 elections for directors, every member has the right to vote,  
24 in person, by proxy, or by electronic record if approved by the  
25 board of directors, the number of shares owned by him, or in  
26 the case of a member other than a natural person, the member's



1 one vote, for as many persons as there are directors to be  
2 elected, or to cumulate such shares, and give one candidate as  
3 many votes as the number of directors multiplied by the number  
4 of his shares equals, or to distribute them on the same  
5 principle among as many candidates as he may desire and the  
6 directors shall not be elected in any other manner. Shares  
7 held in a joint account owned by more than one member may be  
8 voted by any one of the members, however, the number of  
9 cumulative votes cast may not exceed a total equal to the  
10 number of shares multiplied by the number of directors to be  
11 elected. A majority of the shares entitled to vote shall be  
12 represented either in person or by proxy for the election of  
13 directors. Each director shall wholly take and subscribe to an  
14 oath that he will diligently and honestly perform his duties  
15 in administering the affairs of the credit union, that while  
16 he may delegate to another the performance of those  
17 administrative duties he is not thereby relieved from his  
18 responsibility for their performance, that he will not  
19 knowingly violate or permit to be violated any law applicable  
20 to the credit union, and that he is the owner of at least one  
21 share of the credit union.

22 (1.10) Upon amendment of a credit union's bylaws, in all  
23 elections for directors, every member who is a natural person  
24 shall have the right to cast one vote, regardless of the number  
25 of his or her shares, in person, by proxy, or by electronic  
26 record if approved by the board of directors, for as many

1 persons as there are directors to be elected.

2 (1.15) If the board of directors has adopted a policy  
3 addressing age eligibility standards on voting, holding  
4 office, or petitioning the board, then a credit union may  
5 require (i) that members be at least 18 years of age by the  
6 date of the meeting in order to vote at meetings of the  
7 members, sign nominating petitions, or sign petitions  
8 requesting special meetings, and (ii) that members be at least  
9 18 years of age by the date of election or appointment in order  
10 to hold elective or appointive office.

11 (2) The board of directors shall appoint from among the  
12 members of the credit union, a supervisory committee of not  
13 less than 3 members at the organization meeting and within 30  
14 days following each annual meeting of the members for such  
15 terms as the bylaws provide. Members of the supervisory  
16 committee may, but need not be, on the board of directors, but  
17 shall not be officers of the credit union, members of the  
18 credit committee, or the credit manager if no credit committee  
19 has been appointed.

20 (3) The board of directors may appoint, from among the  
21 members of the credit union, a credit committee consisting of  
22 an odd number, not less than 3 for such terms as the bylaws  
23 provide. Members of the credit committee may, but need not be,  
24 directors or officers of the credit union, but shall not be  
25 members of the supervisory committee.

26 (4) The board of directors may appoint from among the

1 members of the credit union a membership committee of one or  
2 more persons. If appointed, the committee shall act upon all  
3 applications for membership and submit a report of its actions  
4 to the board of directors at the next regular meeting for  
5 review. If no membership committee is appointed, credit union  
6 management shall act upon all applications for membership and  
7 submit a report of its actions to the board of directors at the  
8 next regular meeting for review.

9 (5) The board of directors may appoint, from among the  
10 members of the credit union, a nominating committee of 3 or  
11 more persons. Members of the nominating committee may, but  
12 need not, be directors or officers of the credit union, but may  
13 not be members of the supervisory committee. The appointment,  
14 if made, shall be made in a timely manner to permit the  
15 nominating committee to recruit, evaluate, and nominate  
16 eligible candidates for each position to be filled in the  
17 election of directors or, in the event of a vacancy in office,  
18 to be filled by appointment of the board of directors for the  
19 remainder of the unexpired term of the director creating the  
20 vacancy. Factors the nominating committee may consider in  
21 evaluating prospective candidates include whether a candidate  
22 possesses or is willing to acquire through training the  
23 requisite skills and qualifications to carry out the statutory  
24 duties of a director. The board of directors may delegate to  
25 the nominating committee the recruitment, evaluation, and  
26 nomination of eligible candidates to serve on committees and

1 in executive officer positions.

2 (6) The use of electronic records for member voting  
3 pursuant to this Section shall employ a security procedure  
4 that meets the attribution criteria set forth in Section 9 of  
5 the Uniform Electronic Transactions Act.

6 (7) As used in this Section, "electronic", "electronic  
7 record", and "security procedure" have the meanings ascribed  
8 to those terms in the Uniform Electronic Transactions Act. ~~the~~  
9 (Source: P.A. 102-38, eff. 6-25-21; 102-687, eff. 12-17-21;  
10 102-774, eff. 5-13-22; 102-858, eff. 5-13-22; revised 8-3-22.)

11 (205 ILCS 305/59) (from Ch. 17, par. 4460)

12 Sec. 59. Investment of funds.

13 (a) Funds not used in loans to members may be invested,  
14 pursuant to subsection (7) of Section 30 of this Act, and  
15 subject to Departmental rules and regulations:

16 (1) In securities, obligations or other instruments of  
17 or issued by or fully guaranteed as to principal and  
18 interest by the United States of America or any agency  
19 thereof or in any trust or trusts established for  
20 investing directly or collectively in the same;

21 (2) In obligations of any state of the United States,  
22 the District of Columbia, the Commonwealth of Puerto Rico,  
23 and the several territories organized by Congress, or any  
24 political subdivision thereof; however, a credit union may  
25 not invest more than 10% of its unimpaired capital and

1 surplus in the obligations of one issuer, exclusive of  
2 general obligations of the issuer, and investments in  
3 municipal securities must be limited to securities rated  
4 in one of the 4 highest rating investment grades by a  
5 nationally recognized statistical rating organization;

6 (3) In certificates of deposit or passbook type  
7 accounts issued by a state or national bank, mutual  
8 savings bank or savings and loan association; provided  
9 that such institutions have their accounts insured by the  
10 Federal Deposit Insurance Corporation or the Federal  
11 Savings and Loan Insurance Corporation; but provided,  
12 further, that a credit union's investment in an account in  
13 any one institution may exceed the insured limit on  
14 accounts;

15 (4) In shares, classes of shares or share certificates  
16 of other credit unions, including, but not limited to,  
17 corporate credit unions; provided that such credit unions  
18 have their members' accounts insured by the NCUA or other  
19 approved insurers, and that if the members' accounts are  
20 so insured, a credit union's investment may exceed the  
21 insured limit on accounts;

22 (5) In shares of a cooperative society organized under  
23 the laws of this State or the laws of the United States in  
24 the total amount not exceeding 10% of the unimpaired  
25 capital and surplus of the credit union; provided that  
26 such investment shall first be approved by the Department;

1           (6) In obligations of the State of Israel, or  
2 obligations fully guaranteed by the State of Israel as to  
3 payment of principal and interest;

4           (7) In shares, stocks or obligations of other  
5 financial institutions in the total amount not exceeding  
6 5% of the unimpaired capital and surplus of the credit  
7 union;

8           (8) In federal funds and bankers' acceptances;

9           (9) In shares or stocks of Credit Union Service  
10 Organizations in the total amount not exceeding the  
11 greater of 6% of the unimpaired capital and surplus of the  
12 credit union or the amount authorized for federal credit  
13 unions;

14           (10) In corporate bonds identified as investment grade  
15 by at least one nationally recognized statistical rating  
16 organization, provided that:

17           (i) the board of directors has established a  
18 written policy that addresses corporate bond  
19 investment procedures and how the credit union will  
20 manage credit risk, interest rate risk, liquidity  
21 risk, and concentration risk; and

22           (ii) the credit union has documented in its  
23 records that a credit analysis of a particular  
24 investment and the issuing entity was conducted by the  
25 credit union, a third party on behalf of the credit  
26 union qualified by education or experience to assess

1           the risk characteristics of corporate bonds, or a  
2           nationally recognized statistical rating agency before  
3           purchasing the investment and the analysis is updated  
4           at least annually for as long as it holds the  
5           investment;

6           (11) To aid in the credit union's management of its  
7           assets, liabilities, and liquidity in the purchase of an  
8           investment interest in a pool of loans, in whole or in part  
9           and without regard to the membership of the borrowers,  
10          from other depository institutions and financial type  
11          institutions, including mortgage banks, finance companies,  
12          insurance companies, and other loan sellers, subject to  
13          such safety and soundness standards, limitations, and  
14          qualifications as the Department may establish by rule or  
15          guidance from time to time;

16          (12) To aid in the credit union's management of its  
17          assets, liabilities, and liquidity by receiving funds from  
18          another financial institution as evidenced by certificates  
19          of deposit, share certificates, or other classes of shares  
20          issued by the credit union to the financial institution;

21          (13) In the purchase and assumption of assets held by  
22          other financial institutions, with approval of the  
23          Secretary and subject to any safety and soundness  
24          standards, limitations, and qualifications as the  
25          Department may establish by rule or guidance from time to  
26          time;

1           (14) In the shares, stocks, or obligations of  
2 community development financial institutions as defined in  
3 regulations issued by the U.S. Department of the Treasury  
4 and minority depository institutions as defined by the  
5 National Credit Union Administration; however the  
6 aggregate amount of all such investments shall not at any  
7 time exceed 5% of the paid-in and unimpaired capital and  
8 surplus of the credit union; and

9           (15) (A) In shares, stocks, or member units of  
10 financial technology companies in the total amount not  
11 exceeding 2.5% of the net worth of the credit union, so  
12 long as:

13                 (i) the credit union would remain well capitalized  
14 as defined by 12 CFR 702.102 if the credit union  
15 reduced its net worth by the full investment amount at  
16 the time the investment is made or at any point during  
17 the time the investment is held by the credit union;

18                 (ii) the credit union and the financial technology  
19 company are operated in a manner that demonstrates to  
20 the public the separate corporate existence of the  
21 credit union and financial technology company; and

22                 (iii) the credit union has received a composite  
23 rating of 1 or 2 under the CAMELS supervisory rating  
24 system.

25           (B) The investment limit in subparagraph (A) of this  
26 paragraph (15) is increased to 5% of the net worth of the



1 credit union<sup>7</sup> if it has received a management rating of 1  
2 under the CAMELS supervisory rating system at the time a  
3 specific investment is made and at all times during the  
4 term of the investment. A credit union that satisfies the  
5 criteria in subparagraph (A) of this paragraph (15) and  
6 this subparagraph may request approval from the Secretary  
7 for an exception to the 5% limit up to a limit of 10% of  
8 the net worth of the credit union, subject to such safety  
9 and soundness standards, limitations, and qualifications  
10 as the Department may establish by rule or guidance from  
11 time to time. The request shall be in writing and  
12 substantiate the need for the higher limit, describe the  
13 credit union's record of investment activity, and include  
14 financial statements reflecting a sound fiscal history.

15 (C) Before investing in a financial technology  
16 company, the credit union shall obtain a written legal  
17 opinion as to whether the financial technology company is  
18 established in a manner that will limit potential exposure  
19 of the credit union to no more than the loss of funds  
20 invested in the financial technology company and the legal  
21 opinion shall:

22 (i) address factors that have led courts to  
23 "pierce the corporate veil", such as inadequate  
24 capitalization, lack of separate corporate identity,  
25 common boards of directors and employees, control of  
26 one entity over another, and lack of separate books

1 and records; and

2 (ii) be provided by independent legal counsel of  
3 the credit union.

4 (D) Before investing in the financial technology  
5 company, the credit union shall enter into a written  
6 investment agreement with the financial technology company  
7 and the agreement shall contain the following clauses:

8 (i) the financial technology company will: (I)  
9 provide the Department with access to the books and  
10 records of the financial technology company relating  
11 to the investment made by the credit union, with the  
12 costs of examining those records borne by the credit  
13 union in accordance with the per diem rate established  
14 by the Department by rule; (II) follow generally  
15 accepted accounting principles; and (III) provide the  
16 credit union with its financial statements on at least  
17 a quarterly basis and certified public accountant  
18 audited financial statements on an annual basis; and

19 (ii) the financial technology company and credit  
20 union agree to terminate their contractual  
21 relationship: (I) upon 90 days' written notice to the  
22 parties by the Secretary that the safety and soundness  
23 of the credit union is threatened pursuant to the  
24 Department's cease and desist and suspension authority  
25 in Sections 8 and 61; (II) upon 30 days' written notice  
26 to the parties if the credit union's net worth ratio

1 falls below the level that classifies it as well  
2 capitalized ~~well-capitalized~~ as defined by 12 CFR  
3 702.102; and (III) immediately upon the parties'  
4 receipt of written notice from the Secretary when the  
5 Secretary reasonably concludes, based upon specific  
6 facts set forth in the notice to the parties, that the  
7 credit union will suffer immediate, substantial, and  
8 irreparable injury or loss if it remains a party to the  
9 investment agreement.

10 (E) The termination of the investment agreement  
11 between the financial technology company and credit union  
12 shall in no way operate to relieve the financial  
13 technology company from repaying the investment or other  
14 obligation due and owing the credit union at the time of  
15 termination.

16 (F) Any financial technology company in which a credit  
17 union invests pursuant to this paragraph (15) that  
18 directly or indirectly originates, purchases, facilitates,  
19 brokers, or services loans to consumers in Illinois shall  
20 not charge an interest rate that exceeds the applicable  
21 maximum rate established by the Board of the National  
22 Credit Union Administration pursuant to 12 CFR  
23 701.21(c)(7)(iii)-(iv). The maximum interest rate  
24 described in this subparagraph that may be charged by a  
25 financial technology company applies to all consumer loans  
26 and consumer credit products.

1 (b) As used in this Section:

2 "Political subdivision" includes, but is not limited to,  
3 counties, townships, cities, villages, incorporated towns,  
4 school districts, educational service regions, special road  
5 districts, public water supply districts, fire protection  
6 districts, drainage districts, levee districts, sewer  
7 districts, housing authorities, park districts, and any  
8 agency, corporation, or instrumentality of a state or its  
9 political subdivisions, whether now or hereafter created and  
10 whether herein specifically mentioned or not.

11 "Financial institution" includes any bank, savings bank,  
12 savings and loan association, or credit union established  
13 under the laws of the United States, this State, or any other  
14 state.

15 "Financial technology company" includes any corporation,  
16 partnership, limited liability company, or other entity  
17 organized under the laws of Illinois, another state, or the  
18 United States of America:

19 (1) that the principal business of which is the  
20 provision of financial products or financial services, or  
21 both, that:

22 (i) currently relate or may prospectively relate  
23 to the daily operations of credit unions;

24 (ii) are of current or prospective benefit to the  
25 members of credit unions; or

26 (iii) are of current or prospective benefit to

1 consumers eligible for membership in credit unions;  
2 and

3 (2) that applies technological interventions,  
4 including, without limitation, specialized software or  
5 algorithm processes, products, or solutions, to improve  
6 and automate the delivery and use of those financial  
7 products or financial services.

8 (c) A credit union investing to fund an employee benefit  
9 plan obligation is not subject to the investment limitations  
10 of this Act and this Section and may purchase an investment  
11 that would otherwise be impermissible if the investment is  
12 directly related to the credit union's obligation under the  
13 employee benefit plan and the credit union holds the  
14 investment only for so long as it has an actual or potential  
15 obligation under the employee benefit plan.

16 (d) If a credit union acquires loans from another  
17 financial institution or financial-type institution pursuant  
18 to this Section, the credit union shall be authorized to  
19 provide loan servicing and collection services in connection  
20 with those loans.

21 (Source: P.A. 101-567, eff. 8-23-19; 102-496, eff. 8-20-21;  
22 102-774, eff. 5-13-22; 102-858, eff. 5-13-22; revised 8-3-22.)

23 Section 400. The Residential Mortgage License Act of 1987  
24 is amended by changing Section 7-7 as follows:

1 (205 ILCS 635/7-7)

2 Sec. 7-7. Continuing education for mortgage loan  
3 originators.

4 (a) In order to meet the annual continuing education  
5 requirements referred to in Section 7-6, a licensed mortgage  
6 loan originator shall complete at least 8 hours of education  
7 approved in accordance with subsection (b) of this Section,  
8 which shall include at least:

9 (1) 3 hours of federal ~~Federal~~ law and regulations;

10 (2) 2 hours of ethics, which shall include instruction  
11 on fraud, consumer protection, and fair lending issues;  
12 and

13 (3) 2 hours of training related to lending standards  
14 for the nontraditional mortgage product marketplace.

15 (b) For purposes of ~~this~~ subsection (a), continuing  
16 education courses shall be reviewed and approved by the  
17 Nationwide Multistate Licensing System and Registry based upon  
18 reasonable standards. Review and approval of a continuing  
19 education course shall include review and approval of the  
20 course provider.

21 (c) Nothing in this Section shall preclude any education  
22 course, as approved by the Nationwide Multistate Licensing  
23 System and Registry, that is provided by the employer of the  
24 mortgage loan originator or an entity which is affiliated with  
25 the mortgage loan originator by an agency contract, or any  
26 subsidiary or affiliate of the employer or entity.

1 (d) Continuing education may be offered either in a  
2 classroom, online, or by any other means approved by the  
3 Nationwide Multistate Licensing System and Registry.

4 (e) A licensed mortgage loan originator:

5 (1) except ~~Except~~ as provided in Section 7-6 and  
6 subsection (i) of this Section, may only receive credit  
7 for a continuing education course in the year in which the  
8 course is taken; and

9 (2) may ~~May~~ not take the same approved course in the  
10 same or successive years to meet the annual requirements  
11 for continuing education.

12 (f) A licensed mortgage loan originator who is an approved  
13 instructor of an approved continuing education course may  
14 receive credit for the licensed mortgage loan originator's own  
15 annual continuing education requirement at the rate of 2 hours  
16 credit for every one hour taught.

17 (g) A person having successfully completed the education  
18 requirements approved by the Nationwide Multistate Licensing  
19 System and Registry for the subjects listed in subsection (a)  
20 of this Section for any state shall be accepted as credit  
21 towards completion of continuing education requirements in  
22 this State.

23 (h) A licensed mortgage loan originator who subsequently  
24 becomes unlicensed must complete the continuing education  
25 requirements for the last year in which the license was held  
26 prior to issuance of a new or renewed license.

1 (i) A person meeting the requirements of Section 7-6 may  
2 make up any deficiency in continuing education as established  
3 by rule or regulation of the Director.

4 (Source: P.A. 100-1153, eff. 12-19-18; revised 3-16-22.)

5 Section 405. The Assisted Living and Shared Housing Act is  
6 amended by setting forth and renumbering multiple versions of  
7 Section 77 as follows:

8 (210 ILCS 9/77)

9 Sec. 77. Establishment employee assistance programs. An  
10 establishment shall ensure that licensed health care  
11 professionals employed by the establishment are aware of  
12 employee assistance programs or other like programs available  
13 for the physical and mental well-being of the employee. The  
14 establishment shall provide information on these programs, no  
15 less than at the time of employment and during any benefit open  
16 enrollment period, by an information form about the respective  
17 programs that a licensed health care professional must sign  
18 during onboarding at the establishment. The signed information  
19 form shall be added to the licensed health care professional's  
20 personnel file. The establishment may provide this information  
21 to licensed health care professionals electronically.

22 (Source: P.A. 102-1007, eff. 1-1-23; revised 12-19-22.)

23 (210 ILCS 9/78)



1           Sec. 78 ~~77~~. Certified nursing assistant interns.

2           (a) A certified nursing assistant intern shall report to  
3 an establishment's charge nurse or nursing supervisor and may  
4 only be assigned duties authorized in Section 2310-434 of the  
5 Department of Public Health Powers and Duties Law of the Civil  
6 Administrative Code of Illinois by a supervising nurse.

7           (b) An establishment shall notify its certified and  
8 licensed staff members, in writing, that a certified nursing  
9 assistant intern may only provide the services and perform the  
10 procedures permitted under Section 2310-434 of the Department  
11 of Public Health Powers and Duties Law of the Civil  
12 Administrative Code of Illinois. The notification shall detail  
13 which duties may be delegated to a certified nursing assistant  
14 intern. The establishment shall establish a policy describing  
15 the authorized duties, supervision, and evaluation of  
16 certified nursing assistant interns available upon request of  
17 the Department and any surveyor.

18           (c) If an establishment learns that a certified nursing  
19 assistant intern is performing work outside the scope of the  
20 Certified Nursing Assistant Intern Program's training, the  
21 establishment shall:

22                 (1) stop the certified nursing assistant intern from  
23 performing the work;

24                 (2) inspect the work and correct mistakes, if the work  
25 performed was done improperly;

26                 (3) assign the work to the appropriate personnel; and

1           (4) ensure that a thorough assessment of any resident  
2           involved in the work performed is completed by a  
3           registered nurse.

4           (d) An establishment that employs a certified nursing  
5           assistant intern in violation of this Section shall be subject  
6           to civil penalties or fines under subsection (a) of Section  
7           135.

8           (Source: P.A. 102-1037, eff. 6-2-22; revised 8-8-22.)

9           Section 410. The Nursing Home Care Act is amended by  
10          changing Sections 3-202.2b and 3-702 and by setting forth and  
11          renumbering multiple versions of Section 3-613 as follows:

12          (210 ILCS 45/3-202.2b)

13          Sec. 3-202.2b. Certification of psychiatric rehabilitation  
14          program.

15          (a) No later than January 1, 2011, the Department shall  
16          file with the Joint Committee on Administrative Rules,  
17          pursuant to the Illinois Administrative Procedure Act,  
18          proposed rules or proposed amendments to existing rules to  
19          establish a special certification program for compliance with  
20          77 Ill. Adm. ~~Admin.~~ Code 300.4000 and following (Subpart S),  
21          which provides for psychiatric rehabilitation services that  
22          are required to be offered by a long-term ~~long-term~~ care  
23          facility licensed under this Act that serves residents with  
24          serious mental illness. Compliance with standards promulgated

1 pursuant to this Section must be demonstrated before a  
2 long-term ~~long-term~~ care facility licensed under this Act is  
3 eligible to become certified under this Section and annually  
4 thereafter.

5 (b) No long-term ~~long-term~~ care facility shall establish,  
6 operate, maintain, or offer psychiatric rehabilitation  
7 services, or admit, retain, or seek referrals of a resident  
8 with a serious mental illness diagnosis, unless and until a  
9 valid certification, which remains unsuspended, unrevoked, and  
10 unexpired, has been issued.

11 (c) A facility that currently serves a resident with  
12 serious mental illness may continue to admit such residents  
13 until the Department performs a certification review and  
14 determines that the facility does not meet the requirements  
15 for certification. The Department, at its discretion, may  
16 provide an additional 90-day period for the facility to meet  
17 the requirements for certification if it finds that the  
18 facility has made a good faith effort to comply with all  
19 certification requirements and will achieve total compliance  
20 with the requirements before the end of the 90-day period. The  
21 facility shall be prohibited from admitting residents with  
22 serious mental illness until the Department certifies the  
23 facility to be in compliance with the requirements of this  
24 Section.

25 (d) A facility currently serving residents with serious  
26 mental illness that elects to terminate provision of services

1 to this population must immediately notify the Department of  
2 its intent, cease to admit new residents with serious mental  
3 illness, and give notice to all existing residents with  
4 serious mental illness of their impending discharge. These  
5 residents shall be accorded all rights and assistance provided  
6 to a resident being involuntarily discharged and those  
7 provided under Section 2-201.5. The facility shall continue to  
8 adhere to all requirements of 77 Ill. Adm. ~~Admin.~~ Code  
9 300.4000 until all residents with serious mental illness have  
10 been discharged.

11 (e) A long-term ~~long-term~~ care facility found to be out of  
12 compliance with the certification requirements under this  
13 Section may be subject to denial, revocation, or suspension of  
14 the psychiatric rehabilitation services certification or the  
15 imposition of sanctions and penalties, including the immediate  
16 suspension of new admissions. Hearings shall be conducted  
17 pursuant to Article III, Part 7 of this Act.

18 (f) The Department shall indicate, on its list of licensed  
19 long-term ~~long-term~~ care facilities, which facilities are  
20 certified under this Section and shall distribute this list to  
21 the appropriate State agencies charged with administering and  
22 implementing the State's program of pre-admission screening  
23 and resident review, hospital discharge planners, Area  
24 Agencies on Aging, Case Coordination Units, and others upon  
25 request.

26 (g) No public official, agent, or employee of the State,

1 or any subcontractor of the State, may refer or arrange for the  
2 placement of a person with serious mental illness in a  
3 long-term ~~long-term~~ care facility that is not certified under  
4 this Section. No public official, agent, or employee of the  
5 State, or any subcontractor of the State, may place the name of  
6 a long-term ~~long-term~~ care facility on a list of facilities  
7 serving the seriously mentally ill for distribution to the  
8 general public or to professionals arranging for placements or  
9 making referrals unless the facility is certified under this  
10 Section.

11 (h) Certification requirements. The Department shall  
12 establish requirements for certification that augment current  
13 quality of care standards for long-term ~~long-term~~ care  
14 facilities serving residents with serious mental illness,  
15 which shall include admission, discharge planning, psychiatric  
16 rehabilitation services, development of age-group appropriate  
17 treatment plan goals and services, behavior management  
18 services, coordination with community mental health services,  
19 staff qualifications and training, clinical consultation,  
20 resident access to the outside community, and appropriate  
21 environment and space for resident programs, recreation,  
22 privacy, and any other issue deemed appropriate by the  
23 Department. The augmented standards shall at a minimum  
24 include, but need not be limited to, the following:

- 25 (1) Staff sufficient in number and qualifications  
26 necessary to meet the scheduled and unscheduled needs of

1 the residents on a 24-hour basis. The Department shall  
2 establish by rule the minimum number of psychiatric  
3 services rehabilitation coordinators in relation to the  
4 number of residents with serious mental illness residing  
5 in the facility.

6 (2) The number and qualifications of consultants  
7 required to be contracted with to provide continuing  
8 education and training, and to assist with program  
9 development.

10 (3) Training for all new employees specific to the  
11 care needs of residents with a serious mental illness  
12 diagnosis during their orientation period and annually  
13 thereafter. Training shall be independent of the  
14 Department and overseen by an agency designated by the  
15 Governor to determine the content of all facility employee  
16 training and to provide training for all trainers of  
17 facility employees. Training of employees shall at minimum  
18 include, but need not be limited to, (i) the impact of a  
19 serious mental illness diagnosis, (ii) the recovery  
20 paradigm and the role of psychiatric rehabilitation, (iii)  
21 preventive strategies for managing aggression and crisis  
22 prevention, (iv) basic psychiatric rehabilitation  
23 techniques and service delivery, (v) resident rights, (vi)  
24 abuse prevention, (vii) appropriate interaction between  
25 staff and residents, and (viii) any other topic deemed by  
26 the Department to be important to ensuring quality of

1 care.

2 (4) Quality assessment and improvement requirements,  
3 in addition to those contained in this Act on July 29, 2010  
4 (the effective date of Public Act 96-1372) ~~this amendatory~~  
5 ~~Act of the 96th General Assembly~~, specific to a facility's  
6 residential psychiatric rehabilitation services, which  
7 shall be made available to the Department upon request. A  
8 facility shall be required at a minimum to develop and  
9 maintain policies and procedures that include, but need  
10 not be limited to, evaluation of the appropriateness of  
11 resident admissions based on the facility's capacity to  
12 meet specific needs, resident assessments, development and  
13 implementation of care plans, and discharge planning.

14 (5) Room selection and appropriateness of roommate  
15 assignment.

16 (6) Comprehensive quarterly review of all treatment  
17 plans for residents with serious mental illness by the  
18 resident's interdisciplinary team, which takes into  
19 account, at a minimum, the resident's progress, prior  
20 assessments, and treatment plan.

21 (7) Substance abuse screening and management and  
22 documented referral relationships with certified substance  
23 abuse treatment providers.

24 (8) Administration of psychotropic medications to a  
25 resident with serious mental illness who is incapable of  
26 giving informed consent, in compliance with the applicable

1 provisions of the Mental Health and Developmental  
2 Disabilities Code.

3 (i) The Department shall establish a certification fee  
4 schedule by rule, in consultation with advocates, nursing  
5 homes, and representatives of associations representing  
6 long-term ~~long-term~~ care facilities.

7 (j) The Director or her or his designee shall seek input  
8 from the Long-Term ~~Long-Term~~ Care Facility Advisory Board  
9 before filing rules to implement this Section.

10 Rules proposed no later than January 1, 2011 under this  
11 Section shall take effect 180 days after being approved by the  
12 Joint Committee on Administrative Rules.

13 (Source: P.A. 96-1372, eff. 7-29-10; revised 2-28-22.)

14 (210 ILCS 45/3-613)

15 Sec. 3-613. Facility employee assistance programs. A  
16 facility shall ensure that nurses employed by the facility are  
17 aware of employee assistance programs or other like programs  
18 available for the physical and mental well-being of the  
19 employee. The facility shall provide information on these  
20 programs, no less than at the time of employment and during any  
21 benefit open enrollment period, by an information form about  
22 the respective programs that a nurse must sign during  
23 onboarding at the facility. The signed information form shall  
24 be added to the nurse's personnel file. The facility may  
25 provide this information to nurses electronically.



1 (Source: P.A. 102-1007, eff. 1-1-23; revised 12-19-22.)

2 (210 ILCS 45/3-614)

3 Sec. 3-614 ~~3-613~~. Certified nursing assistant interns.

4 (a) A certified nursing assistant intern shall report to a  
5 facility's charge nurse or nursing supervisor and may only be  
6 assigned duties authorized in Section 2310-434 of the  
7 Department of Public Health Powers and Duties Law of the Civil  
8 Administrative Code of Illinois by a supervising nurse.

9 (b) A facility shall notify its certified and licensed  
10 staff members, in writing, that a certified nursing assistant  
11 intern may only provide the services and perform the  
12 procedures permitted under Section 2310-434 of the Department  
13 of Public Health Powers and Duties Law of the Civil  
14 Administrative Code of Illinois. The notification shall detail  
15 which duties may be delegated to a certified nursing assistant  
16 intern. The facility shall establish a policy describing the  
17 authorized duties, supervision, and evaluation of certified  
18 nursing assistant interns available upon request of the  
19 Department and any surveyor.

20 (c) If a facility learns that a certified nursing  
21 assistant intern is performing work outside the scope of the  
22 Certified Nursing Assistant Intern Program's training, the  
23 facility shall:

24 (1) stop the certified nursing assistant intern from  
25 performing the work;

1           (2) inspect the work and correct mistakes, if the work  
2 performed was done improperly;

3           (3) assign the work to the appropriate personnel; and

4           (4) ensure that a thorough assessment of any resident  
5 involved in the work performed is completed by a  
6 registered nurse.

7           (d) A facility that employs a certified nursing assistant  
8 intern in violation of this Section shall be subject to civil  
9 penalties or fines under Section 3-305.

10           (e) A minimum of 50% of nursing and personal care time  
11 shall be provided by a certified nursing assistant, but no  
12 more than 15% of nursing and personal care time may be provided  
13 by a certified nursing assistant intern.

14           (Source: P.A. 102-1037, eff. 6-2-22; revised 8-8-22.)

15           (210 ILCS 45/3-702) (from Ch. 111 1/2, par. 4153-702)

16           Sec. 3-702. (a) A person who believes that this Act or a  
17 rule promulgated under this Act may have been violated may  
18 request an investigation. The request may be submitted to the  
19 Department in writing, by telephone, by electronic means, or  
20 by personal visit. An oral complaint shall be reduced to  
21 writing by the Department. The Department shall make  
22 available, through its website and upon request, information  
23 regarding the oral and phone intake processes and the list of  
24 questions that will be asked of the complainant. The  
25 Department shall request information identifying the

1 complainant, including the name, address, and telephone  
2 number, to help enable appropriate follow-up. The Department  
3 shall act on such complaints via on-site visits or other  
4 methods deemed appropriate to handle the complaints with or  
5 without such identifying information, as otherwise provided  
6 under this Section. The complainant shall be informed that  
7 compliance with such request is not required to satisfy the  
8 procedures for filing a complaint under this Act. The  
9 Department must notify complainants that complaints with less  
10 information provided are far more difficult to respond to and  
11 investigate.

12 (b) The substance of the complaint shall be provided in  
13 writing to the licensee, owner, or administrator no earlier  
14 than at the commencement of an on-site inspection of the  
15 facility which takes place pursuant to the complaint.

16 (c) The Department shall not disclose the name of the  
17 complainant unless the complainant consents in writing to the  
18 disclosure or the investigation results in a judicial  
19 proceeding, or unless disclosure is essential to the  
20 investigation. The complainant shall be given the opportunity  
21 to withdraw the complaint before disclosure. Upon the request  
22 of the complainant, the Department may permit the complainant  
23 or a representative of the complainant to accompany the person  
24 making the on-site inspection of the facility.

25 (d) Upon receipt of a complaint, the Department shall  
26 determine whether this Act or a rule promulgated under this

1 Act has been or is being violated. The Department shall  
2 investigate all complaints alleging abuse or neglect within 7  
3 days after the receipt of the complaint except that complaints  
4 of abuse or neglect which indicate that a resident's life or  
5 safety is in imminent danger shall be investigated within 24  
6 hours after receipt of the complaint. All other complaints  
7 shall be investigated within 30 days after the receipt of the  
8 complaint. The Department employees investigating a complaint  
9 shall conduct a brief, informal exit conference with the  
10 facility to alert its administration of any suspected serious  
11 deficiency that poses a direct threat to the health, safety,  
12 or welfare of a resident to enable an immediate correction for  
13 the alleviation or elimination of such threat. Such  
14 information and findings discussed in the brief exit  
15 conference shall become a part of the investigating record but  
16 shall not in any way constitute an official or final notice of  
17 violation as provided under Section 3-301. All complaints  
18 shall be classified as "an invalid report", "a valid report",  
19 or "an undetermined report". For any complaint classified as  
20 "a valid report", the Department must determine within 30  
21 working days after any Department employee enters a facility  
22 to begin an on-site inspection if any rule or provision of this  
23 Act has been or is being violated.

24 (d-1) The Department shall, whenever possible, combine an  
25 on-site investigation of a complaint in a facility with other  
26 inspections in order to avoid duplication of inspections.

1           (e) In all cases, the Department shall inform the  
2 complainant of its findings within 10 days of its  
3 determination unless otherwise indicated by the complainant,  
4 and the complainant may direct the Department to send a copy of  
5 such findings to another person. The Department's findings may  
6 include comments or documentation provided by either the  
7 complainant or the licensee pertaining to the complaint. The  
8 Department shall also notify the facility of such findings  
9 within 10 days of the determination, but the name of the  
10 complainant or residents shall not be disclosed in this notice  
11 to the facility. The notice of such findings shall include a  
12 copy of the written determination; the correction order, if  
13 any; the warning notice, if any; the inspection report; or the  
14 State licensure form on which the violation is listed.

15           (f) A written determination, correction order, or warning  
16 notice concerning a complaint, together with the facility's  
17 response, shall be available for public inspection, but the  
18 name of the complainant or resident shall not be disclosed  
19 without his consent.

20           (g) A complainant who is dissatisfied with the  
21 determination or investigation by the Department may request a  
22 hearing under Section 3-703. The facility shall be given  
23 notice of any such hearing and may participate in the hearing  
24 as a party. If a facility requests a hearing under Section  
25 3-703 which concerns a matter covered by a complaint, the  
26 complainant shall be given notice and may participate in the

1 hearing as a party. A request for a hearing by either a  
2 complainant or a facility shall be submitted in writing to the  
3 Department within 30 days after the mailing of the  
4 Department's findings as described in subsection (e) of this  
5 Section. Upon receipt of the request the Department shall  
6 conduct a hearing as provided under Section 3-703.

7 (g-5) The Department shall conduct an annual review of all  
8 survey activity from the preceding fiscal year and make a  
9 report concerning the complaint and survey process. The report  
10 shall include, but not be limited to:

11 (1) the total number of complaints received;

12 (2) the breakdown of 24-hour, 7-day, and 30-day  
13 complaints;

14 (3) the breakdown of anonymous and non-anonymous  
15 complaints;

16 (4) the number of complaints that were substantiated  
17 versus unsubstantiated;

18 (5) the total number of substantiated complaints that  
19 were completed in the time frame determined under  
20 subsection (d);

21 (6) the total number of informal dispute resolutions  
22 requested;

23 (7) the total number of informal dispute resolution  
24 requests approved;

25 (8) the total number of informal dispute resolutions  
26 that were overturned or reduced in severity;

1           (9) the total number of nurse surveyors hired during  
2 the calendar year;

3           (10) the total number of nurse surveyors who left  
4 Department employment;

5           (11) the average length of tenure for nurse surveyors  
6 employed by the Department at the time the report is  
7 created;

8           (12) the total number of times the Department imposed  
9 discretionary denial of payment within 15 days of notice  
10 and within 2 days of notice as well as the number of times  
11 the discretionary denial of payment took effect; and

12           (13) any other complaint information requested by the  
13 Long-Term Care Facility Advisory Board created under  
14 Section 2-204 of this Act or the Illinois Long-Term Care  
15 Council created under Section 4.04a of the Illinois Act on  
16 the Aging.

17           This report shall be provided to the Long-Term Care  
18 Facility Advisory Board, the Illinois Long-Term Care Council,  
19 and the General Assembly. The Long-Term Care Facility Advisory  
20 Board and the Illinois Long-Term Care Council shall review the  
21 report and suggest any changes deemed necessary to the  
22 Department for review and action, including how to investigate  
23 and substantiate anonymous complaints.

24           (h) Any person who knowingly transmits a false report to  
25 the Department commits the offense of disorderly conduct under  
26 subsection (a)(8) of Section 26-1 of the Criminal Code of

1 2012.

2 (Source: P.A. 102-432, eff. 8-20-21; 102-947, eff. 1-1-23;  
3 revised 12-9-22.)

4 Section 415. The MC/DD Act is amended by setting forth and  
5 renumbering multiple versions of Section 3-613 as follows:

6 (210 ILCS 46/3-613)

7 Sec. 3-613. Facility employee assistance programs. A  
8 facility shall ensure that nurses employed by the facility are  
9 aware of employee assistance programs or other like programs  
10 available for the physical and mental well-being of the  
11 employee. The facility shall provide information on these  
12 programs, no less than at the time of employment and during any  
13 benefit open enrollment period, by an information form about  
14 the respective programs that a nurse must sign during  
15 onboarding at the facility. The signed information form shall  
16 be added to the nurse's personnel file. The facility may  
17 provide this information to nurses electronically.

18 (Source: P.A. 102-1007, eff. 1-1-23; revised 12-19-22.)

19 (210 ILCS 46/3-614)

20 Sec. 3-614 ~~3-613~~. Certified nursing assistant interns.

21 (a) A certified nursing assistant intern shall report to a  
22 facility's charge nurse or nursing supervisor and may only be  
23 assigned duties authorized in Section 2310-434 of the



1 Department of Public Health Powers and Duties Law of the Civil  
2 Administrative Code of Illinois by a supervising nurse.

3 (b) A facility shall notify its certified and licensed  
4 staff members, in writing, that a certified nursing assistant  
5 intern may only provide the services and perform the  
6 procedures permitted under Section 2310-434 of the Department  
7 of Public Health Powers and Duties Law of the Civil  
8 Administrative Code of Illinois. The notification shall detail  
9 which duties may be delegated to a certified nursing assistant  
10 intern. The facility shall establish a policy describing the  
11 authorized duties, supervision, and evaluation of certified  
12 nursing assistant interns available upon request of the  
13 Department and any surveyor.

14 (c) If a facility learns that a certified nursing  
15 assistant intern is performing work outside the scope of the  
16 Certified Nursing Assistant Intern Program's training, the  
17 facility shall:

18 (1) stop the certified nursing assistant intern from  
19 performing the work;

20 (2) inspect the work and correct mistakes, if the work  
21 performed was done improperly;

22 (3) assign the work to the appropriate personnel; and

23 (4) ensure that a thorough assessment of any resident  
24 involved in the work performed is completed by a  
25 registered nurse.

26 (d) A facility that employs a certified nursing assistant

1 intern in violation of this Section shall be subject to civil  
2 penalties or fines under Section 3-305.

3 (Source: P.A. 102-1037, eff. 6-2-22; revised 8-8-22.)

4 Section 420. The ID/DD Community Care Act is amended by by  
5 setting forth and renumbering multiple versions of Section  
6 3-613 as follows:

7 (210 ILCS 47/3-613)

8 Sec. 3-613. Facility employee assistance programs. A  
9 facility shall ensure that nurses employed by the facility are  
10 aware of employee assistance programs or other like programs  
11 available for the physical and mental well-being of the  
12 employee. The facility shall provide information on these  
13 programs, no less than at the time of employment and during any  
14 benefit open enrollment period, by an information form about  
15 the respective programs that a nurse must sign during  
16 onboarding at the facility. The signed information form shall  
17 be added to the nurse's personnel file. The facility may  
18 provide this information to nurses electronically.

19 (Source: P.A. 102-1007, eff. 1-1-23; revised 12-19-22.)

20 (210 ILCS 47/3-614)

21 Sec. 3-614 ~~3-613~~. Certified nursing assistant interns.

22 (a) A certified nursing assistant intern shall report to a  
23 facility's charge nurse or nursing supervisor and may only be

1 assigned duties authorized in Section 2310-434 of the  
2 Department of Public Health Powers and Duties Law of the Civil  
3 Administrative Code of Illinois by a supervising nurse.

4 (b) A facility shall notify its certified and licensed  
5 staff members, in writing, that a certified nursing assistant  
6 intern may only provide the services and perform the  
7 procedures permitted under Section 2310-434 of the Department  
8 of Public Health Powers and Duties Law of the Civil  
9 Administrative Code of Illinois. The notification shall detail  
10 which duties may be delegated to a certified nursing assistant  
11 intern. The facility shall establish a policy describing the  
12 authorized duties, supervision, and evaluation of certified  
13 nursing assistant interns available upon request of the  
14 Department and any surveyor.

15 (c) If a facility learns that a certified nursing  
16 assistant intern is performing work outside the scope of the  
17 Certified Nursing Assistant Intern Program's training, the  
18 facility shall:

19 (1) stop the certified nursing assistant intern from  
20 performing the work;

21 (2) inspect the work and correct mistakes, if the work  
22 performed was done improperly;

23 (3) assign the work to the appropriate personnel; and

24 (4) ensure that a thorough assessment of any resident  
25 involved in the work performed is completed by a  
26 registered nurse.

1 (d) A facility that employs a certified nursing assistant  
2 intern in violation of this Section shall be subject to civil  
3 penalties or fines under Section 3-305.

4 (Source: P.A. 102-1037, eff. 6-2-22; revised 8-8-22.)

5 Section 425. The Specialized Mental Health Rehabilitation  
6 Act of 2013 is amended by changing Section 4-105 as follows:

7 (210 ILCS 49/4-105)

8 Sec. 4-105. Provisional licensure duration. A provisional  
9 license shall be valid upon fulfilling the requirements  
10 established by the Department by emergency rule. The license  
11 shall remain valid as long as a facility remains in compliance  
12 with the licensure provisions established in rule. Provisional  
13 licenses issued upon initial licensure as a specialized mental  
14 health rehabilitation facility shall expire at the end of a  
15 3-year period, which commences on the date the provisional  
16 license is issued. Issuance of a provisional license for any  
17 reason other than initial licensure (including, but not  
18 limited to, change of ownership, location, number of beds, or  
19 services) shall not extend the maximum 3-year period, at the  
20 end of which a facility must be licensed pursuant to Section  
21 4-201. Notwithstanding any other provision of this Act or the  
22 Specialized Mental Health Rehabilitation Facilities Code, 77  
23 Ill. ~~Adm. Admin.~~ Code 380, to the contrary, if a facility has  
24 received notice from the Department that its application for

1 provisional licensure to provide recovery and rehabilitation  
2 services has been accepted as complete and the facility has  
3 attested in writing to the Department that it will comply with  
4 the staff training plan approved by the Division of Mental  
5 Health, then a provisional license for recovery and  
6 rehabilitation services shall be issued to the facility within  
7 60 days after the Department determines that the facility is  
8 in compliance with the requirements of the Life Safety Code in  
9 accordance with Section 4-104.5 of this Act.

10 (Source: P.A. 99-712, eff. 8-5-16; 100-365, eff. 8-25-17;  
11 revised 2-28-22.)

12 Section 430. The Illinois Insurance Code is amended by  
13 changing Sections 143a, 229.4a, 356z.14, 364.01, and 513b1 and  
14 by setting forth, renumbering, and changing multiple versions  
15 of Section 356z.53 as follows:

16 (215 ILCS 5/143a)

17 (Text of Section before amendment by P.A. 102-982)

18 Sec. 143a. Uninsured and hit-and-run ~~hit and run~~ motor  
19 vehicle coverage.

20 (1) No policy insuring against loss resulting from  
21 liability imposed by law for bodily injury or death suffered  
22 by any person arising out of the ownership, maintenance or use  
23 of a motor vehicle that is designed for use on public highways  
24 and that is either required to be registered in this State or

1 is principally garaged in this State shall be renewed,  
2 delivered, or issued for delivery in this State unless  
3 coverage is provided therein or supplemental thereto, in  
4 limits for bodily injury or death set forth in Section 7-203 of  
5 the Illinois Vehicle Code for the protection of persons  
6 insured thereunder who are legally entitled to recover damages  
7 from owners or operators of uninsured motor vehicles and  
8 hit-and-run motor vehicles because of bodily injury, sickness  
9 or disease, including death, resulting therefrom. Uninsured  
10 motor vehicle coverage does not apply to bodily injury,  
11 sickness, disease, or death resulting therefrom, of an insured  
12 while occupying a motor vehicle owned by, or furnished or  
13 available for the regular use of the insured, a resident  
14 spouse or resident relative, if that motor vehicle is not  
15 described in the policy under which a claim is made or is not a  
16 newly acquired or replacement motor vehicle covered under the  
17 terms of the policy. The limits for any coverage for any  
18 vehicle under the policy may not be aggregated with the limits  
19 for any similar coverage, whether provided by the same insurer  
20 or another insurer, applying to other motor vehicles, for  
21 purposes of determining the total limit of insurance coverage  
22 available for bodily injury or death suffered by a person in  
23 any one accident. No policy shall be renewed, delivered, or  
24 issued for delivery in this State unless it is provided  
25 therein that any dispute with respect to the coverage and the  
26 amount of damages shall be submitted for arbitration to the

1 American Arbitration Association and be subject to its rules  
2 for the conduct of arbitration hearings as to all matters  
3 except medical opinions. As to medical opinions, if the amount  
4 of damages being sought is equal to or less than the amount  
5 provided for in Section 7-203 of the Illinois Vehicle Code,  
6 then the current American Arbitration Association Rules shall  
7 apply. If the amount being sought in an American Arbitration  
8 Association case exceeds that amount as set forth in Section  
9 7-203 of the Illinois Vehicle Code, then the Rules of Evidence  
10 that apply in the circuit court for placing medical opinions  
11 into evidence shall govern. Alternatively, disputes with  
12 respect to damages and the coverage shall be determined in the  
13 following manner: Upon the insured requesting arbitration,  
14 each party to the dispute shall select an arbitrator and the 2  
15 arbitrators so named shall select a third arbitrator. If such  
16 arbitrators are not selected within 45 days from such request,  
17 either party may request that the arbitration be submitted to  
18 the American Arbitration Association. Any decision made by the  
19 arbitrators shall be binding for the amount of damages not  
20 exceeding \$75,000 for bodily injury to or death of any one  
21 person, \$150,000 for bodily injury to or death of 2 or more  
22 persons in any one motor vehicle accident, or the  
23 corresponding policy limits for bodily injury or death,  
24 whichever is less. All 3-person arbitration cases proceeding  
25 in accordance with any uninsured motorist coverage conducted  
26 in this State in which the claimant is only seeking monetary

1 damages up to the limits set forth in Section 7-203 of the  
2 Illinois Vehicle Code shall be subject to the following rules:

3 (A) If at least 60 days' written notice of the  
4 intention to offer the following documents in evidence is  
5 given to every other party, accompanied by a copy of the  
6 document, a party may offer in evidence, without  
7 foundation or other proof:

8 (1) bills, records, and reports of hospitals,  
9 doctors, dentists, registered nurses, licensed  
10 practical nurses, physical therapists, and other  
11 healthcare providers;

12 (2) bills for drugs, medical appliances, and  
13 prostheses;

14 (3) property repair bills or estimates, when  
15 identified and itemized setting forth the charges for  
16 labor and material used or proposed for use in the  
17 repair of the property;

18 (4) a report of the rate of earnings and time lost  
19 from work or lost compensation prepared by an  
20 employer;

21 (5) the written opinion of an opinion witness, the  
22 deposition of a witness, and the statement of a  
23 witness that the witness would be allowed to express  
24 if testifying in person, if the opinion or statement  
25 is made by affidavit or by certification as provided  
26 in Section 1-109 of the Code of Civil Procedure;



1           (6) any other document not specifically covered by  
2           any of the foregoing provisions that is otherwise  
3           admissible under the rules of evidence.

4           Any party receiving a notice under this paragraph (A)  
5           may apply to the arbitrator or panel of arbitrators, as  
6           the case may be, for the issuance of a subpoena directed to  
7           the author or maker or custodian of the document that is  
8           the subject of the notice, requiring the person subpoenaed  
9           to produce copies of any additional documents as may be  
10          related to the subject matter of the document that is the  
11          subject of the notice. Any such subpoena shall be issued  
12          in substantially similar form and served by notice as  
13          provided by Illinois Supreme Court Rule 204(a)(4). Any  
14          such subpoena shall be returnable not less than 5 days  
15          before the arbitration hearing.

16          (B) Notwithstanding the provisions of Supreme Court  
17          Rule 213(g), a party who proposes to use a written opinion  
18          of an expert or opinion witness or the testimony of an  
19          expert or opinion witness at the hearing may do so  
20          provided a written notice of that intention is given to  
21          every other party not less than 60 days prior to the date  
22          of hearing, accompanied by a statement containing the  
23          identity of the witness, his or her qualifications, the  
24          subject matter, the basis of the witness's conclusions,  
25          and his or her opinion.

26          (C) Any other party may subpoena the author or maker

1 of a document admissible under this subsection, at that  
2 party's expense, and examine the author or maker as if  
3 under cross-examination. The provisions of Section 2-1101  
4 of the Code of Civil Procedure shall be applicable to  
5 arbitration hearings, and it shall be the duty of a party  
6 requesting the subpoena to modify the form to show that  
7 the appearance is set before an arbitration panel and to  
8 give the time and place set for the hearing.

9 (D) The provisions of Section 2-1102 of the Code of  
10 Civil Procedure shall be applicable to arbitration  
11 hearings under this subsection.

12 (2) No policy insuring against loss resulting from  
13 liability imposed by law for property damage arising out of  
14 the ownership, maintenance, or use of a motor vehicle shall be  
15 renewed, delivered, or issued for delivery in this State with  
16 respect to any private passenger or recreational motor vehicle  
17 that is designed for use on public highways and that is either  
18 required to be registered in this State or is principally  
19 garaged in this State, unless coverage is made available in  
20 the amount of the actual cash value of the motor vehicle  
21 described in the policy or the corresponding policy limit for  
22 uninsured motor vehicle property damage coverage, whichever is  
23 less, subject to a maximum \$250 deductible, for the protection  
24 of persons insured thereunder who are legally entitled to  
25 recover damages from owners or operators of uninsured motor  
26 vehicles and hit-and-run motor vehicles because of property

1 damage to the motor vehicle described in the policy.

2 There shall be no liability imposed under the uninsured  
3 motorist property damage coverage required by this subsection  
4 if the owner or operator of the at-fault uninsured motor  
5 vehicle or hit-and-run motor vehicle cannot be identified.  
6 This subsection shall not apply to any policy which does not  
7 provide primary motor vehicle liability insurance for  
8 liabilities arising from the maintenance, operation, or use of  
9 a specifically insured motor vehicle.

10 Each insurance company providing motor vehicle property  
11 damage liability insurance shall advise applicants of the  
12 availability of uninsured motor vehicle property damage  
13 coverage, the premium therefor, and provide a brief  
14 description of the coverage. That information need be given  
15 only once and shall not be required in any subsequent renewal,  
16 reinstatement or reissuance, substitute, amended, replacement  
17 or supplementary policy. No written rejection shall be  
18 required, and the absence of a premium payment for uninsured  
19 motor vehicle property damage shall constitute conclusive  
20 proof that the applicant or policyholder has elected not to  
21 accept uninsured motorist property damage coverage.

22 An insurance company issuing uninsured motor vehicle  
23 property damage coverage may provide that:

24 (i) Property damage losses recoverable thereunder  
25 shall be limited to damages caused by the actual physical  
26 contact of an uninsured motor vehicle with the insured

1 motor vehicle.

2 (ii) There shall be no coverage for loss of use of the  
3 insured motor vehicle and no coverage for loss or damage  
4 to personal property located in the insured motor vehicle.

5 (iii) Any claim submitted shall include the name and  
6 address of the owner of the at-fault uninsured motor  
7 vehicle, or a registration number and description of the  
8 vehicle, or any other available information to establish  
9 that there is no applicable motor vehicle property damage  
10 liability insurance.

11 Any dispute with respect to the coverage and the amount of  
12 damages shall be submitted for arbitration to the American  
13 Arbitration Association and be subject to its rules for the  
14 conduct of arbitration hearings or for determination in the  
15 following manner: Upon the insured requesting arbitration,  
16 each party to the dispute shall select an arbitrator and the 2  
17 arbitrators so named shall select a third arbitrator. If such  
18 arbitrators are not selected within 45 days from such request,  
19 either party may request that the arbitration be submitted to  
20 the American Arbitration Association. Any arbitration  
21 proceeding under this subsection seeking recovery for property  
22 damages shall be subject to the following rules:

23 (A) If at least 60 days' written notice of the  
24 intention to offer the following documents in evidence is  
25 given to every other party, accompanied by a copy of the  
26 document, a party may offer in evidence, without

1 foundation or other proof:

2 (1) property repair bills or estimates, when  
3 identified and itemized setting forth the charges for  
4 labor and material used or proposed for use in the  
5 repair of the property;

6 (2) the written opinion of an opinion witness, the  
7 deposition of a witness, and the statement of a  
8 witness that the witness would be allowed to express  
9 if testifying in person, if the opinion or statement  
10 is made by affidavit or by certification as provided  
11 in Section 1-109 of the Code of Civil Procedure;

12 (3) any other document not specifically covered by  
13 any of the foregoing provisions that is otherwise  
14 admissible under the rules of evidence.

15 Any party receiving a notice under this paragraph (A)  
16 may apply to the arbitrator or panel of arbitrators, as  
17 the case may be, for the issuance of a subpoena directed to  
18 the author or maker or custodian of the document that is  
19 the subject of the notice, requiring the person subpoenaed  
20 to produce copies of any additional documents as may be  
21 related to the subject matter of the document that is the  
22 subject of the notice. Any such subpoena shall be issued  
23 in substantially similar form and served by notice as  
24 provided by Illinois Supreme Court Rule 204(a)(4). Any  
25 such subpoena shall be returnable not less than 5 days  
26 before the arbitration hearing.

1           (B) Notwithstanding the provisions of Supreme Court  
2 Rule 213(g), a party who proposes to use a written opinion  
3 of an expert or opinion witness or the testimony of an  
4 expert or opinion witness at the hearing may do so  
5 provided a written notice of that intention is given to  
6 every other party not less than 60 days prior to the date  
7 of hearing, accompanied by a statement containing the  
8 identity of the witness, his or her qualifications, the  
9 subject matter, the basis of the witness's conclusions,  
10 and his or her opinion.

11           (C) Any other party may subpoena the author or maker  
12 of a document admissible under this subsection, at that  
13 party's expense, and examine the author or maker as if  
14 under cross-examination. The provisions of Section 2-1101  
15 of the Code of Civil Procedure shall be applicable to  
16 arbitration hearings, and it shall be the duty of a party  
17 requesting the subpoena to modify the form to show that  
18 the appearance is set before an arbitration panel and to  
19 give the time and place set for the hearing.

20           (D) The provisions of Section 2-1102 of the Code of  
21 Civil Procedure shall be applicable to arbitration  
22 hearings under this subsection.

23           (3) For the purpose of the coverage, the term "uninsured  
24 motor vehicle" includes, subject to the terms and conditions  
25 of the coverage, a motor vehicle where on, before, or after the  
26 accident date the liability insurer thereof is unable to make

1 payment with respect to the legal liability of its insured  
2 within the limits specified in the policy because of the entry  
3 by a court of competent jurisdiction of an order of  
4 rehabilitation or liquidation by reason of insolvency on or  
5 after the accident date. An insurer's extension of coverage,  
6 as provided in this subsection, shall be applicable to all  
7 accidents occurring after July 1, 1967 during a policy period  
8 in which its insured's uninsured motor vehicle coverage is in  
9 effect. Nothing in this Section may be construed to prevent  
10 any insurer from extending coverage under terms and conditions  
11 more favorable to its insureds than is required by this  
12 Section.

13 (4) In the event of payment to any person under the  
14 coverage required by this Section and subject to the terms and  
15 conditions of the coverage, the insurer making the payment  
16 shall, to the extent thereof, be entitled to the proceeds of  
17 any settlement or judgment resulting from the exercise of any  
18 rights of recovery of the person against any person or  
19 organization legally responsible for the property damage,  
20 bodily injury or death for which the payment is made,  
21 including the proceeds recoverable from the assets of the  
22 insolvent insurer. With respect to payments made by reason of  
23 the coverage described in subsection (3), the insurer making  
24 such payment shall not be entitled to any right of recovery  
25 against the tortfeasor in excess of the proceeds recovered  
26 from the assets of the insolvent insurer of the tortfeasor.

1           (5) This amendatory Act of 1967 (Laws of Illinois 1967,  
2 page 875) shall not be construed to terminate or reduce any  
3 insurance coverage or any right of any party under this Code in  
4 effect before July 1, 1967. Public Act 86-1155 shall not be  
5 construed to terminate or reduce any insurance coverage or any  
6 right of any party under this Code in effect before its  
7 effective date.

8           (6) Failure of the motorist from whom the claimant is  
9 legally entitled to recover damages to file the appropriate  
10 forms with the Safety Responsibility Section of the Department  
11 of Transportation within 120 days of the accident date shall  
12 create a rebuttable presumption that the motorist was  
13 uninsured at the time of the injurious occurrence.

14           (7) An insurance carrier may upon good cause require the  
15 insured to commence a legal action against the owner or  
16 operator of an uninsured motor vehicle before good faith  
17 negotiation with the carrier. If the action is commenced at  
18 the request of the insurance carrier, the carrier shall pay to  
19 the insured, before the action is commenced, all court costs,  
20 jury fees and sheriff's fees arising from the action.

21           The changes made by Public Act 90-451 apply to all  
22 policies of insurance amended, delivered, issued, or renewed  
23 on and after January 1, 1998 (the effective date of Public Act  
24 90-451).

25           (8) The changes made by Public Act 98-927 apply to all  
26 policies of insurance amended, delivered, issued, or renewed



1 on and after January 1, 2015 (the effective date of Public Act  
2 98-927).

3 (Source: P.A. 102-775, eff. 5-13-22; revised 8-3-22.)

4 (Text of Section after amendment by P.A. 102-982)

5 Sec. 143a. Uninsured and hit-and-run ~~hit and run~~ motor  
6 vehicle coverage.

7 (1) No policy insuring against loss resulting from  
8 liability imposed by law for bodily injury or death suffered  
9 by any person arising out of the ownership, maintenance or use  
10 of a motor vehicle that is designed for use on public highways  
11 and that is either required to be registered in this State or  
12 is principally garaged in this State shall be renewed,  
13 delivered, or issued for delivery in this State unless  
14 coverage is provided therein or supplemental thereto, in  
15 limits for bodily injury or death set forth in Section 7-203 of  
16 the Illinois Vehicle Code for the protection of persons  
17 insured thereunder who are legally entitled to recover damages  
18 from owners or operators of uninsured motor vehicles and  
19 hit-and-run motor vehicles because of bodily injury, sickness  
20 or disease, including death, resulting therefrom. Uninsured  
21 motor vehicle coverage does not apply to bodily injury,  
22 sickness, disease, or death resulting therefrom, of an insured  
23 while occupying a motor vehicle owned by, or furnished or  
24 available for the regular use of the insured, a resident  
25 spouse or resident relative, if that motor vehicle is not

1 described in the policy under which a claim is made or is not a  
2 newly acquired or replacement motor vehicle covered under the  
3 terms of the policy. The limits for any coverage for any  
4 vehicle under the policy may not be aggregated with the limits  
5 for any similar coverage, whether provided by the same insurer  
6 or another insurer, applying to other motor vehicles, for  
7 purposes of determining the total limit of insurance coverage  
8 available for bodily injury or death suffered by a person in  
9 any one crash. No policy shall be renewed, delivered, or  
10 issued for delivery in this State unless it is provided  
11 therein that any dispute with respect to the coverage and the  
12 amount of damages shall be submitted for arbitration to the  
13 American Arbitration Association and be subject to its rules  
14 for the conduct of arbitration hearings as to all matters  
15 except medical opinions. As to medical opinions, if the amount  
16 of damages being sought is equal to or less than the amount  
17 provided for in Section 7-203 of the Illinois Vehicle Code,  
18 then the current American Arbitration Association Rules shall  
19 apply. If the amount being sought in an American Arbitration  
20 Association case exceeds that amount as set forth in Section  
21 7-203 of the Illinois Vehicle Code, then the Rules of Evidence  
22 that apply in the circuit court for placing medical opinions  
23 into evidence shall govern. Alternatively, disputes with  
24 respect to damages and the coverage shall be determined in the  
25 following manner: Upon the insured requesting arbitration,  
26 each party to the dispute shall select an arbitrator and the 2

1 arbitrators so named shall select a third arbitrator. If such  
2 arbitrators are not selected within 45 days from such request,  
3 either party may request that the arbitration be submitted to  
4 the American Arbitration Association. Any decision made by the  
5 arbitrators shall be binding for the amount of damages not  
6 exceeding \$75,000 for bodily injury to or death of any one  
7 person, \$150,000 for bodily injury to or death of 2 or more  
8 persons in any one motor vehicle crash, or the corresponding  
9 policy limits for bodily injury or death, whichever is less.  
10 All 3-person arbitration cases proceeding in accordance with  
11 any uninsured motorist coverage conducted in this State in  
12 which the claimant is only seeking monetary damages up to the  
13 limits set forth in Section 7-203 of the Illinois Vehicle Code  
14 shall be subject to the following rules:

15 (A) If at least 60 days' written notice of the  
16 intention to offer the following documents in evidence is  
17 given to every other party, accompanied by a copy of the  
18 document, a party may offer in evidence, without  
19 foundation or other proof:

20 (1) bills, records, and reports of hospitals,  
21 doctors, dentists, registered nurses, licensed  
22 practical nurses, physical therapists, and other  
23 healthcare providers;

24 (2) bills for drugs, medical appliances, and  
25 prostheses;

26 (3) property repair bills or estimates, when

1 identified and itemized setting forth the charges for  
2 labor and material used or proposed for use in the  
3 repair of the property;

4 (4) a report of the rate of earnings and time lost  
5 from work or lost compensation prepared by an  
6 employer;

7 (5) the written opinion of an opinion witness, the  
8 deposition of a witness, and the statement of a  
9 witness that the witness would be allowed to express  
10 if testifying in person, if the opinion or statement  
11 is made by affidavit or by certification as provided  
12 in Section 1-109 of the Code of Civil Procedure;

13 (6) any other document not specifically covered by  
14 any of the foregoing provisions that is otherwise  
15 admissible under the rules of evidence.

16 Any party receiving a notice under this paragraph (A)  
17 may apply to the arbitrator or panel of arbitrators, as  
18 the case may be, for the issuance of a subpoena directed to  
19 the author or maker or custodian of the document that is  
20 the subject of the notice, requiring the person subpoenaed  
21 to produce copies of any additional documents as may be  
22 related to the subject matter of the document that is the  
23 subject of the notice. Any such subpoena shall be issued  
24 in substantially similar form and served by notice as  
25 provided by Illinois Supreme Court Rule 204(a)(4). Any  
26 such subpoena shall be returnable not less than 5 days

1 before the arbitration hearing.

2 (B) Notwithstanding the provisions of Supreme Court  
3 Rule 213(g), a party who proposes to use a written opinion  
4 of an expert or opinion witness or the testimony of an  
5 expert or opinion witness at the hearing may do so  
6 provided a written notice of that intention is given to  
7 every other party not less than 60 days prior to the date  
8 of hearing, accompanied by a statement containing the  
9 identity of the witness, his or her qualifications, the  
10 subject matter, the basis of the witness's conclusions,  
11 and his or her opinion.

12 (C) Any other party may subpoena the author or maker  
13 of a document admissible under this subsection, at that  
14 party's expense, and examine the author or maker as if  
15 under cross-examination. The provisions of Section 2-1101  
16 of the Code of Civil Procedure shall be applicable to  
17 arbitration hearings, and it shall be the duty of a party  
18 requesting the subpoena to modify the form to show that  
19 the appearance is set before an arbitration panel and to  
20 give the time and place set for the hearing.

21 (D) The provisions of Section 2-1102 of the Code of  
22 Civil Procedure shall be applicable to arbitration  
23 hearings under this subsection.

24 (2) No policy insuring against loss resulting from  
25 liability imposed by law for property damage arising out of  
26 the ownership, maintenance, or use of a motor vehicle shall be

1 renewed, delivered, or issued for delivery in this State with  
2 respect to any private passenger or recreational motor vehicle  
3 that is designed for use on public highways and that is either  
4 required to be registered in this State or is principally  
5 garaged in this State, unless coverage is made available in  
6 the amount of the actual cash value of the motor vehicle  
7 described in the policy or the corresponding policy limit for  
8 uninsured motor vehicle property damage coverage, whichever is  
9 less, subject to a maximum \$250 deductible, for the protection  
10 of persons insured thereunder who are legally entitled to  
11 recover damages from owners or operators of uninsured motor  
12 vehicles and hit-and-run motor vehicles because of property  
13 damage to the motor vehicle described in the policy.

14 There shall be no liability imposed under the uninsured  
15 motorist property damage coverage required by this subsection  
16 if the owner or operator of the at-fault uninsured motor  
17 vehicle or hit-and-run motor vehicle cannot be identified.  
18 This subsection shall not apply to any policy which does not  
19 provide primary motor vehicle liability insurance for  
20 liabilities arising from the maintenance, operation, or use of  
21 a specifically insured motor vehicle.

22 Each insurance company providing motor vehicle property  
23 damage liability insurance shall advise applicants of the  
24 availability of uninsured motor vehicle property damage  
25 coverage, the premium therefor, and provide a brief  
26 description of the coverage. That information need be given

1 only once and shall not be required in any subsequent renewal,  
2 reinstatement or reissuance, substitute, amended, replacement  
3 or supplementary policy. No written rejection shall be  
4 required, and the absence of a premium payment for uninsured  
5 motor vehicle property damage shall constitute conclusive  
6 proof that the applicant or policyholder has elected not to  
7 accept uninsured motorist property damage coverage.

8 An insurance company issuing uninsured motor vehicle  
9 property damage coverage may provide that:

10 (i) Property damage losses recoverable thereunder  
11 shall be limited to damages caused by the actual physical  
12 contact of an uninsured motor vehicle with the insured  
13 motor vehicle.

14 (ii) There shall be no coverage for loss of use of the  
15 insured motor vehicle and no coverage for loss or damage  
16 to personal property located in the insured motor vehicle.

17 (iii) Any claim submitted shall include the name and  
18 address of the owner of the at-fault uninsured motor  
19 vehicle, or a registration number and description of the  
20 vehicle, or any other available information to establish  
21 that there is no applicable motor vehicle property damage  
22 liability insurance.

23 Any dispute with respect to the coverage and the amount of  
24 damages shall be submitted for arbitration to the American  
25 Arbitration Association and be subject to its rules for the  
26 conduct of arbitration hearings or for determination in the

1 following manner: Upon the insured requesting arbitration,  
2 each party to the dispute shall select an arbitrator and the 2  
3 arbitrators so named shall select a third arbitrator. If such  
4 arbitrators are not selected within 45 days from such request,  
5 either party may request that the arbitration be submitted to  
6 the American Arbitration Association. Any arbitration  
7 proceeding under this subsection seeking recovery for property  
8 damages shall be subject to the following rules:

9 (A) If at least 60 days' written notice of the  
10 intention to offer the following documents in evidence is  
11 given to every other party, accompanied by a copy of the  
12 document, a party may offer in evidence, without  
13 foundation or other proof:

14 (1) property repair bills or estimates, when  
15 identified and itemized setting forth the charges for  
16 labor and material used or proposed for use in the  
17 repair of the property;

18 (2) the written opinion of an opinion witness, the  
19 deposition of a witness, and the statement of a  
20 witness that the witness would be allowed to express  
21 if testifying in person, if the opinion or statement  
22 is made by affidavit or by certification as provided  
23 in Section 1-109 of the Code of Civil Procedure;

24 (3) any other document not specifically covered by  
25 any of the foregoing provisions that is otherwise  
26 admissible under the rules of evidence.



1           Any party receiving a notice under this paragraph (A)  
2           may apply to the arbitrator or panel of arbitrators, as  
3           the case may be, for the issuance of a subpoena directed to  
4           the author or maker or custodian of the document that is  
5           the subject of the notice, requiring the person subpoenaed  
6           to produce copies of any additional documents as may be  
7           related to the subject matter of the document that is the  
8           subject of the notice. Any such subpoena shall be issued  
9           in substantially similar form and served by notice as  
10          provided by Illinois Supreme Court Rule 204(a)(4). Any  
11          such subpoena shall be returnable not less than 5 days  
12          before the arbitration hearing.

13           (B) Notwithstanding the provisions of Supreme Court  
14          Rule 213(g), a party who proposes to use a written opinion  
15          of an expert or opinion witness or the testimony of an  
16          expert or opinion witness at the hearing may do so  
17          provided a written notice of that intention is given to  
18          every other party not less than 60 days prior to the date  
19          of hearing, accompanied by a statement containing the  
20          identity of the witness, his or her qualifications, the  
21          subject matter, the basis of the witness's conclusions,  
22          and his or her opinion.

23           (C) Any other party may subpoena the author or maker  
24          of a document admissible under this subsection, at that  
25          party's expense, and examine the author or maker as if  
26          under cross-examination. The provisions of Section 2-1101

1 of the Code of Civil Procedure shall be applicable to  
2 arbitration hearings, and it shall be the duty of a party  
3 requesting the subpoena to modify the form to show that  
4 the appearance is set before an arbitration panel and to  
5 give the time and place set for the hearing.

6 (D) The provisions of Section 2-1102 of the Code of  
7 Civil Procedure shall be applicable to arbitration  
8 hearings under this subsection.

9 (3) For the purpose of the coverage, the term "uninsured  
10 motor vehicle" includes, subject to the terms and conditions  
11 of the coverage, a motor vehicle where on, before, or after the  
12 date of the crash the liability insurer thereof is unable to  
13 make payment with respect to the legal liability of its  
14 insured within the limits specified in the policy because of  
15 the entry by a court of competent jurisdiction of an order of  
16 rehabilitation or liquidation by reason of insolvency on or  
17 after the date of the crash. An insurer's extension of  
18 coverage, as provided in this subsection, shall be applicable  
19 to all crashes occurring after July 1, 1967 during a policy  
20 period in which its insured's uninsured motor vehicle coverage  
21 is in effect. Nothing in this Section may be construed to  
22 prevent any insurer from extending coverage under terms and  
23 conditions more favorable to its insureds than is required by  
24 this Section.

25 (4) In the event of payment to any person under the  
26 coverage required by this Section and subject to the terms and

1 conditions of the coverage, the insurer making the payment  
2 shall, to the extent thereof, be entitled to the proceeds of  
3 any settlement or judgment resulting from the exercise of any  
4 rights of recovery of the person against any person or  
5 organization legally responsible for the property damage,  
6 bodily injury or death for which the payment is made,  
7 including the proceeds recoverable from the assets of the  
8 insolvent insurer. With respect to payments made by reason of  
9 the coverage described in subsection (3), the insurer making  
10 such payment shall not be entitled to any right of recovery  
11 against the tortfeasor in excess of the proceeds recovered  
12 from the assets of the insolvent insurer of the tortfeasor.

13 (5) This amendatory Act of 1967 (Laws of Illinois 1967,  
14 page 875) shall not be construed to terminate or reduce any  
15 insurance coverage or any right of any party under this Code in  
16 effect before July 1, 1967. Public Act 86-1155 shall not be  
17 construed to terminate or reduce any insurance coverage or any  
18 right of any party under this Code in effect before its  
19 effective date.

20 (6) Failure of the motorist from whom the claimant is  
21 legally entitled to recover damages to file the appropriate  
22 forms with the Safety Responsibility Section of the Department  
23 of Transportation within 120 days of the date of the crash  
24 shall create a rebuttable presumption that the motorist was  
25 uninsured at the time of the injurious occurrence.

26 (7) An insurance carrier may upon good cause require the

1 insured to commence a legal action against the owner or  
2 operator of an uninsured motor vehicle before good faith  
3 negotiation with the carrier. If the action is commenced at  
4 the request of the insurance carrier, the carrier shall pay to  
5 the insured, before the action is commenced, all court costs,  
6 jury fees and sheriff's fees arising from the action.

7 The changes made by Public Act 90-451 apply to all  
8 policies of insurance amended, delivered, issued, or renewed  
9 on and after January 1, 1998 (the effective date of Public Act  
10 90-451).

11 (8) The changes made by Public Act 98-927 apply to all  
12 policies of insurance amended, delivered, issued, or renewed  
13 on and after January 1, 2015 (the effective date of Public Act  
14 98-927).

15 (Source: P.A. 102-775, eff. 5-13-22; 102-982, eff. 7-1-23;  
16 revised 8-3-22.)

17 (215 ILCS 5/229.4a)

18 Sec. 229.4a. Standard Nonforfeiture ~~Non-forfeiture~~ Law for  
19 Individual Deferred Annuities.

20 (1) Title. This Section shall be known as the Standard  
21 Nonforfeiture Law for Individual Deferred Annuities.

22 (2) Applicability. This Section shall not apply to any  
23 reinsurance, group annuity purchased under a retirement plan  
24 or plan of deferred compensation established or maintained by  
25 an employer (including a partnership or sole proprietorship)

1 or by an employee organization, or by both, other than a plan  
2 providing individual retirement accounts or individual  
3 retirement annuities under Section 408 of the Internal Revenue  
4 Code, as now or hereafter amended, premium deposit fund,  
5 variable annuity, investment annuity, immediate annuity, any  
6 deferred annuity contract after annuity payments have  
7 commenced, or reversionary annuity, nor to any contract which  
8 shall be delivered outside this State through an agent or  
9 other representative of the company issuing the contract.

10 (3) Nonforfeiture Requirements.

11 (A) In the case of contracts issued on or after the  
12 operative date of this Section as defined in subsection  
13 (13), no contract of annuity, except as stated in  
14 subsection (2), shall be delivered or issued for delivery  
15 in this State unless it contains in substance the  
16 following provisions, or corresponding provisions which in  
17 the opinion of the Director of Insurance are at least as  
18 favorable to the contract holder, upon cessation of  
19 payment of considerations under the contract:

20 (i) That upon cessation of payment of  
21 considerations under a contract, or upon the written  
22 request of the contract owner, the company shall grant  
23 a paid-up annuity benefit on a plan stipulated in the  
24 contract of such value as is specified in subsections  
25 (5), (6), (7), (8), and (10);

26 (ii) If a contract provides for a lump sum

1 settlement at maturity, or at any other time, that  
2 upon surrender of the contract at or prior to the  
3 commencement of any annuity payments, the company  
4 shall pay in lieu of a paid-up annuity benefit a cash  
5 surrender benefit of such amount as is specified in  
6 subsections (5), (6), (8), and (10). The company may  
7 reserve the right to defer the payment of the cash  
8 surrender benefit for a period not to exceed 6 months  
9 after demand therefor with surrender of the contract  
10 after making written request and receiving written  
11 approval of the Director. The request shall address  
12 the necessity and equitability to all policyholders of  
13 the deferral;

14 (iii) A statement of the mortality table, if any,  
15 and interest rates used calculating any minimum  
16 paid-up annuity, cash surrender, or death benefits  
17 that are guaranteed under the contract, together with  
18 sufficient information to determine the amounts of the  
19 benefits; and

20 (iv) A statement that any paid-up annuity, cash  
21 surrender, or death benefits that may be available  
22 under the contract are not less than the minimum  
23 benefits required by any statute of the state in which  
24 the contract is delivered and an explanation of the  
25 manner in which the benefits are altered by the  
26 existence of any additional amounts credited by the

1           company to the contract, any indebtedness to the  
2           company on the contract, or any prior withdrawals from  
3           or partial surrenders of the contract.

4           (B) Notwithstanding the requirements of this Section,  
5           a deferred annuity contract may provide that if no  
6           considerations have been received under a contract for a  
7           period of 2 full years and the portion of the paid-up  
8           annuity benefit at maturity on the plan stipulated in the  
9           contract arising from prior considerations paid would be  
10          less than \$20 monthly, the company may at its option  
11          terminate the contract by payment in cash of the then  
12          present value of the portion of the paid-up annuity  
13          benefit, calculated on the basis on the mortality table,  
14          if any, and interest rate specified in the contract for  
15          determining the paid-up annuity benefit, and by this  
16          payment shall be relieved of any further obligation under  
17          the contract.

18          (4) Minimum values. The minimum values as specified in  
19          subsections (5), (6), (7), (8), and (10) of any paid-up  
20          annuity, cash surrender, or death benefits available under an  
21          annuity contract shall be based upon minimum nonforfeiture  
22          amounts as defined in this subsection.

23                (A) (i) The minimum nonforfeiture amount at any time at  
24                or prior to the commencement of any annuity payments shall  
25                be equal to an accumulation up to such time at rates of  
26                interest as indicated in subdivision (4)(B) of the net

1 considerations (as hereinafter defined) paid prior to such  
2 time, decreased by the sum of paragraphs (a) through (d)  
3 below:

4 (a) Any prior withdrawals from or partial  
5 surrenders of the contract accumulated at rates of  
6 interest as indicated in subdivision (4) (B);

7 (b) An annual contract charge of \$50, accumulated  
8 at rates of interest as indicated in subdivision  
9 (4) (B);

10 (c) Any premium tax paid by the company for the  
11 contract, accumulated at rates of interest as  
12 indicated in subdivision (4) (B); and

13 (d) The amount of any indebtedness to the company  
14 on the contract, including interest due and accrued.

15 (ii) The net considerations for a given contract year  
16 used to define the minimum nonforfeiture amount shall be  
17 an amount equal to 87.5% of the gross considerations,  
18 credited to the contract during that contract year.

19 (B) The interest rate used in determining minimum  
20 nonforfeiture amounts shall be an annual rate of interest  
21 determined as the lesser of 3% per annum and the  
22 following, which shall be specified in the contract if the  
23 interest rate will be reset:

24 (i) The 5-year ~~five-year~~ Constant Maturity  
25 Treasury Rate reported by the Federal Reserve as of a  
26 date, or average over a period, rounded to the nearest



1           1/20th of one percent, specified in the contract no  
2           longer than 15 months prior to the contract issue date  
3           or redetermination date under subdivision (4) (B) (iv);

4           (ii) Reduced by 125 basis points;

5           (iii) Where the resulting interest rate is not  
6           less than 0.15%; and

7           (iv) The interest rate shall apply for an initial  
8           period and may be redetermined for additional periods.  
9           The redetermination date, basis, and period, if any,  
10          shall be stated in the contract. The basis is the date  
11          or average over a specified period that produces the  
12          value of the 5-year Constant Maturity Treasury Rate to  
13          be used at each redetermination date.

14          (C) During the period or term that a contract provides  
15          substantive participation in an equity indexed benefit, it  
16          may increase the reduction described in subdivision  
17          (4) (B) (ii) above by up to an additional 100 basis points  
18          to reflect the value of the equity index benefit. The  
19          present value at the contract issue date, and at each  
20          redetermination date thereafter, of the additional  
21          reduction shall not exceed market value of the benefit.  
22          The Director may require a demonstration that the present  
23          value of the additional reduction does not exceed the  
24          market value of the benefit. Lacking such a demonstration  
25          that is acceptable to the Director, the Director may  
26          disallow or limit the additional reduction.

1           (D) The Director may adopt rules to implement the  
2           provisions of subdivision (4)(C) and to provide for  
3           further adjustments to the calculation of minimum  
4           nonforfeiture amounts for contracts that provide  
5           substantive participation in an equity index benefit and  
6           for other contracts that the Director determines  
7           adjustments are justified.

8           (5) Computation of Present Value. Any paid-up annuity  
9           benefit available under a contract shall be such that its  
10          present value on the date annuity payments are to commence is  
11          at least equal to the minimum nonforfeiture amount on that  
12          date. Present value shall be computed using the mortality  
13          table, if any, and the interest rates specified in the  
14          contract for determining the minimum paid-up annuity benefits  
15          guaranteed in the contract.

16          (6) Calculation of Cash Surrender Value. For contracts  
17          that provide cash surrender benefits, the cash surrender  
18          benefits available prior to maturity shall not be less than  
19          the present value as of the date of surrender of that portion  
20          of the maturity value of the paid-up annuity benefit that  
21          would be provided under the contract at maturity arising from  
22          considerations paid prior to the time of cash surrender  
23          reduced by the amount appropriate to reflect any prior  
24          withdrawals from or partial surrenders of the contract, such  
25          present value being calculated on the basis of an interest  
26          rate not more than 1% higher than the interest rate specified

1 in the contract for accumulating the net considerations to  
2 determine maturity value, decreased by the amount of any  
3 indebtedness to the company on the contract, including  
4 interest due and accrued, and increased by any existing  
5 additional amounts credited by the company to the contract. In  
6 no event shall any cash surrender benefit be less than the  
7 minimum nonforfeiture amount at that time. The death benefit  
8 under such contracts shall be at least equal to the cash  
9 surrender benefit.

10 (7) Calculation of Paid-up Annuity Benefits. For contracts  
11 that do not provide cash surrender benefits, the present value  
12 of any paid-up annuity benefit available as a nonforfeiture  
13 option at any time prior to maturity shall not be less than the  
14 present value of that portion of the maturity value of the  
15 paid-up annuity benefit provided under the contract arising  
16 from considerations paid prior to the time the contract is  
17 surrendered in exchange for, or changed to, a deferred paid-up  
18 annuity, such present value being calculated for the period  
19 prior to the maturity date on the basis of the interest rate  
20 specified in the contract for accumulating the net  
21 considerations to determine maturity value, and increased by  
22 any additional amounts credited by the company to the  
23 contract. For contracts that do not provide any death benefits  
24 prior to the commencement of any annuity payments, present  
25 values shall be calculated on the basis of such interest rate  
26 and the mortality table specified in the contract for

1 determining the maturity value of the paid-up annuity benefit.  
2 However, in no event shall the present value of a paid-up  
3 annuity benefit be less than the minimum nonforfeiture amount  
4 at that time.

5 (8) Maturity Date. For the purpose of determining the  
6 benefits calculated under subsections (6) and (7), in the case  
7 of annuity contracts under which an election may be made to  
8 have annuity payments commence at optional maturity dates, the  
9 maturity date shall be deemed to be the latest date for which  
10 election shall be permitted by the contract, but shall not be  
11 deemed to be later than the anniversary of the contract next  
12 following the annuitant's seventieth birthday or the tenth  
13 anniversary of the contract, whichever is later.

14 (9) Disclosure of Limited Death Benefits. A contract that  
15 does not provide cash surrender benefits or does not provide  
16 death benefits at least equal to the minimum nonforfeiture  
17 amount prior to the commencement of any annuity payments shall  
18 include a statement in a prominent place in the contract that  
19 such benefits are not provided.

20 (10) Inclusion of Lapse of Time Considerations. Any  
21 paid-up annuity, cash surrender, or death benefits available  
22 at any time, other than on the contract anniversary under any  
23 contract with fixed scheduled considerations, shall be  
24 calculated with allowance for the lapse of time and the  
25 payment of any scheduled considerations beyond the beginning  
26 of the contract year in which cessation of payment of

1 considerations under the contract occurs.

2 (11) Proration of Values; Additional Benefits. For a  
3 contract which provides, within the same contract by rider or  
4 supplemental contract provision, both annuity benefits and  
5 life insurance benefits that are in excess of the greater of  
6 cash surrender benefits or a return of the gross  
7 considerations with interest, the minimum nonforfeiture  
8 benefits shall be equal to the sum of the minimum  
9 nonforfeiture benefits for the annuity portion and the minimum  
10 nonforfeiture benefits, if any, for the life insurance portion  
11 computed as if each portion were a separate contract.  
12 Notwithstanding the provisions of subsections (5), (6), (7),  
13 (8), and (10), additional benefits payable in the event of  
14 total and permanent disability, as reversionary annuity or  
15 deferred reversionary annuity benefits, or as other policy  
16 benefits additional to life insurance, endowment, and annuity  
17 benefits, and considerations for all such additional benefits,  
18 shall be disregarded in ascertaining the minimum nonforfeiture  
19 amounts, paid-up annuity, cash surrender, and death benefits  
20 that may be required under this Section. The inclusion of such  
21 benefits shall not be required in any paid-up benefits, unless  
22 the additional benefits separately would require minimum  
23 nonforfeiture amounts, paid-up annuity, cash surrender, and  
24 death benefits.

25 (12) Rules. The Director may adopt rules to implement the  
26 provisions of this Section.

1           (13) Effective Date. After August 6, 2004 (the effective  
2 date of Public Act 93-873) ~~this amendatory Act of the 93rd~~  
3 ~~General Assembly~~, a company may elect to apply its provisions  
4 to annuity contracts on a contract form-by-contract form basis  
5 before July 1, 2006. In all other instances, this Section  
6 shall become operative with respect to annuity contracts  
7 issued by the company on or after July 1, 2006.

8           (14) (Blank).

9           (Source: P.A. 102-775, eff. 5-13-22; revised 8-19-22.)

10           (215 ILCS 5/356z.14)

11           Sec. 356z.14. Autism spectrum disorders.

12           (a) A group or individual policy of accident and health  
13 insurance or managed care plan amended, delivered, issued, or  
14 renewed after December 12, 2008 (the effective date of Public  
15 Act 95-1005) ~~this amendatory Act of the 95th General Assembly~~  
16 must provide individuals under 21 years of age coverage for  
17 the diagnosis of autism spectrum disorders and for the  
18 treatment of autism spectrum disorders to the extent that the  
19 diagnosis and treatment of autism spectrum disorders are not  
20 already covered by the policy of accident and health insurance  
21 or managed care plan.

22           (b) Coverage provided under this Section shall be subject  
23 to a maximum benefit of \$36,000 per year, but shall not be  
24 subject to any limits on the number of visits to a service  
25 provider. After December 30, 2009, the Director of the

1 Division of Insurance shall, on an annual basis, adjust the  
2 maximum benefit for inflation using the Medical Care Component  
3 of the United States Department of Labor Consumer Price Index  
4 for All Urban Consumers. Payments made by an insurer on behalf  
5 of a covered individual for any care, treatment, intervention,  
6 service, or item, the provision of which was for the treatment  
7 of a health condition not diagnosed as an autism spectrum  
8 disorder, shall not be applied toward any maximum benefit  
9 established under this subsection.

10 (c) Coverage under this Section shall be subject to  
11 copayment, deductible, and coinsurance provisions of a policy  
12 of accident and health insurance or managed care plan to the  
13 extent that other medical services covered by the policy of  
14 accident and health insurance or managed care plan are subject  
15 to these provisions.

16 (d) This Section shall not be construed as limiting  
17 benefits that are otherwise available to an individual under a  
18 policy of accident and health insurance or managed care plan  
19 and benefits provided under this Section may not be subject to  
20 dollar limits, deductibles, copayments, or coinsurance  
21 provisions that are less favorable to the insured than the  
22 dollar limits, deductibles, or coinsurance provisions that  
23 apply to physical illness generally.

24 (e) An insurer may not deny or refuse to provide otherwise  
25 covered services, or refuse to renew, refuse to reissue, or  
26 otherwise terminate or restrict coverage under an individual

1 contract to provide services to an individual because the  
2 individual or their dependent is diagnosed with an autism  
3 spectrum disorder or due to the individual utilizing benefits  
4 in this Section.

5 (e-5) An insurer may not deny or refuse to provide  
6 otherwise covered services under a group or individual policy  
7 of accident and health insurance or a managed care plan solely  
8 because of the location wherein the clinically appropriate  
9 services are provided.

10 (f) Upon request of the reimbursing insurer, a provider of  
11 treatment for autism spectrum disorders shall furnish medical  
12 records, clinical notes, or other necessary data that  
13 substantiate that initial or continued medical treatment is  
14 medically necessary and is resulting in improved clinical  
15 status. When treatment is anticipated to require continued  
16 services to achieve demonstrable progress, the insurer may  
17 request a treatment plan consisting of diagnosis, proposed  
18 treatment by type, frequency, anticipated duration of  
19 treatment, the anticipated outcomes stated as goals, and the  
20 frequency by which the treatment plan will be updated.

21 (g) When making a determination of medical necessity for a  
22 treatment modality for autism spectrum disorders, an insurer  
23 must make the determination in a manner that is consistent  
24 with the manner used to make that determination with respect  
25 to other diseases or illnesses covered under the policy,  
26 including an appeals process. During the appeals process, any



1 challenge to medical necessity must be viewed as reasonable  
2 only if the review includes a physician with expertise in the  
3 most current and effective treatment modalities for autism  
4 spectrum disorders.

5 (h) Coverage for medically necessary early intervention  
6 services must be delivered by certified early intervention  
7 specialists, as defined in 89 Ill. Adm. Admin. Code 500 and any  
8 subsequent amendments thereto.

9 (h-5) If an individual has been diagnosed as having an  
10 autism spectrum disorder, meeting the diagnostic criteria in  
11 place at the time of diagnosis, and treatment is determined  
12 medically necessary, then that individual shall remain  
13 eligible for coverage under this Section even if subsequent  
14 changes to the diagnostic criteria are adopted by the American  
15 Psychiatric Association. If no changes to the diagnostic  
16 criteria are adopted after April 1, 2012, and before December  
17 31, 2014, then this subsection (h-5) shall be of no further  
18 force and effect.

19 (h-10) An insurer may not deny or refuse to provide  
20 covered services, or refuse to renew, refuse to reissue, or  
21 otherwise terminate or restrict coverage under an individual  
22 contract, for a person diagnosed with an autism spectrum  
23 disorder on the basis that the individual declined an  
24 alternative medication or covered service when the  
25 individual's health care provider has determined that such  
26 medication or covered service may exacerbate clinical

1     symptomatology and is medically contraindicated for the  
2     individual and the individual has requested and received a  
3     medical exception as provided for under Section 45.1 of the  
4     Managed Care Reform and Patient Rights Act. For the purposes  
5     of this subsection (h-10), "clinical symptomatology" means any  
6     indication of disorder or disease when experienced by an  
7     individual as a change from normal function, sensation, or  
8     appearance.

9             (h-15) If, at any time, the Secretary of the United States  
10     Department of Health and Human Services, or its successor  
11     agency, promulgates rules or regulations to be published in  
12     the Federal Register or publishes a comment in the Federal  
13     Register or issues an opinion, guidance, or other action that  
14     would require the State, pursuant to any provision of the  
15     Patient Protection and Affordable Care Act (Public Law  
16     111-148), including, but not limited to, 42 U.S.C.  
17     18031(d)(3)(B) or any successor provision, to defray the cost  
18     of any coverage outlined in subsection (h-10), then subsection  
19     (h-10) is inoperative with respect to all coverage outlined in  
20     subsection (h-10) other than that authorized under Section  
21     1902 of the Social Security Act, 42 U.S.C. 1396a, and the State  
22     shall not assume any obligation for the cost of the coverage  
23     set forth in subsection (h-10).

24             (i) As used in this Section:

25             "Autism spectrum disorders" means pervasive developmental  
26     disorders as defined in the most recent edition of the

1 Diagnostic and Statistical Manual of Mental Disorders,  
2 including autism, Asperger's disorder, and pervasive  
3 developmental disorder not otherwise specified.

4 "Diagnosis of autism spectrum disorders" means one or more  
5 tests, evaluations, or assessments to diagnose whether an  
6 individual has autism spectrum disorder that is prescribed,  
7 performed, or ordered by (A) a physician licensed to practice  
8 medicine in all its branches or (B) a licensed clinical  
9 psychologist with expertise in diagnosing autism spectrum  
10 disorders.

11 "Medically necessary" means any care, treatment,  
12 intervention, service or item which will or is reasonably  
13 expected to do any of the following: (i) prevent the onset of  
14 an illness, condition, injury, disease, or disability; (ii)  
15 reduce or ameliorate the physical, mental or developmental  
16 effects of an illness, condition, injury, disease, or  
17 disability; or (iii) assist to achieve or maintain maximum  
18 functional activity in performing daily activities.

19 "Treatment for autism spectrum disorders" shall include  
20 the following care prescribed, provided, or ordered for an  
21 individual diagnosed with an autism spectrum disorder by (A) a  
22 physician licensed to practice medicine in all its branches or  
23 (B) a certified, registered, or licensed health care  
24 professional with expertise in treating effects of autism  
25 spectrum disorders when the care is determined to be medically  
26 necessary and ordered by a physician licensed to practice

1 medicine in all its branches:

2 (1) Psychiatric care, meaning direct, consultative, or  
3 diagnostic services provided by a licensed psychiatrist.

4 (2) Psychological care, meaning direct or consultative  
5 services provided by a licensed psychologist.

6 (3) Habilitative or rehabilitative care, meaning  
7 professional, counseling, and guidance services and  
8 treatment programs, including applied behavior analysis,  
9 that are intended to develop, maintain, and restore the  
10 functioning of an individual. As used in this subsection  
11 (i), "applied behavior analysis" means the design,  
12 implementation, and evaluation of environmental  
13 modifications using behavioral stimuli and consequences to  
14 produce socially significant improvement in human  
15 behavior, including the use of direct observation,  
16 measurement, and functional analysis of the relations  
17 between environment and behavior.

18 (4) Therapeutic care, including behavioral, speech,  
19 occupational, and physical therapies that provide  
20 treatment in the following areas: (i) self care and  
21 feeding, (ii) pragmatic, receptive, and expressive  
22 language, (iii) cognitive functioning, (iv) applied  
23 behavior analysis, intervention, and modification, (v)  
24 motor planning, and (vi) sensory processing.

25 (j) Rulemaking authority to implement this amendatory Act  
26 of the 95th General Assembly, if any, is conditioned on the

1 rules being adopted in accordance with all provisions of the  
2 Illinois Administrative Procedure Act and all rules and  
3 procedures of the Joint Committee on Administrative Rules; any  
4 purported rule not so adopted, for whatever reason, is  
5 unauthorized.

6 (Source: P.A. 102-322, eff. 1-1-22; revised 2-28-22.)

7 (215 ILCS 5/356z.53)

8 Sec. 356z.53. Coverage for home health services. A group  
9 or individual policy of accident and health insurance or a  
10 managed care plan that is amended, delivered, issued, or  
11 renewed on or after January 1, 2024 shall provide coverage for  
12 access to home health services for the duration of medically  
13 necessary care.

14 (Source: P.A. 102-816, eff. 1-1-23; revised 12-29-22.)

15 (215 ILCS 5/356z.54)

16 Sec. 356z.54 ~~356z.53~~. Coverage for breast reduction  
17 surgery. A group or individual policy of accident and health  
18 insurance or a managed care plan that is amended, delivered,  
19 issued, or renewed on or after January 1, 2024 shall provide  
20 coverage for medically necessary breast reduction surgery.

21 (Source: P.A. 102-731, eff. 1-1-23; revised 12-29-22.)

22 (215 ILCS 5/356z.55)

23 (This Section may contain text from a Public Act with a

1 delayed effective date)

2 Sec. 356z.55 ~~356z.53~~. Coverage for cleft lip and cleft  
3 palate.

4 (a) As used in this Section, "medically necessary care and  
5 treatment" to address congenital anomalies associated with a  
6 cleft lip or palate, or both, includes:

7 (1) oral and facial surgery, including reconstructive  
8 services and procedures necessary to improve and restore  
9 and maintain vital functions;

10 (2) prosthetic treatment such as obturators  
11 ~~obdurators~~, speech appliances, and feeding appliances;

12 (3) orthodontic treatment and management;

13 (4) prosthodontic treatment and management; and

14 (5) otolaryngology treatment and management.

15 "Medically necessary care and treatment" does not include  
16 cosmetic surgery performed to reshape normal structures of the  
17 lip, jaw, palate, or other facial structures to improve  
18 appearance.

19 (b) An individual or group policy of accident and health  
20 insurance amended, delivered, issued, or renewed on or after  
21 January 1, 2024 (the effective date of Public Act 102-768)  
22 ~~this amendatory Act of the 102nd General Assembly~~ shall  
23 provide coverage for the medically necessary care and  
24 treatment of cleft lip and palate for children under the age of  
25 19. Coverage for cleft lip and palate care and treatment may  
26 impose the same deductible, coinsurance, or other cost-sharing

1 limitation that is imposed on other related surgical benefits  
2 under the policy.

3 (c) This Section does not apply to a policy that covers  
4 only dental care.

5 (Source: P.A. 102-768, eff. 1-1-24; revised 7-25-22.)

6 (215 ILCS 5/356z.56)

7 Sec. 356z.56 ~~356z.53~~. Coverage for hormone therapy to  
8 treat menopause. A group or individual policy of accident and  
9 health insurance or a managed care plan that is amended,  
10 delivered, issued, or renewed on or after January 1, 2024  
11 shall provide coverage for medically necessary hormone therapy  
12 treatment to treat menopause that has been induced by a  
13 hysterectomy.

14 (Source: P.A. 102-804, eff. 1-1-23; revised 12-29-22.)

15 (215 ILCS 5/356z.57)

16 Sec. 356z.57 ~~356z.53~~. Pediatric palliative care.

17 (a) A group or individual policy of accident and health  
18 insurance or a managed care plan amended, delivered, issued,  
19 or renewed on or after January 1, 2024 shall provide coverage  
20 for community-based pediatric palliative care and hospice  
21 care. This care shall be delivered to any qualifying child  
22 with a serious illness by a trained interdisciplinary team  
23 that allows a child to receive community-based pediatric  
24 palliative care and hospice care while continuing to pursue

1 curative treatment and disease-directed therapies for the  
2 qualifying illness.

3 (b) As used in this Section, "palliative care" and  
4 "serious illness" have the same meaning as set forth in the  
5 Pediatric Palliative Care Act.

6 (Source: P.A. 102-860, eff. 1-1-23; revised 12-29-22.)

7 (215 ILCS 5/356z.58)

8 Sec. 356z.58 ~~356z.53~~. Prenatal vitamins coverage. A group  
9 or individual policy of accident and health insurance that is  
10 amended, delivered, issued, or renewed on or after January 1,  
11 2024 that provides coverage for prescription drugs shall  
12 provide coverage for prenatal vitamins when prescribed by a  
13 physician licensed to practice medicine in all of its branches  
14 or an advanced practice registered nurse licensed under the  
15 Nurse Practice Act.

16 (Source: P.A. 102-930, eff. 1-1-23; revised 12-29-22.)

17 (215 ILCS 5/356z.59)

18 Sec. 356z.59 ~~356z.53~~. Coverage for continuous glucose  
19 monitors. A group or individual policy of accident and health  
20 insurance or a managed care plan that is amended, delivered,  
21 issued, or renewed on or after January 1, 2024 shall provide  
22 coverage for medically necessary continuous glucose monitors  
23 for individuals who are diagnosed with type 1 or type 2  
24 diabetes and require insulin for the management of their



1 diabetes.

2 (Source: P.A. 102-1093, eff. 1-1-23; revised 12-29-22.)

3 (215 ILCS 5/364.01)

4 Sec. 364.01. Qualified clinical cancer trials.

5 (a) No individual or group policy of accident and health  
6 insurance issued or renewed in this State may be cancelled or  
7 non-renewed for any individual based on that individual's  
8 participation in a qualified clinical cancer trial.

9 (b) Qualified clinical cancer trials must meet the  
10 following criteria:

11 (1) the effectiveness of the treatment has not been  
12 determined relative to established therapies;

13 (2) the trial is under clinical investigation as part  
14 of an approved cancer research trial in Phase II, Phase  
15 III, or Phase IV of investigation;

16 (3) the trial is:

17 (A) approved by the Food and Drug Administration;

18 or

19 (B) approved and funded by the National Institutes  
20 of Health, the Centers for Disease Control and  
21 Prevention, the Agency for Healthcare Research and  
22 Quality, the United States Department of Defense, the  
23 United States Department of Veterans Affairs, or the  
24 United States Department of Energy in the form of an  
25 investigational new drug application, or a cooperative

1           group or center of any entity described in this  
2           subdivision (B); and

3           (4) the patient's primary care physician, if any, is  
4           involved in the coordination of care.

5           (c) No group policy of accident and health insurance shall  
6           exclude coverage for any routine patient care administered to  
7           an insured who is a qualified individual participating in a  
8           qualified clinical cancer trial, if the policy covers that  
9           same routine patient care of insureds not enrolled in a  
10          qualified clinical cancer trial.

11          (d) The coverage that may not be excluded under subsection  
12          (c) of this Section is subject to all terms, conditions,  
13          restrictions, exclusions, and limitations that apply to the  
14          same routine patient care received by an insured not enrolled  
15          in a qualified clinical cancer trial, including the  
16          application of any authorization requirement, utilization  
17          review, or medical management practices. The insured or  
18          enrollee shall incur no greater out-of-pocket liability than  
19          had the insured or enrollee not enrolled in a qualified  
20          clinical cancer trial.

21          (e) If the group policy of accident and health insurance  
22          uses a preferred provider program and a preferred provider  
23          provides routine patient care in connection with a qualified  
24          clinical cancer trial, then the insurer may require the  
25          insured to use the preferred provider if the preferred  
26          provider agrees to provide to the insured that routine patient

1 care.

2 (f) A qualified clinical cancer trial may not pay or  
3 refuse to pay for routine patient care of an individual  
4 participating in the trial, based in whole or in part on the  
5 person's having or not having coverage for routine patient  
6 care under a group policy of accident and health insurance.

7 (g) Nothing in this Section shall be construed to limit an  
8 insurer's coverage with respect to clinical trials.

9 (h) Nothing in this Section shall require coverage for  
10 out-of-network services where the underlying health benefit  
11 plan does not provide coverage for out-of-network services.

12 (i) As used in this Section, "routine patient care" means  
13 all health care services provided in the qualified clinical  
14 cancer trial that are otherwise generally covered under the  
15 policy if those items or services were not provided in  
16 connection with a qualified clinical cancer trial consistent  
17 with the standard of care for the treatment of cancer,  
18 including the type and frequency of any diagnostic modality,  
19 that a provider typically provides to a cancer patient who is  
20 not enrolled in a qualified clinical cancer trial. "Routine  
21 patient care" does not include, and a group policy of accident  
22 and health insurance may exclude, coverage for:

23 (1) a health care service, item, or drug that is the  
24 subject of the cancer clinical trial;

25 (2) a health care service, item, or drug provided  
26 solely to satisfy data collection and analysis needs for

1 the qualified clinical cancer trial that is not used in  
2 the direct clinical management of the patient;

3 (3) an investigational drug or device that has not  
4 been approved for market by the United States Food and  
5 Drug Administration;

6 (4) transportation, lodging, food, or other expenses  
7 for the patient or a family member or companion of the  
8 patient that are associated with the travel to or from a  
9 facility providing the qualified clinical cancer trial,  
10 unless the policy covers these expenses for a cancer  
11 patient who is not enrolled in a qualified clinical cancer  
12 trial;

13 (5) a health care service, item, or drug customarily  
14 provided by the qualified clinical cancer trial sponsors  
15 free of charge for any patient;

16 (6) a health care service or item, which except for  
17 the fact that it is being provided in a qualified clinical  
18 cancer trial, is otherwise specifically excluded from  
19 coverage under the insured's policy, including:

20 (A) costs of extra treatments, services,  
21 procedures, tests, or drugs that would not be  
22 performed or administered except for the fact that the  
23 insured is participating in the cancer clinical trial;  
24 and

25 (B) costs of nonhealth care services that the  
26 patient is required to receive as a result of

1 participation in the approved cancer clinical trial;

2 (7) costs for services, items, or drugs that are  
3 eligible for reimbursement from a source other than a  
4 patient's contract or policy providing for third-party  
5 payment or prepayment of health or medical expenses,  
6 including the sponsor of the approved cancer clinical  
7 trial;

8 (8) costs associated with approved cancer clinical  
9 trials designed exclusively to test toxicity or disease  
10 pathophysiology, unless the policy covers these expenses  
11 for a cancer patient who is not enrolled in a qualified  
12 clinical cancer trial; or

13 (9) a health care service or item that is eligible for  
14 reimbursement by a source other than the insured's policy,  
15 including the sponsor of the qualified clinical cancer  
16 trial.

17 The definitions of the terms "health care services",  
18 "Non-Preferred Provider", "Preferred Provider", and "Preferred  
19 Provider Program", stated in 50 Ill. Adm. Code Part 2051  
20 Preferred Provider Programs apply to these terms in this  
21 Section.

22 (j) The external review procedures established under the  
23 Health Carrier External Review Act shall apply to the  
24 provisions under this Section.

25 (Source: P.A. 97-91, eff. 1-1-12; 97-813, eff. 7-13-12;  
26 revised 3-16-22.)

1 (215 ILCS 5/513b1)

2 Sec. 513b1. Pharmacy benefit manager contracts.

3 (a) As used in this Section:

4 "340B drug discount program" means the program established  
5 under Section 340B of the federal Public Health Service Act,  
6 42 U.S.C. 256b.

7 "340B entity" means a covered entity as defined in 42  
8 U.S.C. 256b(a)(4) authorized to participate in the 340B drug  
9 discount program.

10 "340B pharmacy" means any pharmacy used to dispense 340B  
11 drugs for a covered entity, whether entity-owned or external.

12 "Biological product" has the meaning ascribed to that term  
13 in Section 19.5 of the Pharmacy Practice Act.

14 "Maximum allowable cost" means the maximum amount that a  
15 pharmacy benefit manager will reimburse a pharmacy for the  
16 cost of a drug.

17 "Maximum allowable cost list" means a list of drugs for  
18 which a maximum allowable cost has been established by a  
19 pharmacy benefit manager.

20 "Pharmacy benefit manager" means a person, business, or  
21 entity, including a wholly or partially owned or controlled  
22 subsidiary of a pharmacy benefit manager, that provides claims  
23 processing services or other prescription drug or device  
24 services, or both, for health benefit plans.

25 "Retail price" means the price an individual without

1 prescription drug coverage would pay at a retail pharmacy, not  
2 including a pharmacist dispensing fee.

3 "Third-party payer" means any entity that pays for  
4 prescription drugs on behalf of a patient other than a health  
5 care provider or sponsor of a plan subject to regulation under  
6 Medicare Part D, 42 U.S.C. 1395w-101~~7~~ et seq.

7 (b) A contract between a health insurer and a pharmacy  
8 benefit manager must require that the pharmacy benefit  
9 manager:

10 (1) Update maximum allowable cost pricing information  
11 at least every 7 calendar days.

12 (2) Maintain a process that will, in a timely manner,  
13 eliminate drugs from maximum allowable cost lists or  
14 modify drug prices to remain consistent with changes in  
15 pricing data used in formulating maximum allowable cost  
16 prices and product availability.

17 (3) Provide access to its maximum allowable cost list  
18 to each pharmacy or pharmacy services administrative  
19 organization subject to the maximum allowable cost list.  
20 Access may include a real-time pharmacy website portal to  
21 be able to view the maximum allowable cost list. As used in  
22 this Section, "pharmacy services administrative  
23 organization" means an entity operating within the State  
24 that contracts with independent pharmacies to conduct  
25 business on their behalf with third-party payers. A  
26 pharmacy services administrative organization may provide

1 administrative services to pharmacies and negotiate and  
2 enter into contracts with third-party payers or pharmacy  
3 benefit managers on behalf of pharmacies.

4 (4) Provide a process by which a contracted pharmacy  
5 can appeal the provider's reimbursement for a drug subject  
6 to maximum allowable cost pricing. The appeals process  
7 must, at a minimum, include the following:

8 (A) A requirement that a contracted pharmacy has  
9 14 calendar days after the applicable fill date to  
10 appeal a maximum allowable cost if the reimbursement  
11 for the drug is less than the net amount that the  
12 network provider paid to the supplier of the drug.

13 (B) A requirement that a pharmacy benefit manager  
14 must respond to a challenge within 14 calendar days of  
15 the contracted pharmacy making the claim for which the  
16 appeal has been submitted.

17 (C) A telephone number and e-mail address or  
18 website to network providers, at which the provider  
19 can contact the pharmacy benefit manager to process  
20 and submit an appeal.

21 (D) A requirement that, if an appeal is denied,  
22 the pharmacy benefit manager must provide the reason  
23 for the denial and the name and the national drug code  
24 number from national or regional wholesalers.

25 (E) A requirement that, if an appeal is sustained,  
26 the pharmacy benefit manager must make an adjustment



1           in the drug price effective the date the challenge is  
2           resolved and make the adjustment applicable to all  
3           similarly situated network pharmacy providers, as  
4           determined by the managed care organization or  
5           pharmacy benefit manager.

6           (5) Allow a plan sponsor contracting with a pharmacy  
7           benefit manager an annual right to audit compliance with  
8           the terms of the contract by the pharmacy benefit manager,  
9           including, but not limited to, full disclosure of any and  
10          all rebate amounts secured, whether product specific or  
11          generalized rebates, that were provided to the pharmacy  
12          benefit manager by a pharmaceutical manufacturer.

13          (6) Allow a plan sponsor contracting with a pharmacy  
14          benefit manager to request that the pharmacy benefit  
15          manager disclose the actual amounts paid by the pharmacy  
16          benefit manager to the pharmacy.

17          (7) Provide notice to the party contracting with the  
18          pharmacy benefit manager of any consideration that the  
19          pharmacy benefit manager receives from the manufacturer  
20          for dispense as written prescriptions once a generic or  
21          biologically similar product becomes available.

22          (c) In order to place a particular prescription drug on a  
23          maximum allowable cost list, the pharmacy benefit manager  
24          must, at a minimum, ensure that:

25                  (1) if the drug is a generically equivalent drug, it  
26          is listed as therapeutically equivalent and

1           pharmaceutically equivalent "A" or "B" rated in the United  
2           States Food and Drug Administration's most recent version  
3           of the "Orange Book" or have an NR or NA rating by  
4           Medi-Span, Gold Standard, or a similar rating by a  
5           nationally recognized reference;

6           (2) the drug is available for purchase by each  
7           pharmacy in the State from national or regional  
8           wholesalers operating in Illinois; and

9           (3) the drug is not obsolete.

10          (d) A pharmacy benefit manager is prohibited from limiting  
11          a pharmacist's ability to disclose whether the cost-sharing  
12          obligation exceeds the retail price for a covered prescription  
13          drug, and the availability of a more affordable alternative  
14          drug, if one is available in accordance with Section 42 of the  
15          Pharmacy Practice Act.

16          (e) A health insurer or pharmacy benefit manager shall not  
17          require an insured to make a payment for a prescription drug at  
18          the point of sale in an amount that exceeds the lesser of:

19               (1) the applicable cost-sharing amount; or

20               (2) the retail price of the drug in the absence of  
21          prescription drug coverage.

22          (f) Unless required by law, a contract between a pharmacy  
23          benefit manager or third-party payer and a 340B entity or 340B  
24          pharmacy shall not contain any provision that:

25               (1) distinguishes between drugs purchased through the  
26          340B drug discount program and other drugs when

1 determining reimbursement or reimbursement methodologies,  
2 or contains otherwise less favorable payment terms or  
3 reimbursement methodologies for 340B entities or 340B  
4 pharmacies when compared to similarly situated non-340B  
5 entities;

6 (2) imposes any fee, chargeback, or rate adjustment  
7 that is not similarly imposed on similarly situated  
8 pharmacies that are not 340B entities or 340B pharmacies;

9 (3) imposes any fee, chargeback, or rate adjustment  
10 that exceeds the fee, chargeback, or rate adjustment that  
11 is not similarly imposed on similarly situated pharmacies  
12 that are not 340B entities or 340B pharmacies;

13 (4) prevents or interferes with an individual's choice  
14 to receive a covered prescription drug from a 340B entity  
15 or 340B pharmacy through any legally permissible means,  
16 except that nothing in this paragraph shall prohibit the  
17 establishment of differing copayments or other  
18 cost-sharing amounts within the benefit plan for covered  
19 persons who acquire covered prescription drugs from a  
20 nonpreferred or nonparticipating provider;

21 (5) excludes a 340B entity or 340B pharmacy from a  
22 pharmacy network on any basis that includes consideration  
23 of whether the 340B entity or 340B pharmacy participates  
24 in the 340B drug discount program;

25 (6) prevents a 340B entity or 340B pharmacy from using  
26 a drug purchased under the 340B drug discount program; or

1           (7) any other provision that discriminates against a  
2           340B entity or 340B pharmacy by treating the 340B entity  
3           or 340B pharmacy differently than non-340B entities or  
4           non-340B pharmacies for any reason relating to the  
5           entity's participation in the 340B drug discount program.

6           As used in this subsection, "pharmacy benefit manager" and  
7           "third-party payer" do not include pharmacy benefit managers  
8           and third-party payers acting on behalf of a Medicaid program.

9           (g) A violation of this Section by a pharmacy benefit  
10          manager constitutes an unfair or deceptive act or practice in  
11          the business of insurance under Section 424.

12          (h) A provision that violates subsection (f) in a contract  
13          between a pharmacy benefit manager or a third-party payer and  
14          a 340B entity that is entered into, amended, or renewed after  
15          July 1, 2022 shall be void and unenforceable.

16          (i) This Section applies to contracts entered into or  
17          renewed on or after July 1, 2022.

18          (j) This Section applies to any group or individual policy  
19          of accident and health insurance or managed care plan that  
20          provides coverage for prescription drugs and that is amended,  
21          delivered, issued, or renewed on or after July 1, 2020.

22          (Source: P.A. 101-452, eff. 1-1-20; 102-778, eff. 7-1-22;  
23          revised 8-19-22.)

24          Section 435. The Small Employer Health Insurance Rating  
25          Act is amended by changing Section 25 as follows:

1 (215 ILCS 93/25)

2 Sec. 25. Premium Rates.

3 (a) Premium rates for health benefit plans subject to this  
4 Act shall be subject to all of the following provisions:

5 (1) The index rate for a rating period for any class of  
6 business shall not exceed the index rate for any other  
7 class of business by more than 20%.

8 (2) For a class of business, the premium rates charged  
9 during a rating period to small employers with similar  
10 case characteristics for the same or similar coverage, or  
11 the rates that could be charged to such employers under  
12 the rating system for that class of business, shall not  
13 vary from the index rate by more than 25% of the index  
14 rate.

15 (3) The percentage increase in the premium rate  
16 charged to a small employer for a new rating period shall  
17 not exceed the sum of the following:

18 (A) the percentage change in the new business  
19 premium rate measured from the first day of the prior  
20 rating period to the first day of the new rating  
21 period. In the case of a health benefit plan into which  
22 the small employer carrier is no longer enrolling new  
23 small employers, the small employer carrier shall use  
24 the percentage change in the base premium rate;

25 (B) an adjustment, not to exceed 15% annually and

1 adjusted pro rata for rating periods of less than one  
2 year, due to claim experience, health status, or  
3 duration of coverage of the employees or dependents of  
4 the small employer as determined from the small  
5 employer carrier's rate manual for the class of  
6 business; and

7 (C) any adjustment due to change in coverage or  
8 change in the case characteristics of the small  
9 employer as determined from the small employer  
10 carrier's rate manual for the class of business.

11 (4) Adjustments in rates for a new rating period due  
12 to claim experience, health status, and duration of  
13 coverage shall not be charged to individual employees or  
14 dependents. Any such adjustment shall be applied uniformly  
15 to the rates charged for all employees and dependents of  
16 the small employer.

17 (5) In the case of health benefit plans delivered or  
18 issued for delivery prior to the effective date of this  
19 Act, a premium rate for a rating period may exceed the  
20 ranges set forth in items (1) and (2) of this subsection  
21 (a) for a period of 3 years following the effective date of  
22 this Act. In such case, the percentage increase in the  
23 premium rate charged to a small employer for a new rating  
24 period shall not exceed the sum of the following:

25 (A) the percentage change in the new business  
26 premium rate measured from the first day of the prior

1 rating period to the first day of the new rating  
2 period; in the case of a class of business into which  
3 the small employer carrier is no longer enrolling new  
4 small employers ~~employees~~, the small employer carrier  
5 shall use the percentage change in the base premium  
6 rate, provided that such change does not exceed, on a  
7 percentage basis, the change in the new business  
8 premium rate for the most similar class of business  
9 into which the small employer carrier is actively  
10 enrolling new small employers; and

11 (B) any adjustment due to change in coverage or  
12 change in the case characteristics of the small  
13 employer as determined from the carrier's rate manual  
14 for the class of business.

15 (6) Small employer carriers shall apply rating  
16 factors, including case characteristics, consistently with  
17 respect to all small employers in a class of business. A  
18 small employer carrier shall treat all health benefit  
19 plans issued or renewed in the same calendar month as  
20 having the same rating period.

21 (7) For the purposes of this subsection, a health  
22 benefit plan that contains a restricted network provision  
23 shall not be considered similar coverage to a health  
24 benefit plan that does not contain such a provision,  
25 provided that the restriction of benefits to network  
26 providers results in substantial differences in claim

1 costs.

2 (b) A small employer carrier shall not transfer a small  
3 employer involuntarily into or out of a class of business. A  
4 small employer carrier shall not offer to transfer a small  
5 employer into or out of a class of business unless such offer  
6 is made to transfer all small employers in the class of  
7 business without regard to case characteristics, claim  
8 experience, health status, or duration of coverage since  
9 issue.

10 (Source: P.A. 91-510, eff. 1-1-00; revised 8-19-22.)

11 Section 440. The Health Maintenance Organization Act is  
12 amended by changing Sections 4.5-1 and 5-3 as follows:

13 (215 ILCS 125/4.5-1)

14 Sec. 4.5-1. Point-of-service health service contracts.

15 (a) A health maintenance organization that offers a  
16 point-of-service contract:

17 (1) must include as in-plan covered services all  
18 services required by law to be provided by a health  
19 maintenance organization;

20 (2) must provide incentives, which shall include  
21 financial incentives, for enrollees to use in-plan covered  
22 services;

23 (3) may not offer services out-of-plan without  
24 providing those services on an in-plan basis;



1           (4) may include annual out-of-pocket limits and  
2           lifetime maximum benefits allowances for out-of-plan  
3           services that are separate from any limits or allowances  
4           applied to in-plan services;

5           (5) may not consider emergency services, authorized  
6           referral services, or non-routine services obtained out of  
7           the service area to be point-of-service services;

8           (6) may treat as out-of-plan services those services  
9           that an enrollee obtains from a participating provider,  
10          but for which the proper authorization was not given by  
11          the health maintenance organization; and

12          (7) after January 1, 2003 (the effective date of  
13          Public Act 92-579) ~~this amendatory Act of the 92nd General~~  
14          ~~Assembly~~, must include the following disclosure on its  
15          point-of-service contracts and evidences of coverage:  
16          "WARNING, LIMITED BENEFITS WILL BE PAID WHEN  
17          NON-PARTICIPATING PROVIDERS ARE USED. You should be aware  
18          that when you elect to utilize the services of a  
19          non-participating provider for a covered service in  
20          non-emergency situations, benefit payments to such  
21          non-participating provider are not based upon the amount  
22          billed. The basis of your benefit payment will be  
23          determined according to your policy's fee schedule, usual  
24          and customary charge (which is determined by comparing  
25          charges for similar services adjusted to the geographical  
26          area where the services are performed), or other method as

1 defined by the policy. YOU CAN EXPECT TO PAY MORE THAN THE  
2 COINSURANCE AMOUNT DEFINED IN THE POLICY AFTER THE PLAN  
3 HAS PAID ITS REQUIRED PORTION. Non-participating providers  
4 may bill members for any amount up to the billed charge  
5 after the plan has paid its portion of the bill, except as  
6 provided in Section 356z.3a of the Illinois Insurance Code  
7 for covered services received at a participating health  
8 care facility from a non-participating provider that are:  
9 (a) ancillary services, (b) items or services furnished as  
10 a result of unforeseen, urgent medical needs that arise at  
11 the time the item or service is furnished, or (c) items or  
12 services received when the facility or the  
13 non-participating provider fails to satisfy the notice and  
14 consent criteria specified under Section 356z.3a.  
15 Participating providers have agreed to accept discounted  
16 payments for services with no additional billing to the  
17 member other than co-insurance and deductible amounts. You  
18 may obtain further information about the participating  
19 status of professional providers and information on  
20 out-of-pocket expenses by calling the toll free telephone  
21 number on your identification card.".

22 (b) A health maintenance organization offering a  
23 point-of-service contract is subject to all of the following  
24 limitations:

25 (1) The health maintenance organization may not expend  
26 in any calendar quarter more than 20% of its total

1 expenditures for all its members for out-of-plan covered  
2 services.

3 (2) If the amount specified in item (1) of this  
4 subsection is exceeded by 2% in a quarter, the health  
5 maintenance organization must effect compliance with item  
6 (1) of this subsection by the end of the following  
7 quarter.

8 (3) If compliance with the amount specified in item  
9 (1) of this subsection is not demonstrated in the health  
10 maintenance organization's next quarterly report, the  
11 health maintenance organization may not offer the  
12 point-of-service contract to new groups or include the  
13 point-of-service option in the renewal of an existing  
14 group until compliance with the amount specified in item  
15 (1) of this subsection is demonstrated or until otherwise  
16 allowed by the Director.

17 (4) A health maintenance organization failing, without  
18 just cause, to comply with the provisions of this  
19 subsection shall be required, after notice and hearing, to  
20 pay a penalty of \$250 for each day out of compliance, to be  
21 recovered by the Director. Any penalty recovered shall be  
22 paid into the General Revenue Fund. The Director may  
23 reduce the penalty if the health maintenance organization  
24 demonstrates to the Director that the imposition of the  
25 penalty would constitute a financial hardship to the  
26 health maintenance organization.

1 (c) A health maintenance organization that offers a  
2 point-of-service product must do all of the following:

3 (1) File a quarterly financial statement detailing  
4 compliance with the requirements of subsection (b).

5 (2) Track out-of-plan, point-of-service utilization  
6 separately from in-plan or non-point-of-service,  
7 out-of-plan emergency care, referral care, and urgent care  
8 out of the service area utilization.

9 (3) Record out-of-plan utilization in a manner that  
10 will permit such utilization and cost reporting as the  
11 Director may, by rule, require.

12 (4) Demonstrate to the Director's satisfaction that  
13 the health maintenance organization has the fiscal,  
14 administrative, and marketing capacity to control its  
15 point-of-service enrollment, utilization, and costs so as  
16 not to jeopardize the financial security of the health  
17 maintenance organization.

18 (5) Maintain, in addition to any other deposit  
19 required under this Act, the deposit required by Section  
20 2-6.

21 (6) Maintain cash and cash equivalents of sufficient  
22 amount to fully liquidate 10 days' average claim payments,  
23 subject to review by the Director.

24 (7) Maintain and file with the Director, reinsurance  
25 coverage protecting against catastrophic losses on  
26 out-of-network ~~out of network~~ point-of-service services.

1 Deductibles may not exceed \$100,000 per covered life per  
2 year, and the portion of risk retained by the health  
3 maintenance organization once deductibles have been  
4 satisfied may not exceed 20%. Reinsurance must be placed  
5 with licensed authorized reinsurers qualified to do  
6 business in this State.

7 (d) A health maintenance organization may not issue a  
8 point-of-service contract until it has filed and had approved  
9 by the Director a plan to comply with the provisions of this  
10 Section. The compliance plan must, at a minimum, include  
11 provisions demonstrating that the health maintenance  
12 organization will do all of the following:

13 (1) Design the benefit levels and conditions of  
14 coverage for in-plan covered services and out-of-plan  
15 covered services as required by this Article.

16 (2) Provide or arrange for the provision of adequate  
17 systems to:

18 (A) process and pay claims for all out-of-plan  
19 covered services;

20 (B) meet the requirements for point-of-service  
21 contracts set forth in this Section and any additional  
22 requirements that may be set forth by the Director;  
23 and

24 (C) generate accurate data and financial and  
25 regulatory reports on a timely basis so that the  
26 Department of Insurance can evaluate the health

1 maintenance organization's experience with the  
2 point-of-service contract and monitor compliance with  
3 point-of-service contract provisions.

4 (3) Comply with the requirements of subsections (b)  
5 and (c).

6 (Source: P.A. 102-901, eff. 1-1-23; revised 12-9-22.)

7 (215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

8 Sec. 5-3. Insurance Code provisions.

9 (a) Health Maintenance Organizations shall be subject to  
10 the provisions of Sections 133, 134, 136, 137, 139, 140,  
11 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153,  
12 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a, 355.2,  
13 355.3, 355b, 355c, 356g.5-1, 356m, 356q, 356v, 356w, 356x,  
14 356y, 356z.2, 356z.3a, 356z.4, 356z.4a, 356z.5, 356z.6,  
15 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14,  
16 356z.15, 356z.17, 356z.18, 356z.19, 356z.21, 356z.22, 356z.25,  
17 356z.26, 356z.29, 356z.30, 356z.30a, 356z.32, 356z.33,  
18 356z.35, 356z.36, 356z.40, 356z.41, 356z.46, 356z.47, 356z.48,  
19 356z.50, 356z.51, 356z.53 ~~256z.53~~, 356z.54, 356z.56, 356z.57,  
20 356z.59, 356z.60, 364, 364.01, 364.3, 367.2, 367.2-5, 367i,  
21 368a, 368b, 368c, 368d, 368e, 370c, 370c.1, 401, 401.1, 402,  
22 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c)  
23 of subsection (2) of Section 367, and Articles IIA, VIII 1/2,  
24 XII, XII 1/2, XIII, XIII 1/2, XXV, XXVI, and XXXIIB of the  
25 Illinois Insurance Code.

1 (b) For purposes of the Illinois Insurance Code, except  
2 for Sections 444 and 444.1 and Articles XIII and XIII 1/2,  
3 Health Maintenance Organizations in the following categories  
4 are deemed to be "domestic companies":

5 (1) a corporation authorized under the Dental Service  
6 Plan Act or the Voluntary Health Services Plans Act;

7 (2) a corporation organized under the laws of this  
8 State; or

9 (3) a corporation organized under the laws of another  
10 state, 30% or more of the enrollees of which are residents  
11 of this State, except a corporation subject to  
12 substantially the same requirements in its state of  
13 organization as is a "domestic company" under Article VIII  
14 1/2 of the Illinois Insurance Code.

15 (c) In considering the merger, consolidation, or other  
16 acquisition of control of a Health Maintenance Organization  
17 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

18 (1) the Director shall give primary consideration to  
19 the continuation of benefits to enrollees and the  
20 financial conditions of the acquired Health Maintenance  
21 Organization after the merger, consolidation, or other  
22 acquisition of control takes effect;

23 (2) (i) the criteria specified in subsection (1) (b) of  
24 Section 131.8 of the Illinois Insurance Code shall not  
25 apply and (ii) the Director, in making his determination  
26 with respect to the merger, consolidation, or other

1 acquisition of control, need not take into account the  
2 effect on competition of the merger, consolidation, or  
3 other acquisition of control;

4 (3) the Director shall have the power to require the  
5 following information:

6 (A) certification by an independent actuary of the  
7 adequacy of the reserves of the Health Maintenance  
8 Organization sought to be acquired;

9 (B) pro forma financial statements reflecting the  
10 combined balance sheets of the acquiring company and  
11 the Health Maintenance Organization sought to be  
12 acquired as of the end of the preceding year and as of  
13 a date 90 days prior to the acquisition, as well as pro  
14 forma financial statements reflecting projected  
15 combined operation for a period of 2 years;

16 (C) a pro forma business plan detailing an  
17 acquiring party's plans with respect to the operation  
18 of the Health Maintenance Organization sought to be  
19 acquired for a period of not less than 3 years; and

20 (D) such other information as the Director shall  
21 require.

22 (d) The provisions of Article VIII 1/2 of the Illinois  
23 Insurance Code and this Section 5-3 shall apply to the sale by  
24 any health maintenance organization of greater than 10% of its  
25 enrollee population (including without limitation the health  
26 maintenance organization's right, title, and interest in and



1 to its health care certificates).

2 (e) In considering any management contract or service  
3 agreement subject to Section 141.1 of the Illinois Insurance  
4 Code, the Director (i) shall, in addition to the criteria  
5 specified in Section 141.2 of the Illinois Insurance Code,  
6 take into account the effect of the management contract or  
7 service agreement on the continuation of benefits to enrollees  
8 and the financial condition of the health maintenance  
9 organization to be managed or serviced, and (ii) need not take  
10 into account the effect of the management contract or service  
11 agreement on competition.

12 (f) Except for small employer groups as defined in the  
13 Small Employer Rating, Renewability and Portability Health  
14 Insurance Act and except for medicare supplement policies as  
15 defined in Section 363 of the Illinois Insurance Code, a  
16 Health Maintenance Organization may by contract agree with a  
17 group or other enrollment unit to effect refunds or charge  
18 additional premiums under the following terms and conditions:

19 (i) the amount of, and other terms and conditions with  
20 respect to, the refund or additional premium are set forth  
21 in the group or enrollment unit contract agreed in advance  
22 of the period for which a refund is to be paid or  
23 additional premium is to be charged (which period shall  
24 not be less than one year); and

25 (ii) the amount of the refund or additional premium  
26 shall not exceed 20% of the Health Maintenance

1 Organization's profitable or unprofitable experience with  
2 respect to the group or other enrollment unit for the  
3 period (and, for purposes of a refund or additional  
4 premium, the profitable or unprofitable experience shall  
5 be calculated taking into account a pro rata share of the  
6 Health Maintenance Organization's administrative and  
7 marketing expenses, but shall not include any refund to be  
8 made or additional premium to be paid pursuant to this  
9 subsection (f)). The Health Maintenance Organization and  
10 the group or enrollment unit may agree that the profitable  
11 or unprofitable experience may be calculated taking into  
12 account the refund period and the immediately preceding 2  
13 plan years.

14 The Health Maintenance Organization shall include a  
15 statement in the evidence of coverage issued to each enrollee  
16 describing the possibility of a refund or additional premium,  
17 and upon request of any group or enrollment unit, provide to  
18 the group or enrollment unit a description of the method used  
19 to calculate (1) the Health Maintenance Organization's  
20 profitable experience with respect to the group or enrollment  
21 unit and the resulting refund to the group or enrollment unit  
22 or (2) the Health Maintenance Organization's unprofitable  
23 experience with respect to the group or enrollment unit and  
24 the resulting additional premium to be paid by the group or  
25 enrollment unit.

26 In no event shall the Illinois Health Maintenance

1 Organization Guaranty Association be liable to pay any  
2 contractual obligation of an insolvent organization to pay any  
3 refund authorized under this Section.

4 (g) Rulemaking authority to implement Public Act 95-1045,  
5 if any, is conditioned on the rules being adopted in  
6 accordance with all provisions of the Illinois Administrative  
7 Procedure Act and all rules and procedures of the Joint  
8 Committee on Administrative Rules; any purported rule not so  
9 adopted, for whatever reason, is unauthorized.

10 (Source: P.A. 101-13, eff. 6-12-19; 101-81, eff. 7-12-19;  
11 101-281, eff. 1-1-20; 101-371, eff. 1-1-20; 101-393, eff.  
12 1-1-20; 101-452, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625,  
13 eff. 1-1-21; 102-30, eff. 1-1-22; 102-34, eff. 6-25-21;  
14 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff.  
15 1-1-22; 102-589, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665,  
16 eff. 10-8-21; 102-731, eff. 1-1-23; 102-775, eff. 5-13-22;  
17 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff.  
18 1-1-23; 102-860, eff. 1-1-23; 102-901, eff. 7-1-22; 102-1093,  
19 eff. 1-1-23; 102-1117, eff. 1-13-23; revised 1-22-23.)

20 Section 445. The Managed Care Reform and Patient Rights  
21 Act is amended by changing Sections 15 and 45.1 as follows:

22 (215 ILCS 134/15)

23 Sec. 15. Provision of information.

24 (a) A health care plan shall provide annually to enrollees

1 and prospective enrollees, upon request, a complete list of  
2 participating health care providers in the health care plan's  
3 service area and a description of the following terms of  
4 coverage:

5 (1) the service area;

6 (2) the covered benefits and services with all  
7 exclusions, exceptions, and limitations;

8 (3) the pre-certification and other utilization review  
9 procedures and requirements;

10 (4) a description of the process for the selection of  
11 a primary care physician, any limitation on access to  
12 specialists, and the plan's standing referral policy;

13 (5) the emergency coverage and benefits, including any  
14 restrictions on emergency care services;

15 (6) the out-of-area coverage and benefits, if any;

16 (7) the enrollee's financial responsibility for  
17 copayments, deductibles, premiums, and any other  
18 out-of-pocket expenses;

19 (8) the provisions for continuity of treatment in the  
20 event a health care provider's participation terminates  
21 during the course of an enrollee's treatment by that  
22 provider;

23 (9) the appeals process, forms, and time frames for  
24 health care services appeals, complaints, and external  
25 independent reviews, administrative complaints, and  
26 utilization review complaints, including a phone number to

1 call to receive more information from the health care plan  
2 concerning the appeals process; and

3 (10) a statement of all basic health care services and  
4 all specific benefits and services mandated to be provided  
5 to enrollees by any State law or administrative rule.

6 (a-5) Without limiting the generality of subsection (a) of  
7 this Section, no qualified health plans shall be offered for  
8 sale directly to consumers through the health insurance  
9 marketplace operating in the State in accordance with Sections  
10 1311 and 1321 of the federal Patient Protection and Affordable  
11 Care Act ~~of 2010~~ (Public Law 111-148), as amended by the  
12 federal Health Care and Education Reconciliation Act of 2010  
13 (Public Law 111-152), and any amendments thereto, or  
14 regulations or guidance issued thereunder (collectively, "the  
15 Federal Act"), unless, in addition to the information required  
16 under subsection (a) of this Section, the following  
17 information is available to the consumer at the time he or she  
18 is comparing health care plans and their premiums:

19 (1) With respect to prescription drug benefits, the  
20 most recently published formulary where a consumer can  
21 view in one location covered prescription drugs;  
22 information on tiering and the cost-sharing structure for  
23 each tier; and information about how a consumer can obtain  
24 specific copayment amounts or coinsurance percentages for  
25 a specific qualified health plan before enrolling in that  
26 plan. This information shall clearly identify the

1 qualified health plan to which it applies.

2 (2) The most recently published provider directory  
3 where a consumer can view the provider network that  
4 applies to each qualified health plan and information  
5 about each provider, including location, contact  
6 information, specialty, medical group, if any, any  
7 institutional affiliation, and whether the provider is  
8 accepting new patients. The information shall clearly  
9 identify the qualified health plan to which it applies.

10 In the event of an inconsistency between any separate  
11 written disclosure statement and the enrollee contract or  
12 certificate, the terms of the enrollee contract or certificate  
13 shall control.

14 (b) Upon written request, a health care plan shall provide  
15 to enrollees a description of the financial relationships  
16 between the health care plan and any health care provider and,  
17 if requested, the percentage of copayments, deductibles, and  
18 total premiums spent on healthcare related expenses and the  
19 percentage of copayments, deductibles, and total premiums  
20 spent on other expenses, including administrative expenses,  
21 except that no health care plan shall be required to disclose  
22 specific provider reimbursement.

23 (c) A participating health care provider shall provide all  
24 of the following, where applicable, to enrollees upon request:

25 (1) Information related to the health care provider's  
26 educational background, experience, training, specialty,

1 and board certification, if applicable.

2 (2) The names of licensed facilities on the provider  
3 panel where the health care provider presently has  
4 privileges for the treatment, illness, or procedure that  
5 is the subject of the request.

6 (3) Information regarding the health care provider's  
7 participation in continuing education programs and  
8 compliance with any licensure, certification, or  
9 registration requirements, if applicable.

10 (d) A health care plan shall provide the information  
11 required to be disclosed under this Act upon enrollment and  
12 annually thereafter in a legible and understandable format.  
13 The Department shall promulgate rules to establish the format  
14 based, to the extent practical, on the standards developed for  
15 supplemental insurance coverage under Title XVIII of the  
16 federal Social Security Act as a guide, so that a person can  
17 compare the attributes of the various health care plans.

18 (e) The written disclosure requirements of this Section  
19 may be met by disclosure to one enrollee in a household.

20 (f) Each issuer of qualified health plans for sale  
21 directly to consumers through the health insurance marketplace  
22 operating in the State shall make the information described in  
23 subsection (a) of this Section, for each qualified health plan  
24 that it offers, available and accessible to the general public  
25 on the company's Internet website and through other means for  
26 individuals without access to the Internet.

1 (g) The Department shall ensure that State-operated  
2 Internet websites, in addition to the Internet website for the  
3 health insurance marketplace established in this State in  
4 accordance with the Federal Act and its implementing  
5 regulations, prominently provide links to Internet-based  
6 materials and tools to help consumers be informed purchasers  
7 of health care plans.

8 (h) Nothing in this Section shall be interpreted or  
9 implemented in a manner not consistent with the Federal Act.  
10 This Section shall apply to all qualified health plans offered  
11 for sale directly to consumers through the health insurance  
12 marketplace operating in this State for any coverage year  
13 beginning on or after January 1, 2015.

14 (Source: P.A. 98-1035, eff. 8-25-14; revised 6-2-22.)

15 (215 ILCS 134/45.1)

16 Sec. 45.1. Medical exceptions procedures required.

17 (a) Notwithstanding any other provision of law, on or  
18 after January 1, 2018 (the effective date of Public Act  
19 99-761) ~~this amendatory Act of the 99th General Assembly,~~  
20 every insurer licensed in this State to sell a policy of group  
21 or individual accident and health insurance or a health  
22 benefits plan shall establish and maintain a medical  
23 exceptions process that allows covered persons or their  
24 authorized representatives to request any clinically  
25 appropriate prescription drug when (1) the drug is not covered



1 based on the health benefit plan's formulary; (2) the health  
2 benefit plan is discontinuing coverage of the drug on the  
3 plan's formulary for reasons other than safety or other than  
4 because the prescription drug has been withdrawn from the  
5 market by the drug's manufacturer; (3) the prescription drug  
6 alternatives required to be used in accordance with a step  
7 therapy requirement (A) has been ineffective in the treatment  
8 of the enrollee's disease or medical condition or, based on  
9 both sound clinical evidence and medical and scientific  
10 evidence, the known relevant physical or mental  
11 characteristics of the enrollee, and the known characteristics  
12 of the drug regimen, is likely to be ineffective or adversely  
13 affect the drug's effectiveness or patient compliance or (B)  
14 has caused or, based on sound medical evidence, is likely to  
15 cause an adverse reaction or harm to the enrollee; or (4) the  
16 number of doses available under a dose restriction for the  
17 prescription drug (A) has been ineffective in the treatment of  
18 the enrollee's disease or medical condition or (B) based on  
19 both sound clinical evidence and medical and scientific  
20 evidence, the known relevant physical and mental  
21 characteristics of the enrollee, and known characteristics of  
22 the drug regimen, is likely to be ineffective or adversely  
23 affect the drug's effective or patient compliance.

24 (b) The health carrier's established medical exceptions  
25 procedures must require, at a minimum, the following:

26 (1) Any request for approval of coverage made verbally

1 or in writing (regardless of whether made using a paper or  
2 electronic form or some other writing) at any time shall  
3 be reviewed by appropriate health care professionals.

4 (2) The health carrier must, within 72 hours after  
5 receipt of a request made under subsection (a) of this  
6 Section, either approve or deny the request. In the case  
7 of a denial, the health carrier shall provide the covered  
8 person or the covered person's authorized representative  
9 and the covered person's prescribing provider with the  
10 reason for the denial, an alternative covered medication,  
11 if applicable, and information regarding the procedure for  
12 submitting an appeal to the denial.

13 (3) In the case of an expedited coverage  
14 determination, the health carrier must either approve or  
15 deny the request within 24 hours after receipt of the  
16 request. In the case of a denial, the health carrier shall  
17 provide the covered person or the covered person's  
18 authorized representative and the covered person's  
19 prescribing provider with the reason for the denial, an  
20 alternative covered medication, if applicable, and  
21 information regarding the procedure for submitting an  
22 appeal to the denial.

23 (c) A step therapy requirement exception request shall be  
24 approved if:

25 (1) the required prescription drug is contraindicated;

26 (2) the patient has tried the required prescription

1 drug while under the patient's current or previous health  
2 insurance or health benefit plan and the prescribing  
3 provider submits evidence of failure or intolerance; or

4 (3) the patient is stable on a prescription drug  
5 selected by his or her health care provider for the  
6 medical condition under consideration while on a current  
7 or previous health insurance or health benefit plan.

8 (d) Upon the granting of an exception request, the  
9 insurer, health plan, utilization review organization, or  
10 other entity shall authorize the coverage for the drug  
11 prescribed by the enrollee's treating health care provider, to  
12 the extent the prescribed drug is a covered drug under the  
13 policy or contract up to the quantity covered.

14 (e) Any approval of a medical exception request made  
15 pursuant to this Section shall be honored for 12 months  
16 following the date of the approval or until renewal of the  
17 plan.

18 (f) Notwithstanding any other provision of this Section,  
19 nothing in this Section shall be interpreted or implemented in  
20 a manner not consistent with the federal Patient Protection  
21 and Affordable Care Act ~~of 2010~~ (Public Law 111-148), as  
22 amended by the federal Health Care and Education  
23 Reconciliation Act of 2010 (Public Law 111-152), and any  
24 amendments thereto, or regulations or guidance issued under  
25 those Acts.

26 (g) Nothing in this Section shall require or authorize the

1 State agency responsible for the administration of the medical  
2 assistance program established under the Illinois Public Aid  
3 Code to approve, supply, or cover prescription drugs pursuant  
4 to the procedure established in this Section.

5 (Source: P.A. 98-1035, eff. 8-25-14; 99-761, eff. 1-1-18;  
6 revised 6-6-22.)

7 Section 450. The Viatical Settlements Act of 2009 is  
8 amended by changing Section 20 as follows:

9 (215 ILCS 159/20)

10 Sec. 20. Approval of viatical settlement contracts and  
11 disclosure statements. A person shall not use a viatical  
12 settlement contract form or provide to a viator a disclosure  
13 statement form in this State unless first filed with and  
14 approved by the Director. The Director shall disapprove a  
15 viatical settlement contract form or disclosure statement form  
16 if, in the Director's opinion, the contract or provisions  
17 contained therein fail to meet the requirements of this Act or  
18 are unreasonable, contrary to the interests of the public, or  
19 otherwise misleading or unfair to the viator. At the  
20 Director's discretion, the Director may require the submission  
21 of advertising material. If the Director disapproves a  
22 viatical settlement contract form or disclosure statement  
23 form, then the Director shall notify the viatical settlement  
24 provider and advise the viatical settlement provider, in

1 writing, of the reason for the disapproval. The viatical  
2 settlement provider may make written demand upon the Director  
3 within 30 days after the date of mailing for a hearing before  
4 the Director to determine the reasonableness of the Director's  
5 action. The hearing must be held within not fewer than 20 days  
6 nor more than 30 days after the mailing of the notice of  
7 hearing and shall be held in accordance with the Illinois  
8 Administrative Procedure Act and 50 Ill. Adm. ~~Admin.~~ Code  
9 2402.

10 (Source: P.A. 96-736, eff. 7-1-10; revised 2-28-22.)

11 Section 455. The Public Utilities Act is amended by  
12 changing Sections 7-213, 8-103B, 8-201.4, 14-102, 14-103,  
13 14-104, and 16-108.5 as follows:

14 (220 ILCS 5/7-213)

15 Sec. 7-213. Limitations on the transfer of water systems.

16 (a) In the event of a sale, purchase, or any other transfer  
17 of ownership, including, without limitation, the acquisition  
18 by eminent domain, of a water system, as defined under Section  
19 11-124-5 ~~11-124-10~~ of the Illinois Municipal Code, operated by  
20 a privately held public water utility, the water utility's  
21 contract or agreements with the acquiring entity (or, in the  
22 case of an eminent domain action, the court order) must  
23 require that the acquiring entity hire a sufficient number of  
24 non-supervisory employees to operate and maintain the water

1 system by initially making offers of employment to the  
2 non-supervisory workforce of the water system at no less than  
3 the wage rates, and substantially equivalent fringe benefits  
4 and terms and conditions of employment that are in effect at  
5 the time of transfer of ownership of the water system. The wage  
6 rates and substantially equivalent fringe benefits and terms  
7 and conditions of employment must continue for at least 30  
8 months after the time of the transfer of ownership unless the  
9 parties mutually agree to different terms and conditions of  
10 employment within that 30-month period.

11 (b) The privately held public water utility shall offer a  
12 transition plan to those employees who are not offered jobs by  
13 the acquiring entity because that entity has a need for fewer  
14 workers. The transition plan shall mitigate employee job  
15 losses to the extent practical through such means as offers of  
16 voluntary severance, retraining, early retirement, out  
17 placement, or related benefits. Before any reduction in the  
18 workforce during a water system transaction, the privately  
19 held public water utility shall present to the employees, or  
20 their representatives, a transition plan outlining the means  
21 by which the utility intends to mitigate the impact of the  
22 workforce reduction of its employees.

23 (Source: P.A. 94-1007, eff. 1-1-07; revised 8-22-22.)

24 (220 ILCS 5/8-103B)

25 Sec. 8-103B. Energy efficiency and demand-response

1 measures.

2 (a) It is the policy of the State that electric utilities  
3 are required to use cost-effective energy efficiency and  
4 demand-response measures to reduce delivery load. Requiring  
5 investment in cost-effective energy efficiency and  
6 demand-response measures will reduce direct and indirect costs  
7 to consumers by decreasing environmental impacts and by  
8 avoiding or delaying the need for new generation,  
9 transmission, and distribution infrastructure. It serves the  
10 public interest to allow electric utilities to recover costs  
11 for reasonably and prudently incurred expenditures for energy  
12 efficiency and demand-response measures. As used in this  
13 Section, "cost-effective" means that the measures satisfy the  
14 total resource cost test. The low-income measures described in  
15 subsection (c) of this Section shall not be required to meet  
16 the total resource cost test. For purposes of this Section,  
17 the terms "energy-efficiency", "demand-response", "electric  
18 utility", and "total resource cost test" have the meanings set  
19 forth in the Illinois Power Agency Act. "Black, indigenous,  
20 and people of color" and "BIPOC" means people who are members  
21 of the groups described in subparagraphs (a) through (e) of  
22 paragraph (A) of subsection (1) of Section 2 of the Business  
23 Enterprise for Minorities, Women, and Persons with  
24 Disabilities Act.

25 (a-5) This Section applies to electric utilities serving  
26 more than 500,000 retail customers in the State for those

1 multi-year plans commencing after December 31, 2017.

2 (b) For purposes of this Section, electric utilities  
3 subject to this Section that serve more than 3,000,000 retail  
4 customers in the State shall be deemed to have achieved a  
5 cumulative persisting annual savings of 6.6% from energy  
6 efficiency measures and programs implemented during the period  
7 beginning January 1, 2012 and ending December 31, 2017, which  
8 percent is based on the deemed average weather normalized  
9 sales of electric power and energy during calendar years 2014,  
10 2015, and 2016 of 88,000,000 MWhs. For the purposes of this  
11 subsection (b) and subsection (b-5), the 88,000,000 MWhs of  
12 deemed electric power and energy sales shall be reduced by the  
13 number of MWhs equal to the sum of the annual consumption of  
14 customers that have opted out of subsections (a) through (j)  
15 of this Section under paragraph (1) of subsection (l) of this  
16 Section, as averaged across the calendar years 2014, 2015, and  
17 2016. After 2017, the deemed value of cumulative persisting  
18 annual savings from energy efficiency measures and programs  
19 implemented during the period beginning January 1, 2012 and  
20 ending December 31, 2017, shall be reduced each year, as  
21 follows, and the applicable value shall be applied to and  
22 count toward the utility's achievement of the cumulative  
23 persisting annual savings goals set forth in subsection (b-5):

24 (1) 5.8% deemed cumulative persisting annual savings  
25 for the year ending December 31, 2018;

26 (2) 5.2% deemed cumulative persisting annual savings



- 1 for the year ending December 31, 2019;
- 2 (3) 4.5% deemed cumulative persisting annual savings
- 3 for the year ending December 31, 2020;
- 4 (4) 4.0% deemed cumulative persisting annual savings
- 5 for the year ending December 31, 2021;
- 6 (5) 3.5% deemed cumulative persisting annual savings
- 7 for the year ending December 31, 2022;
- 8 (6) 3.1% deemed cumulative persisting annual savings
- 9 for the year ending December 31, 2023;
- 10 (7) 2.8% deemed cumulative persisting annual savings
- 11 for the year ending December 31, 2024;
- 12 (8) 2.5% deemed cumulative persisting annual savings
- 13 for the year ending December 31, 2025;
- 14 (9) 2.3% deemed cumulative persisting annual savings
- 15 for the year ending December 31, 2026;
- 16 (10) 2.1% deemed cumulative persisting annual savings
- 17 for the year ending December 31, 2027;
- 18 (11) 1.8% deemed cumulative persisting annual savings
- 19 for the year ending December 31, 2028;
- 20 (12) 1.7% deemed cumulative persisting annual savings
- 21 for the year ending December 31, 2029;
- 22 (13) 1.5% deemed cumulative persisting annual savings
- 23 for the year ending December 31, 2030;
- 24 (14) 1.3% deemed cumulative persisting annual savings
- 25 for the year ending December 31, 2031;
- 26 (15) 1.1% deemed cumulative persisting annual savings

1 for the year ending December 31, 2032;

2 (16) 0.9% deemed cumulative persisting annual savings  
3 for the year ending December 31, 2033;

4 (17) 0.7% deemed cumulative persisting annual savings  
5 for the year ending December 31, 2034;

6 (18) 0.5% deemed cumulative persisting annual savings  
7 for the year ending December 31, 2035;

8 (19) 0.4% deemed cumulative persisting annual savings  
9 for the year ending December 31, 2036;

10 (20) 0.3% deemed cumulative persisting annual savings  
11 for the year ending December 31, 2037;

12 (21) 0.2% deemed cumulative persisting annual savings  
13 for the year ending December 31, 2038;

14 (22) 0.1% deemed cumulative persisting annual savings  
15 for the year ending December 31, 2039; and

16 (23) 0.0% deemed cumulative persisting annual savings  
17 for the year ending December 31, 2040 and all subsequent  
18 years.

19 For purposes of this Section, "cumulative persisting  
20 annual savings" means the total electric energy savings in a  
21 given year from measures installed in that year or in previous  
22 years, but no earlier than January 1, 2012, that are still  
23 operational and providing savings in that year because the  
24 measures have not yet reached the end of their useful lives.

25 (b-5) Beginning in 2018, electric utilities subject to  
26 this Section that serve more than 3,000,000 retail customers

1 in the State shall achieve the following cumulative persisting  
2 annual savings goals, as modified by subsection (f) of this  
3 Section and as compared to the deemed baseline of 88,000,000  
4 MWhs of electric power and energy sales set forth in  
5 subsection (b), as reduced by the number of MWhs equal to the  
6 sum of the annual consumption of customers that have opted out  
7 of subsections (a) through (j) of this Section under paragraph  
8 (1) of subsection (l) of this Section as averaged across the  
9 calendar years 2014, 2015, and 2016, through the  
10 implementation of energy efficiency measures during the  
11 applicable year and in prior years, but no earlier than  
12 January 1, 2012:

13 (1) 7.8% cumulative persisting annual savings for the  
14 year ending December 31, 2018;

15 (2) 9.1% cumulative persisting annual savings for the  
16 year ending December 31, 2019;

17 (3) 10.4% cumulative persisting annual savings for the  
18 year ending December 31, 2020;

19 (4) 11.8% cumulative persisting annual savings for the  
20 year ending December 31, 2021;

21 (5) 13.1% cumulative persisting annual savings for the  
22 year ending December 31, 2022;

23 (6) 14.4% cumulative persisting annual savings for the  
24 year ending December 31, 2023;

25 (7) 15.7% cumulative persisting annual savings for the  
26 year ending December 31, 2024;

1           (8) 17% cumulative persisting annual savings for the  
2           year ending December 31, 2025;

3           (9) 17.9% cumulative persisting annual savings for the  
4           year ending December 31, 2026;

5           (10) 18.8% cumulative persisting annual savings for  
6           the year ending December 31, 2027;

7           (11) 19.7% cumulative persisting annual savings for  
8           the year ending December 31, 2028;

9           (12) 20.6% cumulative persisting annual savings for  
10          the year ending December 31, 2029; and

11          (13) 21.5% cumulative persisting annual savings for  
12          the year ending December 31, 2030.

13          No later than December 31, 2021, the Illinois Commerce  
14          Commission shall establish additional cumulative persisting  
15          annual savings goals for the years 2031 through 2035. No later  
16          than December 31, 2024, the Illinois Commerce Commission shall  
17          establish additional cumulative persisting annual savings  
18          goals for the years 2036 through 2040. The Commission shall  
19          also establish additional cumulative persisting annual savings  
20          goals every 5 years thereafter to ensure that utilities always  
21          have goals that extend at least 11 years into the future. The  
22          cumulative persisting annual savings goals beyond the year  
23          2030 shall increase by 0.9 percentage points per year, absent  
24          a Commission decision to initiate a proceeding to consider  
25          establishing goals that increase by more or less than that  
26          amount. Such a proceeding must be conducted in accordance with

1 the procedures described in subsection (f) of this Section. If  
2 such a proceeding is initiated, the cumulative persisting  
3 annual savings goals established by the Commission through  
4 that proceeding shall reflect the Commission's best estimate  
5 of the maximum amount of additional savings that are forecast  
6 to be cost-effectively achievable unless such best estimates  
7 would result in goals that represent less than 0.5 percentage  
8 point annual increases in total cumulative persisting annual  
9 savings. The Commission may only establish goals that  
10 represent less than 0.5 percentage point annual increases in  
11 cumulative persisting annual savings if it can demonstrate,  
12 based on clear and convincing evidence and through independent  
13 analysis, that 0.5 percentage point increases are not  
14 cost-effectively achievable. The Commission shall inform its  
15 decision based on an energy efficiency potential study that  
16 conforms to the requirements of this Section.

17 (b-10) For purposes of this Section, electric utilities  
18 subject to this Section that serve less than 3,000,000 retail  
19 customers but more than 500,000 retail customers in the State  
20 shall be deemed to have achieved a cumulative persisting  
21 annual savings of 6.6% from energy efficiency measures and  
22 programs implemented during the period beginning January 1,  
23 2012 and ending December 31, 2017, which is based on the deemed  
24 average weather normalized sales of electric power and energy  
25 during calendar years 2014, 2015, and 2016 of 36,900,000 MWhs.  
26 For the purposes of this subsection (b-10) and subsection

1 (b-15), the 36,900,000 MWhs of deemed electric power and  
2 energy sales shall be reduced by the number of MWhs equal to  
3 the sum of the annual consumption of customers that have opted  
4 out of subsections (a) through (j) of this Section under  
5 paragraph (1) of subsection (l) of this Section, as averaged  
6 across the calendar years 2014, 2015, and 2016. After 2017,  
7 the deemed value of cumulative persisting annual savings from  
8 energy efficiency measures and programs implemented during the  
9 period beginning January 1, 2012 and ending December 31, 2017,  
10 shall be reduced each year, as follows, and the applicable  
11 value shall be applied to and count toward the utility's  
12 achievement of the cumulative persisting annual savings goals  
13 set forth in subsection (b-15):

14 (1) 5.8% deemed cumulative persisting annual savings  
15 for the year ending December 31, 2018;

16 (2) 5.2% deemed cumulative persisting annual savings  
17 for the year ending December 31, 2019;

18 (3) 4.5% deemed cumulative persisting annual savings  
19 for the year ending December 31, 2020;

20 (4) 4.0% deemed cumulative persisting annual savings  
21 for the year ending December 31, 2021;

22 (5) 3.5% deemed cumulative persisting annual savings  
23 for the year ending December 31, 2022;

24 (6) 3.1% deemed cumulative persisting annual savings  
25 for the year ending December 31, 2023;

26 (7) 2.8% deemed cumulative persisting annual savings

1 for the year ending December 31, 2024;

2 (8) 2.5% deemed cumulative persisting annual savings

3 for the year ending December 31, 2025;

4 (9) 2.3% deemed cumulative persisting annual savings

5 for the year ending December 31, 2026;

6 (10) 2.1% deemed cumulative persisting annual savings

7 for the year ending December 31, 2027;

8 (11) 1.8% deemed cumulative persisting annual savings

9 for the year ending December 31, 2028;

10 (12) 1.7% deemed cumulative persisting annual savings

11 for the year ending December 31, 2029;

12 (13) 1.5% deemed cumulative persisting annual savings

13 for the year ending December 31, 2030;

14 (14) 1.3% deemed cumulative persisting annual savings

15 for the year ending December 31, 2031;

16 (15) 1.1% deemed cumulative persisting annual savings

17 for the year ending December 31, 2032;

18 (16) 0.9% deemed cumulative persisting annual savings

19 for the year ending December 31, 2033;

20 (17) 0.7% deemed cumulative persisting annual savings

21 for the year ending December 31, 2034;

22 (18) 0.5% deemed cumulative persisting annual savings

23 for the year ending December 31, 2035;

24 (19) 0.4% deemed cumulative persisting annual savings

25 for the year ending December 31, 2036;

26 (20) 0.3% deemed cumulative persisting annual savings

1 for the year ending December 31, 2037;

2 (21) 0.2% deemed cumulative persisting annual savings  
3 for the year ending December 31, 2038;

4 (22) 0.1% deemed cumulative persisting annual savings  
5 for the year ending December 31, 2039; and

6 (23) 0.0% deemed cumulative persisting annual savings  
7 for the year ending December 31, 2040 and all subsequent  
8 years.

9 (b-15) Beginning in 2018, electric utilities subject to  
10 this Section that serve less than 3,000,000 retail customers  
11 but more than 500,000 retail customers in the State shall  
12 achieve the following cumulative persisting annual savings  
13 goals, as modified by subsection (b-20) and subsection (f) of  
14 this Section and as compared to the deemed baseline as reduced  
15 by the number of MWhs equal to the sum of the annual  
16 consumption of customers that have opted out of subsections  
17 (a) through (j) of this Section under paragraph (1) of  
18 subsection (1) of this Section as averaged across the calendar  
19 years 2014, 2015, and 2016, through the implementation of  
20 energy efficiency measures during the applicable year and in  
21 prior years, but no earlier than January 1, 2012:

22 (1) 7.4% cumulative persisting annual savings for the  
23 year ending December 31, 2018;

24 (2) 8.2% cumulative persisting annual savings for the  
25 year ending December 31, 2019;

26 (3) 9.0% cumulative persisting annual savings for the



1 year ending December 31, 2020;

2 (4) 9.8% cumulative persisting annual savings for the  
3 year ending December 31, 2021;

4 (5) 10.6% cumulative persisting annual savings for the  
5 year ending December 31, 2022;

6 (6) 11.4% cumulative persisting annual savings for the  
7 year ending December 31, 2023;

8 (7) 12.2% cumulative persisting annual savings for the  
9 year ending December 31, 2024;

10 (8) 13% cumulative persisting annual savings for the  
11 year ending December 31, 2025;

12 (9) 13.6% cumulative persisting annual savings for the  
13 year ending December 31, 2026;

14 (10) 14.2% cumulative persisting annual savings for  
15 the year ending December 31, 2027;

16 (11) 14.8% cumulative persisting annual savings for  
17 the year ending December 31, 2028;

18 (12) 15.4% cumulative persisting annual savings for  
19 the year ending December 31, 2029; and

20 (13) 16% cumulative persisting annual savings for the  
21 year ending December 31, 2030.

22 No later than December 31, 2021, the Illinois Commerce  
23 Commission shall establish additional cumulative persisting  
24 annual savings goals for the years 2031 through 2035. No later  
25 than December 31, 2024, the Illinois Commerce Commission shall  
26 establish additional cumulative persisting annual savings

1 goals for the years 2036 through 2040. The Commission shall  
2 also establish additional cumulative persisting annual savings  
3 goals every 5 years thereafter to ensure that utilities always  
4 have goals that extend at least 11 years into the future. The  
5 cumulative persisting annual savings goals beyond the year  
6 2030 shall increase by 0.6 percentage points per year, absent  
7 a Commission decision to initiate a proceeding to consider  
8 establishing goals that increase by more or less than that  
9 amount. Such a proceeding must be conducted in accordance with  
10 the procedures described in subsection (f) of this Section. If  
11 such a proceeding is initiated, the cumulative persisting  
12 annual savings goals established by the Commission through  
13 that proceeding shall reflect the Commission's best estimate  
14 of the maximum amount of additional savings that are forecast  
15 to be cost-effectively achievable unless such best estimates  
16 would result in goals that represent less than 0.4 percentage  
17 point annual increases in total cumulative persisting annual  
18 savings. The Commission may only establish goals that  
19 represent less than 0.4 percentage point annual increases in  
20 cumulative persisting annual savings if it can demonstrate,  
21 based on clear and convincing evidence and through independent  
22 analysis, that 0.4 percentage point increases are not  
23 cost-effectively achievable. The Commission shall inform its  
24 decision based on an energy efficiency potential study that  
25 conforms to the requirements of this Section.

26 (b-20) Each electric utility subject to this Section may

1 include cost-effective voltage optimization measures in its  
2 plans submitted under subsections (f) and (g) of this Section,  
3 and the costs incurred by a utility to implement the measures  
4 under a Commission-approved plan shall be recovered under the  
5 provisions of Article IX or Section 16-108.5 of this Act. For  
6 purposes of this Section, the measure life of voltage  
7 optimization measures shall be 15 years. The measure life  
8 period is independent of the depreciation rate of the voltage  
9 optimization assets deployed. Utilities may claim savings from  
10 voltage optimization on circuits for more than 15 years if  
11 they can demonstrate that they have made additional  
12 investments necessary to enable voltage optimization savings  
13 to continue beyond 15 years. Such demonstrations must be  
14 subject to the review of independent evaluation.

15 Within 270 days after June 1, 2017 (the effective date of  
16 Public Act 99-906), an electric utility that serves less than  
17 3,000,000 retail customers but more than 500,000 retail  
18 customers in the State shall file a plan with the Commission  
19 that identifies the cost-effective voltage optimization  
20 investment the electric utility plans to undertake through  
21 December 31, 2024. The Commission, after notice and hearing,  
22 shall approve or approve with modification the plan within 120  
23 days after the plan's filing and, in the order approving or  
24 approving with modification the plan, the Commission shall  
25 adjust the applicable cumulative persisting annual savings  
26 goals set forth in subsection (b-15) to reflect any amount of

1 cost-effective energy savings approved by the Commission that  
2 is greater than or less than the following cumulative  
3 persisting annual savings values attributable to voltage  
4 optimization for the applicable year:

5 (1) 0.0% of cumulative persisting annual savings for  
6 the year ending December 31, 2018;

7 (2) 0.17% of cumulative persisting annual savings for  
8 the year ending December 31, 2019;

9 (3) 0.17% of cumulative persisting annual savings for  
10 the year ending December 31, 2020;

11 (4) 0.33% of cumulative persisting annual savings for  
12 the year ending December 31, 2021;

13 (5) 0.5% of cumulative persisting annual savings for  
14 the year ending December 31, 2022;

15 (6) 0.67% of cumulative persisting annual savings for  
16 the year ending December 31, 2023;

17 (7) 0.83% of cumulative persisting annual savings for  
18 the year ending December 31, 2024; and

19 (8) 1.0% of cumulative persisting annual savings for  
20 the year ending December 31, 2025 and all subsequent  
21 years.

22 (b-25) In the event an electric utility jointly offers an  
23 energy efficiency measure or program with a gas utility under  
24 plans approved under this Section and Section 8-104 of this  
25 Act, the electric utility may continue offering the program,  
26 including the gas energy efficiency measures, in the event the

1 gas utility discontinues funding the program. In that event,  
2 the energy savings value associated with such other fuels  
3 shall be converted to electric energy savings on an equivalent  
4 Btu basis for the premises. However, the electric utility  
5 shall prioritize programs for low-income residential customers  
6 to the extent practicable. An electric utility may recover the  
7 costs of offering the gas energy efficiency measures under  
8 this subsection (b-25).

9 For those energy efficiency measures or programs that save  
10 both electricity and other fuels but are not jointly offered  
11 with a gas utility under plans approved under this Section and  
12 Section 8-104 or not offered with an affiliated gas utility  
13 under paragraph (6) of subsection (f) of Section 8-104 of this  
14 Act, the electric utility may count savings of fuels other  
15 than electricity toward the achievement of its annual savings  
16 goal, and the energy savings value associated with such other  
17 fuels shall be converted to electric energy savings on an  
18 equivalent Btu basis at the premises.

19 In no event shall more than 10% of each year's applicable  
20 annual total savings requirement as defined in paragraph (7.5)  
21 of subsection (g) of this Section be met through savings of  
22 fuels other than electricity.

23 (b-27) Beginning in 2022, an electric utility may offer  
24 and promote measures that electrify space heating, water  
25 heating, cooling, drying, cooking, industrial processes, and  
26 other building and industrial end uses that would otherwise be

1 served by combustion of fossil fuel at the premises, provided  
2 that the electrification measures reduce total energy  
3 consumption at the premises. The electric utility may count  
4 the reduction in energy consumption at the premises toward  
5 achievement of its annual savings goals. The reduction in  
6 energy consumption at the premises shall be calculated as the  
7 difference between: (A) the reduction in Btu consumption of  
8 fossil fuels as a result of electrification, converted to  
9 kilowatt-hour equivalents by dividing by 3,412 Btus ~~Btu's~~ per  
10 kilowatt hour; and (B) the increase in kilowatt hours of  
11 electricity consumption resulting from the displacement of  
12 fossil fuel consumption as a result of electrification. An  
13 electric utility may recover the costs of offering and  
14 promoting electrification measures under this subsection  
15 (b-27).

16 In no event shall electrification savings counted toward  
17 each year's applicable annual total savings requirement, as  
18 defined in paragraph (7.5) of subsection (g) of this Section,  
19 be greater than:

20 (1) 5% per year for each year from 2022 through 2025;

21 (2) 10% per year for each year from 2026 through 2029;

22 and

23 (3) 15% per year for 2030 and all subsequent years.

24 In addition, a minimum of 25% of all electrification savings  
25 counted toward a utility's applicable annual total savings  
26 requirement must be from electrification of end uses in

1 low-income housing. The limitations on electrification savings  
2 that may be counted toward a utility's annual savings goals  
3 are separate from and in addition to the subsection (b-25)  
4 limitations governing the counting of the other fuel savings  
5 resulting from efficiency measures and programs.

6 As part of the annual informational filing to the  
7 Commission that is required under paragraph (9) of subsection  
8 (g) of this Section, each utility shall identify the specific  
9 electrification measures offered under this subsection  
10 ~~subsection~~ (b-27); the quantity of each electrification  
11 measure that was installed by its customers; the average total  
12 cost, average utility cost, average reduction in fossil fuel  
13 consumption, and average increase in electricity consumption  
14 associated with each electrification measure; the portion of  
15 installations of each electrification measure that were in  
16 low-income single-family housing, low-income multifamily  
17 housing, non-low-income single-family housing, non-low-income  
18 multifamily housing, commercial buildings, and industrial  
19 facilities; and the quantity of savings associated with each  
20 measure category in each customer category that are being  
21 counted toward the utility's applicable annual total savings  
22 requirement. Prior to installing an electrification measure,  
23 the utility shall provide a customer with an estimate of the  
24 impact of the new measure on the customer's average monthly  
25 electric bill and total annual energy expenses.

26 (c) Electric utilities shall be responsible for overseeing

1 the design, development, and filing of energy efficiency plans  
2 with the Commission and may, as part of that implementation,  
3 outsource various aspects of program development and  
4 implementation. A minimum of 10%, for electric utilities that  
5 serve more than 3,000,000 retail customers in the State, and a  
6 minimum of 7%, for electric utilities that serve less than  
7 3,000,000 retail customers but more than 500,000 retail  
8 customers in the State, of the utility's entire portfolio  
9 funding level for a given year shall be used to procure  
10 cost-effective energy efficiency measures from units of local  
11 government, municipal corporations, school districts, public  
12 housing, and community college districts, provided that a  
13 minimum percentage of available funds shall be used to procure  
14 energy efficiency from public housing, which percentage shall  
15 be equal to public housing's share of public building energy  
16 consumption.

17 The utilities shall also implement energy efficiency  
18 measures targeted at low-income households, which, for  
19 purposes of this Section, shall be defined as households at or  
20 below 80% of area median income, and expenditures to implement  
21 the measures shall be no less than \$40,000,000 per year for  
22 electric utilities that serve more than 3,000,000 retail  
23 customers in the State and no less than \$13,000,000 per year  
24 for electric utilities that serve less than 3,000,000 retail  
25 customers but more than 500,000 retail customers in the State.  
26 The ratio of spending on efficiency programs targeted at



1 low-income multifamily buildings to spending on efficiency  
2 programs targeted at low-income single-family buildings shall  
3 be designed to achieve levels of savings from each building  
4 type that are approximately proportional to the magnitude of  
5 cost-effective lifetime savings potential in each building  
6 type. Investment in low-income whole-building weatherization  
7 programs shall constitute a minimum of 80% of a utility's  
8 total budget specifically dedicated to serving low-income  
9 customers.

10 The utilities shall work to bundle low-income energy  
11 efficiency offerings with other programs that serve low-income  
12 households to maximize the benefits going to these households.  
13 The utilities shall market and implement low-income energy  
14 efficiency programs in coordination with low-income assistance  
15 programs, the Illinois Solar for All Program, and  
16 weatherization whenever practicable. The program implementer  
17 shall walk the customer through the enrollment process for any  
18 programs for which the customer is eligible. The utilities  
19 shall also pilot targeting customers with high arrearages,  
20 high energy intensity (ratio of energy usage divided by home  
21 or unit square footage), or energy assistance programs with  
22 energy efficiency offerings, and then track reduction in  
23 arrearages as a result of the targeting. This targeting and  
24 bundling of low-income energy programs shall be offered to  
25 both low-income single-family and multifamily customers  
26 (owners and residents).

1           The utilities shall invest in health and safety measures  
2 appropriate and necessary for comprehensively weatherizing a  
3 home or multifamily building, and shall implement a health and  
4 safety fund of at least 15% of the total income-qualified  
5 weatherization budget that shall be used for the purpose of  
6 making grants for technical assistance, construction,  
7 reconstruction, improvement, or repair of buildings to  
8 facilitate their participation in the energy efficiency  
9 programs targeted at low-income single-family and multifamily  
10 households. These funds may also be used for the purpose of  
11 making grants for technical assistance, construction,  
12 reconstruction, improvement, or repair of the following  
13 buildings to facilitate their participation in the energy  
14 efficiency programs created by this Section: (1) buildings  
15 that are owned or operated by registered 501(c)(3) public  
16 charities; and (2) day care centers, day care homes, or group  
17 day care homes, as defined under 89 Ill. Adm. Code Part 406,  
18 407, or 408, respectively.

19           Each electric utility shall assess opportunities to  
20 implement cost-effective energy efficiency measures and  
21 programs through a public housing authority or authorities  
22 located in its service territory. If such opportunities are  
23 identified, the utility shall propose such measures and  
24 programs to address the opportunities. Expenditures to address  
25 such opportunities shall be credited toward the minimum  
26 procurement and expenditure requirements set forth in this

1 subsection (c).

2 Implementation of energy efficiency measures and programs  
3 targeted at low-income households should be contracted, when  
4 it is practicable, to independent third parties that have  
5 demonstrated capabilities to serve such households, with a  
6 preference for not-for-profit entities and government agencies  
7 that have existing relationships with or experience serving  
8 low-income communities in the State.

9 Each electric utility shall develop and implement  
10 reporting procedures that address and assist in determining  
11 the amount of energy savings that can be applied to the  
12 low-income procurement and expenditure requirements set forth  
13 in this subsection (c). Each electric utility shall also track  
14 the types and quantities or volumes of insulation and air  
15 sealing materials, and their associated energy saving  
16 benefits, installed in energy efficiency programs targeted at  
17 low-income single-family and multifamily households.

18 The electric utilities shall participate in a low-income  
19 energy efficiency accountability committee ("the committee"),  
20 which will directly inform the design, implementation, and  
21 evaluation of the low-income and public-housing energy  
22 efficiency programs. The committee shall be comprised of the  
23 electric utilities subject to the requirements of this  
24 Section, the gas utilities subject to the requirements of  
25 Section 8-104 of this Act, the utilities' low-income energy  
26 efficiency implementation contractors, nonprofit

1 organizations, community action agencies, advocacy groups,  
2 State and local governmental agencies, public-housing  
3 organizations, and representatives of community-based  
4 organizations, especially those living in or working with  
5 environmental justice communities and BIPOC communities. The  
6 committee shall be composed of 2 geographically differentiated  
7 subcommittees: one for stakeholders in northern Illinois and  
8 one for stakeholders in central and southern Illinois. The  
9 subcommittees shall meet together at least twice per year.

10 There shall be one statewide leadership committee led by  
11 and composed of community-based organizations that are  
12 representative of BIPOC and environmental justice communities  
13 and that includes equitable representation from BIPOC  
14 communities. The leadership committee shall be composed of an  
15 equal number of representatives from the 2 subcommittees. The  
16 subcommittees shall address specific programs and issues, with  
17 the leadership committee convening targeted workgroups as  
18 needed. The leadership committee may elect to work with an  
19 independent facilitator to solicit and organize feedback,  
20 recommendations and meeting participation from a wide variety  
21 of community-based stakeholders. If a facilitator is used,  
22 they shall be fair and responsive to the needs of all  
23 stakeholders involved in the committee.

24 All committee meetings must be accessible, with rotating  
25 locations if meetings are held in-person, virtual  
26 participation options, and materials and agendas circulated in

1 advance.

2       There shall also be opportunities for direct input by  
3 committee members outside of committee meetings, such as via  
4 individual meetings, surveys, emails and calls, to ensure  
5 robust participation by stakeholders with limited capacity and  
6 ability to attend committee meetings. Committee meetings shall  
7 emphasize opportunities to bundle and coordinate delivery of  
8 low-income energy efficiency with other programs that serve  
9 low-income communities, such as the Illinois Solar for All  
10 Program and bill payment assistance programs. Meetings shall  
11 include educational opportunities for stakeholders to learn  
12 more about these additional offerings, and the committee shall  
13 assist in figuring out the best methods for coordinated  
14 delivery and implementation of offerings when serving  
15 low-income communities. The committee shall directly and  
16 equitably influence and inform utility low-income and  
17 public-housing energy efficiency programs and priorities.  
18 Participating utilities shall implement recommendations from  
19 the committee whenever possible.

20       Participating utilities shall track and report how input  
21 from the committee has led to new approaches and changes in  
22 their energy efficiency portfolios. This reporting shall occur  
23 at committee meetings and in quarterly energy efficiency  
24 reports to the Stakeholder Advisory Group and Illinois  
25 Commerce Commission, and other relevant reporting mechanisms.  
26 Participating utilities shall also report on relevant equity

1 data and metrics requested by the committee, such as energy  
2 burden data, geographic, racial, and other relevant  
3 demographic data on where programs are being delivered and  
4 what populations programs are serving.

5 The Illinois Commerce Commission shall oversee and have  
6 relevant staff participate in the committee. The committee  
7 shall have a budget of 0.25% of each utility's entire  
8 efficiency portfolio funding for a given year. The budget  
9 shall be overseen by the Commission. The budget shall be used  
10 to provide grants for community-based organizations serving on  
11 the leadership committee, stipends for community-based  
12 organizations participating in the committee, grants for  
13 community-based organizations to do energy efficiency outreach  
14 and education, and relevant meeting needs as determined by the  
15 leadership committee. The education and outreach shall  
16 include, but is not limited to, basic energy efficiency  
17 education, information about low-income energy efficiency  
18 programs, and information on the committee's purpose,  
19 structure, and activities.

20 (d) Notwithstanding any other provision of law to the  
21 contrary, a utility providing approved energy efficiency  
22 measures and, if applicable, demand-response measures in the  
23 State shall be permitted to recover all reasonable and  
24 prudently incurred costs of those measures from all retail  
25 customers, except as provided in subsection (1) of this  
26 Section, as follows, provided that nothing in this subsection

1 (d) permits the double recovery of such costs from customers:

2 (1) The utility may recover its costs through an  
3 automatic adjustment clause tariff filed with and approved  
4 by the Commission. The tariff shall be established outside  
5 the context of a general rate case. Each year the  
6 Commission shall initiate a review to reconcile any  
7 amounts collected with the actual costs and to determine  
8 the required adjustment to the annual tariff factor to  
9 match annual expenditures. To enable the financing of the  
10 incremental capital expenditures, including regulatory  
11 assets, for electric utilities that serve less than  
12 3,000,000 retail customers but more than 500,000 retail  
13 customers in the State, the utility's actual year-end  
14 capital structure that includes a common equity ratio,  
15 excluding goodwill, of up to and including 50% of the  
16 total capital structure shall be deemed reasonable and  
17 used to set rates.

18 (2) A utility may recover its costs through an energy  
19 efficiency formula rate approved by the Commission under a  
20 filing under subsections (f) and (g) of this Section,  
21 which shall specify the cost components that form the  
22 basis of the rate charged to customers with sufficient  
23 specificity to operate in a standardized manner and be  
24 updated annually with transparent information that  
25 reflects the utility's actual costs to be recovered during  
26 the applicable rate year, which is the period beginning

1 with the first billing day of January and extending  
2 through the last billing day of the following December.  
3 The energy efficiency formula rate shall be implemented  
4 through a tariff filed with the Commission under  
5 subsections (f) and (g) of this Section that is consistent  
6 with the provisions of this paragraph (2) and that shall  
7 be applicable to all delivery services customers. The  
8 Commission shall conduct an investigation of the tariff in  
9 a manner consistent with the provisions of this paragraph  
10 (2), subsections (f) and (g) of this Section, and the  
11 provisions of Article IX of this Act to the extent they do  
12 not conflict with this paragraph (2). The energy  
13 efficiency formula rate approved by the Commission shall  
14 remain in effect at the discretion of the utility and  
15 shall do the following:

16 (A) Provide for the recovery of the utility's  
17 actual costs incurred under this Section that are  
18 prudently incurred and reasonable in amount consistent  
19 with Commission practice and law. The sole fact that a  
20 cost differs from that incurred in a prior calendar  
21 year or that an investment is different from that made  
22 in a prior calendar year shall not imply the  
23 imprudence or unreasonableness of that cost or  
24 investment.

25 (B) Reflect the utility's actual year-end capital  
26 structure for the applicable calendar year, excluding



1 goodwill, subject to a determination of prudence and  
2 reasonableness consistent with Commission practice and  
3 law. To enable the financing of the incremental  
4 capital expenditures, including regulatory assets, for  
5 electric utilities that serve less than 3,000,000  
6 retail customers but more than 500,000 retail  
7 customers in the State, a participating electric  
8 utility's actual year-end capital structure that  
9 includes a common equity ratio, excluding goodwill, of  
10 up to and including 50% of the total capital structure  
11 shall be deemed reasonable and used to set rates.

12 (C) Include a cost of equity, which shall be  
13 calculated as the sum of the following:

14 (i) the average for the applicable calendar  
15 year of the monthly average yields of 30-year U.S.  
16 Treasury bonds published by the Board of Governors  
17 of the Federal Reserve System in its weekly H.15  
18 Statistical Release or successor publication; and

19 (ii) 580 basis points.

20 At such time as the Board of Governors of the  
21 Federal Reserve System ceases to include the monthly  
22 average yields of 30-year U.S. Treasury bonds in its  
23 weekly H.15 Statistical Release or successor  
24 publication, the monthly average yields of the U.S.  
25 Treasury bonds then having the longest duration  
26 published by the Board of Governors in its weekly H.15

1           Statistical Release or successor publication shall  
2           instead be used for purposes of this paragraph (2).

3           (D) Permit and set forth protocols, subject to a  
4           determination of prudence and reasonableness  
5           consistent with Commission practice and law, for the  
6           following:

7                   (i) recovery of incentive compensation expense  
8                   that is based on the achievement of operational  
9                   metrics, including metrics related to budget  
10                  controls, outage duration and frequency, safety,  
11                  customer service, efficiency and productivity, and  
12                  environmental compliance; however, this protocol  
13                  shall not apply if such expense related to costs  
14                  incurred under this Section is recovered under  
15                  Article IX or Section 16-108.5 of this Act;  
16                  incentive compensation expense that is based on  
17                  net income or an affiliate's earnings per share  
18                  shall not be recoverable under the energy  
19                  efficiency formula rate;

20                  (ii) recovery of pension and other  
21                  post-employment benefits expense, provided that  
22                  such costs are supported by an actuarial study;  
23                  however, this protocol shall not apply if such  
24                  expense related to costs incurred under this  
25                  Section is recovered under Article IX or Section  
26                  16-108.5 of this Act;

1 (iii) recovery of existing regulatory assets  
2 over the periods previously authorized by the  
3 Commission;

4 (iv) as described in subsection (e),  
5 amortization of costs incurred under this Section;  
6 and

7 (v) projected, weather normalized billing  
8 determinants for the applicable rate year.

9 (E) Provide for an annual reconciliation, as  
10 described in paragraph (3) of this subsection (d),  
11 less any deferred taxes related to the reconciliation,  
12 with interest at an annual rate of return equal to the  
13 utility's weighted average cost of capital, including  
14 a revenue conversion factor calculated to recover or  
15 refund all additional income taxes that may be payable  
16 or receivable as a result of that return, of the energy  
17 efficiency revenue requirement reflected in rates for  
18 each calendar year, beginning with the calendar year  
19 in which the utility files its energy efficiency  
20 formula rate tariff under this paragraph (2), with  
21 what the revenue requirement would have been had the  
22 actual cost information for the applicable calendar  
23 year been available at the filing date.

24 The utility shall file, together with its tariff, the  
25 projected costs to be incurred by the utility during the  
26 rate year under the utility's multi-year plan approved

1 under subsections (f) and (g) of this Section, including,  
2 but not limited to, the projected capital investment costs  
3 and projected regulatory asset balances with  
4 correspondingly updated depreciation and amortization  
5 reserves and expense, that shall populate the energy  
6 efficiency formula rate and set the initial rates under  
7 the formula.

8 The Commission shall review the proposed tariff in  
9 conjunction with its review of a proposed multi-year plan,  
10 as specified in paragraph (5) of subsection (g) of this  
11 Section. The review shall be based on the same evidentiary  
12 standards, including, but not limited to, those concerning  
13 the prudence and reasonableness of the costs incurred by  
14 the utility, the Commission applies in a hearing to review  
15 a filing for a general increase in rates under Article IX  
16 of this Act. The initial rates shall take effect beginning  
17 with the January monthly billing period following the  
18 Commission's approval.

19 The tariff's rate design and cost allocation across  
20 customer classes shall be consistent with the utility's  
21 automatic adjustment clause tariff in effect on June 1,  
22 2017 (the effective date of Public Act 99-906); however,  
23 the Commission may revise the tariff's rate design and  
24 cost allocation in subsequent proceedings under paragraph  
25 (3) of this subsection (d).

26 If the energy efficiency formula rate is terminated,

1 the then current rates shall remain in effect until such  
2 time as the energy efficiency costs are incorporated into  
3 new rates that are set under this subsection (d) or  
4 Article IX of this Act, subject to retroactive rate  
5 adjustment, with interest, to reconcile rates charged with  
6 actual costs.

7 (3) The provisions of this paragraph (3) shall only  
8 apply to an electric utility that has elected to file an  
9 energy efficiency formula rate under paragraph (2) of this  
10 subsection (d). Subsequent to the Commission's issuance of  
11 an order approving the utility's energy efficiency formula  
12 rate structure and protocols, and initial rates under  
13 paragraph (2) of this subsection (d), the utility shall  
14 file, on or before June 1 of each year, with the Chief  
15 Clerk of the Commission its updated cost inputs to the  
16 energy efficiency formula rate for the applicable rate  
17 year and the corresponding new charges, as well as the  
18 information described in paragraph (9) of subsection (g)  
19 of this Section. Each such filing shall conform to the  
20 following requirements and include the following  
21 information:

22 (A) The inputs to the energy efficiency formula  
23 rate for the applicable rate year shall be based on the  
24 projected costs to be incurred by the utility during  
25 the rate year under the utility's multi-year plan  
26 approved under subsections (f) and (g) of this

1 Section, including, but not limited to, projected  
2 capital investment costs and projected regulatory  
3 asset balances with correspondingly updated  
4 depreciation and amortization reserves and expense.  
5 The filing shall also include a reconciliation of the  
6 energy efficiency revenue requirement that was in  
7 effect for the prior rate year (as set by the cost  
8 inputs for the prior rate year) with the actual  
9 revenue requirement for the prior rate year  
10 (determined using a year-end rate base) that uses  
11 amounts reflected in the applicable FERC Form 1 that  
12 reports the actual costs for the prior rate year. Any  
13 over-collection or under-collection indicated by such  
14 reconciliation shall be reflected as a credit against,  
15 or recovered as an additional charge to, respectively,  
16 with interest calculated at a rate equal to the  
17 utility's weighted average cost of capital approved by  
18 the Commission for the prior rate year, the charges  
19 for the applicable rate year. Such over-collection or  
20 under-collection shall be adjusted to remove any  
21 deferred taxes related to the reconciliation, for  
22 purposes of calculating interest at an annual rate of  
23 return equal to the utility's weighted average cost of  
24 capital approved by the Commission for the prior rate  
25 year, including a revenue conversion factor calculated  
26 to recover or refund all additional income taxes that

1           may be payable or receivable as a result of that  
2           return. Each reconciliation shall be certified by the  
3           participating utility in the same manner that FERC  
4           Form 1 is certified. The filing shall also include the  
5           charge or credit, if any, resulting from the  
6           calculation required by subparagraph (E) of paragraph  
7           (2) of this subsection (d).

8           Notwithstanding any other provision of law to the  
9           contrary, the intent of the reconciliation is to  
10          ultimately reconcile both the revenue requirement  
11          reflected in rates for each calendar year, beginning  
12          with the calendar year in which the utility files its  
13          energy efficiency formula rate tariff under paragraph  
14          (2) of this subsection (d), with what the revenue  
15          requirement determined using a year-end rate base for  
16          the applicable calendar year would have been had the  
17          actual cost information for the applicable calendar  
18          year been available at the filing date.

19          For purposes of this Section, "FERC Form 1" means  
20          the Annual Report of Major Electric Utilities,  
21          Licensees and Others that electric utilities are  
22          required to file with the Federal Energy Regulatory  
23          Commission under the Federal Power Act, Sections 3,  
24          4(a), 304 and 209, modified as necessary to be  
25          consistent with 83 Ill. Adm. ~~Admin.~~ Code Part 415 as of  
26          May 1, 2011. Nothing in this Section is intended to

1 allow costs that are not otherwise recoverable to be  
2 recoverable by virtue of inclusion in FERC Form 1.

3 (B) The new charges shall take effect beginning on  
4 the first billing day of the following January billing  
5 period and remain in effect through the last billing  
6 day of the next December billing period regardless of  
7 whether the Commission enters upon a hearing under  
8 this paragraph (3).

9 (C) The filing shall include relevant and  
10 necessary data and documentation for the applicable  
11 rate year. Normalization adjustments shall not be  
12 required.

13 Within 45 days after the utility files its annual  
14 update of cost inputs to the energy efficiency formula  
15 rate, the Commission shall with reasonable notice,  
16 initiate a proceeding concerning whether the projected  
17 costs to be incurred by the utility and recovered during  
18 the applicable rate year, and that are reflected in the  
19 inputs to the energy efficiency formula rate, are  
20 consistent with the utility's approved multi-year plan  
21 under subsections (f) and (g) of this Section and whether  
22 the costs incurred by the utility during the prior rate  
23 year were prudent and reasonable. The Commission shall  
24 also have the authority to investigate the information and  
25 data described in paragraph (9) of subsection (g) of this  
26 Section, including the proposed adjustment to the



1 utility's return on equity component of its weighted  
2 average cost of capital. During the course of the  
3 proceeding, each objection shall be stated with  
4 particularity and evidence provided in support thereof,  
5 after which the utility shall have the opportunity to  
6 rebut the evidence. Discovery shall be allowed consistent  
7 with the Commission's Rules of Practice, which Rules of  
8 Practice shall be enforced by the Commission or the  
9 assigned administrative law judge. The Commission shall  
10 apply the same evidentiary standards, including, but not  
11 limited to, those concerning the prudence and  
12 reasonableness of the costs incurred by the utility,  
13 during the proceeding as it would apply in a proceeding to  
14 review a filing for a general increase in rates under  
15 Article IX of this Act. The Commission shall not, however,  
16 have the authority in a proceeding under this paragraph  
17 (3) to consider or order any changes to the structure or  
18 protocols of the energy efficiency formula rate approved  
19 under paragraph (2) of this subsection (d). In a  
20 proceeding under this paragraph (3), the Commission shall  
21 enter its order no later than the earlier of 195 days after  
22 the utility's filing of its annual update of cost inputs  
23 to the energy efficiency formula rate or December 15. The  
24 utility's proposed return on equity calculation, as  
25 described in paragraphs (7) through (9) of subsection (g)  
26 of this Section, shall be deemed the final, approved

1 calculation on December 15 of the year in which it is filed  
2 unless the Commission enters an order on or before  
3 December 15, after notice and hearing, that modifies such  
4 calculation consistent with this Section. The Commission's  
5 determinations of the prudence and reasonableness of the  
6 costs incurred, and determination of such return on equity  
7 calculation, for the applicable calendar year shall be  
8 final upon entry of the Commission's order and shall not  
9 be subject to reopening, reexamination, or collateral  
10 attack in any other Commission proceeding, case, docket,  
11 order, rule, or regulation; however, nothing in this  
12 paragraph (3) shall prohibit a party from petitioning the  
13 Commission to rehear or appeal to the courts the order  
14 under the provisions of this Act.

15 (e) Beginning on June 1, 2017 (the effective date of  
16 Public Act 99-906), a utility subject to the requirements of  
17 this Section may elect to defer, as a regulatory asset, up to  
18 the full amount of its expenditures incurred under this  
19 Section for each annual period, including, but not limited to,  
20 any expenditures incurred above the funding level set by  
21 subsection (f) of this Section for a given year. The total  
22 expenditures deferred as a regulatory asset in a given year  
23 shall be amortized and recovered over a period that is equal to  
24 the weighted average of the energy efficiency measure lives  
25 implemented for that year that are reflected in the regulatory  
26 asset. The unamortized balance shall be recognized as of

1 December 31 for a given year. The utility shall also earn a  
2 return on the total of the unamortized balances of all of the  
3 energy efficiency regulatory assets, less any deferred taxes  
4 related to those unamortized balances, at an annual rate equal  
5 to the utility's weighted average cost of capital that  
6 includes, based on a year-end capital structure, the utility's  
7 actual cost of debt for the applicable calendar year and a cost  
8 of equity, which shall be calculated as the sum of the (i) the  
9 average for the applicable calendar year of the monthly  
10 average yields of 30-year U.S. Treasury bonds published by the  
11 Board of Governors of the Federal Reserve System in its weekly  
12 H.15 Statistical Release or successor publication; and (ii)  
13 580 basis points, including a revenue conversion factor  
14 calculated to recover or refund all additional income taxes  
15 that may be payable or receivable as a result of that return.  
16 Capital investment costs shall be depreciated and recovered  
17 over their useful lives consistent with generally accepted  
18 accounting principles. The weighted average cost of capital  
19 shall be applied to the capital investment cost balance, less  
20 any accumulated depreciation and accumulated deferred income  
21 taxes, as of December 31 for a given year.

22 When an electric utility creates a regulatory asset under  
23 the provisions of this Section, the costs are recovered over a  
24 period during which customers also receive a benefit which is  
25 in the public interest. Accordingly, it is the intent of the  
26 General Assembly that an electric utility that elects to

1 create a regulatory asset under the provisions of this Section  
2 shall recover all of the associated costs as set forth in this  
3 Section. After the Commission has approved the prudence and  
4 reasonableness of the costs that comprise the regulatory  
5 asset, the electric utility shall be permitted to recover all  
6 such costs, and the value and recoverability through rates of  
7 the associated regulatory asset shall not be limited, altered,  
8 impaired, or reduced.

9 (f) Beginning in 2017, each electric utility shall file an  
10 energy efficiency plan with the Commission to meet the energy  
11 efficiency standards for the next applicable multi-year period  
12 beginning January 1 of the year following the filing,  
13 according to the schedule set forth in paragraphs (1) through  
14 (3) of this subsection (f). If a utility does not file such a  
15 plan on or before the applicable filing deadline for the plan,  
16 it shall face a penalty of \$100,000 per day until the plan is  
17 filed.

18 (1) No later than 30 days after June 1, 2017 (the  
19 effective date of Public Act 99-906), each electric  
20 utility shall file a 4-year energy efficiency plan  
21 commencing on January 1, 2018 that is designed to achieve  
22 the cumulative persisting annual savings goals specified  
23 in paragraphs (1) through (4) of subsection (b-5) of this  
24 Section or in paragraphs (1) through (4) of subsection  
25 (b-15) of this Section, as applicable, through  
26 implementation of energy efficiency measures; however, the

1 goals may be reduced if the utility's expenditures are  
2 limited pursuant to subsection (m) of this Section or, for  
3 a utility that serves less than 3,000,000 retail  
4 customers, if each of the following conditions are met:

5 (A) the plan's analysis and forecasts of the utility's  
6 ability to acquire energy savings demonstrate that  
7 achievement of such goals is not cost effective; and (B)  
8 the amount of energy savings achieved by the utility as  
9 determined by the independent evaluator for the most  
10 recent year for which savings have been evaluated  
11 preceding the plan filing was less than the average annual  
12 amount of savings required to achieve the goals for the  
13 applicable 4-year plan period. Except as provided in  
14 subsection (m) of this Section, annual increases in  
15 cumulative persisting annual savings goals during the  
16 applicable 4-year plan period shall not be reduced to  
17 amounts that are less than the maximum amount of  
18 cumulative persisting annual savings that is forecast to  
19 be cost-effectively achievable during the 4-year plan  
20 period. The Commission shall review any proposed goal  
21 reduction as part of its review and approval of the  
22 utility's proposed plan.

23 (2) No later than March 1, 2021, each electric utility  
24 shall file a 4-year energy efficiency plan commencing on  
25 January 1, 2022 that is designed to achieve the cumulative  
26 persisting annual savings goals specified in paragraphs

1 (5) through (8) of subsection (b-5) of this Section or in  
2 paragraphs (5) through (8) of subsection (b-15) of this  
3 Section, as applicable, through implementation of energy  
4 efficiency measures; however, the goals may be reduced if  
5 either (1) clear and convincing evidence demonstrates,  
6 through independent analysis, that the expenditure limits  
7 in subsection (m) of this Section preclude full  
8 achievement of the goals or (2) each of the following  
9 conditions are met: (A) the plan's analysis and forecasts  
10 of the utility's ability to acquire energy savings  
11 demonstrate by clear and convincing evidence and through  
12 independent analysis that achievement of such goals is not  
13 cost effective; and (B) the amount of energy savings  
14 achieved by the utility as determined by the independent  
15 evaluator for the most recent year for which savings have  
16 been evaluated preceding the plan filing was less than the  
17 average annual amount of savings required to achieve the  
18 goals for the applicable 4-year plan period. If there is  
19 not clear and convincing evidence that achieving the  
20 savings goals specified in paragraph (b-5) or (b-15) of  
21 this Section is possible both cost-effectively and within  
22 the expenditure limits in subsection (m), such savings  
23 goals shall not be reduced. Except as provided in  
24 subsection (m) of this Section, annual increases in  
25 cumulative persisting annual savings goals during the  
26 applicable 4-year plan period shall not be reduced to

1 amounts that are less than the maximum amount of  
2 cumulative persisting annual savings that is forecast to  
3 be cost-effectively achievable during the 4-year plan  
4 period. The Commission shall review any proposed goal  
5 reduction as part of its review and approval of the  
6 utility's proposed plan.

7 (3) No later than March 1, 2025, each electric utility  
8 shall file a 4-year energy efficiency plan commencing on  
9 January 1, 2026 that is designed to achieve the cumulative  
10 persisting annual savings goals specified in paragraphs  
11 (9) through (12) of subsection (b-5) of this Section or in  
12 paragraphs (9) through (12) of subsection (b-15) of this  
13 Section, as applicable, through implementation of energy  
14 efficiency measures; however, the goals may be reduced if  
15 either (1) clear and convincing evidence demonstrates,  
16 through independent analysis, that the expenditure limits  
17 in subsection (m) of this Section preclude full  
18 achievement of the goals or (2) each of the following  
19 conditions are met: (A) the plan's analysis and forecasts  
20 of the utility's ability to acquire energy savings  
21 demonstrate by clear and convincing evidence and through  
22 independent analysis that achievement of such goals is not  
23 cost effective; and (B) the amount of energy savings  
24 achieved by the utility as determined by the independent  
25 evaluator for the most recent year for which savings have  
26 been evaluated preceding the plan filing was less than the

1 average annual amount of savings required to achieve the  
2 goals for the applicable 4-year plan period. If there is  
3 not clear and convincing evidence that achieving the  
4 savings goals specified in paragraphs (b-5) or (b-15) of  
5 this Section is possible both cost-effectively and within  
6 the expenditure limits in subsection (m), such savings  
7 goals shall not be reduced. Except as provided in  
8 subsection (m) of this Section, annual increases in  
9 cumulative persisting annual savings goals during the  
10 applicable 4-year plan period shall not be reduced to  
11 amounts that are less than the maximum amount of  
12 cumulative persisting annual savings that is forecast to  
13 be cost-effectively achievable during the 4-year plan  
14 period. The Commission shall review any proposed goal  
15 reduction as part of its review and approval of the  
16 utility's proposed plan.

17 (4) No later than March 1, 2029, and every 4 years  
18 thereafter, each electric utility shall file a 4-year  
19 energy efficiency plan commencing on January 1, 2030, and  
20 every 4 years thereafter, respectively, that is designed  
21 to achieve the cumulative persisting annual savings goals  
22 established by the Illinois Commerce Commission pursuant  
23 to direction of subsections (b-5) and (b-15) of this  
24 Section, as applicable, through implementation of energy  
25 efficiency measures; however, the goals may be reduced if  
26 either (1) clear and convincing evidence and independent



1 analysis demonstrates that the expenditure limits in  
2 subsection (m) of this Section preclude full achievement  
3 of the goals or (2) each of the following conditions are  
4 met: (A) the plan's analysis and forecasts of the  
5 utility's ability to acquire energy savings demonstrate by  
6 clear and convincing evidence and through independent  
7 analysis that achievement of such goals is not  
8 cost-effective; and (B) the amount of energy savings  
9 achieved by the utility as determined by the independent  
10 evaluator for the most recent year for which savings have  
11 been evaluated preceding the plan filing was less than the  
12 average annual amount of savings required to achieve the  
13 goals for the applicable 4-year plan period. If there is  
14 not clear and convincing evidence that achieving the  
15 savings goals specified in paragraphs (b-5) or (b-15) of  
16 this Section is possible both cost-effectively and within  
17 the expenditure limits in subsection (m), such savings  
18 goals shall not be reduced. Except as provided in  
19 subsection (m) of this Section, annual increases in  
20 cumulative persisting annual savings goals during the  
21 applicable 4-year plan period shall not be reduced to  
22 amounts that are less than the maximum amount of  
23 cumulative persisting annual savings that is forecast to  
24 be cost-effectively achievable during the 4-year plan  
25 period. The Commission shall review any proposed goal  
26 reduction as part of its review and approval of the

1 utility's proposed plan.

2 Each utility's plan shall set forth the utility's  
3 proposals to meet the energy efficiency standards identified  
4 in subsection (b-5) or (b-15), as applicable and as such  
5 standards may have been modified under this subsection (f),  
6 taking into account the unique circumstances of the utility's  
7 service territory. For those plans commencing on January 1,  
8 2018, the Commission shall seek public comment on the  
9 utility's plan and shall issue an order approving or  
10 disapproving each plan no later than 105 days after June 1,  
11 2017 (the effective date of Public Act 99-906). For those  
12 plans commencing after December 31, 2021, the Commission shall  
13 seek public comment on the utility's plan and shall issue an  
14 order approving or disapproving each plan within 6 months  
15 after its submission. If the Commission disapproves a plan,  
16 the Commission shall, within 30 days, describe in detail the  
17 reasons for the disapproval and describe a path by which the  
18 utility may file a revised draft of the plan to address the  
19 Commission's concerns satisfactorily. If the utility does not  
20 refile with the Commission within 60 days, the utility shall  
21 be subject to penalties at a rate of \$100,000 per day until the  
22 plan is filed. This process shall continue, and penalties  
23 shall accrue, until the utility has successfully filed a  
24 portfolio of energy efficiency and demand-response measures.  
25 Penalties shall be deposited into the Energy Efficiency Trust  
26 Fund.

1 (g) In submitting proposed plans and funding levels under  
2 subsection (f) of this Section to meet the savings goals  
3 identified in subsection (b-5) or (b-15) of this Section, as  
4 applicable, the utility shall:

5 (1) Demonstrate that its proposed energy efficiency  
6 measures will achieve the applicable requirements that are  
7 identified in subsection (b-5) or (b-15) of this Section,  
8 as modified by subsection (f) of this Section.

9 (2) (Blank).

10 (2.5) Demonstrate consideration of program options for  
11 (A) advancing new building codes, appliance standards, and  
12 municipal regulations governing existing and new building  
13 efficiency improvements and (B) supporting efforts to  
14 improve compliance with new building codes, appliance  
15 standards and municipal regulations, as potentially  
16 cost-effective means of acquiring energy savings to count  
17 toward savings goals.

18 (3) Demonstrate that its overall portfolio of  
19 measures, not including low-income programs described in  
20 subsection (c) of this Section, is cost-effective using  
21 the total resource cost test or complies with paragraphs  
22 (1) through (3) of subsection (f) of this Section and  
23 represents a diverse cross-section of opportunities for  
24 customers of all rate classes, other than those customers  
25 described in subsection (1) of this Section, to  
26 participate in the programs. Individual measures need not

1 be cost effective.

2 (3.5) Demonstrate that the utility's plan integrates  
3 the delivery of energy efficiency programs with natural  
4 gas efficiency programs, programs promoting distributed  
5 solar, programs promoting demand response and other  
6 efforts to address bill payment issues, including, but not  
7 limited to, LIHEAP and the Percentage of Income Payment  
8 Plan, to the extent such integration is practical and has  
9 the potential to enhance customer engagement, minimize  
10 market confusion, or reduce administrative costs.

11 (4) Present a third-party energy efficiency  
12 implementation program subject to the following  
13 requirements:

14 (A) beginning with the year commencing January 1,  
15 2019, electric utilities that serve more than  
16 3,000,000 retail customers in the State shall fund  
17 third-party energy efficiency programs in an amount  
18 that is no less than \$25,000,000 per year, and  
19 electric utilities that serve less than 3,000,000  
20 retail customers but more than 500,000 retail  
21 customers in the State shall fund third-party energy  
22 efficiency programs in an amount that is no less than  
23 \$8,350,000 per year;

24 (B) during 2018, the utility shall conduct a  
25 solicitation process for purposes of requesting  
26 proposals from third-party vendors for those

1           third-party energy efficiency programs to be offered  
2           during one or more of the years commencing January 1,  
3           2019, January 1, 2020, and January 1, 2021; for those  
4           multi-year plans commencing on January 1, 2022 and  
5           January 1, 2026, the utility shall conduct a  
6           solicitation process during 2021 and 2025,  
7           respectively, for purposes of requesting proposals  
8           from third-party vendors for those third-party energy  
9           efficiency programs to be offered during one or more  
10          years of the respective multi-year plan period; for  
11          each solicitation process, the utility shall identify  
12          the sector, technology, or geographical area for which  
13          it is seeking requests for proposals; the solicitation  
14          process must be either for programs that fill gaps in  
15          the utility's program portfolio and for programs that  
16          target low-income customers, business sectors,  
17          building types, geographies, or other specific parts  
18          of its customer base with initiatives that would be  
19          more effective at reaching these customer segments  
20          than the utilities' programs filed in its energy  
21          efficiency plans;

22                (C) the utility shall propose the bidder  
23                qualifications, performance measurement process, and  
24                contract structure, which must include a performance  
25                payment mechanism and general terms and conditions;  
26                the proposed qualifications, process, and structure

1 shall be subject to Commission approval; and

2 (D) the utility shall retain an independent third  
3 party to score the proposals received through the  
4 solicitation process described in this paragraph (4),  
5 rank them according to their cost per lifetime  
6 kilowatt-hours saved, and assemble the portfolio of  
7 third-party programs.

8 The electric utility shall recover all costs  
9 associated with Commission-approved, third-party  
10 administered programs regardless of the success of those  
11 programs.

12 (4.5) Implement cost-effective demand-response  
13 measures to reduce peak demand by 0.1% over the prior year  
14 for eligible retail customers, as defined in Section  
15 16-111.5 of this Act, and for customers that elect hourly  
16 service from the utility pursuant to Section 16-107 of  
17 this Act, provided those customers have not been declared  
18 competitive. This requirement continues until December 31,  
19 2026.

20 (5) Include a proposed or revised cost-recovery tariff  
21 mechanism, as provided for under subsection (d) of this  
22 Section, to fund the proposed energy efficiency and  
23 demand-response measures and to ensure the recovery of the  
24 prudently and reasonably incurred costs of  
25 Commission-approved programs.

26 (6) Provide for an annual independent evaluation of

1 the performance of the cost-effectiveness of the utility's  
2 portfolio of measures, as well as a full review of the  
3 multi-year plan results of the broader net program impacts  
4 and, to the extent practical, for adjustment of the  
5 measures on a going-forward basis as a result of the  
6 evaluations. The resources dedicated to evaluation shall  
7 not exceed 3% of portfolio resources in any given year.

8 (7) For electric utilities that serve more than  
9 3,000,000 retail customers in the State:

10 (A) Through December 31, 2025, provide for an  
11 adjustment to the return on equity component of the  
12 utility's weighted average cost of capital calculated  
13 under subsection (d) of this Section:

14 (i) If the independent evaluator determines  
15 that the utility achieved a cumulative persisting  
16 annual savings that is less than the applicable  
17 annual incremental goal, then the return on equity  
18 component shall be reduced by a maximum of 200  
19 basis points in the event that the utility  
20 achieved no more than 75% of such goal. If the  
21 utility achieved more than 75% of the applicable  
22 annual incremental goal but less than 100% of such  
23 goal, then the return on equity component shall be  
24 reduced by 8 basis points for each percent by  
25 which the utility failed to achieve the goal.

26 (ii) If the independent evaluator determines

1           that the utility achieved a cumulative persisting  
2           annual savings that is more than the applicable  
3           annual incremental goal, then the return on equity  
4           component shall be increased by a maximum of 200  
5           basis points in the event that the utility  
6           achieved at least 125% of such goal. If the  
7           utility achieved more than 100% of the applicable  
8           annual incremental goal but less than 125% of such  
9           goal, then the return on equity component shall be  
10          increased by 8 basis points for each percent by  
11          which the utility achieved above the goal. If the  
12          applicable annual incremental goal was reduced  
13          under paragraph ~~paragraphs~~ (1) or (2) of  
14          subsection (f) of this Section, then the following  
15          adjustments shall be made to the calculations  
16          described in this item (ii):

17                 (aa) the calculation for determining  
18                 achievement that is at least 125% of the  
19                 applicable annual incremental goal shall use  
20                 the unreduced applicable annual incremental  
21                 goal to set the value; and

22                 (bb) the calculation for determining  
23                 achievement that is less than 125% but more  
24                 than 100% of the applicable annual incremental  
25                 goal shall use the reduced applicable annual  
26                 incremental goal to set the value for 100%



1 achievement of the goal and shall use the  
2 unreduced goal to set the value for 125%  
3 achievement. The 8 basis point value shall  
4 also be modified, as necessary, so that the  
5 200 basis points are evenly apportioned among  
6 each percentage point value between 100% and  
7 125% achievement.

8 (B) For the period January 1, 2026 through  
9 December 31, 2029 and in all subsequent 4-year  
10 periods, provide for an adjustment to the return on  
11 equity component of the utility's weighted average  
12 cost of capital calculated under subsection (d) of  
13 this Section:

14 (i) If the independent evaluator determines  
15 that the utility achieved a cumulative persisting  
16 annual savings that is less than the applicable  
17 annual incremental goal, then the return on equity  
18 component shall be reduced by a maximum of 200  
19 basis points in the event that the utility  
20 achieved no more than 66% of such goal. If the  
21 utility achieved more than 66% of the applicable  
22 annual incremental goal but less than 100% of such  
23 goal, then the return on equity component shall be  
24 reduced by 6 basis points for each percent by  
25 which the utility failed to achieve the goal.

26 (ii) If the independent evaluator determines

1           that the utility achieved a cumulative persisting  
2           annual savings that is more than the applicable  
3           annual incremental goal, then the return on equity  
4           component shall be increased by a maximum of 200  
5           basis points in the event that the utility  
6           achieved at least 134% of such goal. If the  
7           utility achieved more than 100% of the applicable  
8           annual incremental goal but less than 134% of such  
9           goal, then the return on equity component shall be  
10          increased by 6 basis points for each percent by  
11          which the utility achieved above the goal. If the  
12          applicable annual incremental goal was reduced  
13          under paragraph (3) of subsection (f) of this  
14          Section, then the following adjustments shall be  
15          made to the calculations described in this item  
16          (ii):

17                 (aa) the calculation for determining  
18                 achievement that is at least 134% of the  
19                 applicable annual incremental goal shall use  
20                 the unreduced applicable annual incremental  
21                 goal to set the value; and

22                 (bb) the calculation for determining  
23                 achievement that is less than 134% but more  
24                 than 100% of the applicable annual incremental  
25                 goal shall use the reduced applicable annual  
26                 incremental goal to set the value for 100%

1 achievement of the goal and shall use the  
2 unreduced goal to set the value for 134%  
3 achievement. The 6 basis point value shall  
4 also be modified, as necessary, so that the  
5 200 basis points are evenly apportioned among  
6 each percentage point value between 100% and  
7 134% achievement.

8 (C) Notwithstanding the provisions of  
9 subparagraphs (A) and (B) of this paragraph (7), if  
10 the applicable annual incremental goal for an electric  
11 utility is ever less than 0.6% of deemed average  
12 weather normalized sales of electric power and energy  
13 during calendar years 2014, 2015, and 2016, an  
14 adjustment to the return on equity component of the  
15 utility's weighted average cost of capital calculated  
16 under subsection (d) of this Section shall be made as  
17 follows:

18 (i) If the independent evaluator determines  
19 that the utility achieved a cumulative persisting  
20 annual savings that is less than would have been  
21 achieved had the applicable annual incremental  
22 goal been achieved, then the return on equity  
23 component shall be reduced by a maximum of 200  
24 basis points if the utility achieved no more than  
25 75% of its applicable annual total savings  
26 requirement as defined in paragraph (7.5) of this

1 subsection. If the utility achieved more than 75%  
2 of the applicable annual total savings requirement  
3 but less than 100% of such goal, then the return on  
4 equity component shall be reduced by 8 basis  
5 points for each percent by which the utility  
6 failed to achieve the goal.

7 (ii) If the independent evaluator determines  
8 that the utility achieved a cumulative persisting  
9 annual savings that is more than would have been  
10 achieved had the applicable annual incremental  
11 goal been achieved, then the return on equity  
12 component shall be increased by a maximum of 200  
13 basis points if the utility achieved at least 125%  
14 of its applicable annual total savings  
15 requirement. If the utility achieved more than  
16 100% of the applicable annual total savings  
17 requirement but less than 125% of such goal, then  
18 the return on equity component shall be increased  
19 by 8 basis points for each percent by which the  
20 utility achieved above the applicable annual total  
21 savings requirement. If the applicable annual  
22 incremental goal was reduced under paragraph (1)  
23 or (2) of subsection (f) of this Section, then the  
24 following adjustments shall be made to the  
25 calculations described in this item (ii):

26 (aa) the calculation for determining

1 achievement that is at least 125% of the  
2 applicable annual total savings requirement  
3 shall use the unreduced applicable annual  
4 incremental goal to set the value; and

5 (bb) the calculation for determining  
6 achievement that is less than 125% but more  
7 than 100% of the applicable annual total  
8 savings requirement shall use the reduced  
9 applicable annual incremental goal to set the  
10 value for 100% achievement of the goal and  
11 shall use the unreduced goal to set the value  
12 for 125% achievement. The 8 basis point value  
13 shall also be modified, as necessary, so that  
14 the 200 basis points are evenly apportioned  
15 among each percentage point value between 100%  
16 and 125% achievement.

17 (7.5) For purposes of this Section, the term  
18 "applicable annual incremental goal" means the difference  
19 between the cumulative persisting annual savings goal for  
20 the calendar year that is the subject of the independent  
21 evaluator's determination and the cumulative persisting  
22 annual savings goal for the immediately preceding calendar  
23 year, as such goals are defined in subsections (b-5) and  
24 (b-15) of this Section and as these goals may have been  
25 modified as provided for under subsection (b-20) and  
26 paragraphs (1) through (3) of subsection (f) of this

1 Section. Under subsections (b), (b-5), (b-10), and (b-15)  
2 of this Section, a utility must first replace energy  
3 savings from measures that have expired before any  
4 progress towards achievement of its applicable annual  
5 incremental goal may be counted. Savings may expire  
6 because measures installed in previous years have reached  
7 the end of their lives, because measures installed in  
8 previous years are producing lower savings in the current  
9 year than in the previous year, or for other reasons  
10 identified by independent evaluators. Notwithstanding  
11 anything else set forth in this Section, the difference  
12 between the actual annual incremental savings achieved in  
13 any given year, including the replacement of energy  
14 savings that have expired, and the applicable annual  
15 incremental goal shall not affect adjustments to the  
16 return on equity for subsequent calendar years under this  
17 subsection (g).

18 In this Section, "applicable annual total savings  
19 requirement" means the total amount of new annual savings  
20 that the utility must achieve in any given year to achieve  
21 the applicable annual incremental goal. This is equal to  
22 the applicable annual incremental goal plus the total new  
23 annual savings that are required to replace savings that  
24 expired in or at the end of the previous year.

25 (8) For electric utilities that serve less than  
26 3,000,000 retail customers but more than 500,000 retail

1 customers in the State:

2 (A) Through December 31, 2025, the applicable  
3 annual incremental goal shall be compared to the  
4 annual incremental savings as determined by the  
5 independent evaluator.

6 (i) The return on equity component shall be  
7 reduced by 8 basis points for each percent by  
8 which the utility did not achieve 84.4% of the  
9 applicable annual incremental goal.

10 (ii) The return on equity component shall be  
11 increased by 8 basis points for each percent by  
12 which the utility exceeded 100% of the applicable  
13 annual incremental goal.

14 (iii) The return on equity component shall not  
15 be increased or decreased if the annual  
16 incremental savings as determined by the  
17 independent evaluator is greater than 84.4% of the  
18 applicable annual incremental goal and less than  
19 100% of the applicable annual incremental goal.

20 (iv) The return on equity component shall not  
21 be increased or decreased by an amount greater  
22 than 200 basis points pursuant to this  
23 subparagraph (A).

24 (B) For the period of January 1, 2026 through  
25 December 31, 2029 and in all subsequent 4-year  
26 periods, the applicable annual incremental goal shall

1 be compared to the annual incremental savings as  
2 determined by the independent evaluator.

3 (i) The return on equity component shall be  
4 reduced by 6 basis points for each percent by  
5 which the utility did not achieve 100% of the  
6 applicable annual incremental goal.

7 (ii) The return on equity component shall be  
8 increased by 6 basis points for each percent by  
9 which the utility exceeded 100% of the applicable  
10 annual incremental goal.

11 (iii) The return on equity component shall not  
12 be increased or decreased by an amount greater  
13 than 200 basis points pursuant to this  
14 subparagraph (B).

15 (C) Notwithstanding provisions in subparagraphs  
16 (A) and (B) of paragraph (7) of this subsection, if the  
17 applicable annual incremental goal for an electric  
18 utility is ever less than 0.6% of deemed average  
19 weather normalized sales of electric power and energy  
20 during calendar years 2014, 2015 and 2016, an  
21 adjustment to the return on equity component of the  
22 utility's weighted average cost of capital calculated  
23 under subsection (d) of this Section shall be made as  
24 follows:

25 (i) The return on equity component shall be  
26 reduced by 8 basis points for each percent by



1           which the utility did not achieve 100% of the  
2           applicable annual total savings requirement.

3           (ii) The return on equity component shall be  
4           increased by 8 basis points for each percent by  
5           which the utility exceeded 100% of the applicable  
6           annual total savings requirement.

7           (iii) The return on equity component shall not  
8           be increased or decreased by an amount greater  
9           than 200 basis points pursuant to this  
10          subparagraph (C).

11          (D) If the applicable annual incremental goal was  
12          reduced under paragraph (1), (2), (3), or (4) of  
13          subsection (f) of this Section, then the following  
14          adjustments shall be made to the calculations  
15          described in subparagraphs (A), (B), and (C) of this  
16          paragraph (8):

17           (i) The calculation for determining  
18           achievement that is at least 125% or 134%, as  
19           applicable, of the applicable annual incremental  
20           goal or the applicable annual total savings  
21           requirement, as applicable, shall use the  
22           unreduced applicable annual incremental goal to  
23           set the value.

24           (ii) For the period through December 31, 2025,  
25           the calculation for determining achievement that  
26           is less than 125% but more than 100% of the

1 applicable annual incremental goal or the  
2 applicable annual total savings requirement, as  
3 applicable, shall use the reduced applicable  
4 annual incremental goal to set the value for 100%  
5 achievement of the goal and shall use the  
6 unreduced goal to set the value for 125%  
7 achievement. The 8 basis point value shall also be  
8 modified, as necessary, so that the 200 basis  
9 points are evenly apportioned among each  
10 percentage point value between 100% and 125%  
11 achievement.

12 (iii) For the period of January 1, 2026  
13 through December 31, 2029 and all subsequent  
14 4-year periods, the calculation for determining  
15 achievement that is less than 125% or 134%, as  
16 applicable, but more than 100% of the applicable  
17 annual incremental goal or the applicable annual  
18 total savings requirement, as applicable, shall  
19 use the reduced applicable annual incremental goal  
20 to set the value for 100% achievement of the goal  
21 and shall use the unreduced goal to set the value  
22 for 125% achievement. The 6 basis-point value or 8  
23 basis-point value, as applicable, shall also be  
24 modified, as necessary, so that the 200 basis  
25 points are evenly apportioned among each  
26 percentage point value between 100% and 125% or

1           between 100% and 134% achievement, as applicable.

2           (9) The utility shall submit the energy savings data  
3           to the independent evaluator no later than 30 days after  
4           the close of the plan year. The independent evaluator  
5           shall determine the cumulative persisting annual savings  
6           for a given plan year, as well as an estimate of job  
7           impacts and other macroeconomic impacts of the efficiency  
8           programs for that year, no later than 120 days after the  
9           close of the plan year. The utility shall submit an  
10          informational filing to the Commission no later than 160  
11          days after the close of the plan year that attaches the  
12          independent evaluator's final report identifying the  
13          cumulative persisting annual savings for the year and  
14          calculates, under paragraph (7) or (8) of this subsection  
15          (g), as applicable, any resulting change to the utility's  
16          return on equity component of the weighted average cost of  
17          capital applicable to the next plan year beginning with  
18          the January monthly billing period and extending through  
19          the December monthly billing period. However, if the  
20          utility recovers the costs incurred under this Section  
21          under paragraphs (2) and (3) of subsection (d) of this  
22          Section, then the utility shall not be required to submit  
23          such informational filing, and shall instead submit the  
24          information that would otherwise be included in the  
25          informational filing as part of its filing under paragraph  
26          (3) of such subsection (d) that is due on or before June 1

1 of each year.

2 For those utilities that must submit the informational  
3 filing, the Commission may, on its own motion or by  
4 petition, initiate an investigation of such filing,  
5 provided, however, that the utility's proposed return on  
6 equity calculation shall be deemed the final, approved  
7 calculation on December 15 of the year in which it is filed  
8 unless the Commission enters an order on or before  
9 December 15, after notice and hearing, that modifies such  
10 calculation consistent with this Section.

11 The adjustments to the return on equity component  
12 described in paragraphs (7) and (8) of this subsection (g)  
13 shall be applied as described in such paragraphs through a  
14 separate tariff mechanism, which shall be filed by the  
15 utility under subsections (f) and (g) of this Section.

16 (9.5) The utility must demonstrate how it will ensure  
17 that program implementation contractors and energy  
18 efficiency installation vendors will promote workforce  
19 equity and quality jobs.

20 (9.6) Utilities shall collect data necessary to ensure  
21 compliance with paragraph (9.5) no less than quarterly and  
22 shall communicate progress toward compliance with  
23 paragraph (9.5) to program implementation contractors and  
24 energy efficiency installation vendors no less than  
25 quarterly. Utilities shall work with relevant vendors,  
26 providing education, training, and other resources needed

1 to ensure compliance and, where necessary, adjusting or  
2 terminating work with vendors that cannot assist with  
3 compliance.

4 (10) Utilities required to implement efficiency  
5 programs under subsections (b-5) and (b-10) shall report  
6 annually to the Illinois Commerce Commission and the  
7 General Assembly on how hiring, contracting, job training,  
8 and other practices related to its energy efficiency  
9 programs enhance the diversity of vendors working on such  
10 programs. These reports must include data on vendor and  
11 employee diversity, including data on the implementation  
12 of paragraphs (9.5) and (9.6). If the utility is not  
13 meeting the requirements of paragraphs (9.5) and (9.6),  
14 the utility shall submit a plan to adjust their activities  
15 so that they meet the requirements of paragraphs (9.5) and  
16 (9.6) within the following year.

17 (h) No more than 4% of energy efficiency and  
18 demand-response program revenue may be allocated for research,  
19 development, or pilot deployment of new equipment or measures.  
20 Electric utilities shall work with interested stakeholders to  
21 formulate a plan for how these funds should be spent,  
22 incorporate statewide approaches for these allocations, and  
23 file a 4-year plan that demonstrates that collaboration. If a  
24 utility files a request for modified annual energy savings  
25 goals with the Commission, then a utility shall forgo spending  
26 portfolio dollars on research and development proposals.

1           (i) When practicable, electric utilities shall incorporate  
2 advanced metering infrastructure data into the planning,  
3 implementation, and evaluation of energy efficiency measures  
4 and programs, subject to the data privacy and confidentiality  
5 protections of applicable law.

6           (j) The independent evaluator shall follow the guidelines  
7 and use the savings set forth in Commission-approved energy  
8 efficiency policy manuals and technical reference manuals, as  
9 each may be updated from time to time. Until such time as  
10 measure life values for energy efficiency measures implemented  
11 for low-income households under subsection (c) of this Section  
12 are incorporated into such Commission-approved manuals, the  
13 low-income measures shall have the same measure life values  
14 that are established for same measures implemented in  
15 households that are not low-income households.

16           (k) Notwithstanding any provision of law to the contrary,  
17 an electric utility subject to the requirements of this  
18 Section may file a tariff cancelling an automatic adjustment  
19 clause tariff in effect under this Section or Section 8-103,  
20 which shall take effect no later than one business day after  
21 the date such tariff is filed. Thereafter, the utility shall  
22 be authorized to defer and recover its expenditures incurred  
23 under this Section through a new tariff authorized under  
24 subsection (d) of this Section or in the utility's next rate  
25 case under Article IX or Section 16-108.5 of this Act, with  
26 interest at an annual rate equal to the utility's weighted

1 average cost of capital as approved by the Commission in such  
2 case. If the utility elects to file a new tariff under  
3 subsection (d) of this Section, the utility may file the  
4 tariff within 10 days after June 1, 2017 (the effective date of  
5 Public Act 99-906), and the cost inputs to such tariff shall be  
6 based on the projected costs to be incurred by the utility  
7 during the calendar year in which the new tariff is filed and  
8 that were not recovered under the tariff that was cancelled as  
9 provided for in this subsection. Such costs shall include  
10 those incurred or to be incurred by the utility under its  
11 multi-year plan approved under subsections (f) and (g) of this  
12 Section, including, but not limited to, projected capital  
13 investment costs and projected regulatory asset balances with  
14 correspondingly updated depreciation and amortization reserves  
15 and expense. The Commission shall, after notice and hearing,  
16 approve, or approve with modification, such tariff and cost  
17 inputs no later than 75 days after the utility filed the  
18 tariff, provided that such approval, or approval with  
19 modification, shall be consistent with the provisions of this  
20 Section to the extent they do not conflict with this  
21 subsection (k). The tariff approved by the Commission shall  
22 take effect no later than 5 days after the Commission enters  
23 its order approving the tariff.

24 No later than 60 days after the effective date of the  
25 tariff cancelling the utility's automatic adjustment clause  
26 tariff, the utility shall file a reconciliation that

1 reconciles the moneys collected under its automatic adjustment  
2 clause tariff with the costs incurred during the period  
3 beginning June 1, 2016 and ending on the date that the electric  
4 utility's automatic adjustment clause tariff was cancelled. In  
5 the event the reconciliation reflects an under-collection, the  
6 utility shall recover the costs as specified in this  
7 subsection (k). If the reconciliation reflects an  
8 over-collection, the utility shall apply the amount of such  
9 over-collection as a one-time credit to retail customers'  
10 bills.

11 (1) For the calendar years covered by a multi-year plan  
12 commencing after December 31, 2017, subsections (a) through  
13 (j) of this Section do not apply to eligible large private  
14 energy customers that have chosen to opt out of multi-year  
15 plans consistent with this subsection (1).

16 (1) For purposes of this subsection (1), "eligible  
17 large private energy customer" means any retail customers,  
18 except for federal, State, municipal, and other public  
19 customers, of an electric utility that serves more than  
20 3,000,000 retail customers, except for federal, State,  
21 municipal and other public customers, in the State and  
22 whose total highest 30 minute demand was more than 10,000  
23 kilowatts, or any retail customers of an electric utility  
24 that serves less than 3,000,000 retail customers but more  
25 than 500,000 retail customers in the State and whose total  
26 highest 15 minute demand was more than 10,000 kilowatts.



1 For purposes of this subsection (1), "retail customer" has  
2 the meaning set forth in Section 16-102 of this Act.  
3 However, for a business entity with multiple sites located  
4 in the State, where at least one of those sites qualifies  
5 as an eligible large private energy customer, then any of  
6 that business entity's sites, properly identified on a  
7 form for notice, shall be considered eligible large  
8 private energy customers for the purposes of this  
9 subsection (1). A determination of whether this subsection  
10 is applicable to a customer shall be made for each  
11 multi-year plan beginning after December 31, 2017. The  
12 criteria for determining whether this subsection (1) is  
13 applicable to a retail customer shall be based on the 12  
14 consecutive billing periods prior to the start of the  
15 first year of each such multi-year plan.

16 (2) Within 45 days after September 15, 2021 (the  
17 effective date of Public Act 102-662) ~~this amendatory Act~~  
18 ~~of the 102nd General Assembly~~, the Commission shall  
19 prescribe the form for notice required for opting out of  
20 energy efficiency programs. The notice must be submitted  
21 to the retail electric utility 12 months before the next  
22 energy efficiency planning cycle. However, within 120 days  
23 after the Commission's initial issuance of the form for  
24 notice, eligible large private energy customers may submit  
25 a form for notice to an electric utility. The form for  
26 notice for opting out of energy efficiency programs shall

1 include all of the following:

2 (A) a statement indicating that the customer has  
3 elected to opt out;

4 (B) the account numbers for the customer accounts  
5 to which the opt out shall apply;

6 (C) the mailing address associated with the  
7 customer accounts identified under subparagraph (B);

8 (D) an American Society of Heating, Refrigerating,  
9 and Air-Conditioning Engineers (ASHRAE) level 2 or  
10 higher audit report conducted by an independent  
11 third-party expert identifying cost-effective energy  
12 efficiency project opportunities that could be  
13 invested in over the next 10 years. A retail customer  
14 with specialized processes may utilize a self-audit  
15 process in lieu of the ASHRAE audit;

16 (E) a description of the customer's plans to  
17 reallocate the funds toward internal energy efficiency  
18 efforts identified in the subparagraph (D) report,  
19 including, but not limited to: (i) strategic energy  
20 management or other programs, including descriptions  
21 of targeted buildings, equipment and operations; (ii)  
22 eligible energy efficiency measures; and (iii)  
23 expected energy savings, itemized by technology. If  
24 the subparagraph (D) audit report identifies that the  
25 customer currently utilizes the best available energy  
26 efficient technology, equipment, programs, and

1 operations, the customer may provide a statement that  
2 more efficient technology, equipment, programs, and  
3 operations are not reasonably available as a means of  
4 satisfying this subparagraph (E); and

5 (F) the effective date of the opt out, which will  
6 be the next January 1 following notice of the opt out.

7 (3) Upon receipt of a properly and timely noticed  
8 request for opt out submitted by an eligible large private  
9 energy customer, the retail electric utility shall grant  
10 the request, file the request with the Commission and,  
11 beginning January 1 of the following year, the opted out  
12 customer shall no longer be assessed the costs of the plan  
13 and shall be prohibited from participating in that 4-year  
14 plan cycle to give the retail utility the certainty to  
15 design program plan proposals.

16 (4) Upon a customer's election to opt out under  
17 paragraphs (1) and (2) of this subsection (1) and  
18 commencing on the effective date of said opt out, the  
19 account properly identified in the customer's notice under  
20 paragraph (2) shall not be subject to any cost recovery  
21 and shall not be eligible to participate in, or directly  
22 benefit from, compliance with energy efficiency cumulative  
23 persisting savings requirements under subsections (a)  
24 through (j).

25 (5) A utility's cumulative persisting annual savings  
26 targets will exclude any opted out load.

1           (6) The request to opt out is only valid for the  
2 requested plan cycle. An eligible large private energy  
3 customer must also request to opt out for future energy  
4 plan cycles, otherwise the customer will be included in  
5 the future energy plan cycle.

6           (m) Notwithstanding the requirements of this Section, as  
7 part of a proceeding to approve a multi-year plan under  
8 subsections (f) and (g) of this Section if the multi-year plan  
9 has been designed to maximize savings, but does not meet the  
10 cost cap limitations of this Section, the Commission shall  
11 reduce the amount of energy efficiency measures implemented  
12 for any single year, and whose costs are recovered under  
13 subsection (d) of this Section, by an amount necessary to  
14 limit the estimated average net increase due to the cost of the  
15 measures to no more than

16           (1) 3.5% for each of the 4 years beginning January 1,  
17 2018,

18           (2) (blank),

19           (3) 4% for each of the 4 years beginning January 1,  
20 2022,

21           (4) 4.25% for the 4 years beginning January 1, 2026,  
22 and

23           (5) 4.25% plus an increase sufficient to account for  
24 the rate of inflation between January 1, 2026 and January  
25 1 of the first year of each subsequent 4-year plan cycle,  
26 of the average amount paid per kilowatthour by residential

1 eligible retail customers during calendar year 2015. An  
2 electric utility may plan to spend up to 10% more in any year  
3 during an applicable multi-year plan period to  
4 cost-effectively achieve additional savings so long as the  
5 average over the applicable multi-year plan period does not  
6 exceed the percentages defined in items (1) through (5). To  
7 determine the total amount that may be spent by an electric  
8 utility in any single year, the applicable percentage of the  
9 average amount paid per kilowatthour shall be multiplied by  
10 the total amount of energy delivered by such electric utility  
11 in the calendar year 2015, adjusted to reflect the proportion  
12 of the utility's load attributable to customers that have  
13 opted out of subsections (a) through (j) of this Section under  
14 subsection (l) of this Section. For purposes of this  
15 subsection (m), the amount paid per kilowatthour includes,  
16 without limitation, estimated amounts paid for supply,  
17 transmission, distribution, surcharges, and add-on taxes. For  
18 purposes of this Section, "eligible retail customers" shall  
19 have the meaning set forth in Section 16-111.5 of this Act.  
20 Once the Commission has approved a plan under subsections (f)  
21 and (g) of this Section, no subsequent rate impact  
22 determinations shall be made.

23 (n) A utility shall take advantage of the efficiencies  
24 available through existing Illinois Home Weatherization  
25 Assistance Program infrastructure and services, such as  
26 enrollment, marketing, quality assurance and implementation,

1 which can reduce the need for similar services at a lower cost  
2 than utility-only programs, subject to capacity constraints at  
3 community action agencies, for both single-family and  
4 multifamily weatherization services, to the extent Illinois  
5 Home Weatherization Assistance Program community action  
6 agencies provide multifamily services. A utility's plan shall  
7 demonstrate that in formulating annual weatherization budgets,  
8 it has sought input and coordination with community action  
9 agencies regarding agencies' capacity to expand and maximize  
10 Illinois Home Weatherization Assistance Program delivery using  
11 the ratepayer dollars collected under this Section.

12 (Source: P.A. 101-81, eff. 7-12-19; 102-662, eff. 9-15-21;  
13 revised 2-28-22.)

14 (220 ILCS 5/8-201.4)

15 Sec. 8-201.4. Prohibition on use of utility name or logo  
16 by non-utility entity. No non-utility individual, business, or  
17 entity shall use a public utility name or logo, in whole or in  
18 part, in any manner to market, solicit, sell, or bill for a  
19 home ~~(i)~~ insurance, ~~(ii)~~ maintenance, or ~~(iii)~~ warranty  
20 product. This prohibition does not apply to activities  
21 permitted to implement a program or plan approved by the  
22 Commission pursuant to an order entered under this Act. This  
23 prohibition does not apply to the partial use by a non-utility  
24 entity of a logo belonging to an electric utility that serves  
25 fewer than 200,000 customers in this State.

1 (Source: P.A. 102-928, eff. 1-1-23; revised 12-19-22.)

2 (220 ILCS 5/14-102) (from Ch. 111 2/3, par. 14-102)

3 Sec. 14-102. Terms of office, vacancies, restrictions, and  
4 removals.

5 Terms of office. The first members of the transit  
6 commission shall be appointed for two, three, and four year  
7 terms respectively. The term of office of each member  
8 thereafter appointed shall be four years.

9 Vacancies. Any vacancy in the membership of the transit  
10 commission occurring by reason of the death, resignation,  
11 disqualification, removal, or inability or refusal to act of  
12 any of the members of such transit commission shall be filled  
13 by appointment by the mayor by and with the advice and consent  
14 of the city council of the city.

15 Restrictions and removals. Each member of the transit  
16 commission shall devote all time necessary to perform properly  
17 and adequately the duties of his office, and shall hold no  
18 other office or position of profit, or engage in any other  
19 business, employment, or vocation to the detriment or neglect  
20 of such duties.

21 No person holding stocks or bonds in any corporation  
22 subject to the jurisdiction of the transit commission, or who  
23 is in any other manner directly or indirectly pecuniarily  
24 interested in any such corporation, shall be appointed as a  
25 member of the transit commission or shall be appointed or

1 employed by the transit commission.

2 No member of the transit commission or any officer or  
3 employee ~~employe~~ of the transit commission shall voluntarily  
4 become so interested and if he shall become so interested  
5 otherwise than voluntarily he shall within a reasonable time  
6 divest himself of such interest.

7 No member of the transit commission or any officer or  
8 employee ~~employe~~ of the transit commission shall solicit or  
9 accept any gift, gratuity, emolument, or employment from any  
10 corporation subject to the jurisdiction of the transit  
11 commission or from any officer, agent, or employee ~~employe~~  
12 thereof; nor solicit, request, or recommend directly or  
13 indirectly, to any such corporation or to any officer, agent,  
14 or employee ~~employe~~ thereof, the appointment or employment of  
15 any person by any such corporation to any office or position.  
16 And no such corporation or any officer, agent, or employee  
17 ~~employe~~ thereof, shall offer to any member of the transit  
18 commission or any officer or employee ~~employe~~ of the transit  
19 commission any gift, gratuity, emolument, or employment.

20 Violation of any of the provisions of this paragraph by  
21 any member, officer, or employee ~~employe~~ of the transit  
22 commission shall be ground for his removal from the office or  
23 employment held by him.

24 No member of the transit commission shall be removed from  
25 office during the term for which he shall be appointed except  
26 upon written charges made and sustained, as hereinafter



1 provided for violation of any of the provisions of this  
2 paragraph, or for malfeasance, misfeasance, or nonfeasance in  
3 the discharge of the duties of his office.

4 Such charges shall be preferred by the mayor in writing to  
5 the city council of the city, or by resolution of the city  
6 council of the city and shall be investigated by a committee  
7 designated by the city council, which shall afford full  
8 opportunity to the commissioner complained of to appear and be  
9 heard in his own defense and to be represented by counsel.

10 The finding or decision of such committee shall be  
11 reported by it to the city council. In case such finding or  
12 decision shall sustain the charges and shall be approved by a  
13 vote of two-thirds ~~two-thirds~~ of all of the members of the city  
14 council, the mayor of the city shall issue a declaration  
15 removing such commissioner from office and the vacancy thus  
16 created shall be filled as in this Section ~~section~~ provided.

17 (Source: P.A. 84-617; revised 8-22-22.)

18 (220 ILCS 5/14-103) (from Ch. 111 2/3, par. 14-103)

19 Sec. 14-103. Offices, employees ~~employes~~ and supplies,  
20 salaries.

21 Offices. The transit commission shall establish and  
22 maintain an office in the city hall of the city or at such  
23 other place as the city council of the city shall from time to  
24 time authorize or provide.

25 Such office shall be open for business between the hours

1 of nine o'clock A. M. and five o'clock P. M. of each week day  
2 except holidays, except on Saturdays the hours shall be from  
3 nine o'clock A. M. to twelve o'clock noon.

4 Employees ~~Employee~~ and supplies. The transit commission  
5 shall have power to appoint a secretary, and to employ such  
6 accountants, engineers, experts, inspectors, clerks, and other  
7 employees ~~employee~~ and fix their compensation, and to purchase  
8 such furniture, stationery, and other supplies and materials,  
9 as are reasonably necessary to enable it properly to perform  
10 its duties and exercise its powers.

11 The secretary and such other employees ~~employee~~ as the  
12 transit commission may require shall give bond in such amount  
13 and with such security as the transit commission may  
14 prescribe.

15 Salaries and expenses. Each of the members of the transit  
16 commission shall receive such annual salary as shall be fixed  
17 by the city council of the city.

18 The salary of any member shall not be reduced during his  
19 term of office.

20 The city council of the city shall have power to provide  
21 for the payment of the salaries of all members and the expenses  
22 of the transit commission.

23 (Source: P.A. 84-617; revised 8-22-22.)

24 (220 ILCS 5/14-104) (from Ch. 111 2/3, par. 14-104)

25 Sec. 14-104. Rules and regulations, meetings, seal and

1 authentication of records, etc.

2 Rules and regulations. Consistent with the provisions of  
3 this Article, the transit commission may adopt such rules and  
4 regulations and may alter and amend the same as it shall deem  
5 advisable relative to the calling, holding, and conduct of its  
6 meetings, the transaction of its business, the regulation and  
7 control of its agents and employees ~~employees~~, the filing of  
8 complaints and petitions and the service of notices thereof  
9 and the conduct of hearings thereon, and the performance in  
10 general of its duties and powers hereunder.

11 Meetings. For the purpose of receiving, considering, and  
12 acting upon any complaints or applications which may be  
13 presented to it or for the purpose of conducting  
14 investigations or hearings on its own motion the transit  
15 commission shall hold a regular meeting at least once a week  
16 except in the months of July and August in each year. In  
17 addition to such other meetings of the transit commission as  
18 may be held, called or provided for by the rules and  
19 regulations of the transit commission, the Chairman shall call  
20 a meeting of the transit commission at any time upon the  
21 request of the mayor or city council of the city.

22 Quorum and Majority Rule. Two members of the transit  
23 commission shall constitute a quorum to transact business and  
24 no vacancy shall impair the right of the remaining  
25 commissioners to exercise all the powers of the transit  
26 commission; and every finding, order, decision, rule,

1 regulation, or requirement of the transit commission approved  
2 by at least two members thereof shall be deemed to be the  
3 finding, order, decision, rule, regulation, or requirement of  
4 the transit commission.

5 Seal, Authentication of records, etc. The transit  
6 commission may adopt, keep, and use a common seal, of which  
7 judicial notice shall be taken in all courts of this State  
8 ~~state~~. Any process, notice, or other instrument which the  
9 transit commission may be authorized by law to issue shall be  
10 deemed sufficient if signed by the secretary of the transit  
11 commission and authenticated by such seal. All acts, orders,  
12 decisions, rules, and records of the transit commission, and  
13 all reports, schedules, and documents filed with the transit  
14 commission may be proved in any court in this State ~~state~~ by a  
15 copy thereof certified by the secretary under the seal of the  
16 transit commission.

17 (Source: P.A. 84-617; revised 8-22-22.)

18 (220 ILCS 5/16-108.5)

19 Sec. 16-108.5. Infrastructure investment and  
20 modernization; regulatory reform.

21 (a) (Blank).

22 (b) For purposes of this Section, "participating utility"  
23 means an electric utility or a combination utility serving  
24 more than 1,000,000 customers in Illinois that voluntarily  
25 elects and commits to undertake (i) the infrastructure

1 investment program consisting of the commitments and  
2 obligations described in this subsection (b) and (ii) the  
3 customer assistance program consisting of the commitments and  
4 obligations described in subsection (b-10) of this Section,  
5 notwithstanding any other provisions of this Act and without  
6 obtaining any approvals from the Commission or any other  
7 agency other than as set forth in this Section, regardless of  
8 whether any such approval would otherwise be required.

9 "Combination utility" means a utility that, as of January 1,  
10 2011, provided electric service to at least one million retail  
11 customers in Illinois and gas service to at least 500,000  
12 retail customers in Illinois. A participating utility shall  
13 recover the expenditures made under the infrastructure  
14 investment program through the ratemaking process, including,  
15 but not limited to, the performance-based formula rate and  
16 process set forth in this Section.

17 During the infrastructure investment program's peak  
18 program year, a participating utility other than a combination  
19 utility shall create 2,000 full-time equivalent jobs in  
20 Illinois, and a participating utility that is a combination  
21 utility shall create 450 full-time equivalent jobs in Illinois  
22 related to the provision of electric service. These jobs shall  
23 include direct jobs, contractor positions, and induced jobs,  
24 but shall not include any portion of a job commitment, not  
25 specifically contingent on an amendatory Act of the 97th  
26 General Assembly becoming law, between a participating utility

1 and a labor union that existed on December 30, 2011 (the  
2 effective date of Public Act 97-646) and that has not yet been  
3 fulfilled. A portion of the full-time equivalent jobs created  
4 by each participating utility shall include incremental  
5 personnel hired subsequent to December 30, 2011 (the effective  
6 date of Public Act 97-646). For purposes of this Section,  
7 "peak program year" means the consecutive 12-month period with  
8 the highest number of full-time equivalent jobs that occurs  
9 between the beginning of investment year 2 and the end of  
10 investment year 4.

11 A participating utility shall meet one of the following  
12 commitments, as applicable:

13 (1) Beginning no later than 180 days after a  
14 participating utility other than a combination utility  
15 files a performance-based formula rate tariff pursuant to  
16 subsection (c) of this Section, or, beginning no later  
17 than January 1, 2012 if such utility files such  
18 performance-based formula rate tariff within 14 days of  
19 October 26, 2011 (the effective date of Public Act  
20 97-616), the participating utility shall, except as  
21 provided in subsection (b-5):

22 (A) over a 5-year period, invest an estimated  
23 \$1,300,000,000 in electric system upgrades,  
24 modernization projects, and training facilities,  
25 including, but not limited to:

26 (i) distribution infrastructure improvements

1 totaling an estimated \$1,000,000,000, including  
2 underground residential distribution cable  
3 injection and replacement and mainline cable  
4 system refurbishment and replacement projects;

5 (ii) training facility construction or upgrade  
6 projects totaling an estimated \$10,000,000,  
7 provided that, at a minimum, one such facility  
8 shall be located in a municipality having a  
9 population of more than 2 million residents and  
10 one such facility shall be located in a  
11 municipality having a population of more than  
12 150,000 residents but fewer than 170,000  
13 residents; any such new facility located in a  
14 municipality having a population of more than 2  
15 million residents must be designed for the purpose  
16 of obtaining, and the owner of the facility shall  
17 apply for, certification under the United States  
18 Green Building Council's Leadership in Energy  
19 Efficiency Design Green Building Rating System;

20 (iii) wood pole inspection, treatment, and  
21 replacement programs;

22 (iv) an estimated \$200,000,000 for reducing  
23 the susceptibility of certain circuits to  
24 storm-related damage, including, but not limited  
25 to, high winds, thunderstorms, and ice storms;  
26 improvements may include, but are not limited to,

1 overhead to underground conversion and other  
2 engineered outcomes for circuits; the  
3 participating utility shall prioritize the  
4 selection of circuits based on each circuit's  
5 historical susceptibility to storm-related damage  
6 and the ability to provide the greatest customer  
7 benefit upon completion of the improvements; to be  
8 eligible for improvement, the participating  
9 utility's ability to maintain proper tree  
10 clearances surrounding the overhead circuit must  
11 not have been impeded by third parties; and

12 (B) over a 10-year period, invest an estimated  
13 \$1,300,000,000 to upgrade and modernize its  
14 transmission and distribution infrastructure and in  
15 Smart Grid electric system upgrades, including, but  
16 not limited to:

- 17 (i) additional smart meters;  
18 (ii) distribution automation;  
19 (iii) associated cyber secure data  
20 communication network; and  
21 (iv) substation micro-processor relay  
22 upgrades.

23 (2) Beginning no later than 180 days after a  
24 participating utility that is a combination utility files  
25 a performance-based formula rate tariff pursuant to  
26 subsection (c) of this Section, or, beginning no later



1 than January 1, 2012 if such utility files such  
2 performance-based formula rate tariff within 14 days of  
3 October 26, 2011 (the effective date of Public Act  
4 97-616), the participating utility shall, except as  
5 provided in subsection (b-5):

6 (A) over a 10-year period, invest an estimated  
7 \$265,000,000 in electric system upgrades,  
8 modernization projects, and training facilities,  
9 including, but not limited to:

10 (i) distribution infrastructure improvements  
11 totaling an estimated \$245,000,000, which may  
12 include bulk supply substations, transformers,  
13 reconductoring, and rebuilding overhead  
14 distribution and sub-transmission lines,  
15 underground residential distribution cable  
16 injection and replacement and mainline cable  
17 system refurbishment and replacement projects;

18 (ii) training facility construction or upgrade  
19 projects totaling an estimated \$1,000,000; any  
20 such new facility must be designed for the purpose  
21 of obtaining, and the owner of the facility shall  
22 apply for, certification under the United States  
23 Green Building Council's Leadership in Energy  
24 Efficiency Design Green Building Rating System;  
25 and

26 (iii) wood pole inspection, treatment, and

1 replacement programs; and  
2 (B) over a 10-year period, invest an estimated  
3 \$360,000,000 to upgrade and modernize its transmission  
4 and distribution infrastructure and in Smart Grid  
5 electric system upgrades, including, but not limited  
6 to:  
7 (i) additional smart meters;  
8 (ii) distribution automation;  
9 (iii) associated cyber secure data  
10 communication network; and  
11 (iv) substation micro-processor relay  
12 upgrades.

13 For purposes of this Section, "Smart Grid electric system  
14 upgrades" shall have the meaning set forth in subsection (a)  
15 of Section 16-108.6 of this Act.

16 The investments in the infrastructure investment program  
17 described in this subsection (b) shall be incremental to the  
18 participating utility's annual capital investment program, as  
19 defined by, for purposes of this subsection (b), the  
20 participating utility's average capital spend for calendar  
21 years 2008, 2009, and 2010 as reported in the applicable  
22 Federal Energy Regulatory Commission (FERC) Form 1; provided  
23 that where one or more utilities have merged, the average  
24 capital spend shall be determined using the aggregate of the  
25 merged utilities' capital spend reported in FERC Form 1 for  
26 the years 2008, 2009, and 2010. A participating utility may

1 add reasonable construction ramp-up and ramp-down time to the  
2 investment periods specified in this subsection (b). For each  
3 such investment period, the ramp-up and ramp-down time shall  
4 not exceed a total of 6 months.

5 Within 60 days after filing a tariff under subsection (c)  
6 of this Section, a participating utility shall submit to the  
7 Commission its plan, including scope, schedule, and staffing,  
8 for satisfying its infrastructure investment program  
9 commitments pursuant to this subsection (b). The submitted  
10 plan shall include a schedule and staffing plan for the next  
11 calendar year. The plan shall also include a plan for the  
12 creation, operation, and administration of a Smart Grid test  
13 bed as described in subsection (c) of Section 16-108.8. The  
14 plan need not allocate the work equally over the respective  
15 periods, but should allocate material increments throughout  
16 such periods commensurate with the work to be undertaken. No  
17 later than April 1 of each subsequent year, the utility shall  
18 submit to the Commission a report that includes any updates to  
19 the plan, a schedule for the next calendar year, the  
20 expenditures made for the prior calendar year and  
21 cumulatively, and the number of full-time equivalent jobs  
22 created for the prior calendar year and cumulatively. If the  
23 utility is materially deficient in satisfying a schedule or  
24 staffing plan, then the report must also include a corrective  
25 action plan to address the deficiency. The fact that the plan,  
26 implementation of the plan, or a schedule changes shall not

1 imply the imprudence or unreasonableness of the infrastructure  
2 investment program, plan, or schedule. Further, no later than  
3 45 days following the last day of the first, second, and third  
4 quarters of each year of the plan, a participating utility  
5 shall submit to the Commission a verified quarterly report for  
6 the prior quarter that includes (i) the total number of  
7 full-time equivalent jobs created during the prior quarter,  
8 (ii) the total number of employees as of the last day of the  
9 prior quarter, (iii) the total number of full-time equivalent  
10 hours in each job classification or job title, (iv) the total  
11 number of incremental employees and contractors in support of  
12 the investments undertaken pursuant to this subsection (b) for  
13 the prior quarter, and (v) any other information that the  
14 Commission may require by rule.

15 With respect to the participating utility's peak job  
16 commitment, if, after considering the utility's corrective  
17 action plan and compliance thereunder, the Commission enters  
18 an order finding, after notice and hearing, that a  
19 participating utility did not satisfy its peak job commitment  
20 described in this subsection (b) for reasons that are  
21 reasonably within its control, then the Commission shall also  
22 determine, after consideration of the evidence, including, but  
23 not limited to, evidence submitted by the Department of  
24 Commerce and Economic Opportunity and the utility, the  
25 deficiency in the number of full-time equivalent jobs during  
26 the peak program year due to such failure. The Commission

1 shall notify the Department of any proceeding that is  
2 initiated pursuant to this paragraph. For each full-time  
3 equivalent job deficiency during the peak program year that  
4 the Commission finds as set forth in this paragraph, the  
5 participating utility shall, within 30 days after the entry of  
6 the Commission's order, pay \$6,000 to a fund for training  
7 grants administered under Section 605-800 of the Department of  
8 Commerce and Economic Opportunity Law, which shall not be a  
9 recoverable expense.

10 With respect to the participating utility's investment  
11 amount commitments, if, after considering the utility's  
12 corrective action plan and compliance thereunder, the  
13 Commission enters an order finding, after notice and hearing,  
14 that a participating utility is not satisfying its investment  
15 amount commitments described in this subsection (b), then the  
16 utility shall no longer be eligible to annually update the  
17 performance-based formula rate tariff pursuant to subsection  
18 (d) of this Section. In such event, the then current rates  
19 shall remain in effect until such time as new rates are set  
20 pursuant to Article IX of this Act, subject to retroactive  
21 adjustment, with interest, to reconcile rates charged with  
22 actual costs.

23 If the Commission finds that a participating utility is no  
24 longer eligible to update the performance-based formula rate  
25 tariff pursuant to subsection (d) of this Section, or the  
26 performance-based formula rate is otherwise terminated, then

1 the participating utility's voluntary commitments and  
2 obligations under this subsection (b) shall immediately  
3 terminate, except for the utility's obligation to pay an  
4 amount already owed to the fund for training grants pursuant  
5 to a Commission order.

6 In meeting the obligations of this subsection (b), to the  
7 extent feasible and consistent with State and federal law, the  
8 investments under the infrastructure investment program should  
9 provide employment opportunities for all segments of the  
10 population and workforce, including minority-owned and  
11 female-owned business enterprises, and shall not, consistent  
12 with State and federal law, discriminate based on race or  
13 socioeconomic status.

14 (b-5) Nothing in this Section shall prohibit the  
15 Commission from investigating the prudence and reasonableness  
16 of the expenditures made under the infrastructure investment  
17 program during the annual review required by subsection (d) of  
18 this Section and shall, as part of such investigation,  
19 determine whether the utility's actual costs under the program  
20 are prudent and reasonable. The fact that a participating  
21 utility invests more than the minimum amounts specified in  
22 subsection (b) of this Section or its plan shall not imply  
23 imprudence or unreasonableness.

24 If the participating utility finds that it is implementing  
25 its plan for satisfying the infrastructure investment program  
26 commitments described in subsection (b) of this Section at a

1 cost below the estimated amounts specified in subsection (b)  
2 of this Section, then the utility may file a petition with the  
3 Commission requesting that it be permitted to satisfy its  
4 commitments by spending less than the estimated amounts  
5 specified in subsection (b) of this Section. The Commission  
6 shall, after notice and hearing, enter its order approving, or  
7 approving as modified, or denying each such petition within  
8 150 days after the filing of the petition.

9 In no event, absent General Assembly approval, shall the  
10 capital investment costs incurred by a participating utility  
11 other than a combination utility in satisfying its  
12 infrastructure investment program commitments described in  
13 subsection (b) of this Section exceed \$3,000,000,000 or, for a  
14 participating utility that is a combination utility,  
15 \$720,000,000. If the participating utility's updated cost  
16 estimates for satisfying its infrastructure investment program  
17 commitments described in subsection (b) of this Section exceed  
18 the limitation imposed by this subsection (b-5), then it shall  
19 submit a report to the Commission that identifies the  
20 increased costs and explains the reason or reasons for the  
21 increased costs no later than the year in which the utility  
22 estimates it will exceed the limitation. The Commission shall  
23 review the report and shall, within 90 days after the  
24 participating utility files the report, report to the General  
25 Assembly its findings regarding the participating utility's  
26 report. If the General Assembly does not amend the limitation

1 imposed by this subsection (b-5), then the utility may modify  
2 its plan so as not to exceed the limitation imposed by this  
3 subsection (b-5) and may propose corresponding changes to the  
4 metrics established pursuant to subparagraphs (5) through (8)  
5 of subsection (f) of this Section, and the Commission may  
6 modify the metrics and incremental savings goals established  
7 pursuant to subsection (f) of this Section accordingly.

8 (b-10) All participating utilities shall make  
9 contributions for an energy low-income and support program in  
10 accordance with this subsection. Beginning no later than 180  
11 days after a participating utility files a performance-based  
12 formula rate tariff pursuant to subsection (c) of this  
13 Section, or beginning no later than January 1, 2012 if such  
14 utility files such performance-based formula rate tariff  
15 within 14 days of December 30, 2011 (the effective date of  
16 Public Act 97-646), and without obtaining any approvals from  
17 the Commission or any other agency other than as set forth in  
18 this Section, regardless of whether any such approval would  
19 otherwise be required, a participating utility other than a  
20 combination utility shall pay \$10,000,000 per year for 5 years  
21 and a participating utility that is a combination utility  
22 shall pay \$1,000,000 per year for 10 years to the energy  
23 low-income and support program, which is intended to fund  
24 customer assistance programs with the primary purpose being  
25 avoidance of imminent disconnection. Such programs may  
26 include:



1           (1) a residential hardship program that may partner  
2 with community-based organizations, including senior  
3 citizen organizations, and provides grants to low-income  
4 residential customers, including low-income senior  
5 citizens, who demonstrate a hardship;

6           (2) a program that provides grants and other bill  
7 payment concessions to veterans with disabilities who  
8 demonstrate a hardship and members of the armed services  
9 or reserve forces of the United States or members of the  
10 Illinois National Guard who are on active duty pursuant to  
11 an executive order of the President of the United States,  
12 an act of the Congress of the United States, or an order of  
13 the Governor and who demonstrate a hardship;

14           (3) a budget assistance program that provides tools  
15 and education to low-income senior citizens to assist them  
16 with obtaining information regarding energy usage and  
17 effective means of managing energy costs;

18           (4) a non-residential special hardship program that  
19 provides grants to non-residential customers such as small  
20 businesses and non-profit organizations that demonstrate a  
21 hardship, including those providing services to senior  
22 citizen and low-income customers; and

23           (5) a performance-based assistance program that  
24 provides grants to encourage residential customers to make  
25 on-time payments by matching a portion of the customer's  
26 payments or providing credits towards arrearages.

1           The payments made by a participating utility pursuant to  
2 this subsection (b-10) shall not be a recoverable expense. A  
3 participating utility may elect to fund either new or existing  
4 customer assistance programs, including, but not limited to,  
5 those that are administered by the utility.

6           Programs that use funds that are provided by a  
7 participating utility to reduce utility bills may be  
8 implemented through tariffs that are filed with and reviewed  
9 by the Commission. If a utility elects to file tariffs with the  
10 Commission to implement all or a portion of the programs,  
11 those tariffs shall, regardless of the date actually filed, be  
12 deemed accepted and approved, and shall become effective on  
13 December 30, 2011 (the effective date of Public Act 97-646).  
14 The participating utilities whose customers benefit from the  
15 funds that are disbursed as contemplated in this Section shall  
16 file annual reports documenting the disbursement of those  
17 funds with the Commission. The Commission has the authority to  
18 audit disbursement of the funds to ensure they were disbursed  
19 consistently with this Section.

20           If the Commission finds that a participating utility is no  
21 longer eligible to update the performance-based formula rate  
22 tariff pursuant to subsection (d) of this Section, or the  
23 performance-based formula rate is otherwise terminated, then  
24 the participating utility's voluntary commitments and  
25 obligations under this subsection (b-10) shall immediately  
26 terminate.

1 (c) A participating utility may elect to recover its  
2 delivery services costs through a performance-based formula  
3 rate approved by the Commission, which shall specify the cost  
4 components that form the basis of the rate charged to  
5 customers with sufficient specificity to operate in a  
6 standardized manner and be updated annually with transparent  
7 information that reflects the utility's actual costs to be  
8 recovered during the applicable rate year, which is the period  
9 beginning with the first billing day of January and extending  
10 through the last billing day of the following December. In the  
11 event the utility recovers a portion of its costs through  
12 automatic adjustment clause tariffs on October 26, 2011 (the  
13 effective date of Public Act 97-616), the utility may elect to  
14 continue to recover these costs through such tariffs, but then  
15 these costs shall not be recovered through the  
16 performance-based formula rate. In the event the participating  
17 utility, prior to December 30, 2011 (the effective date of  
18 Public Act 97-646), filed electric delivery services tariffs  
19 with the Commission pursuant to Section 9-201 of this Act that  
20 are related to the recovery of its electric delivery services  
21 costs that are still pending on December 30, 2011 (the  
22 effective date of Public Act 97-646), the participating  
23 utility shall, at the time it files its performance-based  
24 formula rate tariff with the Commission, also file a notice of  
25 withdrawal with the Commission to withdraw the electric  
26 delivery services tariffs previously filed pursuant to Section

1 9-201 of this Act. Upon receipt of such notice, the Commission  
2 shall dismiss with prejudice any docket that had been  
3 initiated to investigate the electric delivery services  
4 tariffs filed pursuant to Section 9-201 of this Act, and such  
5 tariffs and the record related thereto shall not be the  
6 subject of any further hearing, investigation, or proceeding  
7 of any kind related to rates for electric delivery services.

8 The performance-based formula rate shall be implemented  
9 through a tariff filed with the Commission consistent with the  
10 provisions of this subsection (c) that shall be applicable to  
11 all delivery services customers. The Commission shall initiate  
12 and conduct an investigation of the tariff in a manner  
13 consistent with the provisions of this subsection (c) and the  
14 provisions of Article IX of this Act to the extent they do not  
15 conflict with this subsection (c). Except in the case where  
16 the Commission finds, after notice and hearing, that a  
17 participating utility is not satisfying its investment amount  
18 commitments under subsection (b) of this Section, the  
19 performance-based formula rate shall remain in effect at the  
20 discretion of the utility. The performance-based formula rate  
21 approved by the Commission shall do the following:

22 (1) Provide for the recovery of the utility's actual  
23 costs of delivery services that are prudently incurred and  
24 reasonable in amount consistent with Commission practice  
25 and law. The sole fact that a cost differs from that  
26 incurred in a prior calendar year or that an investment is

1 different from that made in a prior calendar year shall  
2 not imply the imprudence or unreasonableness of that cost  
3 or investment.

4 (2) Reflect the utility's actual year-end capital  
5 structure for the applicable calendar year, excluding  
6 goodwill, subject to a determination of prudence and  
7 reasonableness consistent with Commission practice and  
8 law. To enable the financing of the incremental capital  
9 expenditures, including regulatory assets, for electric  
10 utilities that serve less than 3,000,000 retail customers  
11 but more than 500,000 retail customers in the State, a  
12 participating electric utility's actual year-end capital  
13 structure that includes a common equity ratio, excluding  
14 goodwill, of up to and including 50% of the total capital  
15 structure shall be deemed reasonable and used to set  
16 rates.

17 (3) Include a cost of equity, which shall be  
18 calculated as the sum of the following:

19 (A) the average for the applicable calendar year  
20 of the monthly average yields of 30-year U.S. Treasury  
21 bonds published by the Board of Governors of the  
22 Federal Reserve System in its weekly H.15 Statistical  
23 Release or successor publication; and

24 (B) 580 basis points.

25 At such time as the Board of Governors of the Federal  
26 Reserve System ceases to include the monthly average

1 yields of 30-year U.S. Treasury bonds in its weekly H.15  
2 Statistical Release or successor publication, the monthly  
3 average yields of the U.S. Treasury bonds then having the  
4 longest duration published by the Board of Governors in  
5 its weekly H.15 Statistical Release or successor  
6 publication shall instead be used for purposes of this  
7 paragraph (3).

8 (4) Permit and set forth protocols, subject to a  
9 determination of prudence and reasonableness consistent  
10 with Commission practice and law, for the following:

11 (A) recovery of incentive compensation expense  
12 that is based on the achievement of operational  
13 metrics, including metrics related to budget controls,  
14 outage duration and frequency, safety, customer  
15 service, efficiency and productivity, and  
16 environmental compliance. Incentive compensation  
17 expense that is based on net income or an affiliate's  
18 earnings per share shall not be recoverable under the  
19 performance-based formula rate;

20 (B) recovery of pension and other post-employment  
21 benefits expense, provided that such costs are  
22 supported by an actuarial study;

23 (C) recovery of severance costs, provided that if  
24 the amount is over \$3,700,000 for a participating  
25 utility that is a combination utility or \$10,000,000  
26 for a participating utility that serves more than 3

1 million retail customers, then the full amount shall  
2 be amortized consistent with subparagraph (F) of this  
3 paragraph (4);

4 (D) investment return at a rate equal to the  
5 utility's weighted average cost of long-term debt, on  
6 the pension assets as, and in the amount, reported in  
7 Account 186 (or in such other Account or Accounts as  
8 such asset may subsequently be recorded) of the  
9 utility's most recently filed FERC Form 1, net of  
10 deferred tax benefits;

11 (E) recovery of the expenses related to the  
12 Commission proceeding under this subsection (c) to  
13 approve this performance-based formula rate and  
14 initial rates or to subsequent proceedings related to  
15 the formula, provided that the recovery shall be  
16 amortized over a 3-year period; recovery of expenses  
17 related to the annual Commission proceedings under  
18 subsection (d) of this Section to review the inputs to  
19 the performance-based formula rate shall be expensed  
20 and recovered through the performance-based formula  
21 rate;

22 (F) amortization over a 5-year period of the full  
23 amount of each charge or credit that exceeds  
24 \$3,700,000 for a participating utility that is a  
25 combination utility or \$10,000,000 for a participating  
26 utility that serves more than 3 million retail

1 customers in the applicable calendar year and that  
2 relates to a workforce reduction program's severance  
3 costs, changes in accounting rules, changes in law,  
4 compliance with any Commission-initiated audit, or a  
5 single storm or other similar expense, provided that  
6 any unamortized balance shall be reflected in the rate  
7 base. For purposes of this subparagraph (F), changes  
8 in law includes any enactment, repeal, or amendment in  
9 a law, ordinance, rule, regulation, interpretation,  
10 permit, license, consent, or order, including those  
11 relating to taxes, accounting, or to environmental  
12 matters, or in the interpretation or application  
13 thereof by any governmental authority occurring after  
14 October 26, 2011 (the effective date of Public Act  
15 97-616);

16 (G) recovery of existing regulatory assets over  
17 the periods previously authorized by the Commission;

18 (H) historical weather normalized billing  
19 determinants; and

20 (I) allocation methods for common costs.

21 (5) Provide that if the participating utility's earned  
22 rate of return on common equity related to the provision  
23 of delivery services for the prior rate year (calculated  
24 using costs and capital structure approved by the  
25 Commission as provided in subparagraph (2) of this  
26 subsection (c), consistent with this Section, in



1       accordance with Commission rules and orders, including,  
2       but not limited to, adjustments for goodwill, and after  
3       any Commission-ordered disallowances and taxes) is more  
4       than 50 basis points higher than the rate of return on  
5       common equity calculated pursuant to paragraph (3) of this  
6       subsection (c) (after adjusting for any penalties to the  
7       rate of return on common equity applied pursuant to the  
8       performance metrics provision of subsection (f) of this  
9       Section), then the participating utility shall apply a  
10      credit through the performance-based formula rate that  
11      reflects an amount equal to the value of that portion of  
12      the earned rate of return on common equity that is more  
13      than 50 basis points higher than the rate of return on  
14      common equity calculated pursuant to paragraph (3) of this  
15      subsection (c) (after adjusting for any penalties to the  
16      rate of return on common equity applied pursuant to the  
17      performance metrics provision of subsection (f) of this  
18      Section) for the prior rate year, adjusted for taxes. If  
19      the participating utility's earned rate of return on  
20      common equity related to the provision of delivery  
21      services for the prior rate year (calculated using costs  
22      and capital structure approved by the Commission as  
23      provided in subparagraph (2) of this subsection (c),  
24      consistent with this Section, in accordance with  
25      Commission rules and orders, including, but not limited  
26      to, adjustments for goodwill, and after any

1 Commission-ordered disallowances and taxes) is more than  
2 50 basis points less than the return on common equity  
3 calculated pursuant to paragraph (3) of this subsection  
4 (c) (after adjusting for any penalties to the rate of  
5 return on common equity applied pursuant to the  
6 performance metrics provision of subsection (f) of this  
7 Section), then the participating utility shall apply a  
8 charge through the performance-based formula rate that  
9 reflects an amount equal to the value of that portion of  
10 the earned rate of return on common equity that is more  
11 than 50 basis points less than the rate of return on common  
12 equity calculated pursuant to paragraph (3) of this  
13 subsection (c) (after adjusting for any penalties to the  
14 rate of return on common equity applied pursuant to the  
15 performance metrics provision of subsection (f) of this  
16 Section) for the prior rate year, adjusted for taxes.

17 (6) Provide for an annual reconciliation, as described  
18 in subsection (d) of this Section, with interest, of the  
19 revenue requirement reflected in rates for each calendar  
20 year, beginning with the calendar year in which the  
21 utility files its performance-based formula rate tariff  
22 pursuant to subsection (c) of this Section, with what the  
23 revenue requirement would have been had the actual cost  
24 information for the applicable calendar year been  
25 available at the filing date.

26 The utility shall file, together with its tariff, final

1 data based on its most recently filed FERC Form 1, plus  
2 projected plant additions and correspondingly updated  
3 depreciation reserve and expense for the calendar year in  
4 which the tariff and data are filed, that shall populate the  
5 performance-based formula rate and set the initial delivery  
6 services rates under the formula. For purposes of this  
7 Section, "FERC Form 1" means the Annual Report of Major  
8 Electric Utilities, Licensees and Others that electric  
9 utilities are required to file with the Federal Energy  
10 Regulatory Commission under the Federal Power Act, Sections 3,  
11 4(a), 304 and 209, modified as necessary to be consistent with  
12 83 Ill. ~~Adm. Admin.~~ Code Part 415 as of May 1, 2011. Nothing in  
13 this Section is intended to allow costs that are not otherwise  
14 recoverable to be recoverable by virtue of inclusion in FERC  
15 Form 1.

16 After the utility files its proposed performance-based  
17 formula rate structure and protocols and initial rates, the  
18 Commission shall initiate a docket to review the filing. The  
19 Commission shall enter an order approving, or approving as  
20 modified, the performance-based formula rate, including the  
21 initial rates, as just and reasonable within 270 days after  
22 the date on which the tariff was filed, or, if the tariff is  
23 filed within 14 days after October 26, 2011 (the effective  
24 date of Public Act 97-616), then by May 31, 2012. Such review  
25 shall be based on the same evidentiary standards, including,  
26 but not limited to, those concerning the prudence and

1     reasonableness of the costs incurred by the utility, the  
2     Commission applies in a hearing to review a filing for a  
3     general increase in rates under Article IX of this Act. The  
4     initial rates shall take effect within 30 days after the  
5     Commission's order approving the performance-based formula  
6     rate tariff.

7             Until such time as the Commission approves a different  
8     rate design and cost allocation pursuant to subsection (e) of  
9     this Section, rate design and cost allocation across customer  
10    classes shall be consistent with the Commission's most recent  
11    order regarding the participating utility's request for a  
12    general increase in its delivery services rates.

13            Subsequent changes to the performance-based formula rate  
14    structure or protocols shall be made as set forth in Section  
15    9-201 of this Act, but nothing in this subsection (c) is  
16    intended to limit the Commission's authority under Article IX  
17    and other provisions of this Act to initiate an investigation  
18    of a participating utility's performance-based formula rate  
19    tariff, provided that any such changes shall be consistent  
20    with paragraphs (1) through (6) of this subsection (c). Any  
21    change ordered by the Commission shall be made at the same time  
22    new rates take effect following the Commission's next order  
23    pursuant to subsection (d) of this Section, provided that the  
24    new rates take effect no less than 30 days after the date on  
25    which the Commission issues an order adopting the change.

26            A participating utility that files a tariff pursuant to

1 this subsection (c) must submit a one-time \$200,000 filing fee  
2 at the time the Chief Clerk of the Commission accepts the  
3 filing, which shall be a recoverable expense.

4 In the event the performance-based formula rate is  
5 terminated, the then current rates shall remain in effect  
6 until such time as new rates are set pursuant to Article IX of  
7 this Act, subject to retroactive rate adjustment, with  
8 interest, to reconcile rates charged with actual costs. At  
9 such time that the performance-based formula rate is  
10 terminated, the participating utility's voluntary commitments  
11 and obligations under subsection (b) of this Section shall  
12 immediately terminate, except for the utility's obligation to  
13 pay an amount already owed to the fund for training grants  
14 pursuant to a Commission order issued under subsection (b) of  
15 this Section.

16 (d) Subsequent to the Commission's issuance of an order  
17 approving the utility's performance-based formula rate  
18 structure and protocols, and initial rates under subsection  
19 (c) of this Section, the utility shall file, on or before May 1  
20 of each year, with the Chief Clerk of the Commission its  
21 updated cost inputs to the performance-based formula rate for  
22 the applicable rate year and the corresponding new charges.  
23 Each such filing shall conform to the following requirements  
24 and include the following information:

25 (1) The inputs to the performance-based formula rate  
26 for the applicable rate year shall be based on final

1 historical data reflected in the utility's most recently  
2 filed annual FERC Form 1 plus projected plant additions  
3 and correspondingly updated depreciation reserve and  
4 expense for the calendar year in which the inputs are  
5 filed. The filing shall also include a reconciliation of  
6 the revenue requirement that was in effect for the prior  
7 rate year (as set by the cost inputs for the prior rate  
8 year) with the actual revenue requirement for the prior  
9 rate year (determined using a year-end rate base) that  
10 uses amounts reflected in the applicable FERC Form 1 that  
11 reports the actual costs for the prior rate year. Any  
12 over-collection or under-collection indicated by such  
13 reconciliation shall be reflected as a credit against, or  
14 recovered as an additional charge to, respectively, with  
15 interest calculated at a rate equal to the utility's  
16 weighted average cost of capital approved by the  
17 Commission for the prior rate year, the charges for the  
18 applicable rate year. Provided, however, that the first  
19 such reconciliation shall be for the calendar year in  
20 which the utility files its performance-based formula rate  
21 tariff pursuant to subsection (c) of this Section and  
22 shall reconcile (i) the revenue requirement or  
23 requirements established by the rate order or orders in  
24 effect from time to time during such calendar year  
25 (weighted, as applicable) with (ii) the revenue  
26 requirement determined using a year-end rate base for that

1 calendar year calculated pursuant to the performance-based  
2 formula rate using (A) actual costs for that year as  
3 reflected in the applicable FERC Form 1, and (B) for the  
4 first such reconciliation only, the cost of equity, which  
5 shall be calculated as the sum of 590 basis points plus the  
6 average for the applicable calendar year of the monthly  
7 average yields of 30-year U.S. Treasury bonds published by  
8 the Board of Governors of the Federal Reserve System in  
9 its weekly H.15 Statistical Release or successor  
10 publication. The first such reconciliation is not intended  
11 to provide for the recovery of costs previously excluded  
12 from rates based on a prior Commission order finding of  
13 imprudence or unreasonableness. Each reconciliation shall  
14 be certified by the participating utility in the same  
15 manner that FERC Form 1 is certified. The filing shall  
16 also include the charge or credit, if any, resulting from  
17 the calculation required by paragraph (6) of subsection  
18 (c) of this Section.

19 Notwithstanding anything that may be to the contrary,  
20 the intent of the reconciliation is to ultimately  
21 reconcile the revenue requirement reflected in rates for  
22 each calendar year, beginning with the calendar year in  
23 which the utility files its performance-based formula rate  
24 tariff pursuant to subsection (c) of this Section, with  
25 what the revenue requirement determined using a year-end  
26 rate base for the applicable calendar year would have been

1 had the actual cost information for the applicable  
2 calendar year been available at the filing date.

3 (2) The new charges shall take effect beginning on the  
4 first billing day of the following January billing period  
5 and remain in effect through the last billing day of the  
6 next December billing period regardless of whether the  
7 Commission enters upon a hearing pursuant to this  
8 subsection (d).

9 (3) The filing shall include relevant and necessary  
10 data and documentation for the applicable rate year that  
11 is consistent with the Commission's rules applicable to a  
12 filing for a general increase in rates or any rules  
13 adopted by the Commission to implement this Section.  
14 Normalization adjustments shall not be required.  
15 Notwithstanding any other provision of this Section or Act  
16 or any rule or other requirement adopted by the  
17 Commission, a participating utility that is a combination  
18 utility with more than one rate zone shall not be required  
19 to file a separate set of such data and documentation for  
20 each rate zone and may combine such data and documentation  
21 into a single set of schedules.

22 Within 45 days after the utility files its annual update  
23 of cost inputs to the performance-based formula rate, the  
24 Commission shall have the authority, either upon complaint or  
25 its own initiative, but with reasonable notice, to enter upon  
26 a hearing concerning the prudence and reasonableness of the



1 costs incurred by the utility to be recovered during the  
2 applicable rate year that are reflected in the inputs to the  
3 performance-based formula rate derived from the utility's FERC  
4 Form 1. During the course of the hearing, each objection shall  
5 be stated with particularity and evidence provided in support  
6 thereof, after which the utility shall have the opportunity to  
7 rebut the evidence. Discovery shall be allowed consistent with  
8 the Commission's Rules of Practice, which Rules shall be  
9 enforced by the Commission or the assigned administrative law  
10 judge. The Commission shall apply the same evidentiary  
11 standards, including, but not limited to, those concerning the  
12 prudence and reasonableness of the costs incurred by the  
13 utility, in the hearing as it would apply in a hearing to  
14 review a filing for a general increase in rates under Article  
15 IX of this Act. The Commission shall not, however, have the  
16 authority in a proceeding under this subsection (d) to  
17 consider or order any changes to the structure or protocols of  
18 the performance-based formula rate approved pursuant to  
19 subsection (c) of this Section. In a proceeding under this  
20 subsection (d), the Commission shall enter its order no later  
21 than the earlier of 240 days after the utility's filing of its  
22 annual update of cost inputs to the performance-based formula  
23 rate or December 31. The Commission's determinations of the  
24 prudence and reasonableness of the costs incurred for the  
25 applicable calendar year shall be final upon entry of the  
26 Commission's order and shall not be subject to reopening,

1 reexamination, or collateral attack in any other Commission  
2 proceeding, case, docket, order, rule or regulation, provided,  
3 however, that nothing in this subsection (d) shall prohibit a  
4 party from petitioning the Commission to rehear or appeal to  
5 the courts the order pursuant to the provisions of this Act.

6 In the event the Commission does not, either upon  
7 complaint or its own initiative, enter upon a hearing within  
8 45 days after the utility files the annual update of cost  
9 inputs to its performance-based formula rate, then the costs  
10 incurred for the applicable calendar year shall be deemed  
11 prudent and reasonable, and the filed charges shall not be  
12 subject to reopening, reexamination, or collateral attack in  
13 any other proceeding, case, docket, order, rule, or  
14 regulation.

15 A participating utility's first filing of the updated cost  
16 inputs, and any Commission investigation of such inputs  
17 pursuant to this subsection (d) shall proceed notwithstanding  
18 the fact that the Commission's investigation under subsection  
19 (c) of this Section is still pending and notwithstanding any  
20 other law, order, rule, or Commission practice to the  
21 contrary.

22 (e) Nothing in subsections (c) or (d) of this Section  
23 shall prohibit the Commission from investigating, or a  
24 participating utility from filing, revenue-neutral tariff  
25 changes related to rate design of a performance-based formula  
26 rate that has been placed into effect for the utility.

1 Following approval of a participating utility's  
2 performance-based formula rate tariff pursuant to subsection  
3 (c) of this Section, the utility shall make a filing with the  
4 Commission within one year after the effective date of the  
5 performance-based formula rate tariff that proposes changes to  
6 the tariff to incorporate the findings of any final rate  
7 design orders of the Commission applicable to the  
8 participating utility and entered subsequent to the  
9 Commission's approval of the tariff. The Commission shall,  
10 after notice and hearing, enter its order approving, or  
11 approving with modification, the proposed changes to the  
12 performance-based formula rate tariff within 240 days after  
13 the utility's filing. Following such approval, the utility  
14 shall make a filing with the Commission during each subsequent  
15 3-year period that either proposes revenue-neutral tariff  
16 changes or re-files the existing tariffs without change, which  
17 shall present the Commission with an opportunity to suspend  
18 the tariffs and consider revenue-neutral tariff changes  
19 related to rate design.

20 (f) Within 30 days after the filing of a tariff pursuant to  
21 subsection (c) of this Section, each participating utility  
22 shall develop and file with the Commission multi-year metrics  
23 designed to achieve, ratably (i.e., in equal segments) over a  
24 10-year period, improvement over baseline performance values  
25 as follows:

26 (1) Twenty percent improvement in the System Average

1 Interruption Frequency Index, using a baseline of the  
2 average of the data from 2001 through 2010.

3 (2) Fifteen percent improvement in the system Customer  
4 Average Interruption Duration Index, using a baseline of  
5 the average of the data from 2001 through 2010.

6 (3) For a participating utility other than a  
7 combination utility, 20% improvement in the System Average  
8 Interruption Frequency Index for its Southern Region,  
9 using a baseline of the average of the data from 2001  
10 through 2010. For purposes of this paragraph (3), Southern  
11 Region shall have the meaning set forth in the  
12 participating utility's most recent report filed pursuant  
13 to Section 16-125 of this Act.

14 (3.5) For a participating utility other than a  
15 combination utility, 20% improvement in the System Average  
16 Interruption Frequency Index for its Northeastern Region,  
17 using a baseline of the average of the data from 2001  
18 through 2010. For purposes of this paragraph (3.5),  
19 Northeastern Region shall have the meaning set forth in  
20 the participating utility's most recent report filed  
21 pursuant to Section 16-125 of this Act.

22 (4) Seventy-five percent improvement in the total  
23 number of customers who exceed the service reliability  
24 targets as set forth in subparagraphs (A) through (C) of  
25 paragraph (4) of subsection (b) of 83 Ill. Adm. ~~Admin.~~  
26 Code ~~Part~~ 411.140 as of May 1, 2011, using 2010 as the

1 baseline year.

2 (5) Reduction in issuance of estimated electric bills:  
3 90% improvement for a participating utility other than a  
4 combination utility, and 56% improvement for a  
5 participating utility that is a combination utility, using  
6 a baseline of the average number of estimated bills for  
7 the years 2008 through 2010.

8 (6) Consumption on inactive meters: 90% improvement  
9 for a participating utility other than a combination  
10 utility, and 56% improvement for a participating utility  
11 that is a combination utility, using a baseline of the  
12 average unbilled kilowatthours for the years 2009 and  
13 2010.

14 (7) Unaccounted for energy: 50% improvement for a  
15 participating utility other than a combination utility  
16 using a baseline of the non-technical line loss  
17 unaccounted for energy kilowatthours for the year 2009.

18 (8) Uncollectible expense: reduce uncollectible  
19 expense by at least \$30,000,000 for a participating  
20 utility other than a combination utility and by at least  
21 \$3,500,000 for a participating utility that is a  
22 combination utility, using a baseline of the average  
23 uncollectible expense for the years 2008 through 2010.

24 (9) Opportunities for minority-owned and female-owned  
25 business enterprises: design a performance metric  
26 regarding the creation of opportunities for minority-owned

1 and female-owned business enterprises consistent with  
2 State and federal law using a base performance value of  
3 the percentage of the participating utility's capital  
4 expenditures that were paid to minority-owned and  
5 female-owned business enterprises in 2010.

6 The definitions set forth in 83 Ill. ~~Adm. Admin.~~ Code ~~Part~~  
7 411.20 as of May 1, 2011 shall be used for purposes of  
8 calculating performance under paragraphs (1) through (3.5) of  
9 this subsection (f), provided, however, that the participating  
10 utility may exclude up to 9 extreme weather event days from  
11 such calculation for each year, and provided further that the  
12 participating utility shall exclude 9 extreme weather event  
13 days when calculating each year of the baseline period to the  
14 extent that there are 9 such days in a given year of the  
15 baseline period. For purposes of this Section, an extreme  
16 weather event day is a 24-hour calendar day (beginning at  
17 12:00 a.m. and ending at 11:59 p.m.) during which any weather  
18 event (e.g., storm, tornado) caused interruptions for 10,000  
19 or more of the participating utility's customers for 3 hours  
20 or more. If there are more than 9 extreme weather event days in  
21 a year, then the utility may choose no more than 9 extreme  
22 weather event days to exclude, provided that the same extreme  
23 weather event days are excluded from each of the calculations  
24 performed under paragraphs (1) through (3.5) of this  
25 subsection (f).

26 The metrics shall include incremental performance goals

1 for each year of the 10-year period, which shall be designed to  
2 demonstrate that the utility is on track to achieve the  
3 performance goal in each category at the end of the 10-year  
4 period. The utility shall elect when the 10-year period shall  
5 commence for the metrics set forth in subparagraphs (1)  
6 through (4) and (9) of this subsection (f), provided that it  
7 begins no later than 14 months following the date on which the  
8 utility begins investing pursuant to subsection (b) of this  
9 Section, and when the 10-year period shall commence for the  
10 metrics set forth in subparagraphs (5) through (8) of this  
11 subsection (f), provided that it begins no later than 14  
12 months following the date on which the Commission enters its  
13 order approving the utility's Advanced Metering Infrastructure  
14 Deployment Plan pursuant to subsection (c) of Section 16-108.6  
15 of this Act.

16 The metrics and performance goals set forth in  
17 subparagraphs (5) through (8) of this subsection (f) are based  
18 on the assumptions that the participating utility may fully  
19 implement the technology described in subsection (b) of this  
20 Section, including utilizing the full functionality of such  
21 technology and that there is no requirement for personal  
22 on-site notification. If the utility is unable to meet the  
23 metrics and performance goals set forth in subparagraphs (5)  
24 through (8) of this subsection (f) for such reasons, and the  
25 Commission so finds after notice and hearing, then the utility  
26 shall be excused from compliance, but only to the limited

1 extent achievement of the affected metrics and performance  
2 goals was hindered by the less than full implementation.

3 (f-5) The financial penalties applicable to the metrics  
4 described in subparagraphs (1) through (8) of subsection (f)  
5 of this Section, as applicable, shall be applied through an  
6 adjustment to the participating utility's return on equity of  
7 no more than a total of 30 basis points in each of the first 3  
8 years, of no more than a total of 34 basis points in each of  
9 the 3 years thereafter, and of no more than a total of 38 basis  
10 points in each of the 4 years thereafter, as follows:

11 (1) With respect to each of the incremental annual  
12 performance goals established pursuant to paragraph (1) of  
13 subsection (f) of this Section,

14 (A) for each year that a participating utility  
15 other than a combination utility does not achieve the  
16 annual goal, the participating utility's return on  
17 equity shall be reduced as follows: during years 1  
18 through 3, by 5 basis points; during years 4 through 6,  
19 by 6 basis points; and during years 7 through 10, by 7  
20 basis points; and

21 (B) for each year that a participating utility  
22 that is a combination utility does not achieve the  
23 annual goal, the participating utility's return on  
24 equity shall be reduced as follows: during years 1  
25 through 3, by 10 basis points; during years 4 through  
26 6, by 12 basis points; and during years 7 through 10,



1           by 14 basis points.

2           (2) With respect to each of the incremental annual  
3 performance goals established pursuant to paragraph (2) of  
4 subsection (f) of this Section, for each year that the  
5 participating utility does not achieve each such goal, the  
6 participating utility's return on equity shall be reduced  
7 as follows: during years 1 through 3, by 5 basis points;  
8 during years 4 through 6, by 6 basis points; and during  
9 years 7 through 10, by 7 basis points.

10          (3) With respect to each of the incremental annual  
11 performance goals established pursuant to paragraphs (3)  
12 and (3.5) of subsection (f) of this Section, for each year  
13 that a participating utility other than a combination  
14 utility does not achieve both such goals, the  
15 participating utility's return on equity shall be reduced  
16 as follows: during years 1 through 3, by 5 basis points;  
17 during years 4 through 6, by 6 basis points; and during  
18 years 7 through 10, by 7 basis points.

19          (4) With respect to each of the incremental annual  
20 performance goals established pursuant to paragraph (4) of  
21 subsection (f) of this Section, for each year that the  
22 participating utility does not achieve each such goal, the  
23 participating utility's return on equity shall be reduced  
24 as follows: during years 1 through 3, by 5 basis points;  
25 during years 4 through 6, by 6 basis points; and during  
26 years 7 through 10, by 7 basis points.

1           (5) With respect to each of the incremental annual  
2 performance goals established pursuant to subparagraph (5)  
3 of subsection (f) of this Section, for each year that the  
4 participating utility does not achieve at least 95% of  
5 each such goal, the participating utility's return on  
6 equity shall be reduced by 5 basis points for each such  
7 unachieved goal.

8           (6) With respect to each of the incremental annual  
9 performance goals established pursuant to paragraphs (6),  
10 (7), and (8) of subsection (f) of this Section, as  
11 applicable, which together measure non-operational  
12 customer savings and benefits relating to the  
13 implementation of the Advanced Metering Infrastructure  
14 Deployment Plan, as defined in Section 16-108.6 of this  
15 Act, the performance under each such goal shall be  
16 calculated in terms of the percentage of the goal  
17 achieved. The percentage of goal achieved for each of the  
18 goals shall be aggregated, and an average percentage value  
19 calculated, for each year of the 10-year period. If the  
20 utility does not achieve an average percentage value in a  
21 given year of at least 95%, the participating utility's  
22 return on equity shall be reduced by 5 basis points.

23           The financial penalties shall be applied as described in  
24 this subsection (f-5) for the 12-month period in which the  
25 deficiency occurred through a separate tariff mechanism, which  
26 shall be filed by the utility together with its metrics. In the

1 event the formula rate tariff established pursuant to  
2 subsection (c) of this Section terminates, the utility's  
3 obligations under subsection (f) of this Section and this  
4 subsection (f-5) shall also terminate, provided, however, that  
5 the tariff mechanism established pursuant to subsection (f) of  
6 this Section and this subsection (f-5) shall remain in effect  
7 until any penalties due and owing at the time of such  
8 termination are applied.

9 The Commission shall, after notice and hearing, enter an  
10 order within 120 days after the metrics are filed approving,  
11 or approving with modification, a participating utility's  
12 tariff or mechanism to satisfy the metrics set forth in  
13 subsection (f) of this Section. On June 1 of each subsequent  
14 year, each participating utility shall file a report with the  
15 Commission that includes, among other things, a description of  
16 how the participating utility performed under each metric and  
17 an identification of any extraordinary events that adversely  
18 impacted the utility's performance. Whenever a participating  
19 utility does not satisfy the metrics required pursuant to  
20 subsection (f) of this Section, the Commission shall, after  
21 notice and hearing, enter an order approving financial  
22 penalties in accordance with this subsection (f-5). The  
23 Commission-approved financial penalties shall be applied  
24 beginning with the next rate year. Nothing in this Section  
25 shall authorize the Commission to reduce or otherwise obviate  
26 the imposition of financial penalties for failing to achieve

1 one or more of the metrics established pursuant to  
2 subparagraphs ~~subparagraph~~ (1) through (4) of subsection (f)  
3 of this Section.

4 (g) On or before July 31, 2014, each participating utility  
5 shall file a report with the Commission that sets forth the  
6 average annual increase in the average amount paid per  
7 kilowatthour for residential eligible retail customers,  
8 exclusive of the effects of energy efficiency programs,  
9 comparing the 12-month period ending May 31, 2012; the  
10 12-month period ending May 31, 2013; and the 12-month period  
11 ending May 31, 2014. For a participating utility that is a  
12 combination utility with more than one rate zone, the weighted  
13 average aggregate increase shall be provided. The report shall  
14 be filed together with a statement from an independent auditor  
15 attesting to the accuracy of the report. The cost of the  
16 independent auditor shall be borne by the participating  
17 utility and shall not be a recoverable expense. "The average  
18 amount paid per kilowatthour" shall be based on the  
19 participating utility's tariffed rates actually in effect and  
20 shall not be calculated using any hypothetical rate or  
21 adjustments to actual charges (other than as specified for  
22 energy efficiency) as an input.

23 In the event that the average annual increase exceeds 2.5%  
24 as calculated pursuant to this subsection (g), then Sections  
25 16-108.5, 16-108.6, 16-108.7, and 16-108.8 of this Act, other  
26 than this subsection, shall be inoperative as they relate to

1 the utility and its service area as of the date of the report  
2 due to be submitted pursuant to this subsection and the  
3 utility shall no longer be eligible to annually update the  
4 performance-based formula rate tariff pursuant to subsection  
5 (d) of this Section. In such event, the then current rates  
6 shall remain in effect until such time as new rates are set  
7 pursuant to Article IX of this Act, subject to retroactive  
8 adjustment, with interest, to reconcile rates charged with  
9 actual costs, and the participating utility's voluntary  
10 commitments and obligations under subsection (b) of this  
11 Section shall immediately terminate, except for the utility's  
12 obligation to pay an amount already owed to the fund for  
13 training grants pursuant to a Commission order issued under  
14 subsection (b) of this Section.

15 In the event that the average annual increase is 2.5% or  
16 less as calculated pursuant to this subsection (g), then the  
17 performance-based formula rate shall remain in effect as set  
18 forth in this Section.

19 For purposes of this Section, the amount per kilowatthour  
20 means the total amount paid for electric service expressed on  
21 a per kilowatthour basis, and the total amount paid for  
22 electric service includes without limitation amounts paid for  
23 supply, transmission, distribution, surcharges, and add-on  
24 taxes exclusive of any increases in taxes or new taxes imposed  
25 after October 26, 2011 (the effective date of Public Act  
26 97-616). For purposes of this Section, "eligible retail

1 customers" shall have the meaning set forth in Section  
2 16-111.5 of this Act.

3 The fact that this Section becomes inoperative as set  
4 forth in this subsection shall not be construed to mean that  
5 the Commission may reexamine or otherwise reopen prudence or  
6 reasonableness determinations already made.

7 (h) By December 31, 2017, the Commission shall prepare and  
8 file with the General Assembly a report on the infrastructure  
9 program and the performance-based formula rate. The report  
10 shall include the change in the average amount per  
11 kilowatthour paid by residential customers between June 1,  
12 2011 and May 31, 2017. If the change in the total average rate  
13 paid exceeds 2.5% compounded annually, the Commission shall  
14 include in the report an analysis that shows the portion of the  
15 change due to the delivery services component and the portion  
16 of the change due to the supply component of the rate. The  
17 report shall include separate sections for each participating  
18 utility.

19 Sections 16-108.5, 16-108.6, 16-108.7, and 16-108.8 of  
20 this Act, other than this subsection (h) and subsection (i) of  
21 this Section, are inoperative after December 31, 2022 for  
22 every participating utility, after which time a participating  
23 utility shall no longer be eligible to annually update the  
24 performance-based formula rate tariff pursuant to subsection  
25 (d) of this Section. At such time, the then current rates shall  
26 remain in effect until such time as new rates are set pursuant

1 to Article IX of this Act, subject to retroactive adjustment,  
2 with interest, to reconcile rates charged with actual costs.

3 The fact that this Section becomes inoperative as set  
4 forth in this subsection shall not be construed to mean that  
5 the Commission may reexamine or otherwise reopen prudence or  
6 reasonableness determinations already made.

7 (i) While a participating utility may use, develop, and  
8 maintain broadband systems and the delivery of broadband  
9 services, voice-over-internet-protocol services,  
10 telecommunications services, and cable and video programming  
11 services for use in providing delivery services and Smart Grid  
12 functionality or application to its retail customers,  
13 including, but not limited to, the installation,  
14 implementation and maintenance of Smart Grid electric system  
15 upgrades as defined in Section 16-108.6 of this Act, a  
16 participating utility is prohibited from providing to its  
17 retail customers broadband services,  
18 voice-over-internet-protocol services, telecommunications  
19 services, or cable or video programming services, unless they  
20 are part of a service directly related to delivery services or  
21 Smart Grid functionality or applications as defined in Section  
22 16-108.6 of this Act, and from recovering the costs of such  
23 offerings from retail customers. The prohibition set forth in  
24 this subsection (i) is inoperative after December 31, 2027 for  
25 every participating utility.

26 (j) Nothing in this Section is intended to legislatively

1 overturn the opinion issued in Commonwealth Edison Co. v. Ill.  
2 Commerce Comm'n, Nos. 2-08-0959, 2-08-1037, 2-08-1137,  
3 1-08-3008, 1-08-3030, 1-08-3054, 1-08-3313 cons. (Ill. App.  
4 Ct. 2d Dist. Sept. 30, 2010). Public Act 97-616 shall not be  
5 construed as creating a contract between the General Assembly  
6 and the participating utility, and shall not establish a  
7 property right in the participating utility.

8 (k) The changes made in subsections (c) and (d) of this  
9 Section by Public Act 98-15 are intended to be a restatement  
10 and clarification of existing law, and intended to give  
11 binding effect to the provisions of House Resolution 1157  
12 adopted by the House of Representatives of the 97th General  
13 Assembly and Senate Resolution 821 adopted by the Senate of  
14 the 97th General Assembly that are reflected in paragraph (3)  
15 of this subsection. In addition, Public Act 98-15 preempts and  
16 supersedes any final Commission orders entered in Docket Nos.  
17 11-0721, 12-0001, 12-0293, and 12-0321 to the extent  
18 inconsistent with the amendatory language added to subsections  
19 (c) and (d).

20 (1) No earlier than 5 business days after May 22, 2013  
21 (the effective date of Public Act 98-15), each  
22 participating utility shall file any tariff changes  
23 necessary to implement the amendatory language set forth  
24 in subsections (c) and (d) of this Section by Public Act  
25 98-15 and a revised revenue requirement under the  
26 participating utility's performance-based formula rate.



1           The Commission shall enter a final order approving such  
2           tariff changes and revised revenue requirement within 21  
3           days after the participating utility's filing.

4           (2) Notwithstanding anything that may be to the  
5           contrary, a participating utility may file a tariff to  
6           retroactively recover its previously unrecovered actual  
7           costs of delivery service that are no longer subject to  
8           recovery through a reconciliation adjustment under  
9           subsection (d) of this Section. This retroactive recovery  
10          shall include any derivative adjustments resulting from  
11          the changes to subsections (c) and (d) of this Section by  
12          Public Act 98-15. Such tariff shall allow the utility to  
13          assess, on current customer bills over a period of 12  
14          monthly billing periods, a charge or credit related to  
15          those unrecovered costs with interest at the utility's  
16          weighted average cost of capital during the period in  
17          which those costs were unrecovered. A participating  
18          utility may file a tariff that implements a retroactive  
19          charge or credit as described in this paragraph for  
20          amounts not otherwise included in the tariff filing  
21          provided for in paragraph (1) of this subsection (k). The  
22          Commission shall enter a final order approving such tariff  
23          within 21 days after the participating utility's filing.

24          (3) The tariff changes described in paragraphs (1) and  
25          (2) of this subsection (k) shall relate only to, and be  
26          consistent with, the following provisions of Public Act

1 98-15: paragraph (2) of subsection (c) regarding year-end  
2 capital structure, subparagraph (D) of paragraph (4) of  
3 subsection (c) regarding pension assets, and subsection  
4 (d) regarding the reconciliation components related to  
5 year-end rate base and interest calculated at a rate equal  
6 to the utility's weighted average cost of capital.

7 (4) Nothing in this subsection is intended to effect a  
8 dismissal of or otherwise affect an appeal from any final  
9 Commission orders entered in Docket Nos. 11-0721, 12-0001,  
10 12-0293, and 12-0321 other than to the extent of the  
11 amendatory language contained in subsections (c) and (d)  
12 of this Section of Public Act 98-15.

13 (1) Each participating utility shall be deemed to have  
14 been in full compliance with all requirements of subsection  
15 (b) of this Section, subsection (c) of this Section, Section  
16 16-108.6 of this Act, and all Commission orders entered  
17 pursuant to Sections 16-108.5 and 16-108.6 of this Act, up to  
18 and including May 22, 2013 (the effective date of Public Act  
19 98-15). The Commission shall not undertake any investigation  
20 of such compliance and no penalty shall be assessed or adverse  
21 action taken against a participating utility for noncompliance  
22 with Commission orders associated with subsection (b) of this  
23 Section, subsection (c) of this Section, and Section 16-108.6  
24 of this Act prior to such date. Each participating utility  
25 other than a combination utility shall be permitted, without  
26 penalty, a period of 12 months after such effective date to

1 take actions required to ensure its infrastructure investment  
2 program is in compliance with subsection (b) of this Section  
3 and with Section 16-108.6 of this Act. Provided further, the  
4 following subparagraphs shall apply to a participating utility  
5 other than a combination utility:

6 (A) if the Commission has initiated a proceeding  
7 pursuant to subsection (e) of Section 16-108.6 of this Act  
8 that is pending as of May 22, 2013 (the effective date of  
9 Public Act 98-15), then the order entered in such  
10 proceeding shall, after notice and hearing, accelerate the  
11 commencement of the meter deployment schedule approved in  
12 the final Commission order on rehearing entered in Docket  
13 No. 12-0298;

14 (B) if the Commission has entered an order pursuant to  
15 subsection (e) of Section 16-108.6 of this Act prior to  
16 May 22, 2013 (the effective date of Public Act 98-15) that  
17 does not accelerate the commencement of the meter  
18 deployment schedule approved in the final Commission order  
19 on rehearing entered in Docket No. 12-0298, then the  
20 utility shall file with the Commission, within 45 days  
21 after such effective date, a plan for accelerating the  
22 commencement of the utility's meter deployment schedule  
23 approved in the final Commission order on rehearing  
24 entered in Docket No. 12-0298; the Commission shall reopen  
25 the proceeding in which it entered its order pursuant to  
26 subsection (e) of Section 16-108.6 of this Act and shall,

1 after notice and hearing, enter an amendatory order that  
2 approves or approves as modified such accelerated plan  
3 within 90 days after the utility's filing; or

4 (C) if the Commission has not initiated a proceeding  
5 pursuant to subsection (e) of Section 16-108.6 of this Act  
6 prior to May 22, 2013 (the effective date of Public Act  
7 98-15), then the utility shall file with the Commission,  
8 within 45 days after such effective date, a plan for  
9 accelerating the commencement of the utility's meter  
10 deployment schedule approved in the final Commission order  
11 on rehearing entered in Docket No. 12-0298 and the  
12 Commission shall, after notice and hearing, approve or  
13 approve as modified such plan within 90 days after the  
14 utility's filing.

15 Any schedule for meter deployment approved by the  
16 Commission pursuant to this subsection (l) shall take into  
17 consideration procurement times for meters and other equipment  
18 and operational issues. Nothing in Public Act 98-15 shall  
19 shorten or extend the end dates for the 5-year or 10-year  
20 periods set forth in subsection (b) of this Section or Section  
21 16-108.6 of this Act. Nothing in this subsection is intended  
22 to address whether a participating utility has, or has not,  
23 satisfied any or all of the metrics and performance goals  
24 established pursuant to subsection (f) of this Section.

25 (m) The provisions of Public Act 98-15 are severable under  
26 Section 1.31 of the Statute on Statutes.

1 (Source: P.A. 102-1031, eff. 5-27-22; revised 8-22-22.)

2 Section 460. The Broadband Advisory Council Act is amended  
3 by changing Section 15 as follows:

4 (220 ILCS 80/15)

5 Sec. 15. Broadband Advisory Council; members of Council;  
6 administrative support.

7 (a) The Broadband Advisory Council is hereby established.  
8 The Department of Commerce and Economic Opportunity shall  
9 house the Council and provide administrative, personnel, and  
10 technical support services.

11 (b) The Council shall consist of the following 25 voting  
12 members:

13 (1) the Director of Commerce and Economic Opportunity  
14 or his or her designee, who shall serve as chair of the  
15 Council;

16 (2) the Secretary of Innovation and Technology or his  
17 or her designee;

18 (3) the Director of Aging or his or her designee;

19 (4) the Attorney General or his or her designee;

20 (5) the Chairman of the Illinois Commerce Commission  
21 or his or her designee;

22 (6) one member appointed by the Director of Healthcare  
23 and Family Services to represent the needs of disabled  
24 citizens;

1           (7) one member appointed by the Director of Commerce  
2           and Economic Opportunity and nominated by the president of  
3           a statewide organization representing electric  
4           cooperatives;

5           (8) one member appointed by the Director of Commerce  
6           and Economic Opportunity and nominated by the executive  
7           director of a statewide organization representing  
8           municipalities;

9           (9) one member appointed by the Director of Commerce  
10          and Economic Opportunity and nominated by the president of  
11          a statewide organization representing libraries;

12          (10) one member appointed by the Director of Commerce  
13          and Economic Opportunity and nominated by the president of  
14          a statewide organization representing public housing  
15          authorities;

16          (11) one member appointed by the Chair of the Illinois  
17          Community College Board;

18          (12) one member appointed by the Chair of the Illinois  
19          Board of Higher Education; ~~and~~

20          (13) one member appointed by the Director of Commerce  
21          and Economic Opportunity and nominated by the president of  
22          the State's largest general farm organization;

23          (14) one member appointed by the Director of Aging and  
24          nominated by an organization representing Illinois' senior  
25          population with a membership of at least 1,500,000;

26          (15) seven members to represent broadband providers

1 for 3-year terms appointed by the Governor as follows:

2 (A) one member representing an incumbent local  
3 exchange carrier that serves rural areas;

4 (B) one member representing an incumbent local  
5 exchange carrier that serves urban areas;

6 (C) one member representing wireless carriers that  
7 offer broadband Internet access;

8 (D) one member representing cable companies that  
9 serve Illinois;

10 (E) one member representing a statewide rural  
11 broadband association;

12 (F) one member representing a telecommunications  
13 carrier issued a certificate of public convenience and  
14 necessity or a certificate of service authority from  
15 the Illinois Commerce Commission, whose principal  
16 place of business is located in east central Illinois  
17 and who is engaged in providing broadband access in  
18 rural areas through the installation of broadband  
19 lines that connect telecommunications facilities to  
20 other telecommunications facilities or to end-users;  
21 and

22 (G) one member representing satellite providers;  
23 and

24 (16) four members to represent underrepresented and  
25 ethnically diverse communities for 3-year terms appointed  
26 by the Governor as follows:

1 (A) one member from a community-based organization  
2 representing the interests of African-American or  
3 Black individuals;

4 (B) one member from a community-based organization  
5 representing the interests of Hispanic or Latino  
6 individuals;

7 (C) one member from a community-based organization  
8 representing the interests of Asian-American or  
9 Pacific Islander individuals; and

10 (D) one member from a community-based organization  
11 representing the interests of ethnically diverse  
12 individuals.

13 (c) In addition to the 25 voting members of the Council,  
14 the President of the Senate, the Minority Leader of the  
15 Senate, the Speaker of the House of Representatives, and the  
16 Minority Leader of the House of Representatives shall each  
17 appoint one non-voting member of the Council.

18 (d) All voting and non-voting members must be appointed  
19 within 90 days after the effective date of this Act.

20 (e) The members shall select a vice chair from their  
21 number. In the absence of the chair, the vice chair shall serve  
22 as chair. The Council shall appoint a secretary-treasurer who  
23 need not be a member of the Council and who, among other tasks  
24 or functions designated by the Council, shall keep records of  
25 its proceedings.

26 (f) The Council may appoint working groups to investigate



1 and make recommendations to the full Council. Members of these  
2 working groups need not be members of the Council.

3 (g) Nine voting members of the Council constitute a  
4 quorum, and the affirmative vote of a simple majority of those  
5 members present is necessary for any action taken by vote of  
6 the Council.

7 (h) The Council shall conduct its first meeting within 30  
8 days after all members have been appointed. The Council shall  
9 meet quarterly after its first meeting. Additional hearings  
10 and public meetings are permitted at the discretion of the  
11 members. The Council may meet in person or through video or  
12 audio conference.

13 (i) Members shall serve without compensation and may be  
14 reimbursed for reasonable expenses incurred in the performance  
15 of their duties from funds appropriated for that purpose.

16 (Source: P.A. 102-247, eff. 1-1-22; revised 8-19-22.)

17 Section 465. The Illinois Athletic Trainers Practice Act  
18 is amended by changing Section 4 as follows:

19 (225 ILCS 5/4) (from Ch. 111, par. 7604)

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

21 Sec. 4. Licensure; exempt activities. No person shall  
22 provide any of the services set forth in subsection (4) of  
23 Section 3 of this Act, or use the title "athletic trainer" ~~or~~  
24 "certified athletic trainer" ~~or~~ "athletic trainer certified" ~~or~~

1 or "licensed athletic trainer" or the letters "LAT", "L.A.T.",  
2 "A.T.", "C.A.T.", "A.T.C.", "A.C.T.", or "I.A.T.L." after the  
3 athletic trainer's name, unless licensed under this Act.

4 Nothing in this Act shall be construed as preventing or  
5 restricting the practice, services, or activities of:

6 (1) Any person licensed or registered in this State by  
7 any other law from engaging in the profession or  
8 occupation for which he or she is licensed or registered.

9 (2) Any person employed as an athletic trainer by the  
10 Government of the United States, if such person provides  
11 athletic training solely under the direction or control of  
12 the organization by which he or she is employed.

13 (3) Any person pursuing a course of study leading to a  
14 degree in athletic training at an accredited educational  
15 program if such activities and services constitute a part  
16 of a supervised course of study involving daily personal  
17 or verbal contact at the site of supervision between the  
18 athletic training student and the licensed athletic  
19 trainer who plans, directs, advises, and evaluates the  
20 student's athletic training clinical education. The  
21 supervising licensed athletic trainer must be on-site  
22 where the athletic training clinical education is being  
23 obtained. A person meeting the criteria under this  
24 paragraph (3) must be designated by a title which clearly  
25 indicates his or her status as a student.

26 (4) (Blank).

1           (5) The practice of athletic training under the  
2 supervision of a licensed athletic trainer by one who has  
3 applied in writing to the Department for licensure and has  
4 complied with all the provisions of Section 9 except the  
5 passing of the examination to be eligible to receive such  
6 license. This temporary right to act as an athletic  
7 trainer shall expire 3 months after the filing of his or  
8 her written application to the Department; when the  
9 applicant has been notified of his or her failure to pass  
10 the examination authorized by the Department; when the  
11 applicant has withdrawn his or her application; when the  
12 applicant has received a license from the Department after  
13 successfully passing the examination authorized by the  
14 Department; or when the applicant has been notified by the  
15 Department to cease and desist from practicing, whichever  
16 occurs first. This provision shall not apply to an  
17 applicant who has previously failed the examination.

18           (6) Any person in a coaching position from rendering  
19 emergency care on an as needed basis to the athletes under  
20 his or her supervision when a licensed athletic trainer is  
21 not available.

22           (7) Any person who is an athletic trainer from another  
23 state or territory of the United States or another nation,  
24 state, or territory acting as an athletic trainer while  
25 performing his or her duties for his or her respective  
26 non-Illinois based team or organization, so long as he or

1 she restricts his or her duties to his or her team or  
2 organization during the course of his or her team's or  
3 organization's stay in this State. For the purposes of  
4 this Act, a team shall be considered based in Illinois if  
5 its home contests are held in Illinois, regardless of the  
6 location of the team's administrative offices.

7 (8) The practice of athletic training by persons  
8 licensed in another state who have applied in writing to  
9 the Department for licensure by endorsement. This  
10 temporary right to act as an athletic trainer shall expire  
11 6 months after the filing of his or her written  
12 application to the Department; upon the withdrawal of the  
13 application for licensure under this Act; upon delivery of  
14 a notice of intent to deny the application from the  
15 Department; or upon the denial of the application by the  
16 Department, whichever occurs first.

17 (9) The practice of athletic training by one who has  
18 applied in writing to the Department for licensure and has  
19 complied with all the provisions of Section 9. This  
20 temporary right to act as an athletic trainer shall expire  
21 6 months after the filing of his or her written  
22 application to the Department; upon the withdrawal of the  
23 application for licensure under this Act; upon delivery of  
24 a notice of intent to deny the application from the  
25 Department; or upon the denial of the application by the  
26 Department, whichever occurs first.

1           (10) The practice of athletic training by persons  
2 actively licensed as an athletic trainer in another state  
3 or territory of the United States or another country, or  
4 currently certified by the Board of Certification, or its  
5 successor entity, at a special athletic tournament or  
6 event conducted by a sanctioned amateur athletic  
7 organization for no more than 14 days. This shall not  
8 include contests or events that are part of a scheduled  
9 series of regular season events.

10           (11) Aides from performing patient care activities  
11 under the on-site supervision of a licensed athletic  
12 trainer. These patient care activities shall not include  
13 interpretation of referrals or evaluation procedures,  
14 planning or major modifications of patient programs,  
15 administration of medication, or solo practice or event  
16 coverage without immediate access to a licensed athletic  
17 trainer.

18           (12) (Blank). ~~Persons or entities practicing the~~  
19 ~~specified occupations set forth in subsection (a) of, and~~  
20 ~~pursuant to a licensing exemption granted in subsection~~  
21 ~~(b) or (d) of, Section 2105-350 of the Department of~~  
22 ~~Professional Regulation Law of the Civil Administrative~~  
23 ~~Code of Illinois, but only for so long as the 2016 Olympic~~  
24 ~~and Paralympic Games Professional Licensure Exemption Law~~  
25 ~~is operable.~~

26 (Source: P.A. 102-940, eff. 1-1-23; revised 12-9-22.)

1           Section 470. The Dietitian Nutritionist Practice Act is  
2 amended by changing Sections 100 and 105 as follows:

3           (225 ILCS 30/100) (from Ch. 111, par. 8401-100)

4           (Section scheduled to be repealed on January 1, 2028)

5           Sec. 100. Injunctions; cease and desist orders.

6           (a) If any person violates a provision of this Act, the  
7 Secretary may, in the name of the People of the State of  
8 Illinois through the Attorney General of the State of Illinois  
9 or the State's Attorney of the county in which the violation is  
10 alleged to have occurred, petition for an order enjoining the  
11 violation or for an order enforcing compliance with this Act.  
12 Upon the filing of a verified petition, the court may issue a  
13 temporary restraining order, without notice or bond, and may  
14 preliminarily and permanently enjoin the violation. If it is  
15 established that the person has violated or is violating the  
16 injunction, the Court may punish the offender for contempt of  
17 court. Proceedings under this Section shall be in addition to,  
18 and not in lieu of, all other remedies and penalties provided  
19 by this Act.

20           (b) If any person provides, offers to provide, attempts to  
21 provide or holds himself or herself out as qualified,  
22 licensed, or able to provide medical nutrition therapy or  
23 holds oneself out as licensed or qualified to practice  
24 dietetics and nutrition or holds oneself out as a licensed

1 dietitian nutritionist or uses words or letters in connection  
2 with the person's name in violation of Section 80 without  
3 having a valid license under this Act, then any licensee, any  
4 interested party, or any person injured thereby may, in  
5 addition to the Secretary, petition for relief as provided in  
6 subsection (a) of this Section.

7 (c) Whenever in the opinion of the Department any person  
8 violates any provision of this Act, the Department may issue a  
9 rule to show cause why an order to cease and desist should be  
10 entered against him or her. The rule shall clearly set forth  
11 the grounds relied upon by the Department and shall provide a  
12 period of 7 days from the date of the rule to file an answer to  
13 the satisfaction of the Department. Failure to answer to the  
14 satisfaction of the Department shall cause an ~~in~~ order to  
15 cease and desist to be issued immediately.

16 (Source: P.A. 102-945, eff. 1-1-23; revised 12-9-22.)

17 (225 ILCS 30/105) (from Ch. 111, par. 8401-105)

18 (Section scheduled to be repealed on January 1, 2028)

19 Sec. 105. Investigation; notice and hearing. The  
20 Department may investigate the actions or qualifications of  
21 any applicant or of any person or persons holding or claiming  
22 to hold a license or certificate of registration. The  
23 Department shall, before refusing to issue or renew a license  
24 or to discipline a licensee under Section 95, at least 30 days  
25 before the date set for the hearing, (i) notify the accused in

1 writing of any charges made and the time and place for a  
2 hearing of the charges, (ii) direct him or her to file his or  
3 her written answer to the charges under oath within 20 days  
4 after the service of the notice, and (iii) inform the  
5 applicant or licensee that failure to file an answer shall  
6 result in a default judgment being entered against the  
7 applicant or licensee. At the time and place fixed in the  
8 notice, the Department shall proceed to hear the charges and  
9 the parties or their counsel shall be accorded ample  
10 opportunity to present any pertinent statements, testimony,  
11 evidence, and arguments. The Department may continue the  
12 hearing from time to time. In case the person, after receiving  
13 the notice, fails to file an answer, his or her license, may,  
14 in the discretion of the Department, be revoked, suspended, or  
15 placed on probationary status or the Department may take  
16 whatever disciplinary action considered proper, including  
17 limiting the scope, nature, or extent of the person's practice  
18 or the imposition of a fine, without a hearing, if the act or  
19 acts charged constitute sufficient grounds for that action  
20 under the Act. The written notice and any notice in the  
21 subsequent proceeding may be served by mail to the licensee's  
22 address of record or by email to the licensee's email address  
23 of record.

24 (Source: P.A. 102-945, eff. 1-1-23; revised 12-9-22.)

25 Section 475. The Licensed Certified Professional Midwife



1 Practice Act is amended by changing Section 10 as follows:

2 (225 ILCS 64/10)

3 (Section scheduled to be repealed on January 1, 2027)

4 Sec. 10. Definitions. As used in this Act:

5 "Address of record" means the designated address recorded  
6 by the Department in the applicant's application file or the  
7 licensee's licensure file as maintained by the Department.

8 "Antepartum" means before labor or childbirth.

9 "Board" means the Illinois Midwifery Board.

10 "Certified nurse midwife" means an individual who is  
11 licensed under the Nurse Practice Act as an advanced practice  
12 registered nurse and is certified as a nurse midwife.

13 "Client" means a childbearing individual or newborn for  
14 whom a licensed certified professional midwife provides  
15 services.

16 "Consultation" means the process by which a licensed  
17 certified professional midwife seeks the advice or opinion of  
18 another health care professional.

19 "Department" means the Department of Financial and  
20 Professional Regulation.

21 "Email address of record" means the designated email  
22 address of record by the Department in the applicant's  
23 application file or the licensee's licensure file as  
24 maintained by the Department.

25 "Health care professional" means an advanced practice

1 registered nurse or a physician licensed to practice medicine  
2 in all of its branches.

3 "Intrapartum" means during labor and delivery or  
4 childbirth.

5 "Licensed certified professional midwife" means a person  
6 who has successfully met the requirements under Section 45 of  
7 this Act and has been licensed by the Department.

8 "Low-risk" means a low-risk pregnancy where there is an  
9 absence of any preexisting maternal disease, significant  
10 disease arising from the pregnancy, or any condition likely to  
11 affect the pregnancy, including, but not limited to, those  
12 listed in Section 85.

13 "Midwife assistant" means a person, at least 18 years of  
14 age, who performs basic administrative, clerical, and  
15 supportive services under the supervision of a certified  
16 professional midwife, is educated to provide both basic and  
17 emergency care to newborns and mothers during labor, delivery,  
18 and immediately postpartum, and who maintains Neonatal  
19 Resuscitation Program provider status and cardiopulmonary  
20 resuscitation certification.

21 "Midwifery bridge certificate" means a certificate issued  
22 by the North American Registry of Midwives that documents  
23 completion of accredited continuing education for certified  
24 professional midwives based upon identified areas to address  
25 education in emergency skills and other competencies set by  
26 the international confederation of midwives.

1 "Midwifery Education and Accreditation Council" or "MEAC"  
2 means the nationally recognized accrediting agency, or its  
3 successor, that establishes standards for the education of  
4 direct-entry midwives in the United States.

5 "National Association of Certified Professional Midwives"  
6 or "NACPM" means the professional organization, or its  
7 successor, that promotes the growth and development of the  
8 profession of certified professional midwives.

9 "North American Registry of Midwives" or "NARM" means the  
10 accredited international agency, or its successor  
11 organization, that has established and has continued to  
12 administer certification for the credentialing of certified  
13 professional midwives, including the administration of a  
14 national competency examination.

15 "Onset of care" means the initial prenatal visit upon an  
16 agreement between a licensed certified professional midwife  
17 and client to establish a midwife-client relationship, during  
18 which the licensed certified professional midwife may take a  
19 client's medical history, complete an exam, establish a  
20 client's record, or perform other services related to  
21 establishing care. "Onset of care" does not include an initial  
22 interview where information about the licensed certified  
23 professional midwife's practice is shared but no  
24 midwife-client relationship is established.

25 "Pediatric health care professional" means a licensed  
26 physician specializing in the care of children, a family

1 practice physician, or an advanced practice registered nurse  
2 licensed under the Nurse Practice Act and certified as a  
3 Pediatric Nurse Practitioner or Family Nurse Practitioner.

4 "Physician" means a physician licensed under the Medical  
5 Practice Act of 1987 to practice medicine in all of its  
6 branches.

7 "Postpartum period" means the first 6 weeks after  
8 delivery.

9 "Practice of midwifery" means providing the necessary  
10 supervision, care, and advice to a client during a low-risk  
11 pregnancy, labor, and the postpartum period, including the  
12 intended low-risk delivery of a child, and providing normal  
13 newborn care. "Practice of midwifery" does not include the  
14 practice of medicine or nursing.

15 "Qualified midwife preceptor" means a licensed and  
16 experienced midwife or other health professional licensed in  
17 the State who participated in the clinical education of  
18 individuals enrolled in a midwifery education institution,  
19 program, or pathway accredited by the midwifery education  
20 accreditation council and who meet the criteria for midwife  
21 preceptors by NARM or its successor organization.

22 "Secretary" means the Secretary of Financial and  
23 Professional Regulation.

24 "Supportive services" means simple routine medical tasks  
25 and procedures for which the midwife assistant or student  
26 midwife is appropriately trained.

1 (Source: P.A. 102-683, eff. 10-1-22; 102-963, eff. 5-27-22;  
2 revised 10-17-22.)

3 Section 480. The Nurse Practice Act is amended by changing  
4 Section 50-10 as follows:

5 (225 ILCS 65/50-10) (was 225 ILCS 65/5-10)

6 (Section scheduled to be repealed on January 1, 2028)

7 Sec. 50-10. Definitions. Each of the following terms, when  
8 used in this Act, shall have the meaning ascribed to it in this  
9 Section, except where the context clearly indicates otherwise:

10 "Academic year" means the customary annual schedule of  
11 courses at a college, university, or approved school,  
12 customarily regarded as the school year as distinguished from  
13 the calendar year.

14 "Address of record" means the designated address recorded  
15 by the Department in the applicant's or licensee's application  
16 file or license file as maintained by the Department's  
17 licensure maintenance unit.

18 "Advanced practice registered nurse" or "APRN" means a  
19 person who has met the qualifications for a (i) certified  
20 nurse midwife (CNM); (ii) certified nurse practitioner (CNP);  
21 (iii) certified registered nurse anesthetist (CRNA); or (iv)  
22 clinical nurse specialist (CNS) and has been licensed by the  
23 Department. All advanced practice registered nurses licensed  
24 and practicing in the State of Illinois shall use the title

1 APRN and may use specialty credentials CNM, CNP, CRNA, or CNS  
2 after their name. All advanced practice registered nurses may  
3 only practice in accordance with national certification and  
4 this Act.

5 "Advisory Board" means the Illinois Nursing Workforce  
6 Center Advisory Board.

7 "Approved program of professional nursing education" and  
8 "approved program of practical nursing education" are programs  
9 of professional or practical nursing, respectively, approved  
10 by the Department under the provisions of this Act.

11 "Board" means the Board of Nursing appointed by the  
12 Secretary.

13 "Center" means the Illinois Nursing Workforce Center.

14 "Collaboration" means a process involving 2 or more health  
15 care professionals working together, each contributing one's  
16 respective area of expertise to provide more comprehensive  
17 patient care.

18 "Competence" means an expected and measurable level of  
19 performance that integrates knowledge, skills, abilities, and  
20 judgment based on established scientific knowledge and  
21 expectations for nursing practice.

22 "Comprehensive nursing assessment" means the gathering of  
23 information about the patient's physiological, psychological,  
24 sociological, and spiritual status on an ongoing basis by a  
25 registered professional nurse and is the first step in  
26 implementing and guiding the nursing plan of care.

1 "Consultation" means the process whereby an advanced  
2 practice registered nurse seeks the advice or opinion of  
3 another health care professional.

4 "Credentialed" means the process of assessing and  
5 validating the qualifications of a health care professional.

6 "Dentist" means a person licensed to practice dentistry  
7 under the Illinois Dental Practice Act.

8 "Department" means the Department of Financial and  
9 Professional Regulation.

10 "Email address of record" means the designated email  
11 address recorded by the Department in the applicant's  
12 application file or the licensee's license file, as maintained  
13 by the Department's licensure maintenance unit.

14 "Focused nursing assessment" means an appraisal of an  
15 individual's status and current situation, contributing to the  
16 comprehensive nursing assessment performed by the registered  
17 professional nurse or advanced practice registered nurse or  
18 the assessment by the physician assistant, physician, dentist,  
19 podiatric physician, or other licensed health care  
20 professional, as determined by the Department, supporting  
21 ongoing data collection, and deciding who needs to be informed  
22 of the information and when to inform.

23 Full practice authority" means the authority of an  
24 advanced practice registered nurse licensed in Illinois and  
25 certified as a nurse practitioner, clinical nurse specialist,  
26 or nurse midwife to practice without a written collaborative

1 agreement and:

2 (1) to be fully accountable to patients for the  
3 quality of advanced nursing care rendered;

4 (2) to be fully accountable for recognizing limits of  
5 knowledge and experience and for planning for the  
6 management of situations beyond the advanced practice  
7 registered nurse's expertise; the full practice authority  
8 for advanced practice registered nurses includes accepting  
9 referrals from, consulting with, collaborating with, or  
10 referring to other health care professionals as warranted  
11 by the needs of the patient; and

12 (3) to possess the authority to prescribe medications,  
13 including Schedule II through V controlled substances, as  
14 provided in Section 65-43.

15 "Hospital affiliate" means a corporation, partnership,  
16 joint venture, limited liability company, or similar  
17 organization, other than a hospital, that is devoted primarily  
18 to the provision, management, or support of health care  
19 services and that directly or indirectly controls, is  
20 controlled by, or is under common control of the hospital. For  
21 the purposes of this definition, "control" means having at  
22 least an equal or a majority ownership or membership interest.  
23 A hospital affiliate shall be 100% owned or controlled by any  
24 combination of hospitals, their parent corporations, or  
25 physicians licensed to practice medicine in all its branches  
26 in Illinois. "Hospital affiliate" does not include a health



1 maintenance organization regulated under the Health  
2 Maintenance Organization Act.

3 "Impaired nurse" means a nurse licensed under this Act who  
4 is unable to practice with reasonable skill and safety because  
5 of a physical or mental disability as evidenced by a written  
6 determination or written consent based on clinical evidence,  
7 including loss of motor skills, abuse of drugs or alcohol, or a  
8 psychiatric disorder, of sufficient degree to diminish his or  
9 her ability to deliver competent patient care.

10 "License-pending advanced practice registered nurse" means  
11 a registered professional nurse who has completed all  
12 requirements for licensure as an advanced practice registered  
13 nurse except the certification examination and has applied to  
14 take the next available certification exam and received a  
15 temporary permit from the Department.

16 "License-pending registered nurse" means a person who has  
17 passed the Department-approved registered nurse licensure exam  
18 and has applied for a license from the Department. A  
19 license-pending registered nurse shall use the title "RN lic  
20 pend" on all documentation related to nursing practice.

21 "Nursing intervention" means any treatment based on  
22 clinical nursing judgment or knowledge that a nurse performs.  
23 An individual or entity shall not mandate that a registered  
24 professional nurse delegate nursing interventions if the  
25 registered professional nurse determines it is inappropriate  
26 to do so. A nurse shall not be subject to disciplinary or any

1 other adverse action for refusing to delegate a nursing  
2 intervention based on patient safety.

3 "Physician" means a person licensed to practice medicine  
4 in all its branches under the Medical Practice Act of 1987.

5 "Podiatric physician" means a person licensed to practice  
6 podiatry under the Podiatric Medical Practice Act of 1987.

7 "Practical nurse" or "licensed practical nurse" means a  
8 person who is licensed as a practical nurse under this Act and  
9 practices practical nursing as defined in this Act. Only a  
10 practical nurse licensed under this Act is entitled to use the  
11 title "licensed practical nurse" and the abbreviation  
12 "L.P.N.".

13 "Practical nursing" means the performance of nursing  
14 interventions requiring the nursing knowledge, judgment, and  
15 skill acquired by means of completion of an approved practical  
16 nursing education program. Practical nursing includes  
17 assisting in the nursing process under the guidance of a  
18 registered professional nurse or an advanced practice  
19 registered nurse. The practical nurse may work under the  
20 direction of a licensed physician, dentist, podiatric  
21 physician, or other health care professional determined by the  
22 Department.

23 "Privileged" means the authorization granted by the  
24 governing body of a healthcare facility, agency, or  
25 organization to provide specific patient care services within  
26 well-defined limits, based on qualifications reviewed in the

1 credentialing process.

2 "Registered Nurse" or "Registered Professional Nurse"  
3 means a person who is licensed as a professional nurse under  
4 this Act and practices nursing as defined in this Act. Only a  
5 registered nurse licensed under this Act is entitled to use  
6 the titles "registered nurse" and "registered professional  
7 nurse" and the abbreviation, "R.N.".

8 "Registered professional nursing practice" means a  
9 scientific process founded on a professional body of knowledge  
10 that includes, but is not limited to, the protection,  
11 promotion, and optimization of health and abilities,  
12 prevention of illness and injury, development and  
13 implementation of the nursing plan of care, facilitation of  
14 nursing interventions to alleviate suffering, care  
15 coordination, and advocacy in the care of individuals,  
16 families, groups, communities, and populations. "Registered  
17 professional nursing practice" does not include the act of  
18 medical diagnosis or prescription of medical therapeutic or  
19 corrective measures.

20 "Professional assistance program for nurses" means a  
21 professional assistance program that meets criteria  
22 established by the Board of Nursing and approved by the  
23 Secretary, which provides a non-disciplinary treatment  
24 approach for nurses licensed under this Act whose ability to  
25 practice is compromised by alcohol or chemical substance  
26 addiction.

1 "Secretary" means the Secretary of Financial and  
2 Professional Regulation.

3 "Unencumbered license" means a license issued in good  
4 standing.

5 "Written collaborative agreement" means a written  
6 agreement between an advanced practice registered nurse and a  
7 collaborating physician, dentist, or podiatric physician  
8 pursuant to Section 65-35.

9 (Source: P.A. 99-173, eff. 7-29-15; 99-330, eff. 1-1-16;  
10 99-642, eff. 7-28-16; 100-513, eff. 1-1-18; revised 2-28-22.)

11 Section 485. The Pharmacy Practice Act is amended by  
12 changing Sections 9 and 25.10 as follows:

13 (225 ILCS 85/9)

14 (Section scheduled to be repealed on January 1, 2028)

15 Sec. 9. Licensure as registered pharmacy technician.

16 (a) Any person shall be entitled to licensure as a  
17 registered pharmacy technician who is of the age of 16 or over,  
18 has not engaged in conduct or behavior determined to be  
19 grounds for discipline under this Act, is attending or has  
20 graduated from an accredited high school or comparable school  
21 or educational institution or received a State of Illinois  
22 High School Diploma, and has filed a written or electronic  
23 application for licensure on a form to be prescribed and  
24 furnished by the Department for that purpose. The Department

1 shall issue a license as a registered pharmacy technician to  
2 any applicant who has qualified as aforesaid, and such license  
3 shall be the sole authority required to assist licensed  
4 pharmacists in the practice of pharmacy, under the supervision  
5 of a licensed pharmacist. A registered pharmacy technician may  
6 be delegated to perform any task within the practice of  
7 pharmacy if specifically trained for that task, except for  
8 patient counseling, drug regimen review, clinical conflict  
9 resolution, ~~or~~ final prescription verification except where a  
10 registered certified pharmacy technician verifies a  
11 prescription dispensed by another pharmacy technician using  
12 technology-assisted medication verification, or providing  
13 patients prophylaxis drugs for human immunodeficiency virus  
14 pre-exposure prophylaxis or post-exposure prophylaxis.

15 (b) Beginning on January 1, 2017, within 2 years after  
16 initial licensure as a registered pharmacy technician, the  
17 licensee must meet the requirements described in Section 9.5  
18 of this Act and become licensed as a registered certified  
19 pharmacy technician. If the licensee has not yet attained the  
20 age of 18, then upon the next renewal as a registered pharmacy  
21 technician, the licensee must meet the requirements described  
22 in Section 9.5 of this Act and become licensed as a registered  
23 certified pharmacy technician. This requirement does not apply  
24 to pharmacy technicians registered prior to January 1, 2008.

25 (c) Any person registered as a pharmacy technician who is  
26 also enrolled in a first professional degree program in

1 pharmacy in a school or college of pharmacy or a department of  
2 pharmacy of a university approved by the Department or has  
3 graduated from such a program within the last 18 months, shall  
4 be considered a "student pharmacist" and entitled to use the  
5 title "student pharmacist". A student pharmacist must meet all  
6 of the requirements for licensure as a registered pharmacy  
7 technician set forth in this Section excluding the requirement  
8 of certification prior to the second license renewal and pay  
9 the required registered pharmacy technician license fees. A  
10 student pharmacist may, under the supervision of a pharmacist,  
11 assist in the practice of pharmacy and perform any and all  
12 functions delegated to him or her by the pharmacist.

13 (d) Any person seeking licensure as a pharmacist who has  
14 graduated from a pharmacy program outside the United States  
15 must register as a pharmacy technician and shall be considered  
16 a "student pharmacist" and be entitled to use the title  
17 "student pharmacist" while completing the 1,200 clinical hours  
18 of training approved by the Board of Pharmacy described and  
19 for no more than 18 months after completion of these hours.  
20 These individuals are not required to become registered  
21 certified pharmacy technicians while completing their Board  
22 approved clinical training, but must become licensed as a  
23 pharmacist or become licensed as a registered certified  
24 pharmacy technician before the second pharmacy technician  
25 license renewal following completion of the Board approved  
26 clinical training.

1           (e) The Department shall not renew the registered pharmacy  
2 technician license of any person who has been licensed as a  
3 registered pharmacy technician with the designation "student  
4 pharmacist" who: (1) has dropped out of or been expelled from  
5 an ACPE accredited college of pharmacy; (2) has failed to  
6 complete his or her 1,200 hours of Board approved clinical  
7 training within 24 months; or (3) has failed the pharmacist  
8 licensure examination 3 times. The Department shall require  
9 these individuals to meet the requirements of and become  
10 licensed as a registered certified pharmacy technician.

11           (f) The Department may take any action set forth in  
12 Section 30 of this Act with regard to a license pursuant to  
13 this Section.

14           (g) Any person who is enrolled in a non-traditional  
15 Pharm.D. program at an ACPE accredited college of pharmacy and  
16 is licensed as a registered pharmacist under the laws of  
17 another United States jurisdiction shall be permitted to  
18 engage in the program of practice experience required in the  
19 academic program by virtue of such license. Such person shall  
20 be exempt from the requirement of licensure as a registered  
21 pharmacy technician or registered certified pharmacy  
22 technician while engaged in the program of practice experience  
23 required in the academic program.

24           An applicant for licensure as a registered pharmacy  
25 technician may assist a pharmacist in the practice of pharmacy  
26 for a period of up to 60 days prior to the issuance of a

1 license if the applicant has submitted the required fee and an  
2 application for licensure to the Department. The applicant  
3 shall keep a copy of the submitted application on the premises  
4 where the applicant is assisting in the practice of pharmacy.  
5 The Department shall forward confirmation of receipt of the  
6 application with start and expiration dates of practice  
7 pending licensure.

8 (Source: P.A. 101-621, eff. 1-1-20; 102-882, eff. 1-1-23;  
9 102-1051, eff. 1-1-23; 102-1100, eff. 1-1-23; revised  
10 12-14-22.)

11 (225 ILCS 85/25.10)

12 (Section scheduled to be repealed on January 1, 2028)

13 Sec. 25.10. Remote prescription processing.

14 (a) In this Section, "remote prescription processing"  
15 means and includes the outsourcing of certain prescription  
16 functions to another pharmacy or licensed non-resident  
17 pharmacy. "Remote prescription processing" includes any of the  
18 following activities related to the dispensing process:

19 (1) Receiving, interpreting, evaluating, or clarifying  
20 prescriptions.

21 (2) Entering prescription and patient data into a data  
22 processing system.

23 (3) Transferring prescription information.

24 (4) Performing a drug regimen review.

25 (5) Obtaining refill or substitution authorizations or



1 otherwise communicating with the prescriber concerning a  
2 patient's prescription.

3 (6) Evaluating clinical data for prior authorization  
4 for dispensing.

5 (7) Discussing therapeutic interventions with  
6 prescribers.

7 (8) Providing drug information or counseling  
8 concerning a patient's prescription to the patient or  
9 patient's agent, as defined in this Act.

10 (b) A pharmacy may engage in remote prescription  
11 processing under the following conditions:

12 (1) The pharmacies shall either have the same owner or  
13 have a written contract describing the scope of services  
14 to be provided and the responsibilities and  
15 accountabilities of each pharmacy in compliance with all  
16 federal and State laws and regulations related to the  
17 practice of pharmacy.

18 (2) The pharmacies shall share a common electronic  
19 file or have technology that allows sufficient information  
20 necessary to process a non-dispensing function.

21 (3) The records may be maintained separately by each  
22 pharmacy or in a common electronic file shared by both  
23 pharmacies, provided that the system can produce a record  
24 at either location that shows each processing task, the  
25 identity of the person performing each task, and the  
26 location where each task was performed.

1 (c) Nothing in this Section shall prohibit an individual  
2 employee licensed as a pharmacist, pharmacy technician, or  
3 student pharmacist from accessing the employer pharmacy's  
4 database from a home or other remote location or pharmacist's  
5 home verification for the purpose of performing certain  
6 prescription processing functions, provided that the pharmacy  
7 establishes controls to protect the privacy and security of  
8 confidential records.

9 (Source: P.A. 102-882, eff. 1-1-23; revised 12-9-22.)

10 Section 490. The Professional Counselor and Clinical  
11 Professional Counselor Licensing and Practice Act is amended  
12 by changing Sections 20 and 50 as follows:

13 (225 ILCS 107/20)

14 (Section scheduled to be repealed on January 1, 2028)

15 Sec. 20. Restrictions and limitations.

16 (a) No person shall, without a valid license as a  
17 professional counselor issued by the Department: (i) in any  
18 manner hold himself or herself out to the public as a  
19 professional counselor under this Act; (ii) attach the title  
20 "professional counselor" or "licensed professional  
21 counselor" ~~or~~ or use the credential "L.P.C."; or (iii) offer to  
22 render or render to individuals, corporations, or the public  
23 professional counseling services.

24 (b) No person shall, without a valid license as a clinical

1 professional counselor issued by the Department: (i) in any  
2 manner hold himself or herself out to the public as a clinical  
3 professional counselor or licensed clinical professional  
4 counselor under this Act; (ii) attach the title "clinical  
5 professional counselor" ~~or~~ "licensed clinical professional  
6 counselor", or use the credential "L.P.C."; or (iii) offer to  
7 render to individuals, corporations, or the public clinical  
8 professional counseling services.

9 (c) (Blank).

10 (d) No association, limited liability company,  
11 professional limited liability company, or partnership shall  
12 provide, attempt to provide, or offer to provide clinical  
13 professional counseling or professional counseling services  
14 unless every member, partner, and employee of the association,  
15 limited liability company, professional limited liability  
16 company, or partnership who practices professional counseling  
17 or clinical professional counseling or who renders  
18 professional counseling or clinical professional counseling  
19 services holds a currently valid license issued under this  
20 Act. No business shall provide, attempt to provide, or offer  
21 to provide professional counseling or clinical professional  
22 counseling services unless it is organized under the  
23 Professional Service Corporation Act or Professional Limited  
24 Liability Company Act.

25 (d-5) Nothing in this Act shall preclude individuals  
26 licensed under this Act from practicing directly or indirectly

1 for a physician licensed to practice medicine in all its  
2 branches under the Medical Practice Act of 1987 or for any  
3 legal entity as provided under subsection (c) of Section 22.2  
4 of the Medical Practice Act of 1987.

5 (e) Nothing in this Act shall be construed as permitting  
6 persons licensed as professional counselors or clinical  
7 professional counselors to engage in any manner in the  
8 practice of medicine in all its branches as defined by law in  
9 this State.

10 (f) When, in the course of providing professional  
11 counseling or clinical professional counseling services to any  
12 person, a professional counselor or clinical professional  
13 counselor licensed under this Act finds indication of a  
14 disease or condition that in his or her professional judgment  
15 requires professional service outside the scope of practice as  
16 defined in this Act, he or she shall refer that person to a  
17 physician licensed to practice medicine in all of its branches  
18 or another appropriate health care practitioner.

19 (Source: P.A. 102-878, eff. 1-1-23; revised 12-9-22.)

20 (225 ILCS 107/50)

21 (Section scheduled to be repealed on January 1, 2028)

22 Sec. 50. Licenses; renewal; restoration; person in  
23 military service; inactive status.

24 (a) The expiration date and renewal period for each  
25 license issued under this Act shall be set by rule. As a

1 condition for renewal of a license, the licensee shall be  
2 required to complete continuing education in accordance with  
3 rules established by the Department and pay the current  
4 renewal fee.

5 (b) Any person who has permitted a license to expire or who  
6 has a license on inactive status may have it restored by  
7 submitting an application to the Department and filing proof  
8 of fitness acceptable to the Department, to have the license  
9 restored, including, if appropriate, evidence which is  
10 satisfactory to the Department certifying the active practice  
11 of professional counseling or clinical professional counseling  
12 in another jurisdiction and by paying the required fee.

13 (c) If the person has not maintained an active practice in  
14 another jurisdiction which is satisfactory to the Department,  
15 the Department shall determine, by rule, the person's fitness  
16 to resume active status and shall establish procedures and  
17 requirements for restoration.

18 (d) However, any person whose license expired while he or  
19 she was (i) in federal service on active duty with the armed  
20 forces of the United States or the State Militia or (ii) in  
21 training or education under the supervision of the United  
22 States government prior to induction into the military service  
23 may have his or her license restored without paying any lapsed  
24 renewal fees if, within 2 years after the honorable  
25 termination of such service, training, or education, the  
26 Department is furnished with satisfactory evidence that the

1 person has been so engaged and that such service, training, or  
2 education has been so terminated.

3 (e) A license to practice shall not be denied any  
4 applicant because of the applicant's race, religion, creed,  
5 national origin, political beliefs or activities, age, sex,  
6 sexual orientation, or physical impairment.

7 (f) (Blank).

8 (g) Notwithstanding any other provision of law, the  
9 following requirements for restoration of an inactive or  
10 expired license of 5 years or less as set forth in subsections  
11 (b), (c), and (f) are suspended for any licensed clinical  
12 professional counselor who has had no disciplinary action  
13 taken against his or her license in this State or in any other  
14 jurisdiction during the entire period of licensure: proof of  
15 fitness, certification of active practice in another  
16 jurisdiction, and the payment of a renewal fee. An individual  
17 may not restore his or her license in accordance with this  
18 subsection more than once.

19 (Source: P.A. 102-878, eff. 1-1-23; 102-1053, eff. 6-10-22;  
20 revised 12-14-22.)

21 Section 495. The Wholesale Drug Distribution Licensing Act  
22 is amended by changing Sections 15, 21, 35, and 110 as follows:

23 (225 ILCS 120/15) (from Ch. 111, par. 8301-15)

24 (Section scheduled to be repealed on January 1, 2028)

1           Sec. 15. Definitions. As used in this Act:

2           "Address of record" means the designated address recorded  
3 by the Department in the applicant's application file or  
4 licensee's license file maintained by the Department's  
5 licensure maintenance unit.

6           "Authentication" means the affirmative verification,  
7 before any wholesale distribution of a prescription drug  
8 occurs, that each transaction listed on the pedigree has  
9 occurred.

10          "Authorized distributor of record" means a wholesale  
11 distributor with whom a manufacturer has established an  
12 ongoing relationship to distribute the manufacturer's  
13 prescription drug. An ongoing relationship is deemed to exist  
14 between a wholesale distributor and a manufacturer when the  
15 wholesale distributor, including any affiliated group of the  
16 wholesale distributor, as defined in Section 1504 of the  
17 Internal Revenue Code, complies with the following:

18           (1) The wholesale distributor has a written agreement  
19 currently in effect with the manufacturer evidencing the  
20 ongoing relationship; and

21           (2) The wholesale distributor is listed on the  
22 manufacturer's current list of authorized distributors of  
23 record, which is updated by the manufacturer on no less  
24 than a monthly basis.

25          "Blood" means whole blood collected from a single donor  
26 and processed either for transfusion or further manufacturing.

1 "Blood component" means that part of blood separated by  
2 physical or mechanical means.

3 "Board" means the State Board of Pharmacy of the  
4 Department of Financial and Professional Regulation.

5 "Chain pharmacy warehouse" means a physical location for  
6 prescription drugs that acts as a central warehouse and  
7 performs intracompany sales or transfers of the drugs to a  
8 group of chain or mail order pharmacies that have the same  
9 common ownership and control. Notwithstanding any other  
10 provision of this Act, a chain pharmacy warehouse shall be  
11 considered part of the normal distribution channel.

12 "Co-licensed partner or product" means an instance where  
13 one or more parties have the right to engage in the  
14 manufacturing or marketing of a prescription drug, consistent  
15 with the FDA's implementation of the Prescription Drug  
16 Marketing Act.

17 "Department" means the Department of Financial and  
18 Professional Regulation.

19 "Drop shipment" means the sale of a prescription drug to a  
20 wholesale distributor by the manufacturer of the prescription  
21 drug or that manufacturer's co-licensed product partner, that  
22 manufacturer's third-party logistics provider, or that  
23 manufacturer's exclusive distributor or by an authorized  
24 distributor of record that purchased the product directly from  
25 the manufacturer or one of these entities whereby the  
26 wholesale distributor or chain pharmacy warehouse takes title



1 but not physical possession of such prescription drug and the  
2 wholesale distributor invoices the pharmacy, chain pharmacy  
3 warehouse, or other person authorized by law to dispense or  
4 administer such drug to a patient and the pharmacy, chain  
5 pharmacy warehouse, or other authorized person receives  
6 delivery of the prescription drug directly from the  
7 manufacturer, that manufacturer's third-party logistics  
8 provider, or that manufacturer's exclusive distributor or from  
9 an authorized distributor of record that purchased the product  
10 directly from the manufacturer or one of these entities.

11 "Drug sample" means a unit of a prescription drug that is  
12 not intended to be sold and is intended to promote the sale of  
13 the drug.

14 "Email address of record" means the designated email  
15 address recorded by the Department in the applicant's  
16 application file or the licensee's license file, as maintained  
17 by the Department's licensure maintenance unit.

18 "Facility" means a facility of a wholesale distributor  
19 where prescription drugs are stored, handled, repackaged, or  
20 offered for sale, or a facility of a third-party logistics  
21 provider where prescription drugs are stored or handled.

22 "FDA" means the United States Food and Drug  
23 Administration.

24 "Manufacturer" means a person licensed or approved by the  
25 FDA to engage in the manufacture of drugs or devices,  
26 consistent with the definition of "manufacturer" set forth in

1 the FDA's regulations and guidances implementing the  
2 Prescription Drug Marketing Act. "Manufacturer" does not  
3 include anyone who is engaged in the packaging, repackaging,  
4 or labeling of drugs only to the extent permitted under the  
5 Illinois Drug Reuse Opportunity Program Act.

6 "Manufacturer's exclusive distributor" means anyone who  
7 contracts with a manufacturer to provide or coordinate  
8 warehousing, distribution, or other services on behalf of a  
9 manufacturer and who takes title to that manufacturer's  
10 prescription drug, but who does not have general  
11 responsibility to direct the sale or disposition of the  
12 manufacturer's prescription drug. A manufacturer's exclusive  
13 distributor must be licensed as a wholesale distributor under  
14 this Act and, in order to be considered part of the normal  
15 distribution channel, must also be an authorized distributor  
16 of record.

17 "Normal distribution channel" means a chain of custody for  
18 a prescription drug that goes, directly or by drop shipment,  
19 from (i) a manufacturer of the prescription drug, (ii) that  
20 manufacturer to that manufacturer's co-licensed partner, (iii)  
21 that manufacturer to that manufacturer's third-party logistics  
22 provider, or (iv) that manufacturer to that manufacturer's  
23 exclusive distributor to:

24 (1) a pharmacy or to other designated persons  
25 authorized by law to dispense or administer the drug to a  
26 patient;

1           (2) a wholesale distributor to a pharmacy or other  
2 designated persons authorized by law to dispense or  
3 administer the drug to a patient;

4           (3) a wholesale distributor to a chain pharmacy  
5 warehouse to that chain pharmacy warehouse's intracompany  
6 pharmacy to a patient or other designated persons  
7 authorized by law to dispense or administer the drug to a  
8 patient;

9           (4) a chain pharmacy warehouse to the chain pharmacy  
10 warehouse's intracompany pharmacy or other designated  
11 persons authorized by law to dispense or administer the  
12 drug to the patient;

13           (5) an authorized distributor of record to one other  
14 authorized distributor of record to an office-based health  
15 care practitioner authorized by law to dispense or  
16 administer the drug to the patient; or

17           (6) an authorized distributor to a pharmacy or other  
18 persons licensed to dispense or administer the drug.

19           "Pedigree" means a document or electronic file containing  
20 information that records each wholesale distribution of any  
21 given prescription drug from the point of origin to the final  
22 wholesale distribution point of any given prescription drug.

23           "Person" means and includes a natural person, partnership,  
24 association, corporation, or any other legal business entity.

25           "Pharmacy distributor" means any pharmacy licensed in this  
26 State or hospital pharmacy that is engaged in the delivery or

1 distribution of prescription drugs either to any other  
2 pharmacy licensed in this State or to any other person or  
3 entity including, but not limited to, a wholesale drug  
4 distributor engaged in the delivery or distribution of  
5 prescription drugs who is involved in the actual,  
6 constructive, or attempted transfer of a drug in this State to  
7 other than the ultimate consumer except as otherwise provided  
8 for by law.

9 "Prescription drug" means any human drug, including any  
10 biological product (except for blood and blood components  
11 intended for transfusion or biological products that are also  
12 medical devices), required by federal law or regulation to be  
13 dispensed only by a prescription, including finished dosage  
14 forms and bulk drug substances subject to Section 503 of the  
15 Federal Food, Drug and Cosmetic Act.

16 "Repackage" means repackaging or otherwise changing the  
17 container, wrapper, or labeling to further the distribution of  
18 a prescription drug, excluding that completed by the  
19 pharmacist responsible for dispensing the product to a  
20 patient.

21 "Secretary" means the Secretary of the Department of  
22 Financial and Professional Regulation.

23 "Suspicious order" includes, but is not limited to, an  
24 order of a controlled substance of unusual size, an order of a  
25 controlled substance deviating substantially from a normal  
26 pattern, and orders of controlled substances of unusual

1 frequency as defined by 21 U.S.C. ~~usc~~ 802.

2 "Third-party logistics provider" means anyone who  
3 contracts with a prescription drug manufacturer to provide or  
4 coordinate warehousing, distribution, or other services on  
5 behalf of a manufacturer, but does not take title to the  
6 prescription drug or have general responsibility to direct the  
7 prescription drug's sale or disposition.

8 "Wholesale distribution" means the distribution of  
9 prescription drugs to persons other than a consumer or  
10 patient, but does not include any of the following:

11 (1) Intracompany sales of prescription drugs, meaning  
12 (i) any transaction or transfer between any division,  
13 subsidiary, parent, or affiliated or related company under  
14 the common ownership and control of a corporate entity or  
15 (ii) any transaction or transfer between co-licensees of a  
16 co-licensed product.

17 (2) The sale, purchase, distribution, trade, or  
18 transfer of a prescription drug or offer to sell,  
19 purchase, distribute, trade, or transfer a prescription  
20 drug for emergency medical reasons.

21 (3) The distribution of prescription drug samples by  
22 manufacturers' representatives.

23 (4) Drug returns, when conducted by a hospital, health  
24 care entity, or charitable institution in accordance with  
25 federal regulation.

26 (5) The sale of minimal quantities of prescription

1 drugs by licensed pharmacies to licensed practitioners for  
2 office use or other licensed pharmacies.

3 (6) The sale, purchase, or trade of a drug, an offer to  
4 sell, purchase, or trade a drug, or the dispensing of a  
5 drug pursuant to a prescription.

6 (7) The sale, transfer, merger, or consolidation of  
7 all or part of the business of a pharmacy or pharmacies  
8 from or with another pharmacy or pharmacies, whether  
9 accomplished as a purchase and sale of stock or business  
10 assets.

11 (8) The sale, purchase, distribution, trade, or  
12 transfer of a prescription drug from one authorized  
13 distributor of record to one additional authorized  
14 distributor of record when the manufacturer has stated in  
15 writing to the receiving authorized distributor of record  
16 that the manufacturer is unable to supply the prescription  
17 drug and the supplying authorized distributor of record  
18 states in writing that the prescription drug being  
19 supplied had until that time been exclusively in the  
20 normal distribution channel.

21 (9) The delivery of or the offer to deliver a  
22 prescription drug by a common carrier solely in the common  
23 carrier's usual course of business of transporting  
24 prescription drugs when the common carrier does not store,  
25 warehouse, or take legal ownership of the prescription  
26 drug.

1           (10) The sale or transfer from a retail pharmacy, mail  
2           order pharmacy, or chain pharmacy warehouse of expired,  
3           damaged, returned, or recalled prescription drugs to the  
4           original manufacturer, the originating wholesale  
5           distributor, or a third party returns processor.

6           (11) The donation of drugs to the extent permitted  
7           under the Illinois Drug Reuse Opportunity Program Act.

8           "Wholesale drug distributor" means anyone engaged in the  
9           wholesale distribution of prescription drugs into, out of, or  
10          within the State, including, without limitation,  
11          manufacturers; repackers; own label distributors; jobbers;  
12          private label distributors; brokers; warehouses, including  
13          manufacturers' and distributors' warehouses; manufacturer's  
14          exclusive distributors; and authorized distributors of record;  
15          drug wholesalers or distributors; independent wholesale drug  
16          traders; specialty wholesale distributors; ~~and~~ retail  
17          pharmacies that conduct wholesale distribution; and chain  
18          pharmacy warehouses that conduct wholesale distribution. In  
19          order to be considered part of the normal distribution  
20          channel, a wholesale distributor must also be an authorized  
21          distributor of record.

22          (Source: P.A. 101-420, eff. 8-16-19; 102-389, eff. 1-1-22;  
23          102-879, eff. 1-1-23; revised 12-9-22.)

24                 (225 ILCS 120/21)

25                 (Section scheduled to be repealed on January 1, 2028)

1           Sec. 21. Reports to Department. Each licensee that is  
2 required to report suspicious orders under 21 U.S.C. ~~usc~~ 832  
3 shall also submit such suspicions order reports to the  
4 Department.

5           (Source: P.A. 102-879, eff. 1-1-23; revised 12-19-22.)

6           (225 ILCS 120/35) (from Ch. 111, par. 8301-35)

7           (Section scheduled to be repealed on January 1, 2028)

8           Sec. 35. Fees; Illinois State Pharmacy Disciplinary Fund.

9           (a) The Department shall provide by rule for a schedule of  
10 fees for the administration and enforcement of this Act,  
11 including, but not limited to, original licensure, renewal,  
12 and restoration. The fees shall be nonrefundable.

13           (b) All fees collected under this Act shall be deposited  
14 into the Illinois State Pharmacy Disciplinary Fund and shall  
15 be appropriated to the Department for the ordinary and  
16 contingent expenses of the Department in the administration of  
17 this Act. Moneys in the Fund may be transferred to the  
18 Professions Indirect Cost Fund as authorized by Section  
19 2105-300 of the Department of ~~Financial and~~ Professional  
20 Regulation Law ~~(20 ILCS 2105/2105-300)~~.

21           The moneys deposited into the Illinois State Pharmacy  
22 Disciplinary Fund shall be invested to earn interest which  
23 shall accrue to the Fund.

24           (c) Any person who delivers a check or other payment to the  
25 Department that is returned to the Department unpaid by the



1 financial institution upon which it is drawn shall pay to the  
2 Department, in addition to the amount already owed to the  
3 Department, a fine of \$50. The fines imposed by this Section  
4 are in addition to any other discipline provided under this  
5 Act for unlicensed practice or practice on a nonrenewed  
6 license. The Department shall notify the person that payment  
7 of fees and fines shall be paid to the Department by certified  
8 check or money order within 30 calendar days of the  
9 notification. If, after the expiration of 30 days from the  
10 date of the notification, the person has failed to submit the  
11 necessary remittance, the Department shall automatically  
12 terminate the license or certificate or deny the application,  
13 without hearing. If, after termination or denial, the person  
14 seeks a license or certificate, he or she shall apply to the  
15 Department for restoration or issuance of the license or  
16 certificate and pay all fees and fines due to the Department.  
17 The Department may establish a fee for the processing of an  
18 application for restoration of a license or certificate to pay  
19 all expenses of processing this application. The Secretary may  
20 waive the fines due under this Section in individual cases  
21 where the Secretary finds that the fines would be unreasonable  
22 or unnecessarily burdensome.

23 (d) (Blank).

24 (e) A manufacturer of controlled substances, wholesale  
25 distributor of controlled substances, or third-party logistics  
26 provider that is licensed under this Act and owned and

1 operated by the State is exempt from licensure, registration,  
2 renewal, and other fees required under this Act. Nothing in  
3 this subsection (e) shall be construed to prohibit the  
4 Department from imposing any fine or other penalty allowed  
5 under this Act.

6 (Source: P.A. 101-420, eff. 8-16-19; 102-879, eff. 1-1-23;  
7 revised 12-9-22.)

8 (225 ILCS 120/110) (from Ch. 111, par. 8301-110)

9 (Section scheduled to be repealed on January 1, 2028)

10 Sec. 110. Hearing officers; appointment. Notwithstanding  
11 any other provision of this Act, the Secretary shall have the  
12 authority to appoint any attorney duly licensed to practice  
13 law in the State of Illinois to serve as the hearing officer in  
14 any action before the Board for refusal to issue or renew a  
15 license, or the discipline of a licensee. The hearing officer  
16 shall report his findings of fact, conclusions of law, and  
17 recommendations to the Board and the Secretary. The Board  
18 shall have 60 days from receipt of the report to review the  
19 report of the hearing officer and present its findings of  
20 fact, conclusions of law, and recommendations to the  
21 Secretary. If the Board fails to present its report within the  
22 60-day ~~60-day~~ period, the Secretary may issue an order based on  
23 the report of the hearing officer and the record of the  
24 proceedings or issue an order remanding the matter back to the  
25 hearing officer for additional proceedings in accordance with

1 the order. If the Secretary disagrees with the recommendation  
2 of the Board or the hearing officer, the Secretary may issue an  
3 order in contravention of the recommendation.

4 (Source: P.A. 102-879, eff. 1-1-23; revised 12-9-22.)

5 Section 500. The Solid Waste Site Operator Certification  
6 Law is amended by changing Section 1011 as follows:

7 (225 ILCS 230/1011)

8 Sec. 1011. Fees.

9 (a) Fees for the issuance or renewal of a Solid Waste Site  
10 Operator Certificate shall be as follows:

11 (1) (A) \$400 for issuance or renewal for Solid Waste  
12 Site Operators;

13 (B) (blank); and

14 (C) \$100 for issuance or renewal for special waste  
15 endorsements.

16 (2) If the fee for renewal is not paid within the grace  
17 period the above fees for renewal shall each be increased by \$  
18 50.

19 (b) (Blank).

20 (c) All fees collected by the Agency under this Section  
21 shall be deposited into the Environmental Protection Permit  
22 and Inspection Fund to be used in accordance with the  
23 provisions of subsection (a) of Section 22.8 of the  
24 Environmental Protection Act.

1 (Source: P.A. 102-1017, eff. 1-1-23; 102-1071, eff. 6-10-22;  
2 revised 12-14-22.)

3 Section 505. The Registered Interior Designers Act is  
4 amended by changing Sections 3, 4.1, and 4.2 as follows:

5 (225 ILCS 310/3) (from Ch. 111, par. 8203)

6 (Section scheduled to be repealed on January 1, 2027)

7 Sec. 3. Definitions. As used in this Act:

8 "Accredited institution" means an institution accredited  
9 by the Council for Interior Design Accreditation, an  
10 accreditation body recognized by the United States Department  
11 of Education, or a curriculum or transcript approved by the  
12 Board per a registration applicant's application.

13 "Address of record" means the designated address recorded  
14 by the Department in the applicant's application file or the  
15 registrant's registration file as maintained by the  
16 Department's licensure maintenance unit.

17 "Board" means the Board of Registered Interior Design  
18 Professionals established under Section 6 of this Act.

19 "Department" means the Department of Financial and  
20 Professional Regulation.

21 "Email address of record" means the designated email  
22 address recorded by the Department in the applicant's  
23 application file or the registrant's registration file as  
24 maintained by the Department's licensure maintenance unit.

1 "Interior technical submissions" means the designs,  
2 drawings, and specifications that establish the scope of the  
3 interior design to be constructed, the standard of quality for  
4 materials, workmanship, equipment, and construction systems,  
5 and the studies and other technical reports and calculations  
6 prepared in the course of the practice of registered interior  
7 design.

8 "Practice of registered interior design" means the design  
9 of interior spaces as a part of an interior alteration or  
10 interior construction project in conformity with public  
11 health, safety, and welfare requirements, including the  
12 preparation of documents relating to building code  
13 descriptions, project egress plans that require no increase  
14 capacity of exits in the space affected, space planning,  
15 finish materials, furnishings, fixtures, equipment, and the  
16 preparation of documents and interior technical submissions  
17 relating to interior construction. "Practice of registered  
18 interior design" does not include:

19 (1) The practice of structural engineering as defined  
20 in the Structural Engineering Practice Act of 1989, the  
21 practice of professional engineering as defined in the  
22 Professional Engineering Practice Act of 1989, or the  
23 practice of land surveying as defined in the Illinois  
24 Professional Land Surveyor Act of 1989.

25 (2) Services that constitute the practice of  
26 architecture as defined in the Illinois Architecture

1 Practice Act of 1989, except as provided in this Act.

2 (3) Altering or affecting the structural system of a  
3 building, including changing the building's live or dead  
4 load on the structural system.

5 (4) Changes to the building envelope, including  
6 exterior walls, exterior wall coverings, exterior wall  
7 openings, exterior windows and doors, architectural trim,  
8 balconies and similar projections, bay and oriel windows,  
9 roof assemblies and rooftop structures, and glass and  
10 glazing for exterior use in both vertical and sloped  
11 applications in buildings and structures.

12 (5) Altering or affecting the mechanical, plumbing,  
13 heating, air conditioning, ventilation, electrical,  
14 vertical transportation, fire sprinkler, or fire alarm  
15 systems.

16 (6) Changes beyond the exit access component of a  
17 means of egress system.

18 (7) Construction that materially affects life safety  
19 systems pertaining to fire safety or the fire protection  
20 of structural elements, or alterations to smoke evacuation  
21 and compartmentalization systems or to fire-rated vertical  
22 shafts in multistory structures.

23 (8) Changes of use to an occupancy of greater hazard  
24 as determined by the International Building Code.

25 (9) Changes to the construction classification of the  
26 building or structure according to the International

1 Building Code.

2 "Public member" means a person who is not a registered  
3 interior designer, educator in the field, architect,  
4 structural engineer, or professional engineer. For purposes of  
5 board membership, any person with a significant financial  
6 interest in the design or construction service or profession  
7 is not a public member.

8 "Registered interior designer" means a person who has  
9 received registration under Section 8 of this Act. A person  
10 represents himself or herself to be a "registered interior  
11 designer" within the meaning of this Act if he or she holds  
12 himself or herself out to the public by any title  
13 incorporating the words "registered interior designer" or any  
14 title that includes the words "registered interior design".

15 "Responsible control" means the amount of control over  
16 detailed professional knowledge of the content of interior  
17 technical submissions during the preparation as is ordinarily  
18 exercised by registered interior designers applying the  
19 required professional standard of care. Merely reviewing or  
20 reviewing and correcting an interior technical submission or  
21 any portion thereof prepared by those not in the regular  
22 employment of the office where the registered interior  
23 designer is a resident without control over the content of  
24 such work throughout its preparation does not constitute  
25 responsible control.

26 "Secretary" means the Secretary of Financial and

1 Professional Regulation.

2 (Source: P.A. 102-20, eff. 1-1-22; 102-1066, eff. 1-1-23;  
3 revised 12-9-22.)

4 (225 ILCS 310/4.1)

5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 4.1. Seal. Every registered interior designer shall  
7 have a reproducible seal, or facsimile, the impression of  
8 which shall contain the name of the registered interior  
9 designer, the registration ~~registrations~~ number, and the words  
10 "Registered Interior Designer, State of Illinois". The  
11 registered interior designer shall affix the signature,  
12 current date, date of registration expiration, and seal to the  
13 first sheet of any bound set or loose sheets of interior  
14 technical submissions used as contract documents between  
15 parties to the contract or prepared for the review and  
16 approval of any governmental or public authority having  
17 jurisdiction by that registered interior designer or under  
18 that registered interior designer's responsible control. The  
19 sheet of interior technical submissions in which the seal is  
20 affixed shall indicate those documents or parts thereof for  
21 which the seal shall apply. The seal and dates may be  
22 electronically affixed. The registrant may provide, at the  
23 registrant's sole discretion, an original signature in the  
24 registrant's handwriting, a scanned copy of the document  
25 bearing an original signature, or a signature generated by a



1 computer. All interior technical submissions issued by any  
2 corporation, partnership, or professional service corporation  
3 shall contain the corporate or assumed business name in  
4 addition to any other seal requirements set forth in this Act.

5 A registered interior designer under this Act shall not  
6 sign and seal interior technical submissions that were not  
7 prepared by or under the responsible control of the registered  
8 interior designer, except that:

9 (1) the registered interior designer may sign and seal  
10 those portions of the interior technical submission that  
11 were prepared by or under the responsible control of a  
12 person who holds a registration under this Act, and who  
13 has signed and sealed the documents, if the registered  
14 interior designer has reviewed in whole or in part such  
15 portions and has either coordinated their preparation or  
16 integrated them into the work;

17 (2) the registered interior designer may sign and seal  
18 portions of the professional work that are not required by  
19 this Act to be prepared by or under the responsible  
20 control of a registered interior designer if the  
21 registered interior designer has reviewed and adopted in  
22 whole or in part such portions and has integrated them  
23 into the work. The work associated with the combination of  
24 services in connection with the design and construction of  
25 buildings shall be provided by a licensed architect. If  
26 engineering, structural engineering, or licensed land

1 surveying services are required in association with an  
2 interior nonstructural project being performed by a  
3 registered interior designer, the documents that have  
4 already been properly sealed by a licensed professional  
5 engineer, licensed structural engineer, or licensed land  
6 surveyor may be compiled by a registered interior  
7 designer. Each design professional shall seal the  
8 respective documents and shall not seal a document that  
9 was not prepared under the design professional's  
10 responsible charge. For all other projects, engineering,  
11 structural engineering, or land surveying services shall  
12 be procured separate from the registered interior  
13 designer;

14 (3) a partner or corporate officer of a professional  
15 design firm registered in this State who has professional  
16 knowledge of the content of the interior technical  
17 submissions and intends to be responsible for the adequacy  
18 of the interior technical submissions may sign and seal  
19 interior technical submissions that are prepared by or  
20 under the responsible control of a registered interior  
21 designer who is registered in this State and who is in the  
22 regular employment of the professional design firm.

23 The registered interior designer exercising responsible  
24 control under which the interior technical submissions or  
25 portions of the interior technical submission were prepared  
26 shall be identified on the interior technical submissions or

1 portions of the interior technical submissions by name and  
2 Illinois registration number.

3 Any registered interior designer who signs and seals  
4 interior technical submissions not prepared by that registered  
5 interior designer but prepared under that registered interior  
6 designer's responsible control by persons not regularly  
7 employed in the office where the registered interior designer  
8 is a resident shall maintain and make available to the Board  
9 upon request for at least 5 years following such signing and  
10 sealing, adequate and complete records demonstrating the  
11 nature and extent of the registered interior designer's  
12 control over, and detailed professional knowledge of the  
13 interior technical submissions throughout their preparation.  
14 (Source: P.A. 102-1066, eff. 1-1-23; revised 12-19-22.)

15 (225 ILCS 310/4.2)

16 (Section scheduled to be repealed on January 1, 2027)

17 Sec. 4.2. Interior technical submissions.

18 (a) All interior technical submissions intended for use in  
19 this State shall be prepared and administered in accordance  
20 with standards of reasonable professional skill and diligence.  
21 Care shall be taken to reflect the requirements of State law  
22 and, where applicable, county and municipal ordinances in the  
23 submissions. In recognition that registered interior designers  
24 are registered for the protection of the public health,  
25 safety, and welfare, submissions shall be of such quality and

1 scope, and be so administered, as to conform to professional  
2 standards.

3 (b) No officer, board, commission, or other public entity  
4 who receives interior technical submissions shall accept for  
5 filing or approval any interior technical submissions related  
6 to services requiring the involvement of a registered interior  
7 designer that do not bear the seal and signature of a  
8 registered interior designer.

9 (c) It is unlawful to affix a seal to interior technical  
10 submissions if it masks the true identity ~~identify~~ of the  
11 person who actually exercised responsible control of the  
12 preparation of such work. A registered interior designer who  
13 seals and signs interior technical submissions is not  
14 responsible for damage caused by subsequent changes to, or  
15 uses of, those interior technical submissions where the  
16 subsequent changes or uses, including changes to uses made by  
17 State or local agencies, are not authorized or approved in  
18 writing by the registered interior designer who originally  
19 sealed and signed the interior technical submissions.

20 (Source: P.A. 102-1066, eff. 1-1-23; revised 12-19-22.)

21 Section 510. The Illinois Plumbing License Law is amended  
22 by changing Section 5 as follows:

23 (225 ILCS 320/5) (from Ch. 111, par. 1104)

24 Sec. 5. Advertising.

1           (a) Persons who advertise plumbing services shall, at  
2 their place of business, display the licensed plumber's  
3 license of at least one member of the firm, partnership or  
4 officer of the corporation and shall maintain a register  
5 listing the names and license numbers of all licensed plumbers  
6 and all licensed apprentice plumbers currently employed by  
7 them. The number of the license so displayed shall also be  
8 included with the plumbing identification on vehicles.

9           (b) No person who provides plumbing services may advertise  
10 those services unless that person includes in the  
11 advertisement the license number that is required to be  
12 displayed under subsection (a). Nothing contained in this  
13 subsection requires the publisher of advertising for plumbing  
14 services to investigate or verify the accuracy of the license  
15 number provided by the advertiser.

16           (b.5) Any person who advertises plumbing services (i) who  
17 fails to display the license number required by subsection (a)  
18 in all manners required by that subsection, (ii) who fails to  
19 provide a publisher with the correct number under subsection  
20 (b), or (iii) who provides a publisher with a false license  
21 number or a license number of a person other than the person  
22 designated under subsection (a), or any person who allows his  
23 or her license number to be displayed or used in order to allow  
24 any other person to circumvent any provisions of this Section  
25 is guilty of a Class A misdemeanor with a fine of \$1,000, which  
26 shall be subject to the enforcement provisions of Section 29

1 of this Act. Each day that a person fails to display the  
2 required license under subsection (a) and each day that an  
3 advertisement runs or each day that a person allows his or her  
4 license to be displayed or used in violation of this Section  
5 constitutes a separate offense.

6 In addition to, and not in lieu of, the penalties and  
7 remedies provided for in this Section and Section 29 of this  
8 Act, any person licensed under this Act who violates any  
9 provision of this Section shall be subject to suspension or  
10 revocation of his or her license under Section 19 of this Act.

11 (b.10) In addition to, and not in lieu of, the penalties  
12 and remedies provided for in this Section and Sections 19, 20,  
13 and 29 of this Act, and after notice and an opportunity for  
14 hearing as provided for in this subsection and Section 19 of  
15 this Act, the Department may issue an Order Of Correction to  
16 the telecommunications carrier furnishing service to any  
17 telephone number contained in a printed advertisement for  
18 plumbing services that is found to be in violation of the  
19 provisions of this subsection. The Order of Correction shall  
20 be limited to the telephone number contained in the unlawful  
21 advertisement. The Order of Correction shall notify the  
22 telecommunications carrier to disconnect the telephone service  
23 furnished to any telephone number contained in the unlawful  
24 advertisement and that subsequent calls to that number shall  
25 not be referred by the telecommunications carrier to any new  
26 telephone number obtained by or any existing number registered

1 to the person.

2 If, upon investigation, the Department has probable cause  
3 to believe that a person has placed an advertisement with a  
4 telecommunications carrier that: (i) contains a false license  
5 number, (ii) contains a license number of a person other than  
6 the person designated under subsection (a), or (iii) is placed  
7 or circulated by a person who is not properly licensed under  
8 this Act, the Department shall provide notice to the person of  
9 the Department's intent to issue an Order of Correction to the  
10 telecommunications carrier to disconnect the telephone service  
11 furnished to any telephone number contained in the unlawful  
12 advertisement, and that subsequent calls to that number shall  
13 not be referred by the telecommunications carrier to any new  
14 telephone number obtained by or any existing number registered  
15 to the person.

16 Notice shall be provided by certified mail or by personal  
17 service setting forth the particular reasons for the proposed  
18 action and fixing a date, not less than 20 days from the date  
19 of the mailing or service, within which time the person must  
20 request a hearing in writing. Failure to serve upon the  
21 Department a written request for hearing within the time  
22 provided in the notice shall constitute a waiver of the  
23 person's right to an administrative hearing. The hearing,  
24 findings, and conclusions shall be in accordance with the  
25 provisions contained in Section 19 of this Act and the  
26 Department's Rules of Practice and Procedure in Administrative

1 Hearings (77 Ill. Adm. ~~Admin.~~ Code 100), which are  
2 incorporated by reference herein.

3       Upon a finding that the person has violated the provisions  
4 of this subsection, the Department shall issue the Order of  
5 Correction to the telecommunications carrier. If the  
6 telecommunications carrier fails to comply with the Order of  
7 Correction within 20 days after the order is final, the  
8 Department shall inform the Illinois Commerce Commission of  
9 the failure to comply and the Illinois Commerce Commission  
10 shall require the telecommunications carrier furnishing  
11 services to that person to disconnect the telephone service  
12 furnished to the telephone number contained in the unlawful  
13 advertisement and direct that subsequent calls to that number  
14 shall not be referred by the telecommunications carrier to any  
15 new telephone number obtained by or any existing number  
16 registered to the person.

17       A person may have his or her telephone services restored,  
18 after an Order of Correction has been issued, upon a showing,  
19 to the satisfaction of the Department, that he or she is in  
20 compliance with the provisions of this Act.

21       (c) The Department may require by rule and regulation  
22 additional information concerning licensed plumbers and  
23 licensed apprentice plumbers maintained in the register. The  
24 Department shall have the right to examine the payroll records  
25 of such persons to determine compliance with this provision.  
26 The Department's right to examine payroll records is limited



1 solely to those records and does not extend to any other  
2 business records.

3 (Source: P.A. 91-184, eff. 1-1-00; revised 2-28-22.)

4 Section 515. The Collateral Recovery Act is amended by  
5 changing Section 35 as follows:

6 (225 ILCS 422/35)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 35. Application for repossession agency licensure.

9 (a) Application for original licensure as a repossession  
10 agency shall be made to the Commission in writing on forms  
11 prescribed by the Commission and shall be accompanied by the  
12 appropriate documentation and the required fee, and the fee is  
13 nonrefundable.

14 (b) Every application shall state, in addition to any  
15 other requirements, (i) the name of the applicant, (ii) the  
16 name under which the applicant shall do business, (iii) the  
17 proposed location of the agency by number, street, and city,  
18 ~~and~~ (iv) the proposed location of the agency's remote storage  
19 location or locations by number, street, and city, (v) the  
20 proposed location of the Agency's branch office or branch  
21 offices by number, street, and city, and (vi) the usual  
22 business hours that the agency shall maintain.

23 (c) No license may be issued (i) in any fictitious name  
24 that may be confused with or is similar to any federal, state,

1 county, or municipal government function or agency, (ii) in  
2 any name that may tend to describe any business function or  
3 enterprise not actually engaged in by the applicant, (iii) in  
4 any name that is the same as or similar to any existing  
5 licensed company and that would tend to deceive the public,  
6 (iv) in any name that would tend to be deceptive or misleading,  
7 or (v) to any repossession agency applicant without that  
8 agency's location or branch office location maintaining a  
9 secured storage facility as defined in Section 10 of this Act.

10 (d) If the applicant for repossession agency licensure is  
11 an individual, then his or her application shall include (i)  
12 the full residential address of the applicant and (ii) either  
13 the sworn statement of the applicant declaring that he or she  
14 is the licensed recovery manager who shall be personally in  
15 control of the agency for which the licensure is sought, or the  
16 name and signed sworn statement of the licensed recovery  
17 manager who shall be in control or management of the agency.

18 (e) If the applicant for repossession agency licensure is  
19 a partnership, then the application shall include (i) a  
20 statement of the names and full residential addresses of all  
21 partners in the business and (ii) a sworn statement signed by  
22 each partner verifying the name of the person who is a licensed  
23 recovery manager and shall be in control or management of the  
24 business. If a licensed recovery manager who is not a partner  
25 shall be in control or management of the agency, then he or she  
26 must also sign the sworn statement. The application shall also

1 state whether any of the partners has ever used an alias.

2 (f) If the applicant for licensure as a repossession  
3 agency is a corporation, then the application shall include  
4 (i) the names and full residential addresses of all  
5 corporation officers and (ii) a sworn statement signed by a  
6 duly authorized officer of the corporation verifying the name  
7 of the person who is a licensed recovery manager and shall be  
8 in control or management of the agency. If a licensed recovery  
9 manager who is not an officer shall be in control or management  
10 of the agency, then he or she must also sign the sworn  
11 statement. The application shall also state whether any of the  
12 officers has ever used an alias.

13 (g) If the applicant for licensure as a repossession  
14 agency is a limited liability company, then the application  
15 shall include (i) the names and full residential addresses of  
16 all members and (ii) a sworn statement signed by each member  
17 verifying the name of the person who is a licensed recovery  
18 manager and shall be in control or management of the agency. If  
19 a licensed recovery manager who is not a member shall be in  
20 control or management of the agency, then he or she must also  
21 sign the sworn statement. The application shall also state  
22 whether any of the members has ever used an alias.

23 (h) Each individual, partner of a partnership, officer of  
24 a corporation, or member of a limited liability company shall  
25 submit with the application a copy of a valid State or U.S.  
26 government-issued photo identification card. An applicant who

1 is 21 years of age or older seeking a religious exemption to  
2 the photograph requirement of this subsection shall furnish  
3 with the application an approved copy of United States  
4 Department of the Treasury Internal Revenue Service Form 4029.  
5 Regardless of age, an applicant seeking a religious exemption  
6 to this photograph requirement shall submit fingerprints in a  
7 form and manner prescribed by the Commission with his or her  
8 application in lieu of a photograph.

9 (i) No examination shall be required for licensure as a  
10 repossession agency by the Commission.

11 (j) The Commission may require any additional information  
12 that, in the judgment of the Commission, shall enable the  
13 Commission to determine the qualifications of the applicant  
14 for licensure.

15 (k) Applicants have 90 days from the date of application  
16 to complete the application process. If the application has  
17 not been completed within 90 days, then the application shall  
18 be denied, the fee shall be forfeited, and the applicant must  
19 reapply and meet the requirements in effect at the time of  
20 reapplication.

21 (l) Nothing in this Section precludes a domestic or  
22 foreign limited liability company being licensed as a  
23 repossession agency.

24 (m) A repossession agency license may be transferable upon  
25 prior notice to the Commission and upon completion of all  
26 requirements relative to the application process for

1 repossession agency licensure.

2 (n) Repossessions performed in this State must be  
3 performed by repossession agencies, their employees, or agents  
4 licensed by the Commission, with the exception of financial  
5 institutions or the employees of a financial institution that  
6 are exempt under subsection (d) of Section 30 of this Act.

7 (Source: P.A. 102-748, eff. 1-1-23; revised 12-9-22.)

8 Section 520. The Real Estate License Act of 2000 is  
9 amended by changing Section 5-10 as follows:

10 (225 ILCS 454/5-10)

11 (Section scheduled to be repealed on January 1, 2030)

12 Sec. 5-10. Requirements for license as a residential  
13 leasing agent; continuing education.

14 (a) Every applicant for licensure as a residential leasing  
15 agent must meet the following qualifications:

16 (1) be at least 18 years of age;

17 (2) be of good moral character;

18 (3) successfully complete a 4-year course of study in  
19 a high school or secondary school or an equivalent course  
20 of study approved by the state in which the school is  
21 located, or possess a State of Illinois High School  
22 Diploma, which shall be verified under oath by the  
23 applicant;

24 (4) personally take and pass a written examination

1 authorized by the Department sufficient to demonstrate the  
2 applicant's knowledge of the provisions of this Act  
3 relating to residential leasing agents and the applicant's  
4 competence to engage in the activities of a licensed  
5 residential leasing agent;

6 (5) provide satisfactory evidence of having completed  
7 15 hours of instruction in an approved course of study  
8 relating to the leasing of residential real property. The  
9 Board may recommend to the Department the number of hours  
10 each topic of study shall require. The course of study  
11 shall, among other topics, cover the provisions of this  
12 Act applicable to residential leasing agents; fair housing  
13 and human rights issues relating to residential leasing;  
14 advertising and marketing issues; leases, applications,  
15 and credit and criminal background reports; owner-tenant  
16 relationships and owner-tenant laws; the handling of  
17 funds; and environmental issues relating to residential  
18 real property;

19 (6) complete any other requirements as set forth by  
20 rule; and

21 (7) present a valid application for issuance of an  
22 initial license accompanied by fees specified by rule.

23 (b) No applicant shall engage in any of the activities  
24 covered by this Act without a valid license and until a valid  
25 sponsorship has been registered with the Department.

26 (c) Successfully completed course work, completed pursuant

1 to the requirements of this Section, may be applied to the  
2 course work requirements to obtain a managing broker's or  
3 broker's license as provided by rule. The Board may recommend  
4 to the Department and the Department may adopt requirements  
5 for approved courses, course content, and the approval of  
6 courses, instructors, and education providers, as well as  
7 education provider and instructor fees. The Department may  
8 establish continuing education requirements for residential  
9 licensed leasing agents, by rule, consistent with the language  
10 and intent of this Act, with the advice of the Board.

11 (d) The continuing education requirement for residential  
12 leasing agents shall consist of a single core curriculum to be  
13 prescribed by the Department as recommended by the Board.  
14 Leasing agents shall be required to complete no less than 8  
15 hours of continuing education in the core curriculum during  
16 the current term of the license. The curriculum shall, at a  
17 minimum, consist of a single course or courses on the subjects  
18 of fair housing and human rights issues related to residential  
19 leasing, advertising and marketing issues, leases,  
20 applications, credit reports, and criminal history, the  
21 handling of funds, owner-tenant relationships and owner-tenant  
22 laws, and environmental issues relating to residential real  
23 estate.

24 (Source: P.A. 101-357, eff. 8-9-19; 102-970, eff. 5-27-22;  
25 102-1100, eff. 1-1-23; revised 12-14-22.)

1 Section 530. The Coal Mining Act is amended by changing  
2 Sections 2.14 and 8.11 as follows:

3 (225 ILCS 705/2.14) (from Ch. 96 1/2, par. 314)

4 Sec. 2.14. The Director shall promulgate rules, in  
5 accordance with the Illinois Administrative Procedure Act,  
6 necessary for the effective and orderly conduct of hearings  
7 held pursuant to this Act. These rules shall include, but not  
8 necessarily be limited to, the following for the benefit of  
9 any affected operator, miner, labor representative, l or other  
10 person with a substantial interest in the hearing:

11 1. adequate written notice of charges against any  
12 charged party;

13 2. adequate written notice of all hearings to any  
14 affected operator, miner, labor representative, l or other  
15 interested person;

16 3. the right to be represented by counsel;

17 4. the right to present evidence; ~~l~~

18 5. the right to cross-examine witnesses; ~~l~~

19 6. the right to present its position orally or in  
20 writing to the Board; ~~l~~

21 7. the right to request issuance of subpoenas by the  
22 Department.

23 (Source: P.A. 102-937, eff. 5-27-22; revised 8-22-22.)

24 (225 ILCS 705/8.11) (from Ch. 96 1/2, par. 811)



1           Sec. 8.11. In no case shall an applicant for a certificate  
2 of competency be deemed competent unless he appears in person  
3 before the Mining Board and orally answers intelligently and  
4 correctly practical questions, propounded to him by said  
5 Board, pertaining to the requirements and qualifications of a  
6 practical miner.

7           (Source: P.A. 102-937, eff. 5-27-22; revised 8-22-22.)

8           Section 535. The Illinois Gambling Act is amended by  
9 changing Section 7.2 as follows:

10           (230 ILCS 10/7.2)

11           Sec. 7.2. Temporary operating permits. Any person  
12 operating under a temporary operating permit issued pursuant  
13 to 86 Ill. ~~Adm. Admin.~~ Code 3000.230 shall be deemed to be  
14 operating under the authority of an owner's license for  
15 purposes of Section 13 of this Act. This Section shall not  
16 affect in any way the licensure requirements of this Act.

17           (Source: P.A. 93-28, eff. 6-20-03; revised 2-28-22.)

18           Section 540. The Liquor Control Act of 1934 is amended by  
19 changing Sections 1-3.43, 5-3, 6-9.15, 6-38, and 10-5 as  
20 follows:

21           (235 ILCS 5/1-3.43)

22           Sec. 1-3.43. Beer showcase permit ~~license~~. "Beer showcase

1 permit" means a license for use by a class 3 brewer<sup>7</sup> or  
 2 distributor to allow for the transfer of beer only from an  
 3 existing licensed premises of a class 3 brewer or distributor  
 4 to a designated site for a specific event.

5 (Source: P.A. 102-442, eff. 8-20-21; revised 2-28-22.)

6 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

7 Sec. 5-3. License fees. Except as otherwise provided  
 8 herein, at the time application is made to the State  
 9 Commission for a license of any class, the applicant shall pay  
 10 to the State Commission the fee hereinafter provided for the  
 11 kind of license applied for.

12 The fee for licenses issued by the State Commission shall  
 13 be as follows:

	Online	Initial
	renewal	license
		or
		non-online
		renewal

19 For a manufacturer's license:

20	Class 1. Distiller .....	\$4,000	\$5,000
21	Class 2. Rectifier .....	4,000	5,000
22	Class 3. Brewer .....	1,200	1,500
23	Class 4. First-class Wine		
24	Manufacturer .....	1,200	1,500
25	Class 5. Second-class		

1	Wine Manufacturer.....	1,500	1,750
2	Class 6. First-class wine-maker....	1,200	1,500
3	Class 7. Second-class wine-maker ..	1,500	1,750
4	Class 8. Limited Wine		
5	Manufacturer .....	250	350
6	Class 9. Craft Distiller .....	2,000	2,500
7	Class 10. Class 1 Craft Distiller ..	50	75
8	Class 11. Class 2 Craft Distiller ..	75	100
9	Class 12. Class 1 Brewer .....	50	75
10	Class 13. Class 2 Brewer .....	75	100
11	Class 14. Class 3 Brewer .....	25	50
12	For a Brew Pub License .....	1,200	1,500
13	For a Distilling Pub License .....	1,200	1,500
14	For a caterer retailer's license ..	350	500
15	For a foreign importer's license ..	25	25
16	For an importing distributor's		
17	license.....	25	25
18	For a distributor's license		
19	(11,250,000 gallons		
20	or over) .....	1,450	2,200
21	For a distributor's license		
22	(over 4,500,000 gallons, but		
23	under 11,250,000 gallons) .....	950	1,450
24	For a distributor's license		
25	(4,500,000 gallons or under) ..	300	450
26	For a non-resident dealer's license		

1	(500,000 gallons or over)		
2	or with self-distribution		
3	privileges .....	1,200	1,500
4	For a non-resident dealer's license		
5	(under 500,000 gallons) .....	250	350
6	For a wine-maker's premises		
7	license.....	250	500
8	For a winery shipper's license		
9	(under 250,000 gallons) .....	200	350
10	For a winery shipper's license		
11	(250,000 or over, but		
12	under 500,000 gallons) .....	750	1,000
13	For a winery shipper's license		
14	(500,000 gallons or over) .....	1,200	1,500
15	For a wine-maker's premises		
16	license, second location .....	500	1,000
17	For a wine-maker's premises		
18	license, third location.....	500	1,000
19	For a retailer's license .....	600	750
20	For a special event retailer's		
21	license, (not-for-profit).....	25	25
22	For a beer showcase permit <del>license</del> ,		
23	one day only .....	100	150
24	2 days or more .....	150	250
25	For a special use permit license,		
26	one day only .....	100	150

1	2 days or more .....	150	250
2	For a railroad license .....	100	150
3	For a boat license .....	500	1,000
4	For an airplane license, times the		
5	licensee's maximum number of		
6	aircraft in flight, serving		
7	liquor over the State at any		
8	given time, which either		
9	originate, terminate, or make		
10	an intermediate stop in		
11	the State .....	100	150
12	For a non-beverage user's license:		
13	Class 1 .....	24	24
14	Class 2 .....	60	60
15	Class 3 .....	120	120
16	Class 4 .....	240	240
17	Class 5 .....	600	600
18	For a broker's license .....	750	1,000
19	For an auction liquor license .....	100	150
20	For a homebrewer special		
21	event permit .....	25	25
22	For a craft distiller		
23	tasting permit .....	25	25
24	For a BASSET trainer license .....	300	350
25	For a tasting representative		
26	license .....	200	300

1	For a brewer warehouse permit .....	25	25
2	For a craft distiller		
3	warehouse permit .....	25	25

4 Fees collected under this Section shall be paid into the  
5 Dram Shop Fund. The State Commission shall waive license  
6 renewal fees for those retailers' licenses that are designated  
7 as "1A" by the State Commission and expire on or after July 1,  
8 2022, and on or before June 30, 2023. One-half of the funds  
9 received for a retailer's license shall be paid into the Dram  
10 Shop Fund and one-half of the funds received for a retailer's  
11 license shall be paid into the General Revenue Fund.

12 No fee shall be paid for licenses issued by the State  
13 Commission to the following non-beverage users:

14 (a) Hospitals, sanitariums, or clinics when their use  
15 of alcoholic liquor is exclusively medicinal, mechanical  
16 or scientific.

17 (b) Universities, colleges of learning or schools when  
18 their use of alcoholic liquor is exclusively medicinal,  
19 mechanical or scientific.

20 (c) Laboratories when their use is exclusively for the  
21 purpose of scientific research.

22 (Source: P.A. 101-482, eff. 8-23-19; 101-615, eff. 12-20-19;  
23 102-442, eff. 8-20-21; 102-558, eff. 8-20-21; 102-699, eff.  
24 4-19-22; revised 2-6-23.)

1           Sec. 6-9.15. Quantity discounting terms for wine or  
2 spirits cooperative purchase agreements.

3           (a) All wine or spirits quantity discount programs offered  
4 to consumption off the premises retailers must be offered to  
5 all consumption off the premises cooperative groups and  
6 cooperative agents, ~~and~~ and all quantity discount programs  
7 offered to consumption on the premises retailers shall be  
8 offered to all consumption on the premises cooperative groups  
9 and cooperative agents. Quantity discount programs shall:

10           (1) be open and available for acceptance for 7  
11 business days;

12           (2) be designed and implemented to produce product  
13 volume growth with retail licensees;

14           (3) be based on the volume of product purchased;  
15 however, discounts may include price reductions, cash, and  
16 credits, ~~and~~ and no-charge wine or spirits products may be  
17 given instead of a discount;

18           (4) be documented on related sales invoices or credit  
19 memoranda;

20           (5) not require a retail licensee to take and dispose  
21 of any quota of wine or spirits; however, bona fide  
22 quantity discounts shall not be deemed to be quota sales;  
23 and

24           (6) not require a retail licensee to purchase one  
25 product in order to purchase another; this includes  
26 combination sales if one or more products may be purchased

1           only in combination with other products and not  
2           individually.

3           (b) A distributor or importing distributor that makes  
4           quantity discount sales to participating members of a  
5           cooperative purchase group shall issue customary invoices to  
6           each participating retail licensee itemizing the wine or  
7           spirit sold and delivered as part of a quantity discount  
8           program to each participating retail licensee.

9           (c) If a distributor or importing distributor offers a  
10          quantity discount for wine or spirits, excluding any product  
11          fermented with malt or any substitute for malt, cooperative  
12          purchase groups shall purchase a minimum of 250 cases in each  
13          quantity discount program. Each individual participating  
14          member of a cooperative purchase group purchasing product  
15          through a quantity discount program may be required to  
16          purchase the following minimum amounts:

17                 (1) 2% of cases of any quantity discount program of  
18                 500 or fewer cases.

19                 (2) 1.5% of cases of any quantity discount program of  
20                 at least 501 and not more than 2,000 cases.

21                 (3) 1% of cases of any quantity discount program of  
22                 2,001 or more cases.

23           (d) The cooperative agent shall place each cooperative  
24          purchase order under the name of the cooperative purchase  
25          group and shall identify each participating retail member  
26          involved with the purchase, the quantity of product purchased



1 ~~purchase~~, the price attributable to each retailer member's  
2 purchase, and a requested delivery date. A retail licensee may  
3 make purchases through a cooperative purchasing group or  
4 independently of such group. Nothing in this Section shall be  
5 construed to prohibit retail licensees from making purchases  
6 separate and apart from any cooperative purchasing group.

7 (e) Each distributor or importing distributor shall  
8 separately invoice each participating cooperative purchase  
9 group member for the purchase made on behalf of such  
10 participating member.

11 (f) A cooperative purchasing group shall maintain the  
12 records of each cooperative purchase order placed for 90 days.  
13 The records shall include:

14 (1) the date the cooperative purchasing group order  
15 was placed and the date of any amendments to the order;

16 (2) the distributor or importing distributor with  
17 which the cooperative purchasing group placed the order;

18 (3) the names and license numbers of each cooperative  
19 purchasing group member participating in the order;

20 (4) the price discounts and net price of all wine or  
21 spirits ordered by each cooperative purchase group member;  
22 and

23 (5) the requested delivery date for the order.

24 (g) A cooperative purchase group is subject to the books  
25 and records requirements of Section 6-10 and subsection (e) of  
26 11 Ill. Adm. ~~Admin.~~ Code 100.130.

1 (h) A cooperative purchasing group shall retain a surety  
2 bond at all times for no less than \$250,000. If a cooperative  
3 purchasing group member is delinquent in payment pursuant to  
4 Section 6-5, the surety shall immediately pay the importing  
5 distributor or distributor the delinquent amount. The surety  
6 bond required by this Section may be acquired from a company,  
7 agent, or broker of the cooperative purchase group's choice.  
8 If the surety bond does not cure the indebtedness, the 30-day  
9 merchandising credit requirements of Section 6-5 shall apply  
10 jointly to each cooperative purchasing group until the  
11 indebtedness is cured. The cooperative purchasing group is  
12 responsible for all costs and fees related to the surety bond.

13 (i) Any licensee that fails to comply with the terms and  
14 conditions of this Section may be deemed to be in violation of  
15 this Act.

16 (j) Nothing in this Section shall apply to quantity  
17 discount programs offered for any product fermented with malt  
18 or any substitute for malt. Nothing in this ~~the~~ Section shall  
19 be construed to prohibit, limit, or interfere with quantity  
20 discount, credit, or rebate programs offered for any product  
21 fermented with malt or any substitute for malt.

22 (Source: P.A. 102-442, eff. 8-20-21; revised 2-28-22.)

23 (235 ILCS 5/6-38)

24 Sec. 6-38. One-time inventory transfer of wine or spirits  
25 by a retail licensee with multiple licenses.

1 (a) No original package of wine or spirits may be  
2 transferred from one retail licensee to any other retail  
3 licensee without permission from the State Commission pursuant  
4 to 11 Ill. Adm. ~~Admin.~~ Code 100.250; however, if the same  
5 retailer owns more than one licensed retail location, the  
6 retailer may transfer inventory of original packages of wine  
7 or spirits from one or more of such retailer's licensed  
8 locations to another of that retailer's licensed locations  
9 without prior permission from the State Commission, under the  
10 following circumstances:

11 (1) acts of god (such as, but not limited to,  
12 pandemics, fires, explosions, tornadoes, earthquakes,  
13 drought, and floods);

14 (2) federal, State, or local law or ordinance change;

15 (3) bankruptcy;

16 (4) permanent or temporary closure of one or more of  
17 the retail licensee's locations;

18 (5) the retail licensee obtains an additional liquor  
19 license for a new location;

20 (6) a retail licensee purchases another retail  
21 licensee's location;

22 (7) a new licensee opens a business at the same  
23 location where the prior licensee conducted business, when  
24 the new licensee takes possession of the inventory of the  
25 immediately prior license; or

26 (8) other unforeseeable circumstances beyond the

1 control of the licensee, such as circumstances:

2 (A) the licensee cannot reasonably take  
3 precautions to prevent; and

4 (B) in which the only reasonable method of  
5 disposing of the alcoholic liquor products would be a  
6 transfer to another licensee or location.

7 (b) The transfer shall be made by:

8 (1) common carrier;

9 (2) a licensed distributor's or importing  
10 distributor's vehicle; or

11 (3) a vehicle owned and operated by the licensee.

12 (c) All transfers must be properly documented on a form  
13 provided by the State Commission that includes the following  
14 information:

15 (1) the license number of the retail licensee's  
16 location from which the transfer is to be made and the  
17 license number of the retail licensee's location to which  
18 the transfer is to be made;

19 (2) the brand, size, and quantity of the wine or  
20 spirits to be transferred; and

21 (3) the date the transfer is made.

22 (d) A retail licensee location that transfers or receives  
23 an original package of wine or spirits as authorized by this  
24 Section shall not be deemed to be engaged in business as a  
25 wholesaler or distributor based upon the transfer authorized  
26 by this Section.

1 (e) A transfer authorized by this Section shall not be  
2 deemed a sale.

3 (Source: P.A. 102-442, eff. 8-20-21; revised 2-28-22.)

4 (235 ILCS 5/10-5) (from Ch. 43, par. 187)

5 Sec. 10-5. Whenever any officer, director, manager, or  
6 other employee ~~employe~~ in a position of authority of any  
7 licensee under this Act shall be convicted of any violation of  
8 this Act while engaged in the course of his employment or while  
9 upon the premises described by said license, said license  
10 shall be revoked and the fees paid thereon forfeited both as to  
11 the holder of said license and as to said premises, and said  
12 bond given by said licensee to secure the faithful compliance  
13 with the terms of this Act shall be forfeited in like manner as  
14 if said licensee had himself been convicted.

15 (Source: P.A. 82-783; revised 8-19-22.)

16 Section 545. The Illinois Public Aid Code is amended by  
17 changing Sections 5-3, 5-5, 5-5.01b, and 14-12 and the  
18 headings of Articles V-G, V-H, X, XIV, and XV and by setting  
19 forth, renumbering, and changing multiple versions of Section  
20 5-45 as follows:

21 (305 ILCS 5/5-3) (from Ch. 23, par. 5-3)

22 Sec. 5-3. Residence.→ Any person who has established his  
23 residence in this State and lives therein, including any

1 person who is a migrant worker, may qualify for medical  
2 assistance. A person who, while temporarily in this State,  
3 suffers injury or illness endangering his life and health and  
4 necessitating emergency care, may also qualify.

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

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

19 In order to be eligible for medical assistance under this  
20 section, each migrant worker shall show proof of citizenship  
21 or legal immigration status.

22 (Source: P.A. 102-1030, eff. 5-27-22; revised 8-22-22.)

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

24 Sec. 5-5. Medical services. The Illinois Department, by  
25 rule, shall determine the quantity and quality of and the rate

1 of reimbursement for the medical assistance for which payment  
2 will be authorized, and the medical services to be provided,  
3 which may include all or part of the following: (1) inpatient  
4 hospital services; (2) outpatient hospital services; (3) other  
5 laboratory and X-ray services; (4) skilled nursing home  
6 services; (5) physicians' services whether furnished in the  
7 office, the patient's home, a hospital, a skilled nursing  
8 home, or elsewhere; (6) medical care, or any other type of  
9 remedial care furnished by licensed practitioners; (7) home  
10 health care services; (8) private duty nursing service; (9)  
11 clinic services; (10) dental services, including prevention  
12 and treatment of periodontal disease and dental caries disease  
13 for pregnant individuals, provided by an individual licensed  
14 to practice dentistry or dental surgery; for purposes of this  
15 item (10), "dental services" means diagnostic, preventive, or  
16 corrective procedures provided by or under the supervision of  
17 a dentist in the practice of his or her profession; (11)  
18 physical therapy and related services; (12) prescribed drugs,  
19 dentures, and prosthetic devices; and eyeglasses prescribed by  
20 a physician skilled in the diseases of the eye, or by an  
21 optometrist, whichever the person may select; (13) other  
22 diagnostic, screening, preventive, and rehabilitative  
23 services, including to ensure that the individual's need for  
24 intervention or treatment of mental disorders or substance use  
25 disorders or co-occurring mental health and substance use  
26 disorders is determined using a uniform screening, assessment,

1 and evaluation process inclusive of criteria, for children and  
2 adults; for purposes of this item (13), a uniform screening,  
3 assessment, and evaluation process refers to a process that  
4 includes an appropriate evaluation and, as warranted, a  
5 referral; "uniform" does not mean the use of a singular  
6 instrument, tool, or process that all must utilize; (14)  
7 transportation and such other expenses as may be necessary;  
8 (15) medical treatment of sexual assault survivors, as defined  
9 in Section 1a of the Sexual Assault Survivors Emergency  
10 Treatment Act, for injuries sustained as a result of the  
11 sexual assault, including examinations and laboratory tests to  
12 discover evidence which may be used in criminal proceedings  
13 arising from the sexual assault; (16) the diagnosis and  
14 treatment of sickle cell anemia; (16.5) services performed by  
15 a chiropractic physician licensed under the Medical Practice  
16 Act of 1987 and acting within the scope of his or her license,  
17 including, but not limited to, chiropractic manipulative  
18 treatment; and (17) any other medical care, and any other type  
19 of remedial care recognized under the laws of this State. The  
20 term "any other type of remedial care" shall include nursing  
21 care and nursing home service for persons who rely on  
22 treatment by spiritual means alone through prayer for healing.

23 Notwithstanding any other provision of this Section, a  
24 comprehensive tobacco use cessation program that includes  
25 purchasing prescription drugs or prescription medical devices  
26 approved by the Food and Drug Administration shall be covered



1 under the medical assistance program under this Article for  
2 persons who are otherwise eligible for assistance under this  
3 Article.

4 Notwithstanding any other provision of this Code,  
5 reproductive health care that is otherwise legal in Illinois  
6 shall be covered under the medical assistance program for  
7 persons who are otherwise eligible for medical assistance  
8 under this Article.

9 Notwithstanding any other provision of this Section, all  
10 tobacco cessation medications approved by the United States  
11 Food and Drug Administration and all individual and group  
12 tobacco cessation counseling services and telephone-based  
13 counseling services and tobacco cessation medications provided  
14 through the Illinois Tobacco Quitline shall be covered under  
15 the medical assistance program for persons who are otherwise  
16 eligible for assistance under this Article. The Department  
17 shall comply with all federal requirements necessary to obtain  
18 federal financial participation, as specified in 42 CFR  
19 433.15(b)(7), for telephone-based counseling services provided  
20 through the Illinois Tobacco Quitline, including, but not  
21 limited to: (i) entering into a memorandum of understanding or  
22 interagency agreement with the Department of Public Health, as  
23 administrator of the Illinois Tobacco Quitline; and (ii)  
24 developing a cost allocation plan for Medicaid-allowable  
25 Illinois Tobacco Quitline services in accordance with 45 CFR  
26 95.507. The Department shall submit the memorandum of

1 understanding or interagency agreement, the cost allocation  
2 plan, and all other necessary documentation to the Centers for  
3 Medicare and Medicaid Services for review and approval.  
4 Coverage under this paragraph shall be contingent upon federal  
5 approval.

6 Notwithstanding any other provision of this Code, the  
7 Illinois Department may not require, as a condition of payment  
8 for any laboratory test authorized under this Article, that a  
9 physician's handwritten signature appear on the laboratory  
10 test order form. The Illinois Department may, however, impose  
11 other appropriate requirements regarding laboratory test order  
12 documentation.

13 Upon receipt of federal approval of an amendment to the  
14 Illinois Title XIX State Plan for this purpose, the Department  
15 shall authorize the Chicago Public Schools (CPS) to procure a  
16 vendor or vendors to manufacture eyeglasses for individuals  
17 enrolled in a school within the CPS system. CPS shall ensure  
18 that its vendor or vendors are enrolled as providers in the  
19 medical assistance program and in any capitated Medicaid  
20 managed care entity (MCE) serving individuals enrolled in a  
21 school within the CPS system. Under any contract procured  
22 under this provision, the vendor or vendors must serve only  
23 individuals enrolled in a school within the CPS system. Claims  
24 for services provided by CPS's vendor or vendors to recipients  
25 of benefits in the medical assistance program under this Code,  
26 the Children's Health Insurance Program, or the Covering ALL

1 KIDS Health Insurance Program shall be submitted to the  
2 Department or the MCE in which the individual is enrolled for  
3 payment and shall be reimbursed at the Department's or the  
4 MCE's established rates or rate methodologies for eyeglasses.

5 On and after July 1, 2012, the Department of Healthcare  
6 and Family Services may provide the following services to  
7 persons eligible for assistance under this Article who are  
8 participating in education, training or employment programs  
9 operated by the Department of Human Services as successor to  
10 the Department of Public Aid:

11 (1) dental services provided by or under the  
12 supervision of a dentist; and

13 (2) eyeglasses prescribed by a physician skilled in  
14 the diseases of the eye, or by an optometrist, whichever  
15 the person may select.

16 On and after July 1, 2018, the Department of Healthcare  
17 and Family Services shall provide dental services to any adult  
18 who is otherwise eligible for assistance under the medical  
19 assistance program. As used in this paragraph, "dental  
20 services" means diagnostic, preventative, restorative, or  
21 corrective procedures, including procedures and services for  
22 the prevention and treatment of periodontal disease and dental  
23 caries disease, provided by an individual who is licensed to  
24 practice dentistry or dental surgery or who is under the  
25 supervision of a dentist in the practice of his or her  
26 profession.

1           On and after July 1, 2018, targeted dental services, as  
2 set forth in Exhibit D of the Consent Decree entered by the  
3 United States District Court for the Northern District of  
4 Illinois, Eastern Division, in the matter of Memisovski v.  
5 Maram, Case No. 92 C 1982, that are provided to adults under  
6 the medical assistance program shall be established at no less  
7 than the rates set forth in the "New Rate" column in Exhibit D  
8 of the Consent Decree for targeted dental services that are  
9 provided to persons under the age of 18 under the medical  
10 assistance program.

11           Notwithstanding any other provision of this Code and  
12 subject to federal approval, the Department may adopt rules to  
13 allow a dentist who is volunteering his or her service at no  
14 cost to render dental services through an enrolled  
15 not-for-profit health clinic without the dentist personally  
16 enrolling as a participating provider in the medical  
17 assistance program. A not-for-profit health clinic shall  
18 include a public health clinic or Federally Qualified Health  
19 Center or other enrolled provider, as determined by the  
20 Department, through which dental services covered under this  
21 Section are performed. The Department shall establish a  
22 process for payment of claims for reimbursement for covered  
23 dental services rendered under this provision.

24           On and after January 1, 2022, the Department of Healthcare  
25 and Family Services shall administer and regulate a  
26 school-based dental program that allows for the out-of-office

1 delivery of preventative dental services in a school setting  
2 to children under 19 years of age. The Department shall  
3 establish, by rule, guidelines for participation by providers  
4 and set requirements for follow-up referral care based on the  
5 requirements established in the Dental Office Reference Manual  
6 published by the Department that establishes the requirements  
7 for dentists participating in the All Kids Dental School  
8 Program. Every effort shall be made by the Department when  
9 developing the program requirements to consider the different  
10 geographic differences of both urban and rural areas of the  
11 State for initial treatment and necessary follow-up care. No  
12 provider shall be charged a fee by any unit of local government  
13 to participate in the school-based dental program administered  
14 by the Department. Nothing in this paragraph shall be  
15 construed to limit or preempt a home rule unit's or school  
16 district's authority to establish, change, or administer a  
17 school-based dental program in addition to, or independent of,  
18 the school-based dental program administered by the  
19 Department.

20 The Illinois Department, by rule, may distinguish and  
21 classify the medical services to be provided only in  
22 accordance with the classes of persons designated in Section  
23 5-2.

24 The Department of Healthcare and Family Services must  
25 provide coverage and reimbursement for amino acid-based  
26 elemental formulas, regardless of delivery method, for the

1 diagnosis and treatment of (i) eosinophilic disorders and (ii)  
2 short bowel syndrome when the prescribing physician has issued  
3 a written order stating that the amino acid-based elemental  
4 formula is medically necessary.

5 The Illinois Department shall authorize the provision of,  
6 and shall authorize payment for, screening by low-dose  
7 mammography for the presence of occult breast cancer for  
8 individuals 35 years of age or older who are eligible for  
9 medical assistance under this Article, as follows:

10 (A) A baseline mammogram for individuals 35 to 39  
11 years of age.

12 (B) An annual mammogram for individuals 40 years of  
13 age or older.

14 (C) A mammogram at the age and intervals considered  
15 medically necessary by the individual's health care  
16 provider for individuals under 40 years of age and having  
17 a family history of breast cancer, prior personal history  
18 of breast cancer, positive genetic testing, or other risk  
19 factors.

20 (D) A comprehensive ultrasound screening and MRI of an  
21 entire breast or breasts if a mammogram demonstrates  
22 heterogeneous or dense breast tissue or when medically  
23 necessary as determined by a physician licensed to  
24 practice medicine in all of its branches.

25 (E) A screening MRI when medically necessary, as  
26 determined by a physician licensed to practice medicine in

1 all of its branches.

2 (F) A diagnostic mammogram when medically necessary,  
3 as determined by a physician licensed to practice medicine  
4 in all its branches, advanced practice registered nurse,  
5 or physician assistant.

6 The Department shall not impose a deductible, coinsurance,  
7 copayment, or any other cost-sharing requirement on the  
8 coverage provided under this paragraph; except that this  
9 sentence does not apply to coverage of diagnostic mammograms  
10 to the extent such coverage would disqualify a high-deductible  
11 health plan from eligibility for a health savings account  
12 pursuant to Section 223 of the Internal Revenue Code (26  
13 U.S.C. 223).

14 All screenings shall include a physical breast exam,  
15 instruction on self-examination and information regarding the  
16 frequency of self-examination and its value as a preventative  
17 tool.

18 For purposes of this Section:

19 "Diagnostic mammogram" means a mammogram obtained using  
20 diagnostic mammography.

21 "Diagnostic mammography" means a method of screening that  
22 is designed to evaluate an abnormality in a breast, including  
23 an abnormality seen or suspected on a screening mammogram or a  
24 subjective or objective abnormality otherwise detected in the  
25 breast.

26 "Low-dose mammography" means the x-ray examination of the

1 breast using equipment dedicated specifically for mammography,  
2 including the x-ray tube, filter, compression device, and  
3 image receptor, with an average radiation exposure delivery of  
4 less than one rad per breast for 2 views of an average size  
5 breast. The term also includes digital mammography and  
6 includes breast tomosynthesis.

7 "Breast tomosynthesis" means a radiologic procedure that  
8 involves the acquisition of projection images over the  
9 stationary breast to produce cross-sectional digital  
10 three-dimensional images of the breast.

11 If, at any time, the Secretary of the United States  
12 Department of Health and Human Services, or its successor  
13 agency, promulgates rules or regulations to be published in  
14 the Federal Register or publishes a comment in the Federal  
15 Register or issues an opinion, guidance, or other action that  
16 would require the State, pursuant to any provision of the  
17 Patient Protection and Affordable Care Act (Public Law  
18 111-148), including, but not limited to, 42 U.S.C.  
19 18031(d)(3)(B) or any successor provision, to defray the cost  
20 of any coverage for breast tomosynthesis outlined in this  
21 paragraph, then the requirement that an insurer cover breast  
22 tomosynthesis is inoperative other than any such coverage  
23 authorized under Section 1902 of the Social Security Act, 42  
24 U.S.C. 1396a, and the State shall not assume any obligation  
25 for the cost of coverage for breast tomosynthesis set forth in  
26 this paragraph.



1           On and after January 1, 2016, the Department shall ensure  
2 that all networks of care for adult clients of the Department  
3 include access to at least one breast imaging Center of  
4 Imaging Excellence as certified by the American College of  
5 Radiology.

6           On and after January 1, 2012, providers participating in a  
7 quality improvement program approved by the Department shall  
8 be reimbursed for screening and diagnostic mammography at the  
9 same rate as the Medicare program's rates, including the  
10 increased reimbursement for digital mammography and, after  
11 January 1, 2023 (the effective date of Public Act 102-1018)  
12 ~~this amendatory Act of the 102nd General Assembly~~, breast  
13 tomosynthesis.

14           The Department shall convene an expert panel including  
15 representatives of hospitals, free-standing mammography  
16 facilities, and doctors, including radiologists, to establish  
17 quality standards for mammography.

18           On and after January 1, 2017, providers participating in a  
19 breast cancer treatment quality improvement program approved  
20 by the Department shall be reimbursed for breast cancer  
21 treatment at a rate that is no lower than 95% of the Medicare  
22 program's rates for the data elements included in the breast  
23 cancer treatment quality program.

24           The Department shall convene an expert panel, including  
25 representatives of hospitals, free-standing breast cancer  
26 treatment centers, breast cancer quality organizations, and

1 doctors, including breast surgeons, reconstructive breast  
2 surgeons, oncologists, and primary care providers to establish  
3 quality standards for breast cancer treatment.

4 Subject to federal approval, the Department shall  
5 establish a rate methodology for mammography at federally  
6 qualified health centers and other encounter-rate clinics.  
7 These clinics or centers may also collaborate with other  
8 hospital-based mammography facilities. By January 1, 2016, the  
9 Department shall report to the General Assembly on the status  
10 of the provision set forth in this paragraph.

11 The Department shall establish a methodology to remind  
12 individuals who are age-appropriate for screening mammography,  
13 but who have not received a mammogram within the previous 18  
14 months, of the importance and benefit of screening  
15 mammography. The Department shall work with experts in breast  
16 cancer outreach and patient navigation to optimize these  
17 reminders and shall establish a methodology for evaluating  
18 their effectiveness and modifying the methodology based on the  
19 evaluation.

20 The Department shall establish a performance goal for  
21 primary care providers with respect to their female patients  
22 over age 40 receiving an annual mammogram. This performance  
23 goal shall be used to provide additional reimbursement in the  
24 form of a quality performance bonus to primary care providers  
25 who meet that goal.

26 The Department shall devise a means of case-managing or

1 patient navigation for beneficiaries diagnosed with breast  
2 cancer. This program shall initially operate as a pilot  
3 program in areas of the State with the highest incidence of  
4 mortality related to breast cancer. At least one pilot program  
5 site shall be in the metropolitan Chicago area and at least one  
6 site shall be outside the metropolitan Chicago area. On or  
7 after July 1, 2016, the pilot program shall be expanded to  
8 include one site in western Illinois, one site in southern  
9 Illinois, one site in central Illinois, and 4 sites within  
10 metropolitan Chicago. An evaluation of the pilot program shall  
11 be carried out measuring health outcomes and cost of care for  
12 those served by the pilot program compared to similarly  
13 situated patients who are not served by the pilot program.

14 The Department shall require all networks of care to  
15 develop a means either internally or by contract with experts  
16 in navigation and community outreach to navigate cancer  
17 patients to comprehensive care in a timely fashion. The  
18 Department shall require all networks of care to include  
19 access for patients diagnosed with cancer to at least one  
20 academic commission on cancer-accredited cancer program as an  
21 in-network covered benefit.

22 The Department shall provide coverage and reimbursement  
23 for a human papillomavirus (HPV) vaccine that is approved for  
24 marketing by the federal Food and Drug Administration for all  
25 persons between the ages of 9 and 45 and persons of the age of  
26 46 and above who have been diagnosed with cervical dysplasia

1 with a high risk of recurrence or progression. The Department  
2 shall disallow any preauthorization requirements for the  
3 administration of the human papillomavirus (HPV) vaccine.

4 On or after July 1, 2022, individuals who are otherwise  
5 eligible for medical assistance under this Article shall  
6 receive coverage for perinatal depression screenings for the  
7 12-month period beginning on the last day of their pregnancy.  
8 Medical assistance coverage under this paragraph shall be  
9 conditioned on the use of a screening instrument approved by  
10 the Department.

11 Any medical or health care provider shall immediately  
12 recommend, to any pregnant individual who is being provided  
13 prenatal services and is suspected of having a substance use  
14 disorder as defined in the Substance Use Disorder Act,  
15 referral to a local substance use disorder treatment program  
16 licensed by the Department of Human Services or to a licensed  
17 hospital which provides substance abuse treatment services.  
18 The Department of Healthcare and Family Services shall assure  
19 coverage for the cost of treatment of the drug abuse or  
20 addiction for pregnant recipients in accordance with the  
21 Illinois Medicaid Program in conjunction with the Department  
22 of Human Services.

23 All medical providers providing medical assistance to  
24 pregnant individuals under this Code shall receive information  
25 from the Department on the availability of services under any  
26 program providing case management services for addicted

1 individuals, including information on appropriate referrals  
2 for other social services that may be needed by addicted  
3 individuals in addition to treatment for addiction.

4 The Illinois Department, in cooperation with the  
5 Departments of Human Services (as successor to the Department  
6 of Alcoholism and Substance Abuse) and Public Health, through  
7 a public awareness campaign, may provide information  
8 concerning treatment for alcoholism and drug abuse and  
9 addiction, prenatal health care, and other pertinent programs  
10 directed at reducing the number of drug-affected infants born  
11 to recipients of medical assistance.

12 Neither the Department of Healthcare and Family Services  
13 nor the Department of Human Services shall sanction the  
14 recipient solely on the basis of the recipient's substance  
15 abuse.

16 The Illinois Department shall establish such regulations  
17 governing the dispensing of health services under this Article  
18 as it shall deem appropriate. The Department should seek the  
19 advice of formal professional advisory committees appointed by  
20 the Director of the Illinois Department for the purpose of  
21 providing regular advice on policy and administrative matters,  
22 information dissemination and educational activities for  
23 medical and health care providers, and consistency in  
24 procedures to the Illinois Department.

25 The Illinois Department may develop and contract with  
26 Partnerships of medical providers to arrange medical services

1 for persons eligible under Section 5-2 of this Code.  
2 Implementation of this Section may be by demonstration  
3 projects in certain geographic areas. The Partnership shall be  
4 represented by a sponsor organization. The Department, by  
5 rule, shall develop qualifications for sponsors of  
6 Partnerships. Nothing in this Section shall be construed to  
7 require that the sponsor organization be a medical  
8 organization.

9 The sponsor must negotiate formal written contracts with  
10 medical providers for physician services, inpatient and  
11 outpatient hospital care, home health services, treatment for  
12 alcoholism and substance abuse, and other services determined  
13 necessary by the Illinois Department by rule for delivery by  
14 Partnerships. Physician services must include prenatal and  
15 obstetrical care. The Illinois Department shall reimburse  
16 medical services delivered by Partnership providers to clients  
17 in target areas according to provisions of this Article and  
18 the Illinois Health Finance Reform Act, except that:

19 (1) Physicians participating in a Partnership and  
20 providing certain services, which shall be determined by  
21 the Illinois Department, to persons in areas covered by  
22 the Partnership may receive an additional surcharge for  
23 such services.

24 (2) The Department may elect to consider and negotiate  
25 financial incentives to encourage the development of  
26 Partnerships and the efficient delivery of medical care.

1           (3) Persons receiving medical services through  
2           Partnerships may receive medical and case management  
3           services above the level usually offered through the  
4           medical assistance program.

5           Medical providers shall be required to meet certain  
6           qualifications to participate in Partnerships to ensure the  
7           delivery of high quality medical services. These  
8           qualifications shall be determined by rule of the Illinois  
9           Department and may be higher than qualifications for  
10          participation in the medical assistance program. Partnership  
11          sponsors may prescribe reasonable additional qualifications  
12          for participation by medical providers, only with the prior  
13          written approval of the Illinois Department.

14          Nothing in this Section shall limit the free choice of  
15          practitioners, hospitals, and other providers of medical  
16          services by clients. In order to ensure patient freedom of  
17          choice, the Illinois Department shall immediately promulgate  
18          all rules and take all other necessary actions so that  
19          provided services may be accessed from therapeutically  
20          certified optometrists to the full extent of the Illinois  
21          Optometric Practice Act of 1987 without discriminating between  
22          service providers.

23          The Department shall apply for a waiver from the United  
24          States Health Care Financing Administration to allow for the  
25          implementation of Partnerships under this Section.

26          The Illinois Department shall require health care

1 providers to maintain records that document the medical care  
2 and services provided to recipients of Medical Assistance  
3 under this Article. Such records must be retained for a period  
4 of not less than 6 years from the date of service or as  
5 provided by applicable State law, whichever period is longer,  
6 except that if an audit is initiated within the required  
7 retention period then the records must be retained until the  
8 audit is completed and every exception is resolved. The  
9 Illinois Department shall require health care providers to  
10 make available, when authorized by the patient, in writing,  
11 the medical records in a timely fashion to other health care  
12 providers who are treating or serving persons eligible for  
13 Medical Assistance under this Article. All dispensers of  
14 medical services shall be required to maintain and retain  
15 business and professional records sufficient to fully and  
16 accurately document the nature, scope, details and receipt of  
17 the health care provided to persons eligible for medical  
18 assistance under this Code, in accordance with regulations  
19 promulgated by the Illinois Department. The rules and  
20 regulations shall require that proof of the receipt of  
21 prescription drugs, dentures, prosthetic devices and  
22 eyeglasses by eligible persons under this Section accompany  
23 each claim for reimbursement submitted by the dispenser of  
24 such medical services. No such claims for reimbursement shall  
25 be approved for payment by the Illinois Department without  
26 such proof of receipt, unless the Illinois Department shall



1 have put into effect and shall be operating a system of  
2 post-payment audit and review which shall, on a sampling  
3 basis, be deemed adequate by the Illinois Department to assure  
4 that such drugs, dentures, prosthetic devices and eyeglasses  
5 for which payment is being made are actually being received by  
6 eligible recipients. Within 90 days after September 16, 1984  
7 (the effective date of Public Act 83-1439), the Illinois  
8 Department shall establish a current list of acquisition costs  
9 for all prosthetic devices and any other items recognized as  
10 medical equipment and supplies reimbursable under this Article  
11 and shall update such list on a quarterly basis, except that  
12 the acquisition costs of all prescription drugs shall be  
13 updated no less frequently than every 30 days as required by  
14 Section 5-5.12.

15 Notwithstanding any other law to the contrary, the  
16 Illinois Department shall, within 365 days after July 22, 2013  
17 (the effective date of Public Act 98-104), establish  
18 procedures to permit skilled care facilities licensed under  
19 the Nursing Home Care Act to submit monthly billing claims for  
20 reimbursement purposes. Following development of these  
21 procedures, the Department shall, by July 1, 2016, test the  
22 viability of the new system and implement any necessary  
23 operational or structural changes to its information  
24 technology platforms in order to allow for the direct  
25 acceptance and payment of nursing home claims.

26 Notwithstanding any other law to the contrary, the

1 Illinois Department shall, within 365 days after August 15,  
2 2014 (the effective date of Public Act 98-963), establish  
3 procedures to permit ID/DD facilities licensed under the ID/DD  
4 Community Care Act and MC/DD facilities licensed under the  
5 MC/DD Act to submit monthly billing claims for reimbursement  
6 purposes. Following development of these procedures, the  
7 Department shall have an additional 365 days to test the  
8 viability of the new system and to ensure that any necessary  
9 operational or structural changes to its information  
10 technology platforms are implemented.

11 The Illinois Department shall require all dispensers of  
12 medical services, other than an individual practitioner or  
13 group of practitioners, desiring to participate in the Medical  
14 Assistance program established under this Article to disclose  
15 all financial, beneficial, ownership, equity, surety or other  
16 interests in any and all firms, corporations, partnerships,  
17 associations, business enterprises, joint ventures, agencies,  
18 institutions or other legal entities providing any form of  
19 health care services in this State under this Article.

20 The Illinois Department may require that all dispensers of  
21 medical services desiring to participate in the medical  
22 assistance program established under this Article disclose,  
23 under such terms and conditions as the Illinois Department may  
24 by rule establish, all inquiries from clients and attorneys  
25 regarding medical bills paid by the Illinois Department, which  
26 inquiries could indicate potential existence of claims or

1 liens for the Illinois Department.

2 Enrollment of a vendor shall be subject to a provisional  
3 period and shall be conditional for one year. During the  
4 period of conditional enrollment, the Department may terminate  
5 the vendor's eligibility to participate in, or may disenroll  
6 the vendor from, the medical assistance program without cause.  
7 Unless otherwise specified, such termination of eligibility or  
8 disenrollment is not subject to the Department's hearing  
9 process. However, a disenrolled vendor may reapply without  
10 penalty.

11 The Department has the discretion to limit the conditional  
12 enrollment period for vendors based upon the category of risk  
13 of the vendor.

14 Prior to enrollment and during the conditional enrollment  
15 period in the medical assistance program, all vendors shall be  
16 subject to enhanced oversight, screening, and review based on  
17 the risk of fraud, waste, and abuse that is posed by the  
18 category of risk of the vendor. The Illinois Department shall  
19 establish the procedures for oversight, screening, and review,  
20 which may include, but need not be limited to: criminal and  
21 financial background checks; fingerprinting; license,  
22 certification, and authorization verifications; unscheduled or  
23 unannounced site visits; database checks; prepayment audit  
24 reviews; audits; payment caps; payment suspensions; and other  
25 screening as required by federal or State law.

26 The Department shall define or specify the following: (i)

1 by provider notice, the "category of risk of the vendor" for  
2 each type of vendor, which shall take into account the level of  
3 screening applicable to a particular category of vendor under  
4 federal law and regulations; (ii) by rule or provider notice,  
5 the maximum length of the conditional enrollment period for  
6 each category of risk of the vendor; and (iii) by rule, the  
7 hearing rights, if any, afforded to a vendor in each category  
8 of risk of the vendor that is terminated or disenrolled during  
9 the conditional enrollment period.

10 To be eligible for payment consideration, a vendor's  
11 payment claim or bill, either as an initial claim or as a  
12 resubmitted claim following prior rejection, must be received  
13 by the Illinois Department, or its fiscal intermediary, no  
14 later than 180 days after the latest date on the claim on which  
15 medical goods or services were provided, with the following  
16 exceptions:

17 (1) In the case of a provider whose enrollment is in  
18 process by the Illinois Department, the 180-day period  
19 shall not begin until the date on the written notice from  
20 the Illinois Department that the provider enrollment is  
21 complete.

22 (2) In the case of errors attributable to the Illinois  
23 Department or any of its claims processing intermediaries  
24 which result in an inability to receive, process, or  
25 adjudicate a claim, the 180-day period shall not begin  
26 until the provider has been notified of the error.

1           (3) In the case of a provider for whom the Illinois  
2           Department initiates the monthly billing process.

3           (4) In the case of a provider operated by a unit of  
4           local government with a population exceeding 3,000,000  
5           when local government funds finance federal participation  
6           for claims payments.

7           For claims for services rendered during a period for which  
8           a recipient received retroactive eligibility, claims must be  
9           filed within 180 days after the Department determines the  
10          applicant is eligible. For claims for which the Illinois  
11          Department is not the primary payer, claims must be submitted  
12          to the Illinois Department within 180 days after the final  
13          adjudication by the primary payer.

14          In the case of long term care facilities, within 120  
15          calendar days of receipt by the facility of required  
16          prescreening information, new admissions with associated  
17          admission documents shall be submitted through the Medical  
18          Electronic Data Interchange (MEDI) or the Recipient  
19          Eligibility Verification (REV) System or shall be submitted  
20          directly to the Department of Human Services using required  
21          admission forms. Effective September 1, 2014, admission  
22          documents, including all prescreening information, must be  
23          submitted through MEDI or REV. Confirmation numbers assigned  
24          to an accepted transaction shall be retained by a facility to  
25          verify timely submittal. Once an admission transaction has  
26          been completed, all resubmitted claims following prior

1 rejection are subject to receipt no later than 180 days after  
2 the admission transaction has been completed.

3 Claims that are not submitted and received in compliance  
4 with the foregoing requirements shall not be eligible for  
5 payment under the medical assistance program, and the State  
6 shall have no liability for payment of those claims.

7 To the extent consistent with applicable information and  
8 privacy, security, and disclosure laws, State and federal  
9 agencies and departments shall provide the Illinois Department  
10 access to confidential and other information and data  
11 necessary to perform eligibility and payment verifications and  
12 other Illinois Department functions. This includes, but is not  
13 limited to: information pertaining to licensure;  
14 certification; earnings; immigration status; citizenship; wage  
15 reporting; unearned and earned income; pension income;  
16 employment; supplemental security income; social security  
17 numbers; National Provider Identifier (NPI) numbers; the  
18 National Practitioner Data Bank (NPDB); program and agency  
19 exclusions; taxpayer identification numbers; tax delinquency;  
20 corporate information; and death records.

21 The Illinois Department shall enter into agreements with  
22 State agencies and departments, and is authorized to enter  
23 into agreements with federal agencies and departments, under  
24 which such agencies and departments shall share data necessary  
25 for medical assistance program integrity functions and  
26 oversight. The Illinois Department shall develop, in

1 cooperation with other State departments and agencies, and in  
2 compliance with applicable federal laws and regulations,  
3 appropriate and effective methods to share such data. At a  
4 minimum, and to the extent necessary to provide data sharing,  
5 the Illinois Department shall enter into agreements with State  
6 agencies and departments, and is authorized to enter into  
7 agreements with federal agencies and departments, including,  
8 but not limited to: the Secretary of State; the Department of  
9 Revenue; the Department of Public Health; the Department of  
10 Human Services; and the Department of Financial and  
11 Professional Regulation.

12 Beginning in fiscal year 2013, the Illinois Department  
13 shall set forth a request for information to identify the  
14 benefits of a pre-payment, post-adjudication, and post-edit  
15 claims system with the goals of streamlining claims processing  
16 and provider reimbursement, reducing the number of pending or  
17 rejected claims, and helping to ensure a more transparent  
18 adjudication process through the utilization of: (i) provider  
19 data verification and provider screening technology; and (ii)  
20 clinical code editing; and (iii) pre-pay, pre-adjudicated ~~pre-~~  
21 or post-adjudicated predictive modeling with an integrated  
22 case management system with link analysis. Such a request for  
23 information shall not be considered as a request for proposal  
24 or as an obligation on the part of the Illinois Department to  
25 take any action or acquire any products or services.

26 The Illinois Department shall establish policies,

1 procedures, standards and criteria by rule for the  
2 acquisition, repair and replacement of orthotic and prosthetic  
3 devices and durable medical equipment. Such rules shall  
4 provide, but not be limited to, the following services: (1)  
5 immediate repair or replacement of such devices by recipients;  
6 and (2) rental, lease, purchase or lease-purchase of durable  
7 medical equipment in a cost-effective manner, taking into  
8 consideration the recipient's medical prognosis, the extent of  
9 the recipient's needs, and the requirements and costs for  
10 maintaining such equipment. Subject to prior approval, such  
11 rules shall enable a recipient to temporarily acquire and use  
12 alternative or substitute devices or equipment pending repairs  
13 or replacements of any device or equipment previously  
14 authorized for such recipient by the Department.  
15 Notwithstanding any provision of Section 5-5f to the contrary,  
16 the Department may, by rule, exempt certain replacement  
17 wheelchair parts from prior approval and, for wheelchairs,  
18 wheelchair parts, wheelchair accessories, and related seating  
19 and positioning items, determine the wholesale price by  
20 methods other than actual acquisition costs.

21 The Department shall require, by rule, all providers of  
22 durable medical equipment to be accredited by an accreditation  
23 organization approved by the federal Centers for Medicare and  
24 Medicaid Services and recognized by the Department in order to  
25 bill the Department for providing durable medical equipment to  
26 recipients. No later than 15 months after the effective date



1 of the rule adopted pursuant to this paragraph, all providers  
2 must meet the accreditation requirement.

3 In order to promote environmental responsibility, meet the  
4 needs of recipients and enrollees, and achieve significant  
5 cost savings, the Department, or a managed care organization  
6 under contract with the Department, may provide recipients or  
7 managed care enrollees who have a prescription or Certificate  
8 of Medical Necessity access to refurbished durable medical  
9 equipment under this Section (excluding prosthetic and  
10 orthotic devices as defined in the Orthotics, Prosthetics, and  
11 Pedorthics Practice Act and complex rehabilitation technology  
12 products and associated services) through the State's  
13 assistive technology program's reutilization program, using  
14 staff with the Assistive Technology Professional (ATP)  
15 Certification if the refurbished durable medical equipment:  
16 (i) is available; (ii) is less expensive, including shipping  
17 costs, than new durable medical equipment of the same type;  
18 (iii) is able to withstand at least 3 years of use; (iv) is  
19 cleaned, disinfected, sterilized, and safe in accordance with  
20 federal Food and Drug Administration regulations and guidance  
21 governing the reprocessing of medical devices in health care  
22 settings; and (v) equally meets the needs of the recipient or  
23 enrollee. The reutilization program shall confirm that the  
24 recipient or enrollee is not already in receipt of the same or  
25 similar equipment from another service provider, and that the  
26 refurbished durable medical equipment equally meets the needs

1 of the recipient or enrollee. Nothing in this paragraph shall  
2 be construed to limit recipient or enrollee choice to obtain  
3 new durable medical equipment or place any additional prior  
4 authorization conditions on enrollees of managed care  
5 organizations.

6 The Department shall execute, relative to the nursing home  
7 prescreening project, written inter-agency agreements with the  
8 Department of Human Services and the Department on Aging, to  
9 effect the following: (i) intake procedures and common  
10 eligibility criteria for those persons who are receiving  
11 non-institutional services; and (ii) the establishment and  
12 development of non-institutional services in areas of the  
13 State where they are not currently available or are  
14 undeveloped; and (iii) notwithstanding any other provision of  
15 law, subject to federal approval, on and after July 1, 2012, an  
16 increase in the determination of need (DON) scores from 29 to  
17 37 for applicants for institutional and home and  
18 community-based long term care; if and only if federal  
19 approval is not granted, the Department may, in conjunction  
20 with other affected agencies, implement utilization controls  
21 or changes in benefit packages to effectuate a similar savings  
22 amount for this population; and (iv) no later than July 1,  
23 2013, minimum level of care eligibility criteria for  
24 institutional and home and community-based long term care; and  
25 (v) no later than October 1, 2013, establish procedures to  
26 permit long term care providers access to eligibility scores

1 for individuals with an admission date who are seeking or  
2 receiving services from the long term care provider. In order  
3 to select the minimum level of care eligibility criteria, the  
4 Governor shall establish a workgroup that includes affected  
5 agency representatives and stakeholders representing the  
6 institutional and home and community-based long term care  
7 interests. This Section shall not restrict the Department from  
8 implementing lower level of care eligibility criteria for  
9 community-based services in circumstances where federal  
10 approval has been granted.

11 The Illinois Department shall develop and operate, in  
12 cooperation with other State Departments and agencies and in  
13 compliance with applicable federal laws and regulations,  
14 appropriate and effective systems of health care evaluation  
15 and programs for monitoring of utilization of health care  
16 services and facilities, as it affects persons eligible for  
17 medical assistance under this Code.

18 The Illinois Department shall report annually to the  
19 General Assembly, no later than the second Friday in April of  
20 1979 and each year thereafter, in regard to:

21 (a) actual statistics and trends in utilization of  
22 medical services by public aid recipients;

23 (b) actual statistics and trends in the provision of  
24 the various medical services by medical vendors;

25 (c) current rate structures and proposed changes in  
26 those rate structures for the various medical vendors; and

1 (d) efforts at utilization review and control by the  
2 Illinois Department.

3 The period covered by each report shall be the 3 years  
4 ending on the June 30 prior to the report. The report shall  
5 include suggested legislation for consideration by the General  
6 Assembly. The requirement for reporting to the General  
7 Assembly shall be satisfied by filing copies of the report as  
8 required by Section 3.1 of the General Assembly Organization  
9 Act, and filing such additional copies with the State  
10 Government Report Distribution Center for the General Assembly  
11 as is required under paragraph (t) of Section 7 of the State  
12 Library Act.

13 Rulemaking authority to implement Public Act 95-1045, if  
14 any, is conditioned on the rules being adopted in accordance  
15 with all provisions of the Illinois Administrative Procedure  
16 Act and all rules and procedures of the Joint Committee on  
17 Administrative Rules; any purported rule not so adopted, for  
18 whatever reason, is unauthorized.

19 On and after July 1, 2012, the Department shall reduce any  
20 rate of reimbursement for services or other payments or alter  
21 any methodologies authorized by this Code to reduce any rate  
22 of reimbursement for services or other payments in accordance  
23 with Section 5-5e.

24 Because kidney transplantation can be an appropriate,  
25 cost-effective alternative to renal dialysis when medically  
26 necessary and notwithstanding the provisions of Section 1-11

1 of this Code, beginning October 1, 2014, the Department shall  
2 cover kidney transplantation for noncitizens with end-stage  
3 renal disease who are not eligible for comprehensive medical  
4 benefits, who meet the residency requirements of Section 5-3  
5 of this Code, and who would otherwise meet the financial  
6 requirements of the appropriate class of eligible persons  
7 under Section 5-2 of this Code. To qualify for coverage of  
8 kidney transplantation, such person must be receiving  
9 emergency renal dialysis services covered by the Department.  
10 Providers under this Section shall be prior approved and  
11 certified by the Department to perform kidney transplantation  
12 and the services under this Section shall be limited to  
13 services associated with kidney transplantation.

14 Notwithstanding any other provision of this Code to the  
15 contrary, on or after July 1, 2015, all FDA approved forms of  
16 medication assisted treatment prescribed for the treatment of  
17 alcohol dependence or treatment of opioid dependence shall be  
18 covered under both fee for service and managed care medical  
19 assistance programs for persons who are otherwise eligible for  
20 medical assistance under this Article and shall not be subject  
21 to any (1) utilization control, other than those established  
22 under the American Society of Addiction Medicine patient  
23 placement criteria, (2) prior authorization mandate, or (3)  
24 lifetime restriction limit mandate.

25 On or after July 1, 2015, opioid antagonists prescribed  
26 for the treatment of an opioid overdose, including the

1 medication product, administration devices, and any pharmacy  
2 fees or hospital fees related to the dispensing, distribution,  
3 and administration of the opioid antagonist, shall be covered  
4 under the medical assistance program for persons who are  
5 otherwise eligible for medical assistance under this Article.  
6 As used in this Section, "opioid antagonist" means a drug that  
7 binds to opioid receptors and blocks or inhibits the effect of  
8 opioids acting on those receptors, including, but not limited  
9 to, naloxone hydrochloride or any other similarly acting drug  
10 approved by the U.S. Food and Drug Administration. The  
11 Department shall not impose a copayment on the coverage  
12 provided for naloxone hydrochloride under the medical  
13 assistance program.

14       Upon federal approval, the Department shall provide  
15 coverage and reimbursement for all drugs that are approved for  
16 marketing by the federal Food and Drug Administration and that  
17 are recommended by the federal Public Health Service or the  
18 United States Centers for Disease Control and Prevention for  
19 pre-exposure prophylaxis and related pre-exposure prophylaxis  
20 services, including, but not limited to, HIV and sexually  
21 transmitted infection screening, treatment for sexually  
22 transmitted infections, medical monitoring, assorted labs, and  
23 counseling to reduce the likelihood of HIV infection among  
24 individuals who are not infected with HIV but who are at high  
25 risk of HIV infection.

26       A federally qualified health center, as defined in Section

1 1905(1)(2)(B) of the federal Social Security Act, shall be  
2 reimbursed by the Department in accordance with the federally  
3 qualified health center's encounter rate for services provided  
4 to medical assistance recipients that are performed by a  
5 dental hygienist, as defined under the Illinois Dental  
6 Practice Act, working under the general supervision of a  
7 dentist and employed by a federally qualified health center.

8 Within 90 days after October 8, 2021 (the effective date  
9 of Public Act 102-665), the Department shall seek federal  
10 approval of a State Plan amendment to expand coverage for  
11 family planning services that includes presumptive eligibility  
12 to individuals whose income is at or below 208% of the federal  
13 poverty level. Coverage under this Section shall be effective  
14 beginning no later than December 1, 2022.

15 Subject to approval by the federal Centers for Medicare  
16 and Medicaid Services of a Title XIX State Plan amendment  
17 electing the Program of All-Inclusive Care for the Elderly  
18 (PACE) as a State Medicaid option, as provided for by Subtitle  
19 I (commencing with Section 4801) of Title IV of the Balanced  
20 Budget Act of 1997 (Public Law 105-33) and Part 460  
21 (commencing with Section 460.2) of Subchapter E of Title 42 of  
22 the Code of Federal Regulations, PACE program services shall  
23 become a covered benefit of the medical assistance program,  
24 subject to criteria established in accordance with all  
25 applicable laws.

26 Notwithstanding any other provision of this Code,

1 community-based pediatric palliative care from a trained  
2 interdisciplinary team shall be covered under the medical  
3 assistance program as provided in Section 15 of the Pediatric  
4 Palliative Care Act.

5 Notwithstanding any other provision of this Code, within  
6 12 months after June 2, 2022 (the effective date of Public Act  
7 102-1037) ~~this amendatory Act of the 102nd General Assembly~~  
8 and subject to federal approval, acupuncture services  
9 performed by an acupuncturist licensed under the Acupuncture  
10 Practice Act who is acting within the scope of his or her  
11 license shall be covered under the medical assistance program.  
12 The Department shall apply for any federal waiver or State  
13 Plan amendment, if required, to implement this paragraph. The  
14 Department may adopt any rules, including standards and  
15 criteria, necessary to implement this paragraph.

16 (Source: P.A. 101-209, eff. 8-5-19; 101-580, eff. 1-1-20;  
17 102-43, Article 30, Section 30-5, eff. 7-6-21; 102-43, Article  
18 35, Section 35-5, eff. 7-6-21; 102-43, Article 55, Section  
19 55-5, eff. 7-6-21; 102-95, eff. 1-1-22; 102-123, eff. 1-1-22;  
20 102-558, eff. 8-20-21; 102-598, eff. 1-1-22; 102-655, eff.  
21 1-1-22; 102-665, eff. 10-8-21; 102-813, eff. 5-13-22;  
22 102-1018, eff. 1-1-23; 102-1037, eff. 6-2-22; 102-1038 eff.  
23 1-1-23; revised 2-5-23.)

24 (305 ILCS 5/5-5.01b)

25 Sec. 5-5.01b. Certified Nursing Assistant Intern Program.



1           (a) The Department shall establish or approve a Certified  
2 Nursing Assistant Intern Program to address the increasing  
3 need for trained health care workers for the supporting living  
4 facilities program established under Section 5-5.01a. Upon  
5 successful completion of the classroom education and  
6 on-the-job training requirements of the Program under this  
7 Section, an individual may provide, at a facility certified  
8 under this Act, the patient and resident care services  
9 determined under the Program and may perform the procedures  
10 listed under subsection (d).

11           (b) In order to qualify as a certified nursing assistant  
12 intern, an individual shall successfully complete at least 8  
13 hours of classroom education on the services and procedures  
14 listed under subsection (d). The classroom education shall be:

15                 (1) taken within the facility where the certified  
16 nursing assistant intern will be employed;

17                 (2) proctored by either an advanced practice  
18 registered nurse or a registered nurse who holds a  
19 bachelor's degree in nursing, has a minimum of 3 years of  
20 continuous experience in geriatric care, or is certified  
21 as a nursing assistant instructor; and

22                 (3) satisfied by the successful completion of an  
23 approved 8-hour online training course or in-person group  
24 training.

25           (c) In order to qualify as a certified nursing assistant  
26 intern, an individual shall successfully complete at least 24

1 hours of on-the-job training in the services and procedures  
2 determined under the Program and listed under subsection (d),  
3 as follows:

4 (1) The training program instructor shall be either an  
5 advanced practice registered nurse or a registered nurse  
6 who holds a bachelor's degree in nursing, has a minimum of  
7 3 years of continuous experience in geriatric care, or is  
8 certified as a nursing assistant instructor.

9 (2) The training program instructor shall ensure that  
10 the student meets the competencies determined under the  
11 Program and those listed under subsection (d). The  
12 instructor shall document the successful completion or  
13 failure of the competencies and any remediation that may  
14 allow for the successful completion of the competencies.

15 (3) All on-the-job training shall be under the direct  
16 observation of either an advanced practice registered  
17 nurse or a registered nurse who holds a bachelor's degree  
18 in nursing, has a minimum of 3 years of continuous  
19 experience in geriatric care, or is certified as a nursing  
20 assistant instructor.

21 (4) All on-the-job training shall be conducted at a  
22 facility that is licensed by the State of Illinois and  
23 that is the facility where the certified nursing assistant  
24 intern will be working.

25 (d) A certified nursing assistant intern shall receive  
26 classroom and on-the-job training on how to provide the

1 patient or resident care services and procedures, as  
2 determined under the Program, that are required of a certified  
3 nursing assistant's performance skills, including, but not  
4 limited to, all of the following:

5 (1) Successful completion and maintenance of active  
6 certification in both first aid and the American Red  
7 Cross' courses on cardiopulmonary resuscitation.

8 (2) Infection control and in-service training required  
9 at the facility.

10 (3) Washing a resident's hands.

11 (4) Performing oral hygiene on a resident.

12 (5) Shaving a resident with an electric razor.

13 (6) Giving a resident a partial bath.

14 (7) Making a bed that is occupied.

15 (8) Dressing a resident.

16 (9) Transferring a resident to a wheelchair using a  
17 gait belt or transfer belt.

18 (10) Ambulating a resident with a gait belt or  
19 transfer belt.

20 (11) Feeding a resident.

21 (12) Calculating a resident's intake and output.

22 (13) Placing a resident in a side-lying position.

23 (14) The Heimlich maneuver.

24 (e) A certified nursing assistant intern may not perform  
25 any of the following on a resident:

26 (1) Shaving with a nonelectric razor.

- 1 (2) Nail care.
- 2 (3) Perineal care.
- 3 (4) Transfer using a mechanical lift.
- 4 (5) Passive range of motion.

5 (f) A certified nursing assistant intern may only provide  
6 the patient or resident care services and perform the  
7 procedures that he or she is deemed qualified to perform that  
8 are listed under subsection (d). A certified nursing assistant  
9 intern may not provide the procedures excluded under  
10 subsection (e).

11 (g) A certified nursing assistant intern shall report to a  
12 facility's charge nurse or nursing supervisor and may only be  
13 assigned duties authorized in this Section by a supervising  
14 nurse.

15 (h) A facility shall notify its certified and licensed  
16 staff members, in writing, that a certified nursing assistant  
17 intern may only provide the services and perform the  
18 procedures listed under subsection (d). The notification shall  
19 detail which duties may be delegated to a certified nursing  
20 assistant intern.

21 (i) If a facility learns that a certified nursing  
22 assistant intern is performing work outside of the scope of  
23 the Program's training, the facility shall:

- 24 (1) stop the certified nursing assistant intern from  
25 performing the work;
- 26 (2) inspect the work and correct mistakes, if the work

1 performed was done improperly;

2 (3) assign the work to the appropriate personnel; and

3 (4) ensure that a thorough assessment of any resident  
4 involved in the work performed is completed by a  
5 registered nurse.

6 (j) The Program is subject to the Health Care Worker  
7 Background Check Act and the Health Care Worker Background  
8 Check Code under 77 Ill. Adm. Code 955. Program participants  
9 and personnel shall be included on the Health Care Worker  
10 Registry.

11 (k) A Program participant who has completed the training  
12 required under paragraph (5) of subsection (a) of Section  
13 3-206 of the Nursing Home Care Act, has completed the Program  
14 from April 21, 2020 through September 18, 2020, and has shown  
15 competency in all of the performance skills listed under  
16 subsection (d) shall be considered a certified nursing  
17 assistant intern.

18 (l) The requirement under subsection (b) of Section  
19 395.400 of Title 77 of the Illinois Administrative Code that a  
20 student must pass a BNATP written competency examination  
21 within 12 months after the completion of the BNATP does not  
22 apply to a certified nursing assistant intern under this  
23 Section. However, upon a Program participant's enrollment in a  
24 certified nursing assistant course, the requirement under  
25 subsection (b) of Section 395.400 of Title 77 of the Illinois  
26 Administrative Code that a student pass a BNATP written

1 competency examination within 12 months after completion of  
2 the BNATP program applies.

3 (m) A certified nursing assistant intern shall enroll in a  
4 certified nursing assistant program within 6 months after  
5 completing his or her certified nursing assistant intern  
6 training under the Program. The individual may continue to  
7 work as a certified nursing assistant intern during his or her  
8 certified nursing assistant training. If the scope of work for  
9 a nurse assistant in training pursuant to 77 Ill. Adm. Code  
10 300.660 is broader in scope than the work permitted to be  
11 performed by a certified nursing assistant intern, then the  
12 certified nursing assistant intern enrolled in certified  
13 nursing assistant training may perform the work allowed under  
14 77. Ill. Adm. Code 300.660. The individual shall receive one  
15 hour of credit for every hour employed as a certified nursing  
16 assistant intern or as a temporary nurse assistant, not to  
17 exceed 30 hours of credit, subject to the approval of an  
18 accredited certified nursing assistant training program.

19 (n) A facility that seeks to train and employ a certified  
20 nursing assistant intern at the facility must:

21 (1) not have received a substantiated citation, that  
22 the facility has the right to the appeal, for a violation  
23 that has caused severe harm to or the death of a resident  
24 within the 2 years prior to employing a certified nursing  
25 assistant intern; and

26 (2) establish a certified nursing assistant intern

1 mentoring program within the facility for the purposes of  
2 increasing education and retention, which must include an  
3 experienced certified nurse assistant who has at least 3  
4 years of active employment and is employed by the  
5 facility.

6 (o) A facility that does not meet the requirements of  
7 subsection (n) shall cease its new employment training,  
8 education, or onboarding of any employee under the Program.  
9 The facility may resume its new employment training,  
10 education, or onboarding of an employee under the Program once  
11 the Department determines that the facility is in compliance  
12 with subsection (n).

13 (p) To study the effectiveness of the Program, the  
14 Department shall collect data from participating facilities  
15 and publish a report on the extent to which the Program brought  
16 individuals into continuing employment as certified nursing  
17 assistants in long-term care. Data collected from facilities  
18 shall include, but shall not be limited to, the number of  
19 certified nursing assistants employed, the number of persons  
20 who began participation in the Program, the number of persons  
21 who successfully completed the Program, and the number of  
22 persons who continue employment in a long-term care service or  
23 facility. The report shall be published no later than 6 months  
24 after the Program end date determined under subsection (r). A  
25 facility participating in the Program shall, twice annually,  
26 submit data under this subsection in a manner and time

1 determined by the Department. Failure to submit data under  
2 this subsection shall result in suspension of the facility's  
3 Program.

4 (q) The Department may adopt emergency rules in accordance  
5 with Section 5-45.32 ~~5-45.22~~ of the Illinois Administrative  
6 Procedure Act.

7 (r) The Program shall end upon the termination of the  
8 Secretary of Health and Human Services' public health  
9 emergency declaration for COVID-19 or 3 years after the date  
10 that the Program becomes operational, whichever occurs later.

11 (s) This Section is inoperative 18 months after the  
12 Program end date determined under subsection (r).

13 (Source: P.A. 102-1037, eff. 6-2-22; revised 7-26-22.)

14 (305 ILCS 5/5-45)

15 Sec. 5-45. Reimbursement rates; substance use disorder  
16 treatment providers and facilities. Beginning on July 1, 2022,  
17 the Department of Human Services' Division of Substance Use  
18 Prevention and Recovery in conjunction with the Department of  
19 Healthcare and Family Services, shall provide for an increase  
20 in reimbursement rates by way of an increase to existing rates  
21 of 47% for all community-based substance use disorder  
22 treatment services, including, but not limited to, all of the  
23 following:

24 (1) Admission and Discharge Assessment.

25 (2) Level 1 (Individual).



- 1 (3) Level 1 (Group).
- 2 (4) Level 2 (Individual).
- 3 (5) Level 2 (Group).
- 4 (6) Psychiatric/Diagnostic.
- 5 (7) Medication Monitoring (Individual).
- 6 (8) Methadone as an Adjunct to Treatment.

7 No existing or future reimbursement rates or add-ons shall  
8 be reduced or changed to address the rate increase proposed  
9 under this Section. The Department of Healthcare and Family  
10 Services shall immediately, no later than 3 months following  
11 April 19, 2022 (the effective date of Public Act 102-699) ~~this~~  
12 ~~amendatory Act of the 102nd General Assembly~~, submit any  
13 necessary application to the federal Centers for Medicare and  
14 Medicaid Services for a waiver or State Plan amendment to  
15 implement the requirements of this Section. Beginning in State  
16 fiscal year 2023, and every State fiscal year thereafter,  
17 reimbursement rates for those community-based substance use  
18 disorder treatment services shall be adjusted upward by an  
19 amount equal to the Consumer Price Index-U from the previous  
20 year, not to exceed 2% in any State fiscal year. If there is a  
21 decrease in the Consumer Price Index-U, rates shall remain  
22 unchanged for that State fiscal year. The Department of Human  
23 Services shall adopt rules, including emergency rules under  
24 Section 5-45.1 of the Illinois Administrative Procedure Act,  
25 to implement the provisions of this Section.

26 As used in this Section, "consumer price index-u" means

1 the index published by the Bureau of Labor Statistics of the  
2 United States Department of Labor that measures the average  
3 change in prices of goods and services purchased by all urban  
4 consumers, United States city average, all items, 1982-84 =  
5 100.

6 (Source: P.A. 102-699, eff. 4-19-22; revised 8-8-22.)

7 (305 ILCS 5/5-46)

8 Sec. 5-46 ~~5-45~~. General acute care hospitals. A general  
9 acute care hospital is authorized to file a notice with the  
10 Department of Public Health and the Health Facilities and  
11 Services Review Board to establish an acute mental illness  
12 category of service in accordance with the Illinois Health  
13 Facilities Planning Act and add authorized acute mental  
14 illness beds if the following conditions are met:

15 (1) the general acute care hospital qualifies as a  
16 safety-net hospital, as defined in Section 5-5e.1, as  
17 determined by the Department of Healthcare and Family  
18 Services at the time of filing the notice or for the year  
19 immediately prior to the date of filing the notice;

20 (2) the notice seeks to establish no more than 24  
21 authorized acute mental illness beds; and

22 (3) the notice seeks to reduce the number of  
23 authorized beds in another category of service to offset  
24 the number of authorized acute mental illness beds.

25 (Source: P.A. 102-886, eff. 5-17-22; revised 8-8-22.)

1 (305 ILCS 5/Art. V-G heading)

2 ARTICLE V-G. SUPPORTIVE LIVING FACILITY FUNDING~~—~~

3 (Source: P.A. 98-651, eff. 6-16-14; revised 8-22-22.)

4 (305 ILCS 5/Art. V-H heading)

5 ARTICLE V-H. MANAGED CARE ORGANIZATION PROVIDER ASSESSMENT~~—~~

6 (Source: P.A. 101-9, eff. 6-5-19; revised 8-22-22.)

7 (305 ILCS 5/Art. X heading)

8 ARTICLE X~~—~~. DETERMINATION AND ENFORCEMENT OF

9 SUPPORT RESPONSIBILITY OF RELATIVES

10 (305 ILCS 5/Art. XIV heading)

11 ARTICLE XIV~~—~~. HOSPITAL SERVICES TRUST FUND

12 (305 ILCS 5/14-12)

13 Sec. 14-12. Hospital rate reform payment system. The  
14 hospital payment system pursuant to Section 14-11 of this  
15 Article shall be as follows:

16 (a) Inpatient hospital services. Effective for discharges  
17 on and after July 1, 2014, reimbursement for inpatient general  
18 acute care services shall utilize the All Patient Refined  
19 Diagnosis Related Grouping (APR-DRG) software, version 30,  
20 distributed by 3M<sup>TM</sup> Health Information System.

21 (1) The Department shall establish Medicaid weighting

1 factors to be used in the reimbursement system established  
2 under this subsection. Initial weighting factors shall be  
3 the weighting factors as published by 3M Health  
4 Information System, associated with Version 30.0 adjusted  
5 for the Illinois experience.

6 (2) The Department shall establish a  
7 statewide-standardized amount to be used in the inpatient  
8 reimbursement system. The Department shall publish these  
9 amounts on its website no later than 10 calendar days  
10 prior to their effective date.

11 (3) In addition to the statewide-standardized amount,  
12 the Department shall develop adjusters to adjust the rate  
13 of reimbursement for critical Medicaid providers or  
14 services for trauma, transplantation services, perinatal  
15 care, and Graduate Medical Education (GME).

16 (4) The Department shall develop add-on payments to  
17 account for exceptionally costly inpatient stays,  
18 consistent with Medicare outlier principles. Outlier fixed  
19 loss thresholds may be updated to control for excessive  
20 growth in outlier payments no more frequently than on an  
21 annual basis, but at least once every 4 years. Upon  
22 updating the fixed loss thresholds, the Department shall  
23 be required to update base rates within 12 months.

24 (5) The Department shall define those hospitals or  
25 distinct parts of hospitals that shall be exempt from the  
26 APR-DRG reimbursement system established under this

1 Section. The Department shall publish these hospitals'  
2 inpatient rates on its website no later than 10 calendar  
3 days prior to their effective date.

4 (6) Beginning July 1, 2014 and ending on June 30,  
5 2024, in addition to the statewide-standardized amount,  
6 the Department shall develop an adjustor to adjust the  
7 rate of reimbursement for safety-net hospitals defined in  
8 Section 5-5e.1 of this Code excluding pediatric hospitals.

9 (7) Beginning July 1, 2014, in addition to the  
10 statewide-standardized amount, the Department shall  
11 develop an adjustor to adjust the rate of reimbursement  
12 for Illinois freestanding inpatient psychiatric hospitals  
13 that are not designated as children's hospitals by the  
14 Department but are primarily treating patients under the  
15 age of 21.

16 (7.5) (Blank).

17 (8) Beginning July 1, 2018, in addition to the  
18 statewide-standardized amount, the Department shall adjust  
19 the rate of reimbursement for hospitals designated by the  
20 Department of Public Health as a Perinatal Level II or II+  
21 center by applying the same adjustor that is applied to  
22 Perinatal and Obstetrical care cases for Perinatal Level  
23 III centers, as of December 31, 2017.

24 (9) Beginning July 1, 2018, in addition to the  
25 statewide-standardized amount, the Department shall apply  
26 the same adjustor that is applied to trauma cases as of

1 December 31, 2017 to inpatient claims to treat patients  
2 with burns, including, but not limited to, APR-DRGs 841,  
3 842, 843, and 844.

4 (10) Beginning July 1, 2018, the  
5 statewide-standardized amount for inpatient general acute  
6 care services shall be uniformly increased so that base  
7 claims projected reimbursement is increased by an amount  
8 equal to the funds allocated in paragraph (1) of  
9 subsection (b) of Section 5A-12.6, less the amount  
10 allocated under paragraphs (8) and (9) of this subsection  
11 and paragraphs (3) and (4) of subsection (b) multiplied by  
12 40%.

13 (11) Beginning July 1, 2018, the reimbursement for  
14 inpatient rehabilitation services shall be increased by  
15 the addition of a \$96 per day add-on.

16 (b) Outpatient hospital services. Effective for dates of  
17 service on and after July 1, 2014, reimbursement for  
18 outpatient services shall utilize the Enhanced Ambulatory  
19 Procedure Grouping (EAPG) software, version 3.7 distributed by  
20 3M<sup>TM</sup> Health Information System.

21 (1) The Department shall establish Medicaid weighting  
22 factors to be used in the reimbursement system established  
23 under this subsection. The initial weighting factors shall  
24 be the weighting factors as published by 3M Health  
25 Information System, associated with Version 3.7.

26 (2) The Department shall establish service specific

1 statewide-standardized amounts to be used in the  
2 reimbursement system.

3 (A) The initial statewide standardized amounts,  
4 with the labor portion adjusted by the Calendar Year  
5 2013 Medicare Outpatient Prospective Payment System  
6 wage index with reclassifications, shall be published  
7 by the Department on its website no later than 10  
8 calendar days prior to their effective date.

9 (B) The Department shall establish adjustments to  
10 the statewide-standardized amounts for each Critical  
11 Access Hospital, as designated by the Department of  
12 Public Health in accordance with 42 CFR 485, Subpart  
13 F. For outpatient services provided on or before June  
14 30, 2018, the EAPG standardized amounts are determined  
15 separately for each critical access hospital such that  
16 simulated EAPG payments using outpatient base period  
17 paid claim data plus payments under Section 5A-12.4 of  
18 this Code net of the associated tax costs are equal to  
19 the estimated costs of outpatient base period claims  
20 data with a rate year cost inflation factor applied.

21 (3) In addition to the statewide-standardized amounts,  
22 the Department shall develop adjusters to adjust the rate  
23 of reimbursement for critical Medicaid hospital outpatient  
24 providers or services, including outpatient high volume or  
25 safety-net hospitals. Beginning July 1, 2018, the  
26 outpatient high volume adjustor shall be increased to

1 increase annual expenditures associated with this adjustor  
2 by \$79,200,000, based on the State Fiscal Year 2015 base  
3 year data and this adjustor shall apply to public  
4 hospitals, except for large public hospitals, as defined  
5 under 89 Ill. Adm. Code 148.25(a).

6 (4) Beginning July 1, 2018, in addition to the  
7 statewide standardized amounts, the Department shall make  
8 an add-on payment for outpatient expensive devices and  
9 drugs. This add-on payment shall at least apply to claim  
10 lines that: (i) are assigned with one of the following  
11 EAPGs: 490, 1001 to 1020, and coded with one of the  
12 following revenue codes: 0274 to 0276, 0278; or (ii) are  
13 assigned with one of the following EAPGs: 430 to 441, 443,  
14 444, 460 to 465, 495, 496, 1090. The add-on payment shall  
15 be calculated as follows: the claim line's covered charges  
16 multiplied by the hospital's total acute cost to charge  
17 ratio, less the claim line's EAPG payment plus \$1,000,  
18 multiplied by 0.8.

19 (5) Beginning July 1, 2018, the statewide-standardized  
20 amounts for outpatient services shall be increased by a  
21 uniform percentage so that base claims projected  
22 reimbursement is increased by an amount equal to no less  
23 than the funds allocated in paragraph (1) of subsection  
24 (b) of Section 5A-12.6, less the amount allocated under  
25 paragraphs (8) and (9) of subsection (a) and paragraphs  
26 (3) and (4) of this subsection multiplied by 46%.



1           (6) Effective for dates of service on or after July 1,  
2           2018, the Department shall establish adjustments to the  
3           statewide-standardized amounts for each Critical Access  
4           Hospital, as designated by the Department of Public Health  
5           in accordance with 42 CFR 485, Subpart F, such that each  
6           Critical Access Hospital's standardized amount for  
7           outpatient services shall be increased by the applicable  
8           uniform percentage determined pursuant to paragraph (5) of  
9           this subsection. It is the intent of the General Assembly  
10          that the adjustments required under this paragraph (6) by  
11          Public Act 100-1181 shall be applied retroactively to  
12          claims for dates of service provided on or after July 1,  
13          2018.

14          (7) Effective for dates of service on or after March  
15          8, 2019 (the effective date of Public Act 100-1181), the  
16          Department shall recalculate and implement an updated  
17          statewide-standardized amount for outpatient services  
18          provided by hospitals that are not Critical Access  
19          Hospitals to reflect the applicable uniform percentage  
20          determined pursuant to paragraph (5).

21                 (1)           Any           recalculation           to           the  
22                 statewide-standardized amounts for outpatient services  
23                 provided by hospitals that are not Critical Access  
24                 Hospitals shall be the amount necessary to achieve the  
25                 increase in the statewide-standardized amounts for  
26                 outpatient services increased by a uniform percentage,

1           so that base claims projected reimbursement is  
2           increased by an amount equal to no less than the funds  
3           allocated in paragraph (1) of subsection (b) of  
4           Section 5A-12.6, less the amount allocated under  
5           paragraphs (8) and (9) of subsection (a) and  
6           paragraphs (3) and (4) of this subsection, for all  
7           hospitals that are not Critical Access Hospitals,  
8           multiplied by 46%.

9           (2) It is the intent of the General Assembly that  
10          the recalculations required under this paragraph (7)  
11          by Public Act 100-1181 shall be applied prospectively  
12          to claims for dates of service provided on or after  
13          March 8, 2019 (the effective date of Public Act  
14          100-1181) and that no recoupment or repayment by the  
15          Department or an MCO of payments attributable to  
16          recalculation under this paragraph (7), issued to the  
17          hospital for dates of service on or after July 1, 2018  
18          and before March 8, 2019 (the effective date of Public  
19          Act 100-1181), shall be permitted.

20          (8) The Department shall ensure that all necessary  
21          adjustments to the managed care organization capitation  
22          base rates necessitated by the adjustments under  
23          subparagraph (6) or (7) of this subsection are completed  
24          and applied retroactively in accordance with Section  
25          5-30.8 of this Code within 90 days of March 8, 2019 (the  
26          effective date of Public Act 100-1181).

1           (9) Within 60 days after federal approval of the  
2           change made to the assessment in Section 5A-2 by Public  
3           Act 101-650 ~~this amendatory Act of the 101st General~~  
4           ~~Assembly~~, the Department shall incorporate into the EAPG  
5           system for outpatient services those services performed by  
6           hospitals currently billed through the Non-Institutional  
7           Provider billing system.

8           (b-5) Notwithstanding any other provision of this Section,  
9           beginning with dates of service on and after January 1, 2023,  
10          any general acute care hospital with more than 500 outpatient  
11          psychiatric Medicaid services to persons under 19 years of age  
12          in any calendar year shall be paid the outpatient add-on  
13          payment of no less than \$113.

14          (c) In consultation with the hospital community, the  
15          Department is authorized to replace 89 Ill. ~~Adm. Admin.~~ Code  
16          152.150 as published in 38 Ill. Reg. 4980 through 4986 within  
17          12 months of June 16, 2014 (the effective date of Public Act  
18          98-651). If the Department does not replace these rules within  
19          12 months of June 16, 2014 (the effective date of Public Act  
20          98-651), the rules in effect for 152.150 as published in 38  
21          Ill. Reg. 4980 through 4986 shall remain in effect until  
22          modified by rule by the Department. Nothing in this subsection  
23          shall be construed to mandate that the Department file a  
24          replacement rule.

25          (d) Transition period. There shall be a transition period  
26          to the reimbursement systems authorized under this Section

1 that shall begin on the effective date of these systems and  
2 continue until June 30, 2018, unless extended by rule by the  
3 Department. To help provide an orderly and predictable  
4 transition to the new reimbursement systems and to preserve  
5 and enhance access to the hospital services during this  
6 transition, the Department shall allocate a transitional  
7 hospital access pool of at least \$290,000,000 annually so that  
8 transitional hospital access payments are made to hospitals.

9 (1) After the transition period, the Department may  
10 begin incorporating the transitional hospital access pool  
11 into the base rate structure; however, the transitional  
12 hospital access payments in effect on June 30, 2018 shall  
13 continue to be paid, if continued under Section 5A-16.

14 (2) After the transition period, if the Department  
15 reduces payments from the transitional hospital access  
16 pool, it shall increase base rates, develop new adjustors,  
17 adjust current adjustors, develop new hospital access  
18 payments based on updated information, or any combination  
19 thereof by an amount equal to the decreases proposed in  
20 the transitional hospital access pool payments, ensuring  
21 that the entire transitional hospital access pool amount  
22 shall continue to be used for hospital payments.

23 (d-5) Hospital and health care transformation program. The  
24 Department shall develop a hospital and health care  
25 transformation program to provide financial assistance to  
26 hospitals in transforming their services and care models to

1 better align with the needs of the communities they serve. The  
2 payments authorized in this Section shall be subject to  
3 approval by the federal government.

4 (1) Phase 1. In State fiscal years 2019 through 2020,  
5 the Department shall allocate funds from the transitional  
6 access hospital pool to create a hospital transformation  
7 pool of at least \$262,906,870 annually and make hospital  
8 transformation payments to hospitals. Subject to Section  
9 5A-16, in State fiscal years 2019 and 2020, an Illinois  
10 hospital that received either a transitional hospital  
11 access payment under subsection (d) or a supplemental  
12 payment under subsection (f) of this Section in State  
13 fiscal year 2018, shall receive a hospital transformation  
14 payment as follows:

15 (A) If the hospital's Rate Year 2017 Medicaid  
16 inpatient utilization rate is equal to or greater than  
17 45%, the hospital transformation payment shall be  
18 equal to 100% of the sum of its transitional hospital  
19 access payment authorized under subsection (d) and any  
20 supplemental payment authorized under subsection (f).

21 (B) If the hospital's Rate Year 2017 Medicaid  
22 inpatient utilization rate is equal to or greater than  
23 25% but less than 45%, the hospital transformation  
24 payment shall be equal to 75% of the sum of its  
25 transitional hospital access payment authorized under  
26 subsection (d) and any supplemental payment authorized

1 under subsection (f).

2 (C) If the hospital's Rate Year 2017 Medicaid  
3 inpatient utilization rate is less than 25%, the  
4 hospital transformation payment shall be equal to 50%  
5 of the sum of its transitional hospital access payment  
6 authorized under subsection (d) and any supplemental  
7 payment authorized under subsection (f).

8 (2) Phase 2.

9 (A) The funding amount from phase one shall be  
10 incorporated into directed payment and pass-through  
11 payment methodologies described in Section 5A-12.7.

12 (B) Because there are communities in Illinois that  
13 experience significant health care disparities due to  
14 systemic racism, as recently emphasized by the  
15 COVID-19 pandemic, aggravated by social determinants  
16 of health and a lack of sufficiently allocated  
17 healthcare resources, particularly community-based  
18 services, preventive care, obstetric care, chronic  
19 disease management, and specialty care, the Department  
20 shall establish a health care transformation program  
21 that shall be supported by the transformation funding  
22 pool. It is the intention of the General Assembly that  
23 innovative partnerships funded by the pool must be  
24 designed to establish or improve integrated health  
25 care delivery systems that will provide significant  
26 access to the Medicaid and uninsured populations in

1           their communities, as well as improve health care  
2           equity. It is also the intention of the General  
3           Assembly that partnerships recognize and address the  
4           disparities revealed by the COVID-19 pandemic, as well  
5           as the need for post-COVID care. During State fiscal  
6           years 2021 through 2027, the hospital and health care  
7           transformation program shall be supported by an annual  
8           transformation funding pool of up to \$150,000,000,  
9           pending federal matching funds, to be allocated during  
10          the specified fiscal years for the purpose of  
11          facilitating hospital and health care transformation.  
12          No disbursement of moneys for transformation projects  
13          from the transformation funding pool described under  
14          this Section shall be considered an award, a grant, or  
15          an expenditure of grant funds. Funding agreements made  
16          in accordance with the transformation program shall be  
17          considered purchases of care under the Illinois  
18          Procurement Code, and funds shall be expended by the  
19          Department in a manner that maximizes federal funding  
20          to expend the entire allocated amount.

21                 The Department shall convene, within 30 days after  
22          March 12, 2021 (the effective date of Public Act  
23          101-655) ~~this amendatory Act of the 101st General~~  
24          ~~Assembly~~, a workgroup that includes subject matter  
25          experts on healthcare disparities and stakeholders  
26          from distressed communities, which could be a

1           subcommittee of the Medicaid Advisory Committee, to  
2           review and provide recommendations on how Department  
3           policy, including health care transformation, can  
4           improve health disparities and the impact on  
5           communities disproportionately affected by COVID-19.  
6           The workgroup shall consider and make recommendations  
7           on the following issues: a community safety-net  
8           designation of certain hospitals, racial equity, and a  
9           regional partnership to bring additional specialty  
10          services to communities.

11           (C) As provided in paragraph (9) of Section 3 of  
12          the Illinois Health Facilities Planning Act, any  
13          hospital participating in the transformation program  
14          may be excluded from the requirements of the Illinois  
15          Health Facilities Planning Act for those projects  
16          related to the hospital's transformation. To be  
17          eligible, the hospital must submit to the Health  
18          Facilities and Services Review Board approval from the  
19          Department that the project is a part of the  
20          hospital's transformation.

21           (D) As provided in subsection (a-20) of Section  
22          32.5 of the Emergency Medical Services (EMS) Systems  
23          Act, a hospital that received hospital transformation  
24          payments under this Section may convert to a  
25          freestanding emergency center. To be eligible for such  
26          a conversion, the hospital must submit to the



1 Department of Public Health approval from the  
2 Department that the project is a part of the  
3 hospital's transformation.

4 (E) Criteria for proposals. To be eligible for  
5 funding under this Section, a transformation proposal  
6 shall meet all of the following criteria:

7 (i) the proposal shall be designed based on  
8 community needs assessment completed by either a  
9 University partner or other qualified entity with  
10 significant community input;

11 (ii) the proposal shall be a collaboration  
12 among providers across the care and community  
13 spectrum, including preventative care, primary  
14 care specialty care, hospital services, mental  
15 health and substance abuse services, as well as  
16 community-based entities that address the social  
17 determinants of health;

18 (iii) the proposal shall be specifically  
19 designed to improve healthcare outcomes and reduce  
20 healthcare disparities, and improve the  
21 coordination, effectiveness, and efficiency of  
22 care delivery;

23 (iv) the proposal shall have specific  
24 measurable metrics related to disparities that  
25 will be tracked by the Department and made public  
26 by the Department;

1 (v) the proposal shall include a commitment to  
2 include Business Enterprise Program certified  
3 vendors or other entities controlled and managed  
4 by minorities or women; and

5 (vi) the proposal shall specifically increase  
6 access to primary, preventive, or specialty care.

7 (F) Entities eligible to be funded.

8 (i) Proposals for funding should come from  
9 collaborations operating in one of the most  
10 distressed communities in Illinois as determined  
11 by the U.S. Centers for Disease Control and  
12 Prevention's Social Vulnerability Index for  
13 Illinois and areas disproportionately impacted by  
14 COVID-19 or from rural areas of Illinois.

15 (ii) The Department shall prioritize  
16 partnerships from distressed communities, which  
17 include Business Enterprise Program certified  
18 vendors or other entities controlled and managed  
19 by minorities or women and also include one or  
20 more of the following: safety-net hospitals,  
21 critical access hospitals, the campuses of  
22 hospitals that have closed since January 1, 2018,  
23 or other healthcare providers designed to address  
24 specific healthcare disparities, including the  
25 impact of COVID-19 on individuals and the  
26 community and the need for post-COVID care. All

1 funded proposals must include specific measurable  
2 goals and metrics related to improved outcomes and  
3 reduced disparities which shall be tracked by the  
4 Department.

5 (iii) The Department should target the funding  
6 in the following ways: \$30,000,000 of  
7 transformation funds to projects that are a  
8 collaboration between a safety-net hospital,  
9 particularly community safety-net hospitals, and  
10 other providers and designed to address specific  
11 healthcare disparities, \$20,000,000 of  
12 transformation funds to collaborations between  
13 safety-net hospitals and a larger hospital partner  
14 that increases specialty care in distressed  
15 communities, \$30,000,000 of transformation funds  
16 to projects that are a collaboration between  
17 hospitals and other providers in distressed areas  
18 of the State designed to address specific  
19 healthcare disparities, \$15,000,000 to  
20 collaborations between critical access hospitals  
21 and other providers designed to address specific  
22 healthcare disparities, and \$15,000,000 to  
23 cross-provider collaborations designed to address  
24 specific healthcare disparities, and \$5,000,000 to  
25 collaborations that focus on workforce  
26 development.

1           (iv) The Department may allocate up to  
2           \$5,000,000 for planning, racial equity analysis,  
3           or consulting resources for the Department or  
4           entities without the resources to develop a plan  
5           to meet the criteria of this Section. Any contract  
6           for consulting services issued by the Department  
7           under this subparagraph shall comply with the  
8           provisions of Section 5-45 of the State Officials  
9           and Employees Ethics Act. Based on availability of  
10          federal funding, the Department may directly  
11          procure consulting services or provide funding to  
12          the collaboration. The provision of resources  
13          under this subparagraph is not a guarantee that a  
14          project will be approved.

15          (v) The Department shall take steps to ensure  
16          that safety-net hospitals operating in  
17          under-resourced communities receive priority  
18          access to hospital and healthcare transformation  
19          funds, including consulting funds, as provided  
20          under this Section.

21          (G) Process for submitting and approving projects  
22          for distressed communities. The Department shall issue  
23          a template for application. The Department shall post  
24          any proposal received on the Department's website for  
25          at least 2 weeks for public comment, and any such  
26          public comment shall also be considered in the review

1 process. Applicants may request that proprietary  
2 financial information be redacted from publicly posted  
3 proposals and the Department in its discretion may  
4 agree. Proposals for each distressed community must  
5 include all of the following:

6 (i) A detailed description of how the project  
7 intends to affect the goals outlined in this  
8 subsection, describing new interventions, new  
9 technology, new structures, and other changes to  
10 the healthcare delivery system planned.

11 (ii) A detailed description of the racial and  
12 ethnic makeup of the entities' board and  
13 leadership positions and the salaries of the  
14 executive staff of entities in the partnership  
15 that is seeking to obtain funding under this  
16 Section.

17 (iii) A complete budget, including an overall  
18 timeline and a detailed pathway to sustainability  
19 within a 5-year period, specifying other sources  
20 of funding, such as in-kind, cost-sharing, or  
21 private donations, particularly for capital needs.  
22 There is an expectation that parties to the  
23 transformation project dedicate resources to the  
24 extent they are able and that these expectations  
25 are delineated separately for each entity in the  
26 proposal.

1 (iv) A description of any new entities formed  
2 or other legal relationships between collaborating  
3 entities and how funds will be allocated among  
4 participants.

5 (v) A timeline showing the evolution of sites  
6 and specific services of the project over a 5-year  
7 period, including services available to the  
8 community by site.

9 (vi) Clear milestones indicating progress  
10 toward the proposed goals of the proposal as  
11 checkpoints along the way to continue receiving  
12 funding. The Department is authorized to refine  
13 these milestones in agreements, and is authorized  
14 to impose reasonable penalties, including  
15 repayment of funds, for substantial lack of  
16 progress.

17 (vii) A clear statement of the level of  
18 commitment the project will include for minorities  
19 and women in contracting opportunities, including  
20 as equity partners where applicable, or as  
21 subcontractors and suppliers in all phases of the  
22 project.

23 (viii) If the community study utilized is not  
24 the study commissioned and published by the  
25 Department, the applicant must define the  
26 methodology used, including documentation of clear

1 community participation.

2 (ix) A description of the process used in  
3 collaborating with all levels of government in the  
4 community served in the development of the  
5 project, including, but not limited to,  
6 legislators and officials of other units of local  
7 government.

8 (x) Documentation of a community input process  
9 in the community served, including links to  
10 proposal materials on public websites.

11 (xi) Verifiable project milestones and quality  
12 metrics that will be impacted by transformation.  
13 These project milestones and quality metrics must  
14 be identified with improvement targets that must  
15 be met.

16 (xii) Data on the number of existing employees  
17 by various job categories and wage levels by the  
18 zip code of the employees' residence and  
19 benchmarks for the continued maintenance and  
20 improvement of these levels. The proposal must  
21 also describe any retraining or other workforce  
22 development planned for the new project.

23 (xiii) If a new entity is created by the  
24 project, a description of how the board will be  
25 reflective of the community served by the  
26 proposal.

1           (xiv) An explanation of how the proposal will  
2           address the existing disparities that exacerbated  
3           the impact of COVID-19 and the need for post-COVID  
4           care in the community, if applicable.

5           (xv) An explanation of how the proposal is  
6           designed to increase access to care, including  
7           specialty care based upon the community's needs.

8           (H) The Department shall evaluate proposals for  
9           compliance with the criteria listed under subparagraph  
10          (G). Proposals meeting all of the criteria may be  
11          eligible for funding with the areas of focus  
12          prioritized as described in item (ii) of subparagraph  
13          (F). Based on the funds available, the Department may  
14          negotiate funding agreements with approved applicants  
15          to maximize federal funding. Nothing in this  
16          subsection requires that an approved project be funded  
17          to the level requested. Agreements shall specify the  
18          amount of funding anticipated annually, the  
19          methodology of payments, the limit on the number of  
20          years such funding may be provided, and the milestones  
21          and quality metrics that must be met by the projects in  
22          order to continue to receive funding during each year  
23          of the program. Agreements shall specify the terms and  
24          conditions under which a health care facility that  
25          receives funds under a purchase of care agreement and  
26          closes in violation of the terms of the agreement must



1 pay an early closure fee no greater than 50% of the  
2 funds it received under the agreement, prior to the  
3 Health Facilities and Services Review Board  
4 considering an application for closure of the  
5 facility. Any project that is funded shall be required  
6 to provide quarterly written progress reports, in a  
7 form prescribed by the Department, and at a minimum  
8 shall include the progress made in achieving any  
9 milestones or metrics or Business Enterprise Program  
10 commitments in its plan. The Department may reduce or  
11 end payments, as set forth in transformation plans, if  
12 milestones or metrics or Business Enterprise Program  
13 commitments are not achieved. The Department shall  
14 seek to make payments from the transformation fund in  
15 a manner that is eligible for federal matching funds.

16 In reviewing the proposals, the Department shall  
17 take into account the needs of the community, data  
18 from the study commissioned by the Department from the  
19 University of Illinois-Chicago if applicable, feedback  
20 from public comment on the Department's website, as  
21 well as how the proposal meets the criteria listed  
22 under subparagraph (G). Alignment with the  
23 Department's overall strategic initiatives shall be an  
24 important factor. To the extent that fiscal year  
25 funding is not adequate to fund all eligible projects  
26 that apply, the Department shall prioritize

1 applications that most comprehensively and effectively  
2 address the criteria listed under subparagraph (G).

3 (3) (Blank).

4 (4) Hospital Transformation Review Committee. There is  
5 created the Hospital Transformation Review Committee. The  
6 Committee shall consist of 14 members. No later than 30  
7 days after March 12, 2018 (the effective date of Public  
8 Act 100-581), the 4 legislative leaders shall each appoint  
9 3 members; the Governor shall appoint the Director of  
10 Healthcare and Family Services, or his or her designee, as  
11 a member; and the Director of Healthcare and Family  
12 Services shall appoint one member. Any vacancy shall be  
13 filled by the applicable appointing authority within 15  
14 calendar days. The members of the Committee shall select a  
15 Chair and a Vice-Chair from among its members, provided  
16 that the Chair and Vice-Chair cannot be appointed by the  
17 same appointing authority and must be from different  
18 political parties. The Chair shall have the authority to  
19 establish a meeting schedule and convene meetings of the  
20 Committee, and the Vice-Chair shall have the authority to  
21 convene meetings in the absence of the Chair. The  
22 Committee may establish its own rules with respect to  
23 meeting schedule, notice of meetings, and the disclosure  
24 of documents; however, the Committee shall not have the  
25 power to subpoena individuals or documents and any rules  
26 must be approved by 9 of the 14 members. The Committee

1 shall perform the functions described in this Section and  
2 advise and consult with the Director in the administration  
3 of this Section. In addition to reviewing and approving  
4 the policies, procedures, and rules for the hospital and  
5 health care transformation program, the Committee shall  
6 consider and make recommendations related to qualifying  
7 criteria and payment methodologies related to safety-net  
8 hospitals and children's hospitals. Members of the  
9 Committee appointed by the legislative leaders shall be  
10 subject to the jurisdiction of the Legislative Ethics  
11 Commission, not the Executive Ethics Commission, and all  
12 requests under the Freedom of Information Act shall be  
13 directed to the applicable Freedom of Information officer  
14 for the General Assembly. The Department shall provide  
15 operational support to the Committee as necessary. The  
16 Committee is dissolved on April 1, 2019.

17 (e) Beginning 36 months after initial implementation, the  
18 Department shall update the reimbursement components in  
19 subsections (a) and (b), including standardized amounts and  
20 weighting factors, and at least once every 4 years and no more  
21 frequently than annually thereafter. The Department shall  
22 publish these updates on its website no later than 30 calendar  
23 days prior to their effective date.

24 (f) Continuation of supplemental payments. Any  
25 supplemental payments authorized under Illinois Administrative  
26 Code 148 effective January 1, 2014 and that continue during

1 the period of July 1, 2014 through December 31, 2014 shall  
2 remain in effect as long as the assessment imposed by Section  
3 5A-2 that is in effect on December 31, 2017 remains in effect.

4 (g) Notwithstanding subsections (a) through (f) of this  
5 Section and notwithstanding the changes authorized under  
6 Section 5-5b.1, any updates to the system shall not result in  
7 any diminishment of the overall effective rates of  
8 reimbursement as of the implementation date of the new system  
9 (July 1, 2014). These updates shall not preclude variations in  
10 any individual component of the system or hospital rate  
11 variations. Nothing in this Section shall prohibit the  
12 Department from increasing the rates of reimbursement or  
13 developing payments to ensure access to hospital services.  
14 Nothing in this Section shall be construed to guarantee a  
15 minimum amount of spending in the aggregate or per hospital as  
16 spending may be impacted by factors, including, but not  
17 limited to, the number of individuals in the medical  
18 assistance program and the severity of illness of the  
19 individuals.

20 (h) The Department shall have the authority to modify by  
21 rulemaking any changes to the rates or methodologies in this  
22 Section as required by the federal government to obtain  
23 federal financial participation for expenditures made under  
24 this Section.

25 (i) Except for subsections (g) and (h) of this Section,  
26 the Department shall, pursuant to subsection (c) of Section

1 5-40 of the Illinois Administrative Procedure Act, provide for  
2 presentation at the June 2014 hearing of the Joint Committee  
3 on Administrative Rules (JCAR) additional written notice to  
4 JCAR of the following rules in order to commence the second  
5 notice period for the following rules: rules published in the  
6 Illinois Register, rule dated February 21, 2014 at 38 Ill.  
7 Reg. 4559 (Medical Payment), 4628 (Specialized Health Care  
8 Delivery Systems), 4640 (Hospital Services), 4932 (Diagnostic  
9 Related Grouping (DRG) Prospective Payment System (PPS)), and  
10 4977 (Hospital Reimbursement Changes), and published in the  
11 Illinois Register dated March 21, 2014 at 38 Ill. Reg. 6499  
12 (Specialized Health Care Delivery Systems) and 6505 (Hospital  
13 Services).

14 (j) Out-of-state hospitals. Beginning July 1, 2018, for  
15 purposes of determining for State fiscal years 2019 and 2020  
16 and subsequent fiscal years the hospitals eligible for the  
17 payments authorized under subsections (a) and (b) of this  
18 Section, the Department shall include out-of-state hospitals  
19 that are designated a Level I pediatric trauma center or a  
20 Level I trauma center by the Department of Public Health as of  
21 December 1, 2017.

22 (k) The Department shall notify each hospital and managed  
23 care organization, in writing, of the impact of the updates  
24 under this Section at least 30 calendar days prior to their  
25 effective date.

26 (Source: P.A. 101-81, eff. 7-12-19; 101-650, eff. 7-7-20;

1 101-655, eff. 3-12-21; 102-682, eff. 12-10-21; 102-1037, eff.  
2 6-2-22; revised 8-22-22.)

3 (305 ILCS 5/Art. XV heading)

4 ARTICLE XV.

5 COUNTY PROVIDER TRUST FUND

6 Section 548. The Rebuild Illinois Mental Health Workforce  
7 Act is amended by changing Section 20-10 as follows:

8 (305 ILCS 66/20-10)

9 Sec. 20-10. Medicaid funding for community mental health  
10 services. Medicaid funding for the specific community mental  
11 health services listed in this Act shall be adjusted and paid  
12 as set forth in this Act. Such payments shall be paid in  
13 addition to the base Medicaid reimbursement rate and add-on  
14 payment rates per service unit.

15 (a) The payment adjustments shall begin on July 1, 2022  
16 for State Fiscal Year 2023 and shall continue for every State  
17 fiscal year thereafter.

18 (1) Individual Therapy Medicaid Payment rate for  
19 services provided under the H0004 Code:

20 (A) The Medicaid total payment rate for individual  
21 therapy provided by a qualified mental health  
22 professional shall be increased by no less than \$9 per  
23 service unit.

1 (B) The Medicaid total payment rate for individual  
2 therapy provided by a mental health professional shall  
3 be increased by no less than ~~then~~ \$9 per service unit.

4 (2) Community Support - Individual Medicaid Payment  
5 rate for services provided under the H2015 Code: All  
6 community support - individual services shall be increased  
7 by no less than \$15 per service unit.

8 (3) Case Management Medicaid Add-on Payment for  
9 services provided under the T1016 code: All case  
10 management services rates shall be increased by no less  
11 than \$15 per service unit.

12 (4) Assertive Community Treatment Medicaid Add-on  
13 Payment for services provided under the H0039 code: The  
14 Medicaid total payment rate for assertive community  
15 treatment services shall increase by no less than \$8 per  
16 service unit.

17 (5) Medicaid user-based directed payments.

18 (A) For each State fiscal year, a monthly directed  
19 payment shall be paid to a community mental health  
20 provider of community support team services based on  
21 the number of Medicaid users of community support team  
22 services documented by Medicaid fee-for-service and  
23 managed care encounter claims delivered by that  
24 provider in the base year. The Department of  
25 Healthcare and Family Services shall make the monthly  
26 directed payment to each provider entitled to directed

1           payments under this Act by no later than the last day  
2           of each month throughout each State fiscal year.

3                   (i) The monthly directed payment for a  
4           community support team provider shall be  
5           calculated as follows: The sum total number of  
6           individual Medicaid users of community support  
7           team services delivered by that provider  
8           throughout the base year, multiplied by \$4,200 per  
9           Medicaid user, divided into 12 equal monthly  
10          payments for the State fiscal year.

11                   (ii) As used in this subparagraph, "user"  
12          means an individual who received at least 200  
13          units of community support team services (H2016)  
14          during the base year.

15                   (B) For each State fiscal year, a monthly directed  
16          payment shall be paid to each community mental health  
17          provider of assertive community treatment services  
18          based on the number of Medicaid users of assertive  
19          community treatment services documented by Medicaid  
20          fee-for-service and managed care encounter claims  
21          delivered by the provider in the base year.

22                   (i) The monthly direct payment for an  
23          assertive community treatment provider shall be  
24          calculated as follows: The sum total number of  
25          Medicaid users of assertive community treatment  
26          services provided by that provider throughout the



1 base year, multiplied by \$6,000 per Medicaid user,  
2 divided into 12 equal monthly payments for that  
3 State fiscal year.

4 (ii) As used in this subparagraph, "user"  
5 means an individual that received at least 300  
6 units of assertive community treatment services  
7 during the base year.

8 (C) The base year for directed payments under this  
9 Section shall be calendar year 2019 for State Fiscal  
10 Year 2023 and State Fiscal Year 2024. For the State  
11 fiscal year beginning on July 1, 2024, and for every  
12 State fiscal year thereafter, the base year shall be  
13 the calendar year that ended 18 months prior to the  
14 start of the State fiscal year in which payments are  
15 made.

16 (b) Subject to federal approval, a one-time directed  
17 payment must be made in calendar year 2023 for community  
18 mental health services provided by community mental health  
19 providers. The one-time directed payment shall be for an  
20 amount appropriated for these purposes. The one-time directed  
21 payment shall be for services for Integrated Assessment and  
22 Treatment Planning and other intensive services, including,  
23 but not limited to, services for Mobile Crisis Response,  
24 crisis intervention, and medication monitoring. The amounts  
25 and services used for designing and distributing these  
26 one-time directed payments shall not be construed to require

1 any future rate or funding increases for the same or other  
2 mental health services.

3 (Source: P.A. 102-699, eff. 4-19-22; 102-1118, eff. 1-18-23;  
4 revised 1-23-23.)

5 Section 550. The Abused and Neglected Child Reporting Act  
6 is amended by changing Section 4 as follows:

7 (325 ILCS 5/4)

8 Sec. 4. Persons required to report; privileged  
9 communications; transmitting false report.

10 (a) The following persons are required to immediately  
11 report to the Department when they have reasonable cause to  
12 believe that a child known to them in their professional or  
13 official capacities may be an abused child or a neglected  
14 child:

15 (1) Medical personnel, including any: physician  
16 licensed to practice medicine in any of its branches  
17 (medical doctor or doctor of osteopathy); resident;  
18 intern; medical administrator or personnel engaged in the  
19 examination, care, and treatment of persons; psychiatrist;  
20 surgeon; dentist; dental hygienist; chiropractic  
21 physician; podiatric physician; physician assistant;  
22 emergency medical technician; physical therapist; physical  
23 therapy assistant; occupational therapist; occupational  
24 therapy assistant; acupuncturist; registered nurse;

1 licensed practical nurse; advanced practice registered  
2 nurse; genetic counselor; respiratory care practitioner;  
3 home health aide; or certified nursing assistant.

4 (2) Social services and mental health personnel,  
5 including any: licensed professional counselor; licensed  
6 clinical professional counselor; licensed social worker;  
7 licensed clinical social worker; licensed psychologist or  
8 assistant working under the direct supervision of a  
9 psychologist; associate licensed marriage and family  
10 therapist; licensed marriage and family therapist; field  
11 personnel of the Departments of Healthcare and Family  
12 Services, Public Health, Human Services, Human Rights, or  
13 Children and Family Services; supervisor or administrator  
14 of the General Assistance program established under  
15 Article VI of the Illinois Public Aid Code; social  
16 services administrator; or substance abuse treatment  
17 personnel.

18 (3) Crisis intervention personnel, including any:  
19 crisis line or hotline personnel; or domestic violence  
20 program personnel.

21 (4) Education personnel, including any: school  
22 personnel (including administrators and certified and  
23 non-certified school employees); personnel of institutions  
24 of higher education; educational advocate assigned to a  
25 child in accordance with the School Code; member of a  
26 school board or the Chicago Board of Education or the

1 governing body of a private school (but only to the extent  
2 required under subsection (d)); or truant officer.

3 (5) Recreation or athletic program or facility  
4 personnel; or an athletic trainer.

5 (6) Child care personnel, including any: early  
6 intervention provider as defined in the Early Intervention  
7 Services System Act; director or staff assistant of a  
8 nursery school or a child day care center; or foster  
9 parent, homemaker, or child care worker.

10 (7) Law enforcement personnel, including any: law  
11 enforcement officer; field personnel of the Department of  
12 Juvenile Justice; field personnel of the Department of  
13 Corrections; probation officer; or animal control officer  
14 or field investigator of the Department of Agriculture's  
15 Bureau of Animal Health and Welfare.

16 (8) Any funeral home director; funeral home director  
17 and embalmer; funeral home employee; coroner; or medical  
18 examiner.

19 (9) Any member of the clergy.

20 (10) Any physician, physician assistant, registered  
21 nurse, licensed practical nurse, medical technician,  
22 certified nursing assistant, licensed social worker,  
23 licensed clinical social worker, or licensed professional  
24 counselor of any office, clinic, licensed behavior  
25 analyst, licensed assistant behavior analyst, or any other  
26 physical location that provides abortions, abortion

1           referrals, or contraceptives.

2           (b) When 2 or more persons who work within the same  
3 workplace and are required to report under this Act share a  
4 reasonable cause to believe that a child may be an abused or  
5 neglected child, one of those reporters may be designated to  
6 make a single report. The report shall include the names and  
7 contact information for the other mandated reporters sharing  
8 the reasonable cause to believe that a child may be an abused  
9 or neglected child. The designated reporter must provide  
10 written confirmation of the report to those mandated reporters  
11 within 48 hours. If confirmation is not provided, those  
12 mandated reporters are individually responsible for  
13 immediately ensuring a report is made. Nothing in this Section  
14 precludes or may be used to preclude any person from reporting  
15 child abuse or child neglect.

16           (c) (1) As used in this Section, "a child known to them in  
17 their professional or official capacities" means:

18           (A) the mandated reporter comes into contact with the  
19 child in the course of the reporter's employment or  
20 practice of a profession, or through a regularly scheduled  
21 program, activity, or service;

22           (B) the mandated reporter is affiliated with an  
23 agency, institution, organization, school, school  
24 district, regularly established church or religious  
25 organization, or other entity that is directly responsible  
26 for the care, supervision, guidance, or training of the

1 child; or

2 (C) a person makes a specific disclosure to the  
3 mandated reporter that an identifiable child is the victim  
4 of child abuse or child neglect, and the disclosure  
5 happens while the mandated reporter is engaged in his or  
6 her employment or practice of a profession, or in a  
7 regularly scheduled program, activity, or service.

8 (2) Nothing in this Section requires a child to come  
9 before the mandated reporter in order for the reporter to make  
10 a report of suspected child abuse or child neglect.

11 (d) If an allegation is raised to a school board member  
12 during the course of an open or closed school board meeting  
13 that a child who is enrolled in the school district of which he  
14 or she is a board member is an abused child as defined in  
15 Section 3 of this Act, the member shall direct or cause the  
16 school board to direct the superintendent of the school  
17 district or other equivalent school administrator to comply  
18 with the requirements of this Act concerning the reporting of  
19 child abuse. For purposes of this paragraph, a school board  
20 member is granted the authority in his or her individual  
21 capacity to direct the superintendent of the school district  
22 or other equivalent school administrator to comply with the  
23 requirements of this Act concerning the reporting of child  
24 abuse.

25 Notwithstanding any other provision of this Act, if an  
26 employee of a school district has made a report or caused a

1 report to be made to the Department under this Act involving  
2 the conduct of a current or former employee of the school  
3 district and a request is made by another school district for  
4 the provision of information concerning the job performance or  
5 qualifications of the current or former employee because he or  
6 she is an applicant for employment with the requesting school  
7 district, the general superintendent of the school district to  
8 which the request is being made must disclose to the  
9 requesting school district the fact that an employee of the  
10 school district has made a report involving the conduct of the  
11 applicant or caused a report to be made to the Department, as  
12 required under this Act. Only the fact that an employee of the  
13 school district has made a report involving the conduct of the  
14 applicant or caused a report to be made to the Department may  
15 be disclosed by the general superintendent of the school  
16 district to which the request for information concerning the  
17 applicant is made, and this fact may be disclosed only in cases  
18 where the employee and the general superintendent have not  
19 been informed by the Department that the allegations were  
20 unfounded. An employee of a school district who is or has been  
21 the subject of a report made pursuant to this Act during his or  
22 her employment with the school district must be informed by  
23 that school district that if he or she applies for employment  
24 with another school district, the general superintendent of  
25 the former school district, upon the request of the school  
26 district to which the employee applies, shall notify that

1 requesting school district that the employee is or was the  
2 subject of such a report.

3 (e) Whenever such person is required to report under this  
4 Act in his capacity as a member of the staff of a medical or  
5 other public or private institution, school, facility or  
6 agency, or as a member of the clergy, he shall make report  
7 immediately to the Department in accordance with the  
8 provisions of this Act and may also notify the person in charge  
9 of such institution, school, facility or agency, or church,  
10 synagogue, temple, mosque, or other religious institution, or  
11 his designated agent that such report has been made. Under no  
12 circumstances shall any person in charge of such institution,  
13 school, facility or agency, or church, synagogue, temple,  
14 mosque, or other religious institution, or his designated  
15 agent to whom such notification has been made, exercise any  
16 control, restraint, modification or other change in the report  
17 or the forwarding of such report to the Department.

18 (f) In addition to the persons required to report  
19 suspected cases of child abuse or child neglect under this  
20 Section, any other person may make a report if such person has  
21 reasonable cause to believe a child may be an abused child or a  
22 neglected child.

23 (g) The privileged quality of communication between any  
24 professional person required to report and his patient or  
25 client shall not apply to situations involving abused or  
26 neglected children and shall not constitute grounds for



1 failure to report as required by this Act or constitute  
2 grounds for failure to share information or documents with the  
3 Department during the course of a child abuse or neglect  
4 investigation. If requested by the professional, the  
5 Department shall confirm in writing that the information or  
6 documents disclosed by the professional were gathered in the  
7 course of a child abuse or neglect investigation.

8 The reporting requirements of this Act shall not apply to  
9 the contents of a privileged communication between an attorney  
10 and his or her client or to confidential information within  
11 the meaning of Rule 1.6 of the Illinois Rules of Professional  
12 Conduct relating to the legal representation of an individual  
13 client.

14 A member of the clergy may claim the privilege under  
15 Section 8-803 of the Code of Civil Procedure.

16 (h) Any office, clinic, or any other physical location  
17 that provides abortions, abortion referrals, or contraceptives  
18 shall provide to all office personnel copies of written  
19 information and training materials about abuse and neglect and  
20 the requirements of this Act that are provided to employees of  
21 the office, clinic, or physical location who are required to  
22 make reports to the Department under this Act, and instruct  
23 such office personnel to bring to the attention of an employee  
24 of the office, clinic, or physical location who is required to  
25 make reports to the Department under this Act any reasonable  
26 suspicion that a child known to him or her in his or her

1 professional or official capacity may be an abused child or a  
2 neglected child.

3 (i) Any person who enters into employment on and after  
4 July 1, 1986 and is mandated by virtue of that employment to  
5 report under this Act, shall sign a statement on a form  
6 prescribed by the Department, to the effect that the employee  
7 has knowledge and understanding of the reporting requirements  
8 of this Act. On and after January 1, 2019, the statement shall  
9 also include information about available mandated reporter  
10 training provided by the Department. The statement shall be  
11 signed prior to commencement of the employment. The signed  
12 statement shall be retained by the employer. The cost of  
13 printing, distribution, and filing of the statement shall be  
14 borne by the employer.

15 (j) Persons required to report child abuse or child  
16 neglect as provided under this Section must complete an  
17 initial mandated reporter training, including a section on  
18 implicit bias, within 3 months of their date of engagement in a  
19 professional or official capacity as a mandated reporter, or  
20 within the time frame of any other applicable State law that  
21 governs training requirements for a specific profession, and  
22 at least every 3 years thereafter. The initial requirement  
23 only applies to the first time they engage in their  
24 professional or official capacity. In lieu of training every 3  
25 years, medical personnel, as listed in paragraph (1) of  
26 subsection (a), must meet the requirements described in

1 subsection (k).

2 The mandated reporter trainings shall be in-person or  
3 web-based, and shall include, at a minimum, information on the  
4 following topics: (i) indicators for recognizing child abuse  
5 and child neglect, as defined under this Act; (ii) the process  
6 for reporting suspected child abuse and child neglect in  
7 Illinois as required by this Act and the required  
8 documentation; (iii) responding to a child in a  
9 trauma-informed manner; and (iv) understanding the response of  
10 child protective services and the role of the reporter after a  
11 call has been made. Child-serving organizations are encouraged  
12 to provide in-person annual trainings.

13 The implicit bias section shall be in-person or web-based,  
14 and shall include, at a minimum, information on the following  
15 topics: (i) implicit bias and (ii) racial and ethnic  
16 sensitivity. As used in this subsection, "implicit bias" means  
17 the attitudes or internalized stereotypes that affect people's  
18 perceptions, actions, and decisions in an unconscious manner  
19 and that exist and often contribute to unequal treatment of  
20 people based on race, ethnicity, gender identity, sexual  
21 orientation, age, disability, and other characteristics. The  
22 implicit bias section shall provide tools to adjust automatic  
23 patterns of thinking and ultimately eliminate discriminatory  
24 behaviors. During these trainings mandated reporters shall  
25 complete the following: (1) a pretest to assess baseline  
26 implicit bias levels; (2) an implicit bias training task; and

1 (3) a posttest to reevaluate bias levels after training. The  
2 implicit bias curriculum for mandated reporters shall be  
3 developed within one year after January 1, 2022 (the effective  
4 date of Public Act 102-604) ~~this amendatory Act of the 102nd~~  
5 ~~General Assembly~~ and shall be created in consultation with  
6 organizations demonstrating expertise and or experience in the  
7 areas of implicit bias, youth and adolescent developmental  
8 issues, prevention of child abuse, exploitation, and neglect,  
9 culturally diverse family systems, and the child welfare  
10 system.

11 The mandated reporter training, including a section on  
12 implicit bias, shall be provided through the Department,  
13 through an entity authorized to provide continuing education  
14 for professionals licensed through the Department of Financial  
15 and Professional Regulation, the State Board of Education, the  
16 Illinois Law Enforcement Training Standards Board, or the  
17 Illinois ~~Department of~~ State Police, or through an  
18 organization approved by the Department to provide mandated  
19 reporter training, including a section on implicit bias. The  
20 Department must make available a free web-based training for  
21 reporters.

22 Each mandated reporter shall report to his or her employer  
23 and, when applicable, to his or her licensing or certification  
24 board that he or she received the mandated reporter training.  
25 The mandated reporter shall maintain records of completion.

26 Beginning January 1, 2021, if a mandated reporter receives

1 licensure from the Department of Financial and Professional  
2 Regulation or the State Board of Education, and his or her  
3 profession has continuing education requirements, the training  
4 mandated under this Section shall count toward meeting the  
5 licensee's required continuing education hours.

6 (k)(1) Medical personnel, as listed in paragraph (1) of  
7 subsection (a), who work with children in their professional  
8 or official capacity, must complete mandated reporter training  
9 at least every 6 years. Such medical personnel, if licensed,  
10 must attest at each time of licensure renewal on their renewal  
11 form that they understand they are a mandated reporter of  
12 child abuse and neglect, that they are aware of the process for  
13 making a report, that they know how to respond to a child in a  
14 trauma-informed manner, and that they are aware of the role of  
15 child protective services and the role of a reporter after a  
16 call has been made.

17 (2) In lieu of repeated training, medical personnel, as  
18 listed in paragraph (1) of subsection (a), who do not work with  
19 children in their professional or official capacity, may  
20 instead attest each time at licensure renewal on their renewal  
21 form that they understand they are a mandated reporter of  
22 child abuse and neglect, that they are aware of the process for  
23 making a report, that they know how to respond to a child in a  
24 trauma-informed manner, and that they are aware of the role of  
25 child protective services and the role of a reporter after a  
26 call has been made. Nothing in this paragraph precludes

1 medical personnel from completing mandated reporter training  
2 and receiving continuing education credits for that training.

3 (l) The Department shall provide copies of this Act, upon  
4 request, to all employers employing persons who shall be  
5 required under the provisions of this Section to report under  
6 this Act.

7 (m) Any person who knowingly transmits a false report to  
8 the Department commits the offense of disorderly conduct under  
9 subsection (a)(7) of Section 26-1 of the Criminal Code of  
10 2012. A violation of this provision is a Class 4 felony.

11 Any person who knowingly and willfully violates any  
12 provision of this Section other than a second or subsequent  
13 violation of transmitting a false report as described in the  
14 preceding paragraph, is guilty of a Class A misdemeanor for a  
15 first violation and a Class 4 felony for a second or subsequent  
16 violation; except that if the person acted as part of a plan or  
17 scheme having as its object the prevention of discovery of an  
18 abused or neglected child by lawful authorities for the  
19 purpose of protecting or insulating any person or entity from  
20 arrest or prosecution, the person is guilty of a Class 4 felony  
21 for a first offense and a Class 3 felony for a second or  
22 subsequent offense (regardless of whether the second or  
23 subsequent offense involves any of the same facts or persons  
24 as the first or other prior offense).

25 (n) A child whose parent, guardian or custodian in good  
26 faith selects and depends upon spiritual means through prayer

1 alone for the treatment or cure of disease or remedial care may  
2 be considered neglected or abused, but not for the sole reason  
3 that his parent, guardian or custodian accepts and practices  
4 such beliefs.

5 (o) A child shall not be considered neglected or abused  
6 solely because the child is not attending school in accordance  
7 with the requirements of Article 26 of the School Code, as  
8 amended.

9 (p) Nothing in this Act prohibits a mandated reporter who  
10 reasonably believes that an animal is being abused or  
11 neglected in violation of the Humane Care for Animals Act from  
12 reporting animal abuse or neglect to the Department of  
13 Agriculture's Bureau of Animal Health and Welfare.

14 (q) A home rule unit may not regulate the reporting of  
15 child abuse or neglect in a manner inconsistent with the  
16 provisions of this Section. This Section is a limitation under  
17 subsection (i) of Section 6 of Article VII of the Illinois  
18 Constitution on the concurrent exercise by home rule units of  
19 powers and functions exercised by the State.

20 (r) For purposes of this Section "child abuse or neglect"  
21 includes abuse or neglect of an adult resident as defined in  
22 this Act.

23 (Source: P.A. 101-564, eff. 1-1-20; 102-604, eff. 1-1-22;  
24 102-861, eff. 1-1-23; 102-953, eff. 5-27-22; revised 2-5-23.)

25 Section 555. The Service Member Employment and

1 Reemployment Rights Act is amended by changing Section 1-10 as  
2 follows:

3 (330 ILCS 61/1-10)

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

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

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

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

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

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

25 (B) active guard reserve duty, operational



1 support, or additional duty under 10 U.S.C. 12301(d)  
2 or 32 U.S.C. 502(f) (1) (B);

3 (C) funeral honors under 10 U.S.C. 12503 or 32  
4 U.S.C. 115;

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

7 (E) unsatisfactory participation under 10 U.S.C.  
8 10148 or 10 U.S.C. 12303;

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

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

12 (H) reserve program administrator under 10 U.S.C.  
13 10211.

14 (2) Reserve component involuntary active service  
15 includes, but is not limited to, service under one of the  
16 following authorities:

17 (A) annual training or drill requirements under 10  
18 U.S.C. 10147, 10 U.S.C. 12301(b)1 or 32 U.S.C.  
19 502(a)1;

20 (B) additional training duty or other duty under  
21 32 U.S.C. 502(f) (1) (A);

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

24 (D) mobilization under 10 U.S.C. 12301(a) or 10  
25 U.S.C. 12302;

26 (E) presidential reserve call-up under 10 U.S.C.

1 12304;

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

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

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

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

7 (J) insurrection under 10 U.S.C. 331, 10 U.S.C.  
8 332, or 10 U.S.C. 12406;

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

11 (L) initial active duty for training under 10  
12 U.S.C. 671.

13 Reserve component active service not listed in paragraph  
14 (1) or (2) shall be considered involuntary active service  
15 under paragraph (2).

16 "Active service without pay" means active service  
17 performed under any authority in which base pay is not  
18 received regardless of other allowances.

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

22 "Base pay" means the main component of military pay,  
23 whether active or inactive, based on rank and time in service.  
24 It does not include the addition of conditional funds for  
25 specific purposes such as allowances, incentive and special  
26 pay. Base pay, also known as basic pay, can be determined by

1 referencing the appropriate military pay chart covering the  
2 time period in question located on the federal Defense Finance  
3 and Accounting Services website or as reflected on a federal  
4 Military Leave and Earnings Statement.

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

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

20 "Employee" means anyone employed by an employer.  
21 "Employee" includes any person who is a citizen, national, or  
22 permanent resident of the United States employed in a  
23 workplace that the State has legal authority to regulate  
24 business and employment. "Employee" does not include an  
25 independent contractor.

26 "Employer" means any person, institution, organization, or

1 other entity that pays salary or wages for work performed or  
2 that has control over employment opportunities, including:

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

6 (2) an employer of a public employee;

7 (3) any successor in interest to a person,  
8 institution, organization, or other entity referred to  
9 under this definition; and

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

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

20 "Military leave" means a furlough or leave of absence  
21 while performing active service. It cannot be substituted for  
22 accrued vacation, annual, or similar leave with pay except at  
23 the sole discretion of the service member employee. It is not a  
24 benefit of employment that is requested but a legal  
25 requirement upon receiving notice of pending military service.

26 "Military service" means:

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

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

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

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

22          "Reserve component" means the reserve components of  
23          Illinois and the United States Armed Forces regardless of  
24          status.

25          "Service member" means any person who is a member of a  
26          military service.

1 "State active duty" means full-time State-funded military  
2 duty under the command and control of the Governor and subject  
3 to the Military Code of Illinois.

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

6 (Source: P.A. 102-1030, eff. 5-27-22; revised 8-22-22.)

7 Section 560. The Community Mental Health Act is amended by  
8 changing Section 5 as follows:

9 (405 ILCS 20/5) (from Ch. 91 1/2, par. 305)

10 Sec. 5. (a) When the governing body of a governmental unit  
11 passes a resolution as provided in Section 4 asking that an  
12 annual tax may be levied for the purpose of providing such  
13 mental health facilities and services, including facilities  
14 and services for the person with a developmental disability or  
15 a substance use disorder, in the community and so instructs  
16 the clerk of the governmental unit such clerk shall certify  
17 the proposition to the proper election officials for  
18 submission at a regular election in accordance with the  
19 general election law. The proposition shall be in the  
20 following form:

21 -----

22 Shall..... (governmental  
23 unit) levy an annual tax of (not YES  
24 more than .15%) for the purpose of providing

1 community mental health facilities and -----  
 2 services including facilities and services  
 3 for persons ~~the person~~ with a developmental NO  
 4 disability or a substance use disorder?

5 -----

6 (a-5) If the governmental unit is also subject to the  
 7 Property Tax Extension Limitation Law, then the proposition  
 8 shall also comply with the Property Tax Extension Limitation  
 9 Law. Notwithstanding any provision of this subsection, any  
 10 referendum imposing an annual tax on or after January 1, 1994  
 11 and prior to May 13, 2022 (the effective date of Public Act  
 12 102-839) ~~this amendatory Act of the 102nd General Assembly~~  
 13 that complies with subsection (a) is hereby validated.

14 (b) If a majority of all the votes cast upon the  
 15 proposition are for the levy of such tax, the governing body of  
 16 such governmental unit shall thereafter annually levy a tax  
 17 not to exceed the rate set forth in Section 4. Thereafter, the  
 18 governing body shall in the annual appropriation bill  
 19 appropriate from such funds such sum or sums of money as may be  
 20 deemed necessary, based upon the community mental health  
 21 board's budget, the board's annual mental health report, and  
 22 the local mental health plan to defray necessary expenses and  
 23 liabilities in providing for such community mental health  
 24 facilities and services.

25 (c) If the governing body of a governmental unit levies a  
 26 tax under Section 4 of this Act and the rate specified in the

1 proposition under subsection (a) of this Section is less than  
2 0.15%, then the governing body of the governmental unit may,  
3 upon referendum approval, increase that rate to not more than  
4 0.15%. The governing body shall instruct the clerk of the  
5 governmental unit to certify the proposition to the proper  
6 election officials for submission at a regular election in  
7 accordance with the general election law. The proposition  
8 shall be in the following form:

9 "Shall the tax imposed by (governmental unit) for the  
10 purpose of providing community mental health facilities  
11 and services, including facilities and services for  
12 persons with a developmental disability or substance use  
13 disorder be increased to (not more than 0.15%)?"

14 If a majority of all the votes cast upon the proposition  
15 are for the increase of the tax, then the governing body of the  
16 governmental unit may thereafter annually levy a tax not to  
17 exceed the rate set forth in the referendum question.

18 (Source: P.A. 102-839, eff. 5-13-22; 102-935, eff. 7-1-22;  
19 revised 8-25-22.)

20 Section 565. The Children's Mental Health Act is amended  
21 by changing Section 5 as follows:

22 (405 ILCS 49/5)

23 Sec. 5. Children's Mental Health Partnership; Children's  
24 Mental Health Plan.



1 (a) The Children's Mental Health Partnership (hereafter  
2 referred to as "the Partnership") created under Public Act  
3 93-495 and continued under Public Act 102-899 ~~this amendatory~~  
4 ~~Act of the 102nd General Assembly~~ shall advise State agencies  
5 on designing and implementing short-term and long-term  
6 strategies to provide comprehensive and coordinated services  
7 for children from birth to age 25 and their families with the  
8 goal of addressing children's mental health needs across a  
9 full continuum of care, including social determinants of  
10 health, prevention, early identification, and treatment. The  
11 recommended strategies shall build upon the recommendations in  
12 the Children's Mental Health Plan of 2022 and may include, but  
13 are not limited to, recommendations regarding the following:

14 (1) Increasing public awareness on issues connected to  
15 children's mental health and wellness to decrease stigma,  
16 promote acceptance, and strengthen the ability of  
17 children, families, and communities to access supports.

18 (2) Coordination of programs, services, and policies  
19 across child-serving State agencies to best monitor and  
20 assess spending, as well as foster innovation of adaptive  
21 or new practices.

22 (3) Funding and resources for children's mental health  
23 prevention, early identification, and treatment across  
24 child-serving State agencies.

25 (4) Facilitation of research on best practices and  
26 model programs and dissemination of this information to

1 State policymakers, practitioners, and the general public.

2 (5) Monitoring programs, services, and policies  
3 addressing children's mental health and wellness.

4 (6) Growing, retaining, diversifying, and supporting  
5 the child-serving workforce, with special emphasis on  
6 professional development around child and family mental  
7 health and wellness services.

8 (7) Supporting the design, implementation, and  
9 evaluation of a quality-driven children's mental health  
10 system of care across all child services that prevents  
11 mental health concerns and mitigates trauma.

12 (8) Improving the system to more effectively meet the  
13 emergency and residential placement needs for all children  
14 with severe mental and behavioral challenges.

15 (b) The Partnership shall have the responsibility of  
16 developing and updating the Children's Mental Health Plan and  
17 advising the relevant State agencies on implementation of the  
18 Plan. The Children's Mental Health Partnership shall be  
19 comprised of the following members:

20 (1) The Governor or his or her designee.

21 (2) The Attorney General or his or her designee.

22 (3) The Secretary of the Department of Human Services  
23 or his or her designee.

24 (4) The State Superintendent of Education or his or  
25 her designee.

26 (5) The Director of the Department of Children and

1 Family Services or his or her designee.

2 (6) The Director of the Department of Healthcare and  
3 Family Services or his or her designee.

4 (7) The Director of the Department of Public Health or  
5 his or her designee.

6 (8) The Director of the Department of Juvenile Justice  
7 or his or her designee.

8 (9) The Executive Director of the Governor's Office of  
9 Early Childhood Development or his or her designee.

10 (10) The Director of the Criminal Justice Information  
11 Authority or his or her designee.

12 (11) One member of the General Assembly appointed by  
13 the Speaker of the House.

14 (12) One member of the General Assembly appointed by  
15 the President of the Senate.

16 (13) One member of the General Assembly appointed by  
17 the Minority Leader of the Senate.

18 (14) One member of the General Assembly appointed by  
19 the Minority Leader of the House.

20 (15) Up to 25 representatives from the public  
21 reflecting a diversity of age, gender identity, race,  
22 ethnicity, socioeconomic status, and geographic location,  
23 to be appointed by the Governor. Those public members  
24 appointed under this paragraph must include, but are not  
25 limited to:

26 (A) a family member or individual with lived

- 1           experience in the children's mental health system;
- 2           (B) a child advocate;
- 3           (C) a community mental health expert,
- 4           practitioner, or provider;
- 5           (D) a representative of a statewide association
- 6           representing a majority of hospitals in the State;
- 7           (E) an early childhood expert or practitioner;
- 8           (F) a representative from the K-12 school system;
- 9           (G) a representative from the healthcare sector;
- 10          (H) a substance use prevention expert or
- 11          practitioner, or a representative of a statewide
- 12          association representing community-based mental health
- 13          substance use disorder treatment providers in the
- 14          State;
- 15          (I) a violence prevention expert or practitioner;
- 16          (J) a representative from the juvenile justice
- 17          system;
- 18          (K) a school social worker; and
- 19          (L) a representative of a statewide organization
- 20          representing pediatricians.

21          (16) Two co-chairs appointed by the Governor, one

22          being a representative from the public and one being a

23          representative from the State.

24          The members appointed by the Governor shall be appointed

25          for 4 years with one opportunity for reappointment, except as

26          otherwise provided for in this subsection. Members who were

1 appointed by the Governor and are serving on January 1, 2023  
2 (the effective date of Public Act 102-899) ~~this amendatory Act~~  
3 ~~of the 102nd General Assembly~~ shall maintain their appointment  
4 until the term of their appointment has expired. For new  
5 appointments made pursuant to Public Act 102-899 ~~this~~  
6 ~~amendatory Act of the 102nd General Assembly~~, members shall be  
7 appointed for one-year, 2-year ~~two year~~, or 4-year ~~four year~~  
8 terms, as determined by the Governor, with no more than 9 of  
9 the Governor's new or existing appointees serving the same  
10 term. Those new appointments serving a one-year or 2-year term  
11 may be appointed to 2 additional 4-year terms. If a vacancy  
12 occurs in the Partnership membership, the vacancy shall be  
13 filled in the same manner as the original appointment for the  
14 remainder of the term.

15 The Partnership shall be convened no later than January  
16 31, 2023 to discuss the changes in Public Act 102-899 ~~this~~  
17 ~~amendatory Act of the 102nd General Assembly~~.

18 The members of the Partnership shall serve without  
19 compensation but may be entitled to reimbursement for all  
20 necessary expenses incurred in the performance of their  
21 official duties as members of the Partnership from funds  
22 appropriated for that purpose.

23 The Partnership may convene and appoint special committees  
24 or study groups to operate under the direction of the  
25 Partnership. Persons appointed to such special committees or  
26 study groups shall only receive reimbursement for reasonable

1 expenses.

2 (b-5) The Partnership shall include an adjunct council  
3 comprised of no more than 6 youth aged 14 to 25 and 4  
4 representatives of 4 different community-based ~~community-based~~  
5 organizations that focus on youth mental health. Of the  
6 community-based organizations that focus on youth mental  
7 health, one of the community-based organizations shall be led  
8 by an LGBTQ-identified person, one of the community-based  
9 organizations shall be led by a person of color, and one of the  
10 community-based organizations shall be led by a woman. Of the  
11 representatives appointed to the council from the  
12 community-based organizations, at least one representative  
13 shall be LGBTQ-identified, at least one representative shall  
14 be a person of color, and at least one representative shall be  
15 a woman. The council members shall be appointed by the Chair of  
16 the Partnership and shall reflect the racial, gender identity,  
17 sexual orientation, ability, socioeconomic, ethnic, and  
18 geographic diversity of the State, including rural, suburban,  
19 and urban appointees. The council shall make recommendations  
20 to the Partnership regarding youth mental health, including,  
21 but not limited to, identifying barriers to youth feeling  
22 supported by and empowered by the system of mental health and  
23 treatment providers, barriers perceived by youth in accessing  
24 mental health services, gaps in the mental health system,  
25 available resources in schools, including youth's perceptions  
26 and experiences with outreach personnel, agency websites, and

1 informational materials, methods to destigmatize mental health  
2 services, and how to improve State policy concerning student  
3 mental health. The mental health system may include services  
4 for substance use disorders and addiction. The council shall  
5 meet at least 4 times annually.

6 (c) (Blank).

7 (d) The Illinois Children's Mental Health Partnership has  
8 the following powers and duties:

9 (1) Conducting research assessments to determine the  
10 needs and gaps of programs, services, and policies that  
11 touch children's mental health.

12 (2) Developing policy statements for interagency  
13 cooperation to cover all aspects of mental health  
14 delivery, including social determinants of health,  
15 prevention, early identification, and treatment.

16 (3) Recommending policies and providing ~~provide~~  
17 information on effective programs for delivery of mental  
18 health services.

19 (4) Using funding from federal, State ~~state~~, or  
20 philanthropic partners, to fund pilot programs or research  
21 activities to resource innovative practices by  
22 organizational partners that will address children's  
23 mental health. However, the Partnership may not provide  
24 direct services.

25 (5) Submitting an annual report, on or before December  
26 30 of each year, to the Governor and the General Assembly

1 on the progress of the Plan, any recommendations regarding  
2 State policies, laws, or rules necessary to fulfill the  
3 purposes of the Act, and any additional recommendations  
4 regarding mental or behavioral health that the Partnership  
5 deems necessary.

6 (6) Employing an Executive Director and setting the  
7 compensation of the Executive Director and other such  
8 employees and technical assistance as it deems necessary  
9 to carry out its duties under this Section.

10 The Partnership may designate a fiscal and administrative  
11 agent that can accept funds to carry out its duties as outlined  
12 in this Section.

13 The Department of Healthcare and Family Services shall  
14 provide technical and administrative support for the  
15 Partnership.

16 (e) The Partnership may accept monetary gifts or grants  
17 from the federal government or any agency thereof, from any  
18 charitable foundation or professional association, or from any  
19 reputable source for implementation of any program necessary  
20 or desirable to carry out the powers and duties as defined  
21 under this Section.

22 (f) On or before January 1, 2027, the Partnership shall  
23 submit recommendations to the Governor and General Assembly  
24 that includes recommended updates to the Act to reflect the  
25 current mental health landscape in this State.

26 (Source: P.A. 102-16, eff. 6-17-21; 102-116, eff. 7-23-21;



1 102-899, eff. 1-1-23; 102-1034, eff. 1-1-23; revised  
2 12-14-22.)

3 Section 570. The Mental Health Inpatient Facility Access  
4 Act is amended by changing Section 10 as follows:

5 (405 ILCS 140/10)

6 Sec. 10. Strategic plan on improving access to inpatient  
7 psychiatric beds. The Department of Human Services' Division  
8 of Mental Health shall develop a written, strategic plan that  
9 comprehensively addresses improving access to inpatient  
10 psychiatric beds in State-operated mental health facilities  
11 for individuals needing a hospital level of care. This plan  
12 shall address achieving the best use of State-operated  
13 psychiatric beds across Illinois, with strategies specifically  
14 to mitigate inefficient use of forensic beds and reduce  
15 lengths of stays for the forensic population. A comprehensive  
16 approach to this plan shall include training and education,  
17 ongoing assessment of individuals receiving inpatient  
18 services, reviewing and updating policies and procedures, and  
19 increasing community-based capacity for individuals in all  
20 State-operated forensic beds. The plan shall include:

21 (1) Annual training. Required annual training for all  
22 State-operated inpatient mental health facility clinicians  
23 shall include:

24 (A) Best practices for evaluating whether

1 individuals found not guilty by reason of insanity or  
2 unfit to stand trial meet the legal criteria for  
3 inpatient treatment.

4 (B) Best practices for determining appropriate  
5 treatment for individuals found not guilty by reason  
6 of insanity or unfit to stand trial.

7 (C) The requirements of treatment plan reports.

8 (D) The types of mental health services available  
9 following discharge, including, but not limited to:  
10 assertive community treatment, community support  
11 teams, supportive housing, medication management,  
12 psychotherapy, peer support services, specialized  
13 mental health rehabilitation facilities, and nursing  
14 homes.

15 (2) Regular and periodic assessment of mental health  
16 condition and progress. At least once every year following  
17 the admission of any individual under Section 5-2-4 of the  
18 Unified Code of Corrections or Section 104-17 of the Code  
19 of Criminal Procedure of 1963, the Director of the  
20 Division of Mental Health, or his or her designee, shall  
21 meet with the treatment team assigned to that individual  
22 to review whether:

23 (A) The individual continues to meet the standard  
24 for inpatient care.

25 (B) The individual may be appropriate for  
26 unsupervised on-grounds privileges, off-grounds

1 privileges (with or without escort by personnel of the  
2 Department of Human Services), home visits, and  
3 participation in work programs.

4 (C) The current treatment plan is reasonably  
5 expected to result in the improvement of the  
6 individual's clinical condition so that the individual  
7 no longer needs inpatient treatment, and, if not, what  
8 other treatments or placements are available to meet  
9 the individual's needs and safety.

10 (3) Updated policies and procedures.

11 (A) Revise facility policies and procedures to  
12 increase opportunities for home visits and work  
13 programs that assist with community reintegration.  
14 This shall include a review of unsupervised on-grounds  
15 privileges, off-grounds privileges (with or without  
16 escort by personnel of the Department of Human  
17 Services), home visits, and participation in work or  
18 educational programs to ensure that policies do not  
19 limit the ability to approve these activities. The  
20 plan shall also address the frequency for which  
21 individuals are assessed to be eligible for these  
22 activities.

23 (B) Ensure all individuals found unfit to stand  
24 trial or not guilty by reason of insanity, who can be  
25 treated on an outpatient basis are recommended for  
26 outpatient services.

1 (C) Develop benchmarks to ensure that:

2 (i) every individual found unfit to stand  
3 trial or not guilty by reason of insanity who has  
4 been committed by a court to the Department for  
5 treatment shall be admitted to a Department  
6 facility within the time periods set forth in  
7 subsection (b) of Section 104-17 of the Code of  
8 Criminal Procedure of 1963 and subsection (a) of  
9 Section 5-2-4 of Unified Code of Corrections; and

10 (ii) no individual who needs inpatient  
11 psychiatric care remains in an emergency  
12 department of any hospital or in any other  
13 non-psychiatric unit longer than 48 hours.

14 (4) Building community treatment capacity.

15 (A) Specific steps to increase access to  
16 community-based mental health services that provide  
17 (i) outpatient alternatives to those being assessed  
18 for inpatient stays at State-operated inpatient mental  
19 health facilities and (ii) step-down services for  
20 those no longer meeting inpatient stay criteria,  
21 specifically the population of individuals found not  
22 guilty by reason of insanity. Such steps must  
23 specifically identify community-based treatment  
24 alternatives and how these services will be funded.

25 (B) Specific steps to ensure each State-operated  
26 inpatient mental health facility has sufficient

1 qualified psychiatrists, psychologists, social  
2 workers, peer support professionals, and other staff  
3 so that the Department may provide adequate and humane  
4 care and services for all patients. That plan shall  
5 include:

6 (i) an assessment of whether the salary and  
7 other benefits provided to professional staff are  
8 sufficient to attract and retain staff;

9 (ii) an assessment of the annual budget needed  
10 to attract and retain staff;

11 (iii) an assessment of any other impediments  
12 to attracting and retaining staff, and a  
13 mitigation plan for those impediments; and

14 (iv) a detailed plan for recruiting  
15 psychiatrists, psychologists, social workers, peer  
16 support professionals, and other mental health  
17 staff.

18 (5) Certification of mental health clinicians. The  
19 Division of Mental Health shall outline in the strategic  
20 plan a plan for training, implementing standard  
21 qualifications, and credentialing all psychiatrists,  
22 clinical social workers, clinical psychologists, and  
23 qualified examiners who conduct any evaluations, as  
24 employees, agents, or vendors of the Division concerning:

25 (A) findings of unfitness to stand trial and all  
26 other evaluations of individuals receiving treatment

1 in accordance with Section 104-10 of the Code of  
2 Criminal Procedure of 1963:

3 (B) individuals receiving treatment in accordance  
4 with Section 5-2-4 of the Unified Code of Corrections;

5 (C) whether individuals are subject to involuntary  
6 admission on an inpatient or outpatient basis in  
7 accordance with the Mental Health and Developmental  
8 Disabilities Code; and

9 (D) whether individuals are subject to  
10 court-ordered treatment in accordance with Section  
11 2-107.1 of the Mental Health and Developmental  
12 Disabilities Code.

13 Such evaluations shall include any treatment reports  
14 required under the Code of Criminal Procedure of 1963 or  
15 the Mental Health and Developmental Disabilities Code.

16 (6) There shall be stakeholder input during the  
17 planning process from the Division of Mental Health's  
18 forensic workgroup.

19 (Source: P.A. 102-913, eff. 5-27-22; revised 8-19-22.)

20 Section 575. The Ensuring a More Qualified, Competent, and  
21 Diverse Community Behavioral Health Workforce Act is amended  
22 by changing Section 1-5 as follows:

23 (405 ILCS 145/1-5)

24 Sec. 1-5. Findings. The General Assembly finds that:

1           (1) The behavioral health workforce shortage, already  
2           at dire levels before 2020, has been exacerbated by the  
3           COVID-19 pandemic and is at a crisis point.

4           (2) Behavioral health workforce shortages,  
5           particularly licensed clinical staff, staff turnover in  
6           all positions, and workforce development are major  
7           concerns in the behavioral health field.

8           (3) By 2026, unfilled mental healthcare jobs in  
9           Illinois are expected to reach 8,353, according to  
10          Mercer's 2021 External Healthcare Labor Market Analysis.

11          (4) Community-based ~~Community-based~~ mental health  
12          agencies often serve as training or supervision sites for  
13          interns and new entrants to the workforce seeking  
14          supervision hours to meet licensure requirements. These  
15          professionals are mandated to complete up to 3000 hours of  
16          supervised clinical experience. This places financial and  
17          time-resource hardships on these already lean  
18          organizations to provide the supervision.

19          (5) Many new mental health clinicians have to pay an  
20          estimated \$10,000-\$30,000 in fees for supervision  
21          according to Motivo. The amount is unaffordable for many  
22          students, particularly lower-income students, who graduate  
23          with tens of thousands of dollars in debt.

24          (6) Community mental health agencies frequently serve  
25          the most complex and chronically ill behavioral health  
26          clients, which can be a challenging population for new

1 entrants to the workforce. Many times, professionals leave  
2 for better-paid opportunities with lower acuity patients  
3 after completing their facility-sponsored supervision  
4 requirements.

5 (7) The lack of compensation for serving as a training  
6 or supervision site and staff turnover adversely impact  
7 the ability of agencies to better prepare the workforce  
8 and meet the needs of their behavioral health clients.

9 (8) Recognizing and providing financial support for  
10 this function will help community-based agencies provide  
11 more training or supervision opportunities and may also  
12 assist with recruiting and retaining professionals at  
13 these sites.

14 (9) Providing financial support for this role would  
15 help to address reductions in standard clinical  
16 productivity as a result of time spent supervising new  
17 workers, enabling better absorption of the costs of high  
18 turnover, or allowing for these settings to staff  
19 appropriately to support training or supervision.

20 (10) For individuals seeking their licensure,  
21 roadblocks to supervision include cost-prohibitive fees,  
22 difficulty finding supervisors, and an even greater  
23 supervisor shortage in rural areas.

24 (11) Beyond fulfilling the required hours to get  
25 licensed, clinical supervision has a profound impact on  
26 the trajectory of an individual's career and the lives of



1 their clients. Ultimately, effective clinical supervision  
2 helps ensure that clients are competently served.

3 (12) At a time when behavioral health providers report  
4 crisis level wait lists that force individuals seeking  
5 care to wait for months before they receive care, now more  
6 than ever, we need immediate solutions to help strengthen  
7 our State's behavioral health workforce.

8 (Source: P.A. 102-1053, eff. 6-10-22; revised 8-19-22.)

9 Section 580. The Sexual Assault Survivors Emergency  
10 Treatment Act is amended by changing Sections 1a, 1a-1, 2-1,  
11 5-1, 5.4, 7, 7-1, and 9.5 as follows:

12 (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

13 Sec. 1a. Definitions.

14 (a) In this Act:

15 "Advanced practice registered nurse" has the meaning  
16 provided in Section 50-10 of the Nurse Practice Act.

17 "Ambulance provider" means an individual or entity that  
18 owns and operates a business or service using ambulances or  
19 emergency medical services vehicles to transport emergency  
20 patients.

21 "Approved pediatric health care facility" means a health  
22 care facility, other than a hospital, with a sexual assault  
23 treatment plan approved by the Department to provide medical  
24 forensic services to sexual assault survivors under the age of

1 18 who present with a complaint of sexual assault within a  
2 minimum of the last 7 days or who have disclosed past sexual  
3 assault by a specific individual and were in the care of that  
4 individual within a minimum of the last 7 days.

5 "Areawide sexual assault treatment plan" means a plan,  
6 developed by hospitals or by hospitals and approved pediatric  
7 health care facilities in a community or area to be served,  
8 which provides for medical forensic services to sexual assault  
9 survivors that shall be made available by each of the  
10 participating hospitals and approved pediatric health care  
11 facilities.

12 "Board-certified child abuse pediatrician" means a  
13 physician certified by the American Board of Pediatrics in  
14 child abuse pediatrics.

15 "Board-eligible child abuse pediatrician" means a  
16 physician who has completed the requirements set forth by the  
17 American Board of Pediatrics to take the examination for  
18 certification in child abuse pediatrics.

19 "Department" means the Department of Public Health.

20 "Emergency contraception" means medication as approved by  
21 the federal Food and Drug Administration (FDA) that can  
22 significantly reduce the risk of pregnancy if taken within 72  
23 hours after sexual assault.

24 "Follow-up healthcare" means healthcare services related  
25 to a sexual assault, including laboratory services and  
26 pharmacy services, rendered within 180 days of the initial

1 visit for medical forensic services.

2 "Health care professional" means a physician, a physician  
3 assistant, a sexual assault forensic examiner, an advanced  
4 practice registered nurse, a registered professional nurse, a  
5 licensed practical nurse, or a sexual assault nurse examiner.

6 "Hospital" means a hospital licensed under the Hospital  
7 Licensing Act or operated under the University of Illinois  
8 Hospital Act, any outpatient center included in the hospital's  
9 sexual assault treatment plan where hospital employees provide  
10 medical forensic services, and an out-of-state hospital that  
11 has consented to the jurisdiction of the Department under  
12 Section 2.06.

13 "Illinois State Police Sexual Assault Evidence Collection  
14 Kit" means a prepackaged set of materials and forms to be used  
15 for the collection of evidence relating to sexual assault. The  
16 standardized evidence collection kit for the State of Illinois  
17 shall be the Illinois State Police Sexual Assault Evidence  
18 Collection Kit.

19 "Law enforcement agency having jurisdiction" means the law  
20 enforcement agency in the jurisdiction where an alleged sexual  
21 assault or sexual abuse occurred.

22 "Licensed practical nurse" has the meaning provided in  
23 Section 50-10 of the Nurse Practice Act.

24 "Medical forensic services" means health care delivered to  
25 patients within or under the care and supervision of personnel  
26 working in a designated emergency department of a hospital or

1 an approved pediatric health care facility. "Medical forensic  
2 services" includes, but is not limited to, taking a medical  
3 history, performing photo documentation, performing a physical  
4 and anogenital examination, assessing the patient for evidence  
5 collection, collecting evidence in accordance with a statewide  
6 sexual assault evidence collection program administered by the  
7 Illinois State Police using the Illinois State Police Sexual  
8 Assault Evidence Collection Kit, if appropriate, assessing the  
9 patient for drug-facilitated or alcohol-facilitated sexual  
10 assault, providing an evaluation of and care for sexually  
11 transmitted infection and human immunodeficiency virus (HIV),  
12 pregnancy risk evaluation and care, and discharge and  
13 follow-up healthcare planning.

14 "Pediatric health care facility" means a clinic or  
15 physician's office that provides medical services to patients  
16 under the age of 18.

17 "Pediatric sexual assault survivor" means a person under  
18 the age of 13 who presents for medical forensic services in  
19 relation to injuries or trauma resulting from a sexual  
20 assault.

21 "Photo documentation" means digital photographs or  
22 colposcope videos stored and backed up securely in the  
23 original file format.

24 "Physician" means a person licensed to practice medicine  
25 in all its branches.

26 "Physician assistant" has the meaning provided in Section

1 4 of the Physician Assistant Practice Act of 1987.

2 "Prepubescent sexual assault survivor" means a female who  
3 is under the age of 18 years and has not had a first menstrual  
4 cycle or a male who is under the age of 18 years and has not  
5 started to develop secondary sex characteristics who presents  
6 for medical forensic services in relation to injuries or  
7 trauma resulting from a sexual assault.

8 "Qualified medical provider" means a board-certified child  
9 abuse pediatrician, board-eligible child abuse pediatrician, a  
10 sexual assault forensic examiner, or a sexual assault nurse  
11 examiner who has access to photo documentation tools, and who  
12 participates in peer review.

13 "Registered Professional Nurse" has the meaning provided  
14 in Section 50-10 of the Nurse Practice Act.

15 "Sexual assault" means:

16 (1) an act of sexual conduct; as used in this  
17 paragraph, "sexual conduct" has the meaning provided under  
18 Section 11-0.1 of the Criminal Code of 2012; or

19 (2) any act of sexual penetration; as used in this  
20 paragraph, "sexual penetration" has the meaning provided  
21 under Section 11-0.1 of the Criminal Code of 2012 and  
22 includes, without limitation, acts prohibited under  
23 Sections 11-1.20 through 11-1.60 of the Criminal Code of  
24 2012.

25 "Sexual assault forensic examiner" means a physician or  
26 physician assistant who has completed training that meets or

1 is substantially similar to the Sexual Assault Nurse Examiner  
2 Education Guidelines established by the International  
3 Association of Forensic Nurses.

4 "Sexual assault nurse examiner" means an advanced practice  
5 registered nurse or registered professional nurse who has  
6 completed a sexual assault nurse examiner training program  
7 that meets the Sexual Assault Nurse Examiner Education  
8 Guidelines established by the International Association of  
9 Forensic Nurses.

10 "Sexual assault services voucher" means a document  
11 generated by a hospital or approved pediatric health care  
12 facility at the time the sexual assault survivor receives  
13 outpatient medical forensic services that may be used to seek  
14 payment for any ambulance services, medical forensic services,  
15 laboratory services, pharmacy services, and follow-up  
16 healthcare provided as a result of the sexual assault.

17 "Sexual assault survivor" means a person who presents for  
18 medical forensic services in relation to injuries or trauma  
19 resulting from a sexual assault.

20 "Sexual assault transfer plan" means a written plan  
21 developed by a hospital and approved by the Department, which  
22 describes the hospital's procedures for transferring sexual  
23 assault survivors to another hospital, and an approved  
24 pediatric health care facility, if applicable, in order to  
25 receive medical forensic services.

26 "Sexual assault treatment plan" means a written plan that

1 describes the procedures and protocols for providing medical  
2 forensic services to sexual assault survivors who present  
3 themselves for such services, either directly or through  
4 transfer from a hospital or an approved pediatric health care  
5 facility.

6 "Transfer hospital" means a hospital with a sexual assault  
7 transfer plan approved by the Department.

8 "Transfer services" means the appropriate medical  
9 screening examination and necessary stabilizing treatment  
10 prior to the transfer of a sexual assault survivor to a  
11 hospital or an approved pediatric health care facility that  
12 provides medical forensic services to sexual assault survivors  
13 pursuant to a sexual assault treatment plan or areawide sexual  
14 assault treatment plan.

15 "Treatment hospital" means a hospital with a sexual  
16 assault treatment plan approved by the Department to provide  
17 medical forensic services to all sexual assault survivors who  
18 present with a complaint of sexual assault within a minimum of  
19 the last 7 days or who have disclosed past sexual assault by a  
20 specific individual and were in the care of that individual  
21 within a minimum of the last 7 days.

22 "Treatment hospital with approved pediatric transfer"  
23 means a hospital with a treatment plan approved by the  
24 Department to provide medical forensic services to sexual  
25 assault survivors 13 years old or older who present with a  
26 complaint of sexual assault within a minimum of the last 7 days

1 or who have disclosed past sexual assault by a specific  
2 individual and were in the care of that individual within a  
3 minimum of the last 7 days.

4 (b) This Section is effective on and after January 1,  
5 2024.

6 (Source: P.A. 101-81, eff. 7-12-19; 101-634, eff. 6-5-20;  
7 102-22, eff. 6-25-21; 102-538, eff. 8-20-21; 102-674, eff.  
8 11-30-21; 102-813, eff. 5-13-22; 102-1097, eff. 1-1-23;  
9 102-1106, eff. 1-1-23; revised 12-19-22.)

10 (410 ILCS 70/1a-1)

11 (Section scheduled to be repealed on December 31, 2023)

12 Sec. 1a-1. Definitions.

13 (a) In this Act:

14 "Advanced practice registered nurse" has the meaning  
15 provided in Section 50-10 of the Nurse Practice Act.

16 "Ambulance provider" means an individual or entity that  
17 owns and operates a business or service using ambulances or  
18 emergency medical services vehicles to transport emergency  
19 patients.

20 "Approved pediatric health care facility" means a health  
21 care facility, other than a hospital, with a sexual assault  
22 treatment plan approved by the Department to provide medical  
23 forensic services to sexual assault survivors under the age of  
24 18 who present with a complaint of sexual assault within a  
25 minimum of the last 7 days or who have disclosed past sexual



1 assault by a specific individual and were in the care of that  
2 individual within a minimum of the last 7 days.

3 "Approved federally qualified health center" means a  
4 facility as defined in Section 1905(1)(2)(B) of the federal  
5 Social Security Act with a sexual assault treatment plan  
6 approved by the Department to provide medical forensic  
7 services to sexual assault survivors 13 years old or older who  
8 present with a complaint of sexual assault within a minimum of  
9 the last 7 days or who have disclosed past sexual assault by a  
10 specific individual and were in the care of that individual  
11 within a minimum of the last 7 days.

12 "Areawide sexual assault treatment plan" means a plan,  
13 developed by hospitals or by hospitals, approved pediatric  
14 health care facilities, and approved federally qualified  
15 health centers in a community or area to be served, which  
16 provides for medical forensic services to sexual assault  
17 survivors that shall be made available by each of the  
18 participating hospitals and approved pediatric health care  
19 facilities.

20 "Board-certified child abuse pediatrician" means a  
21 physician certified by the American Board of Pediatrics in  
22 child abuse pediatrics.

23 "Board-eligible child abuse pediatrician" means a  
24 physician who has completed the requirements set forth by the  
25 American Board of Pediatrics to take the examination for  
26 certification in child abuse pediatrics.

1 "Department" means the Department of Public Health.

2 "Emergency contraception" means medication as approved by  
3 the federal Food and Drug Administration (FDA) that can  
4 significantly reduce the risk of pregnancy if taken within 72  
5 hours after sexual assault.

6 "Federally qualified health center" means a facility as  
7 defined in Section 1905(1)(2)(B) of the federal Social  
8 Security Act that provides primary care or sexual health  
9 services.

10 "Follow-up healthcare" means healthcare services related  
11 to a sexual assault, including laboratory services and  
12 pharmacy services, rendered within 180 days of the initial  
13 visit for medical forensic services.

14 "Health care professional" means a physician, a physician  
15 assistant, a sexual assault forensic examiner, an advanced  
16 practice registered nurse, a registered professional nurse, a  
17 licensed practical nurse, or a sexual assault nurse examiner.

18 "Hospital" means a hospital licensed under the Hospital  
19 Licensing Act or operated under the University of Illinois  
20 Hospital Act, any outpatient center included in the hospital's  
21 sexual assault treatment plan where hospital employees provide  
22 medical forensic services, and an out-of-state hospital that  
23 has consented to the jurisdiction of the Department under  
24 Section 2.06-1.

25 "Illinois State Police Sexual Assault Evidence Collection  
26 Kit" means a prepackaged set of materials and forms to be used

1 for the collection of evidence relating to sexual assault. The  
2 standardized evidence collection kit for the State of Illinois  
3 shall be the Illinois State Police Sexual Assault Evidence  
4 Collection Kit.

5 "Law enforcement agency having jurisdiction" means the law  
6 enforcement agency in the jurisdiction where an alleged sexual  
7 assault or sexual abuse occurred.

8 "Licensed practical nurse" has the meaning provided in  
9 Section 50-10 of the Nurse Practice Act.

10 "Medical forensic services" means health care delivered to  
11 patients within or under the care and supervision of personnel  
12 working in a designated emergency department of a hospital,  
13 approved pediatric health care facility, or an approved  
14 federally qualified health center ~~centers~~.

15 "Medical forensic services" includes, but is not limited  
16 to, taking a medical history, performing photo documentation,  
17 performing a physical and anogenital examination, assessing  
18 the patient for evidence collection, collecting evidence in  
19 accordance with a statewide sexual assault evidence collection  
20 program administered by the Illinois ~~Department of~~ State  
21 Police using the Illinois State Police Sexual Assault Evidence  
22 Collection Kit, if appropriate, assessing the patient for  
23 drug-facilitated or alcohol-facilitated sexual assault,  
24 providing an evaluation of and care for sexually transmitted  
25 infection and human immunodeficiency virus (HIV), pregnancy  
26 risk evaluation and care, and discharge and follow-up

1 healthcare planning.

2 "Pediatric health care facility" means a clinic or  
3 physician's office that provides medical services to patients  
4 under the age of 18.

5 "Pediatric sexual assault survivor" means a person under  
6 the age of 13 who presents for medical forensic services in  
7 relation to injuries or trauma resulting from a sexual  
8 assault.

9 "Photo documentation" means digital photographs or  
10 colposcope videos stored and backed up securely in the  
11 original file format.

12 "Physician" means a person licensed to practice medicine  
13 in all its branches.

14 "Physician assistant" has the meaning provided in Section  
15 4 of the Physician Assistant Practice Act of 1987.

16 "Prepubescent sexual assault survivor" means a female who  
17 is under the age of 18 years and has not had a first menstrual  
18 cycle or a male who is under the age of 18 years and has not  
19 started to develop secondary sex characteristics who presents  
20 for medical forensic services in relation to injuries or  
21 trauma resulting from a sexual assault.

22 "Qualified medical provider" means a board-certified child  
23 abuse pediatrician, board-eligible child abuse pediatrician, a  
24 sexual assault forensic examiner, or a sexual assault nurse  
25 examiner who has access to photo documentation tools, and who  
26 participates in peer review.

1 "Registered Professional Nurse" has the meaning provided  
2 in Section 50-10 of the Nurse Practice Act.

3 "Sexual assault" means:

4 (1) an act of sexual conduct; as used in this  
5 paragraph, "sexual conduct" has the meaning provided under  
6 Section 11-0.1 of the Criminal Code of 2012; or

7 (2) any act of sexual penetration; as used in this  
8 paragraph, "sexual penetration" has the meaning provided  
9 under Section 11-0.1 of the Criminal Code of 2012 and  
10 includes, without limitation, acts prohibited under  
11 Sections 11-1.20 through 11-1.60 of the Criminal Code of  
12 2012.

13 "Sexual assault forensic examiner" means a physician or  
14 physician assistant who has completed training that meets or  
15 is substantially similar to the Sexual Assault Nurse Examiner  
16 Education Guidelines established by the International  
17 Association of Forensic Nurses.

18 "Sexual assault nurse examiner" means an advanced practice  
19 registered nurse or registered professional nurse who has  
20 completed a sexual assault nurse examiner training program  
21 that meets the Sexual Assault Nurse Examiner Education  
22 Guidelines established by the International Association of  
23 Forensic Nurses.

24 "Sexual assault services voucher" means a document  
25 generated by a hospital or approved pediatric health care  
26 facility at the time the sexual assault survivor receives

1 outpatient medical forensic services that may be used to seek  
2 payment for any ambulance services, medical forensic services,  
3 laboratory services, pharmacy services, and follow-up  
4 healthcare provided as a result of the sexual assault.

5 "Sexual assault survivor" means a person who presents for  
6 medical forensic services in relation to injuries or trauma  
7 resulting from a sexual assault.

8 "Sexual assault transfer plan" means a written plan  
9 developed by a hospital and approved by the Department, which  
10 describes the hospital's procedures for transferring sexual  
11 assault survivors to another hospital, and an approved  
12 pediatric health care facility, if applicable, in order to  
13 receive medical forensic services.

14 "Sexual assault treatment plan" means a written plan that  
15 describes the procedures and protocols for providing medical  
16 forensic services to sexual assault survivors who present  
17 themselves for such services, either directly or through  
18 transfer from a hospital or an approved pediatric health care  
19 facility.

20 "Transfer hospital" means a hospital with a sexual assault  
21 transfer plan approved by the Department.

22 "Transfer services" means the appropriate medical  
23 screening examination and necessary stabilizing treatment  
24 prior to the transfer of a sexual assault survivor to a  
25 hospital or an approved pediatric health care facility that  
26 provides medical forensic services to sexual assault survivors

1 pursuant to a sexual assault treatment plan or areawide sexual  
2 assault treatment plan.

3 "Treatment hospital" means a hospital with a sexual  
4 assault treatment plan approved by the Department to provide  
5 medical forensic services to all sexual assault survivors who  
6 present with a complaint of sexual assault within a minimum of  
7 the last 7 days or who have disclosed past sexual assault by a  
8 specific individual and were in the care of that individual  
9 within a minimum of the last 7 days.

10 "Treatment hospital with approved pediatric transfer"  
11 means a hospital with a treatment plan approved by the  
12 Department to provide medical forensic services to sexual  
13 assault survivors 13 years old or older who present with a  
14 complaint of sexual assault within a minimum of the last 7 days  
15 or who have disclosed past sexual assault by a specific  
16 individual and were in the care of that individual within a  
17 minimum of the last 7 days.

18 (b) This Section is repealed on December 31, 2023.

19 (Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21;  
20 102-674, eff. 11-30-21; 102-1097, eff. 1-1-23; 102-1106, eff.  
21 1-1-23; revised 12-19-22.)

22 (410 ILCS 70/2-1)

23 (Section scheduled to be repealed on December 31, 2023)

24 Sec. 2-1. Hospital, approved pediatric health care  
25 facility, and approved federally qualified health center

1 requirements for sexual assault plans.

2 (a) Every hospital required to be licensed by the  
3 Department pursuant to the Hospital Licensing Act, or operated  
4 under the University of Illinois Hospital Act that provides  
5 general medical and surgical hospital services shall provide  
6 either (i) transfer services to all sexual assault survivors,  
7 (ii) medical forensic services to all sexual assault  
8 survivors, or (iii) transfer services to pediatric sexual  
9 assault survivors and medical forensic services to sexual  
10 assault survivors 13 years old or older, in accordance with  
11 rules adopted by the Department.

12 In addition, every such hospital, regardless of whether or  
13 not a request is made for reimbursement, shall submit to the  
14 Department a plan to provide either (i) transfer services to  
15 all sexual assault survivors, (ii) medical forensic services  
16 to all sexual assault survivors, or (iii) transfer services to  
17 pediatric sexual assault survivors and medical forensic  
18 services to sexual assault survivors 13 years old or older  
19 within the time frame established by the Department. The  
20 Department shall approve such plan for either (i) transfer  
21 services to all sexual assault survivors, (ii) medical  
22 forensic services to all sexual assault survivors, or (iii)  
23 transfer services to pediatric sexual assault survivors and  
24 medical forensic services to sexual assault survivors 13 years  
25 old or older, if it finds that the implementation of the  
26 proposed plan would provide (i) transfer services or (ii)



1 medical forensic services for sexual assault survivors in  
2 accordance with the requirements of this Act and provide  
3 sufficient protections from the risk of pregnancy to sexual  
4 assault survivors. Notwithstanding anything to the contrary in  
5 this paragraph, the Department may approve a sexual assault  
6 transfer plan for the provision of medical forensic services  
7 if:

8 (1) a treatment hospital with approved pediatric  
9 transfer has agreed, as part of an areawide treatment  
10 plan, to accept sexual assault survivors 13 years of age  
11 or older from the proposed transfer hospital, if the  
12 treatment hospital with approved pediatric transfer is  
13 geographically closer to the transfer hospital than a  
14 treatment hospital or another treatment hospital with  
15 approved pediatric transfer and such transfer is not  
16 unduly burdensome on the sexual assault survivor; and

17 (2) a treatment hospital has agreed, as a part of an  
18 areawide treatment plan, to accept sexual assault  
19 survivors under 13 years of age from the proposed transfer  
20 hospital and transfer to the treatment hospital would not  
21 unduly burden the sexual assault survivor.

22 The Department may not approve a sexual assault transfer  
23 plan unless a treatment hospital has agreed, as a part of an  
24 areawide treatment plan, to accept sexual assault survivors  
25 from the proposed transfer hospital and a transfer to the  
26 treatment hospital would not unduly burden the sexual assault

1 survivor.

2 In counties with a population of less than 1,000,000, the  
3 Department may not approve a sexual assault transfer plan for  
4 a hospital located within a 20-mile radius of a 4-year public  
5 university, not including community colleges, unless there is  
6 a treatment hospital with a sexual assault treatment plan  
7 approved by the Department within a 20-mile radius of the  
8 4-year public university.

9 A transfer must be in accordance with federal and State  
10 laws and local ordinances.

11 A treatment hospital with approved pediatric transfer must  
12 submit an areawide treatment plan under Section 3-1 of this  
13 Act that includes a written agreement with a treatment  
14 hospital stating that the treatment hospital will provide  
15 medical forensic services to pediatric sexual assault  
16 survivors transferred from the treatment hospital with  
17 approved pediatric transfer. The areawide treatment plan may  
18 also include an approved pediatric health care facility.

19 A transfer hospital must submit an areawide treatment plan  
20 under Section 3-1 of this Act that includes a written  
21 agreement with a treatment hospital stating that the treatment  
22 hospital will provide medical forensic services to all sexual  
23 assault survivors transferred from the transfer hospital. The  
24 areawide treatment plan may also include an approved pediatric  
25 health care facility. Notwithstanding anything to the contrary  
26 in this paragraph, the areawide treatment plan may include a

1 written agreement with a treatment hospital with approved  
2 pediatric transfer that is geographically closer than other  
3 hospitals providing medical forensic services to sexual  
4 assault survivors 13 years of age or older stating that the  
5 treatment hospital with approved pediatric transfer will  
6 provide medical services to sexual assault survivors 13 years  
7 of age or older who are transferred from the transfer  
8 hospital. If the areawide treatment plan includes a written  
9 agreement with a treatment hospital with approved pediatric  
10 transfer, it must also include a written agreement with a  
11 treatment hospital stating that the treatment hospital will  
12 provide medical forensic services to sexual assault survivors  
13 under 13 years of age who are transferred from the transfer  
14 hospital.

15 Beginning January 1, 2019, each treatment hospital and  
16 treatment hospital with approved pediatric transfer shall  
17 ensure that emergency department attending physicians,  
18 physician assistants, advanced practice registered nurses, and  
19 registered professional nurses providing clinical services,  
20 who do not meet the definition of a qualified medical provider  
21 in Section 1a-1 of this Act, receive a minimum of 2 hours of  
22 sexual assault training by July 1, 2020 or until the treatment  
23 hospital or treatment hospital with approved pediatric  
24 transfer certifies to the Department, in a form and manner  
25 prescribed by the Department, that it employs or contracts  
26 with a qualified medical provider in accordance with

1 subsection (a-7) of Section 5-1, whichever occurs first.

2 After July 1, 2020 or once a treatment hospital or a  
3 treatment hospital with approved pediatric transfer certifies  
4 compliance with subsection (a-7) of Section 5-1, whichever  
5 occurs first, each treatment hospital and treatment hospital  
6 with approved pediatric transfer shall ensure that emergency  
7 department attending physicians, physician assistants,  
8 advanced practice registered nurses, and registered  
9 professional nurses providing clinical services, who do not  
10 meet the definition of a qualified medical provider in Section  
11 1a-1 of this Act, receive a minimum of 2 hours of continuing  
12 education on responding to sexual assault survivors every 2  
13 years. Protocols for training shall be included in the  
14 hospital's sexual assault treatment plan.

15 Sexual assault training provided under this subsection may  
16 be provided in person or online and shall include, but not be  
17 limited to:

18 (1) information provided on the provision of medical  
19 forensic services;

20 (2) information on the use of the Illinois Sexual  
21 Assault Evidence Collection Kit;

22 (3) information on sexual assault epidemiology,  
23 neurobiology of trauma, drug-facilitated sexual assault,  
24 child sexual abuse, and Illinois sexual assault-related  
25 laws; and

26 (4) information on the hospital's sexual

1 assault-related policies and procedures.

2 The online training made available by the Office of the  
3 Attorney General under subsection (b) of Section 10-1 may be  
4 used to comply with this subsection.

5 (a-5) A hospital must submit a plan to provide either (i)  
6 transfer services to all sexual assault survivors, (ii)  
7 medical forensic services to all sexual assault survivors, or  
8 (iii) transfer services to pediatric sexual assault survivors  
9 and medical forensic services to sexual assault survivors 13  
10 years old or older as required in subsection (a) of this  
11 Section within 60 days of the Department's request. Failure to  
12 submit a plan as described in this subsection shall subject a  
13 hospital to the imposition of a fine by the Department. The  
14 Department may impose a fine of up to \$500 per day until the  
15 hospital submits a plan as described in this subsection. No  
16 fine shall be taken or assessed until January 1, 2024 (12  
17 months after the effective date of Public Act 102-1106) ~~this~~  
18 ~~amendatory Act of the 102nd General Assembly.~~

19 (a-10) Upon receipt of a plan as described in subsection  
20 (a-5), the Department shall notify the hospital whether or not  
21 the plan is acceptable. If the Department determines that the  
22 plan is unacceptable, the hospital must submit a modified plan  
23 within 10 days of service of the notification. If the  
24 Department determines that the modified plan is unacceptable,  
25 or if the hospital fails to submit a modified plan within 10  
26 days, the Department may impose a fine of up to \$500 per day

1 until an acceptable plan has been submitted, as determined by  
2 the Department. No fine shall be taken or assessed until  
3 January 1, 2024 (12 months after the effective date of Public  
4 Act 102-1106) ~~this amendatory Act of the 102nd General~~  
5 ~~Assembly.~~

6 (b) An approved pediatric health care facility may provide  
7 medical forensic services, in accordance with rules adopted by  
8 the Department, to all sexual assault survivors under the age  
9 of 18 who present for medical forensic services in relation to  
10 injuries or trauma resulting from a sexual assault. These  
11 services shall be provided by a qualified medical provider.

12 A pediatric health care facility must participate in or  
13 submit an areawide treatment plan under Section 3-1 of this  
14 Act that includes a treatment hospital. If a pediatric health  
15 care facility does not provide certain medical or surgical  
16 services that are provided by hospitals, the areawide sexual  
17 assault treatment plan must include a procedure for ensuring a  
18 sexual assault survivor in need of such medical or surgical  
19 services receives the services at the treatment hospital. The  
20 areawide treatment plan may also include a treatment hospital  
21 with approved pediatric transfer.

22 The Department shall review a proposed sexual assault  
23 treatment plan submitted by a pediatric health care facility  
24 within 60 days after receipt of the plan. If the Department  
25 finds that the proposed plan meets the minimum requirements  
26 set forth in Section 5-1 of this Act and that implementation of

1 the proposed plan would provide medical forensic services for  
2 sexual assault survivors under the age of 18, then the  
3 Department shall approve the plan. If the Department does not  
4 approve a plan, then the Department shall notify the pediatric  
5 health care facility that the proposed plan has not been  
6 approved. The pediatric health care facility shall have 30  
7 days to submit a revised plan. The Department shall review the  
8 revised plan within 30 days after receipt of the plan and  
9 notify the pediatric health care facility whether the revised  
10 plan is approved or rejected. A pediatric health care facility  
11 may not provide medical forensic services to sexual assault  
12 survivors under the age of 18 who present with a complaint of  
13 sexual assault within a minimum of the last 7 days or who have  
14 disclosed past sexual assault by a specific individual and  
15 were in the care of that individual within a minimum of the  
16 last 7 days until the Department has approved a treatment  
17 plan.

18 If an approved pediatric health care facility is not open  
19 24 hours a day, 7 days a week, it shall post signage at each  
20 public entrance to its facility that:

21 (1) is at least 14 inches by 14 inches in size;

22 (2) directs those seeking services as follows: "If  
23 closed, call 911 for services or go to the closest  
24 hospital emergency department, (insert name) located at  
25 (insert address).";

26 (3) lists the approved pediatric health care

1 facility's hours of operation;

2 (4) lists the street address of the building;

3 (5) has a black background with white bold capital  
4 lettering in a clear and easy to read font that is at least  
5 72-point type, and with "call 911" in at least 125-point  
6 type;

7 (6) is posted clearly and conspicuously on or adjacent  
8 to the door at each entrance and, if building materials  
9 allow, is posted internally for viewing through glass; if  
10 posted externally, the sign shall be made of  
11 weather-resistant and theft-resistant materials,  
12 non-removable, and adhered permanently to the building;  
13 and

14 (7) has lighting that is part of the sign itself or is  
15 lit with a dedicated light that fully illuminates the  
16 sign.

17 (b-5) An approved federally qualified health center may  
18 provide medical forensic services, in accordance with rules  
19 adopted by the Department, to all sexual assault survivors 13  
20 years old or older who present for medical forensic services  
21 in relation to injuries or trauma resulting from a sexual  
22 assault during the duration, and 90 days thereafter, of a  
23 proclamation issued by the Governor declaring a disaster, or a  
24 successive proclamation regarding the same disaster, in all  
25 102 counties due to a public health emergency. These services  
26 must be available on-site during an approved federally



1 qualified health center's hours of operation and shall be  
2 provided by a qualified medical provider. If the treatment  
3 plan is terminated, the federally qualified health center must  
4 submit to the Department for approval, before providing  
5 medical forensic services, a new treatment plan and a list of  
6 qualified medical providers to ensure coverage for the days  
7 and hours of operation.

8 A federally qualified health center must employ a Sexual  
9 Assault Nurse Examiner Coordinator who is a qualified medical  
10 provider and a Medical Director who is a qualified medical  
11 provider.

12 A federally qualified health center must participate in or  
13 submit an areawide treatment plan under Section 3-1 of this  
14 Act that includes a treatment hospital. If a federally  
15 qualified health center does not provide certain medical or  
16 surgical services that are provided by hospitals, the areawide  
17 sexual assault treatment plan must include a procedure for  
18 ensuring a sexual assault survivor in need of such medical or  
19 surgical services receives the services at the treatment  
20 hospital. The areawide treatment plan may also include a  
21 treatment hospital with approved pediatric transfer or an  
22 approved pediatric health care facility. An approved federally  
23 qualified health center must report each instance that a  
24 sexual assault survivor is transferred to a treatment  
25 hospital, treatment hospital with approved pediatric transfer,  
26 or an approved pediatric health care facility to the

1 Department within 24 hours of the transfer, in a form and  
2 manner prescribed by the Department, including the reason for  
3 the transfer.

4 The Department shall review a proposed sexual assault  
5 treatment plan submitted by a federally qualified health  
6 center within 14 days after receipt of the plan. The  
7 Department shall approve the proposed sexual assault treatment  
8 plan if it finds that the proposed plan:

9 (1) meets the minimum requirements set forth in  
10 Section 5-1;

11 (2) would provide medical forensic services for sexual  
12 assault survivors 13 years old or older on-site during the  
13 approved federally qualified health center's hours of  
14 operation; and

15 (3) includes an emergency protocol for sexual assault  
16 survivors 13 years old or older to be transferred to a  
17 treatment hospital or treatment hospital with approved  
18 pediatric transfer to receive medical forensic services if  
19 medical forensic services are not available by a qualified  
20 medical provider during the approved federally qualified  
21 health center's hours of operation, as required.

22 The Department shall not approve sexual assault treatment  
23 plans for more than 6 federally qualified health centers,  
24 which must be located in geographically diverse areas of the  
25 State. If the Department does not approve a plan, then the  
26 Department shall notify the federally qualified health center

1 that the proposed plan has not been approved. The federally  
2 qualified health center shall have 14 days to submit a revised  
3 plan. The Department shall review the revised plan within 14  
4 days after receipt of the plan and notify the federally  
5 qualified health center whether the revised plan is approved  
6 or rejected. A federally qualified health center may not (i)  
7 provide medical forensic services to sexual assault survivors  
8 13 years old or older who present with a complaint of sexual  
9 assault within a minimum of the previous 7 days or (ii) who  
10 have disclosed past sexual assault by a specific individual  
11 and were in the care of that individual within a minimum of the  
12 previous 7 days until the Department has approved a treatment  
13 plan.

14 Each approved federally qualified health center shall  
15 ensure that any physician, physician assistant, advanced  
16 practice registered nurse, or registered professional nurse  
17 who (i) provides clinical services to sexual assault survivors  
18 and (ii) does not meet the definition of a qualified medical  
19 provider under Section 1a-1 receives (A) a minimum of 2 hours  
20 of sexual assault training within 6 months after June 16, 2022  
21 (the effective date of Public Act 102-1097) ~~this amendatory~~  
22 ~~Act of the 102nd General Assembly~~ or within 6 months after  
23 beginning employment, whichever is later, and (B) a minimum of  
24 2 hours of continuing education on responding to sexual  
25 assault survivors every 2 years. Protocols for training shall  
26 be included in the approved federally qualified health

1 center's sexual assault treatment plan. Sexual assault  
2 training provided under this paragraph may be provided in  
3 person or online and shall include, but not be limited to:

4 (1) information provided on the provision of medical  
5 forensic services;

6 (2) information on the use of the Illinois Sexual  
7 Assault Evidence Collection Kit;

8 (3) information on sexual assault epidemiology,  
9 neurobiology of trauma, drug-facilitated sexual assault,  
10 child sexual abuse, and Illinois sexual assault-related  
11 laws; and

12 (4) information on the approved federally qualified  
13 health center's sexual assault-related policies and  
14 procedures.

15 The online training made available by the Office of the  
16 Attorney General under subsection (b) of Section 10-1 may be  
17 used to comply with the sexual assault training required under  
18 the preceding paragraph.

19 If an approved federally qualified health center is not  
20 open 24 hours a day, 7 days a week, it shall post signage at  
21 each public entrance to its facility that:

22 (1) is at least 14 inches by 14 inches in size;

23 (2) directs those seeking services as follows: "If  
24 closed, call 911 for services or go to the closest  
25 hospital emergency department, (insert name) located at  
26 (insert address).";

1 (3) lists the approved federally qualified health  
2 center's hours of operation;

3 (4) lists the street address of the building;

4 (5) has a black background with white bold capital  
5 lettering in a clear and easy to read font that is at least  
6 72-point type, and with "call 911" in at least 125-point  
7 type;

8 (6) is posted clearly and conspicuously on or adjacent  
9 to the door at each entrance and, if building materials  
10 allow, is posted internally for viewing through glass; if  
11 posted externally, the sign shall be made of  
12 weather-resistant and theft-resistant materials,  
13 non-removable, and adhered permanently to the building;

14 (7) has lighting that is part of the sign itself or is  
15 lit with a dedicated light that fully illuminates the  
16 sign;

17 (8) directs those seeking services as follows: "Call  
18 the local rape crisis center for support."; and

19 (9) includes the name and hotline number, available 24  
20 hours a day, 7 days a week, of the local rape crisis  
21 center.

22 A copy of the proposed sign must be submitted to the  
23 Department and approved as part of the approved federally  
24 qualified health center's sexual assault treatment plan.

25 (c) Each treatment hospital, treatment hospital with  
26 approved pediatric transfer, approved pediatric health care

1 facility, and approved federally qualified health center must  
2 enter into a memorandum of understanding with a rape crisis  
3 center for medical advocacy services, if these services are  
4 available to the treatment hospital, treatment hospital with  
5 approved pediatric transfer, approved pediatric health care  
6 facility, or approved federally qualified health center. With  
7 the consent of the sexual assault survivor, a rape crisis  
8 counselor shall remain in the exam room during the collection  
9 for forensic evidence.

10 An approved federally qualified health center that has a  
11 memorandum of understanding with a rape crisis center must  
12 notify the rape crisis center immediately if medical forensic  
13 services are not available during the approved federally  
14 qualified health center's hours of operation or if the  
15 approved federally qualified health center's treatment plan is  
16 terminated by the Department.

17 (d) Every treatment hospital, treatment hospital with  
18 approved pediatric transfer, approved pediatric health care  
19 facility, and approved federally qualified health center's  
20 sexual assault treatment plan shall include procedures for  
21 complying with mandatory reporting requirements pursuant to  
22 (1) the Abused and Neglected Child Reporting Act; (2) the  
23 Abused and Neglected Long Term Care Facility Residents  
24 Reporting Act; (3) the Adult Protective Services Act; and (iv)  
25 the Criminal Identification Act.

26 (e) Each treatment hospital, treatment hospital with

1 approved pediatric transfer, approved pediatric health care  
2 facility, and approved federally qualified health center shall  
3 submit to the Department every 6 months, in a manner  
4 prescribed by the Department, the following information:

5 (1) The total number of patients who presented with a  
6 complaint of sexual assault.

7 (2) The total number of Illinois Sexual Assault  
8 Evidence Collection Kits:

9 (A) offered to (i) all sexual assault survivors  
10 and (ii) pediatric sexual assault survivors pursuant  
11 to paragraph (1.5) of subsection (a-5) of Section 5-1;

12 (B) completed for (i) all sexual assault survivors  
13 and (ii) pediatric sexual assault survivors; and

14 (C) declined by (i) all sexual assault survivors  
15 and (ii) pediatric sexual assault survivors.

16 This information shall be made available on the  
17 Department's website.

18 (f) This Section is repealed on December 31, 2023.

19 (Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21;  
20 102-674, eff. 11-30-21; 102-1097, eff. 6-16-22; 102-1106, eff.  
21 1-1-23; revised 12-19-22.)

22 (410 ILCS 70/5-1)

23 (Section scheduled to be repealed on December 31, 2023)

24 Sec. 5-1. Minimum requirements for medical forensic  
25 services provided to sexual assault survivors by hospitals,

1 approved pediatric health care facilities, and approved  
2 federally qualified health centers.

3 (a) Every hospital, approved pediatric health care  
4 facility, and approved federally qualified health center  
5 providing medical forensic services to sexual assault  
6 survivors under this Act shall, as minimum requirements for  
7 such services, provide, with the consent of the sexual assault  
8 survivor, and as ordered by the attending physician, an  
9 advanced practice registered nurse, or a physician assistant,  
10 the services set forth in subsection (a-5).

11 Beginning January 1, 2023, a qualified medical provider  
12 must provide the services set forth in subsection (a-5).

13 (a-5) A treatment hospital, a treatment hospital with  
14 approved pediatric transfer, an approved pediatric health care  
15 facility, or an approved federally qualified health center  
16 shall provide the following services in accordance with  
17 subsection (a):

18 (1) Appropriate medical forensic services without  
19 delay, in a private, age-appropriate or  
20 developmentally-appropriate space, required to ensure the  
21 health, safety, and welfare of a sexual assault survivor  
22 and which may be used as evidence in a criminal proceeding  
23 against a person accused of the sexual assault, in a  
24 proceeding under the Juvenile Court Act of 1987, or in an  
25 investigation under the Abused and Neglected Child  
26 Reporting Act.



1           Records of medical forensic services, including  
2           results of examinations and tests, the Illinois State  
3           Police Medical Forensic Documentation Forms, the Illinois  
4           State Police Patient Discharge Materials, and the Illinois  
5           State Police Patient Consent: Collect and Test Evidence or  
6           Collect and Hold Evidence Form, shall be maintained by the  
7           hospital or approved pediatric health care facility as  
8           part of the patient's electronic medical record.

9           Records of medical forensic services of sexual assault  
10          survivors under the age of 18 shall be retained by the  
11          hospital for a period of 60 years after the sexual assault  
12          survivor reaches the age of 18. Records of medical  
13          forensic services of sexual assault survivors 18 years of  
14          age or older shall be retained by the hospital for a period  
15          of 20 years after the date the record was created.

16          Records of medical forensic services may only be  
17          disseminated in accordance with Section 6.5-1 of this Act  
18          and other State and federal law.

19          (1.5) An offer to complete the Illinois Sexual Assault  
20          Evidence Collection Kit for any sexual assault survivor  
21          who presents within a minimum of the last 7 days of the  
22          assault or who has disclosed past sexual assault by a  
23          specific individual and was in the care of that individual  
24          within a minimum of the last 7 days.

25                 (A) Appropriate oral and written information  
26                 concerning evidence-based guidelines for the

1           appropriateness of evidence collection depending on  
2           the sexual development of the sexual assault survivor,  
3           the type of sexual assault, and the timing of the  
4           sexual assault shall be provided to the sexual assault  
5           survivor. Evidence collection is encouraged for  
6           prepubescent sexual assault survivors who present to a  
7           hospital or approved pediatric health care facility  
8           with a complaint of sexual assault within a minimum of  
9           96 hours after the sexual assault.

10           Before January 1, 2023, the information required  
11           under this subparagraph shall be provided in person by  
12           the health care professional providing medical  
13           forensic services directly to the sexual assault  
14           survivor.

15           On and after January 1, 2023, the information  
16           required under this subparagraph shall be provided in  
17           person by the qualified medical provider providing  
18           medical forensic services directly to the sexual  
19           assault survivor.

20           The written information provided shall be the  
21           information created in accordance with Section 10-1 of  
22           this Act.

23           (B) Following the discussion regarding the  
24           evidence-based guidelines for evidence collection in  
25           accordance with subparagraph (A), evidence collection  
26           must be completed at the sexual assault survivor's

1 request. A sexual assault nurse examiner conducting an  
2 examination using the Illinois State Police Sexual  
3 Assault Evidence Collection Kit may do so without the  
4 presence or participation of a physician.

5 (2) Appropriate oral and written information  
6 concerning the possibility of infection, sexually  
7 transmitted infection, including an evaluation of the  
8 sexual assault survivor's risk of contracting human  
9 immunodeficiency virus (HIV) from sexual assault, and  
10 pregnancy resulting from sexual assault.

11 (3) Appropriate oral and written information  
12 concerning accepted medical procedures, laboratory tests,  
13 medication, and possible contraindications of such  
14 medication available for the prevention or treatment of  
15 infection or disease resulting from sexual assault.

16 (3.5) After a medical evidentiary or physical  
17 examination, access to a shower at no cost, unless  
18 showering facilities are unavailable.

19 (4) An amount of medication, including HIV  
20 prophylaxis, for treatment at the hospital, approved  
21 pediatric health care facility, or approved federally  
22 qualified health center and after discharge as is deemed  
23 appropriate by the attending physician, an advanced  
24 practice registered nurse, or a physician assistant in  
25 accordance with the Centers for Disease Control and  
26 Prevention guidelines and consistent with the hospital's

1 or approved pediatric health care facility's current  
2 approved protocol for sexual assault survivors.

3 (5) Photo documentation of the sexual assault  
4 survivor's injuries, anatomy involved in the assault, or  
5 other visible evidence on the sexual assault survivor's  
6 body to supplement the medical forensic history and  
7 written documentation of physical findings and evidence  
8 beginning July 1, 2019. Photo documentation does not  
9 replace written documentation of the injury.

10 (6) Written and oral instructions indicating the need  
11 for follow-up examinations and laboratory tests after the  
12 sexual assault to determine the presence or absence of  
13 sexually transmitted infection.

14 (7) Referral by hospital, approved pediatric health  
15 care facility, or approved federally qualified health  
16 center personnel for appropriate counseling.

17 (8) Medical advocacy services provided by a rape  
18 crisis counselor whose communications are protected under  
19 Section 8-802.1 of the Code of Civil Procedure, if there  
20 is a memorandum of understanding between the hospital,  
21 approved pediatric health care facility, or approved  
22 federally qualified health center and a rape crisis  
23 center. With the consent of the sexual assault survivor, a  
24 rape crisis counselor shall remain in the exam room during  
25 the medical forensic examination.

26 (9) Written information regarding services provided by

1 a Children's Advocacy Center and rape crisis center, if  
2 applicable.

3 (10) A treatment hospital, a treatment hospital with  
4 approved pediatric transfer, an out-of-state hospital as  
5 defined in Section 5.4, an approved pediatric health care  
6 facility, or an approved federally qualified health center  
7 shall comply with the rules relating to the collection and  
8 tracking of sexual assault evidence adopted by the  
9 Illinois Department of State Police under Section 50 of  
10 the Sexual Assault Evidence Submission Act.

11 (11) Written information regarding the Illinois State  
12 Police sexual assault evidence tracking system.

13 (a-7) By January 1, 2023, every hospital with a treatment  
14 plan approved by the Department shall employ or contract with  
15 a qualified medical provider to initiate medical forensic  
16 services to a sexual assault survivor within 90 minutes of the  
17 patient presenting to the treatment hospital or treatment  
18 hospital with approved pediatric transfer. The provision of  
19 medical forensic services by a qualified medical provider  
20 shall not delay the provision of life-saving medical care.

21 (a-10) Every federally qualified health center with a  
22 treatment plan approved by the Department shall employ or  
23 contract with a qualified medical provider to initiate medical  
24 forensic services to a sexual assault survivor within 90  
25 minutes of the patient presenting to the federally qualified  
26 health center. The provision of medical forensic services by a

1 qualified medical provider shall not delay the provision of  
2 life-saving medical care.

3 (b) Any person who is a sexual assault survivor who seeks  
4 medical forensic services or follow-up healthcare under this  
5 Act shall be provided such services without the consent of any  
6 parent, guardian, custodian, surrogate, or agent. If a sexual  
7 assault survivor is unable to consent to medical forensic  
8 services, the services may be provided under the Consent by  
9 Minors to Health Care Services Act, the Health Care Surrogate  
10 Act, or other applicable State and federal laws.

11 (b-5) Every hospital, approved pediatric health care  
12 facility, or approved federally qualified health center  
13 providing medical forensic services to sexual assault  
14 survivors shall issue a voucher to any sexual assault survivor  
15 who is eligible to receive one in accordance with Section  
16 5.2-1 of this Act. The hospital, approved pediatric health  
17 care facility, or approved federally qualified health center  
18 shall make a copy of the voucher and place it in the medical  
19 record of the sexual assault survivor. The hospital, approved  
20 pediatric health care facility, or approved federally  
21 qualified health center shall provide a copy of the voucher to  
22 the sexual assault survivor after discharge upon request.

23 (c) Nothing in this Section creates a physician-patient  
24 relationship that extends beyond discharge from the hospital,  
25 or approved pediatric health care facility, or approved  
26 federally qualified health center.

1 (d) This Section is repealed on December 31, 2023.  
2 (Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21;  
3 102-674, eff. 11-30-21; 102-1097, eff. 6-16-22; 102-1106, eff.  
4 1-1-23; revised 12-19-22.)

5 (410 ILCS 70/5.4)

6 Sec. 5.4. Out-of-state hospitals.

7 (a) Nothing in this Section shall prohibit the transfer of  
8 a patient in need of medical services from a hospital that has  
9 been designated as a trauma center by the Department in  
10 accordance with Section 3.90 of the Emergency Medical Services  
11 (EMS) Systems Act.

12 (b) A transfer hospital, treatment hospital with approved  
13 pediatric transfer, or approved pediatric health care facility  
14 may transfer a sexual assault survivor to an out-of-state  
15 hospital that is located in a county that borders Illinois if  
16 the out-of-state hospital: (1) submits an areawide treatment  
17 plan approved by the Department; and (2) has certified the  
18 following to the Department in a form and manner prescribed by  
19 the Department that the out-of-state hospital will:

20 (i) consent to the jurisdiction of the Department in  
21 accordance with Section 2.06 of this Act;

22 (ii) comply with all requirements of this Act  
23 applicable to treatment hospitals, including, but not  
24 limited to, offering evidence collection to any Illinois  
25 sexual assault survivor who presents with a complaint of

1 sexual assault within a minimum of the last 7 days or who  
2 has disclosed past sexual assault by a specific individual  
3 and was in the care of that individual within a minimum of  
4 the last 7 days and not billing the sexual assault  
5 survivor for medical forensic services or 180 days of  
6 follow-up healthcare;

7 (iii) use an Illinois State Police Sexual Assault  
8 Evidence Collection Kit to collect forensic evidence from  
9 an Illinois sexual assault survivor;

10 (iv) ensure its staff cooperates with Illinois law  
11 enforcement agencies and are responsive to subpoenas  
12 issued by Illinois courts; and

13 (v) provide appropriate transportation upon the  
14 completion of medical forensic services back to the  
15 transfer hospital or treatment hospital with pediatric  
16 transfer where the sexual assault survivor initially  
17 presented seeking medical forensic services, unless the  
18 sexual assault survivor chooses to arrange his or her own  
19 transportation.

20 (c) Subsection (b) of this Section is inoperative on and  
21 after January 1, 2029.

22 (Source: P.A. 102-1097, eff. 1-1-23; 102-1106, eff. 1-1-23;  
23 revised 12-19-22.)

24 (410 ILCS 70/7)

25 Sec. 7. Reimbursement.



1 (a) A hospital, approved pediatric health care facility,  
2 or health care professional furnishing medical forensic  
3 services, an ambulance provider furnishing transportation to a  
4 sexual assault survivor, a hospital, health care professional,  
5 or laboratory providing follow-up healthcare, or a pharmacy  
6 dispensing prescribed medications to any sexual assault  
7 survivor shall furnish such services or medications to that  
8 person without charge and shall seek payment as follows:

9 (1) If a sexual assault survivor is eligible to  
10 receive benefits under the medical assistance program  
11 under Article V of the Illinois Public Aid Code, the  
12 ambulance provider, hospital, approved pediatric health  
13 care facility, health care professional, laboratory, or  
14 pharmacy must submit the bill to the Department of  
15 Healthcare and Family Services or the appropriate Medicaid  
16 managed care organization and accept the amount paid as  
17 full payment.

18 (2) If a sexual assault survivor is covered by one or  
19 more policies of health insurance or is a beneficiary  
20 under a public or private health coverage program, the  
21 ambulance provider, hospital, approved pediatric health  
22 care facility, health care professional, laboratory, or  
23 pharmacy shall bill the insurance company or program. With  
24 respect to such insured patients, applicable deductible,  
25 co-pay, co-insurance, denial of claim, or any other  
26 out-of-pocket insurance-related expense may be submitted

1 to the Illinois Sexual Assault Emergency Treatment Program  
2 of the Department of Healthcare and Family Services in  
3 accordance with 89 Ill. Adm. Code 148.510 for payment at  
4 the Department of Healthcare and Family Services'  
5 allowable rates under the Illinois Public Aid Code. The  
6 ambulance provider, hospital, approved pediatric health  
7 care facility, health care professional, laboratory, or  
8 pharmacy shall accept the amounts paid by the insurance  
9 company or health coverage program and the Illinois Sexual  
10 Assault Treatment Program as full payment.

11 (3) If a sexual assault survivor (i) is neither  
12 eligible to receive benefits under the medical assistance  
13 program under Article V of the Illinois Public Aid Code  
14 nor covered by a policy of insurance or a public or private  
15 health coverage program or (ii) opts out of billing a  
16 private insurance provider, as permitted under subsection  
17 (a-5) of Section 7.5, the ambulance provider, hospital,  
18 approved pediatric health care facility, health care  
19 professional, laboratory, or pharmacy shall submit the  
20 request for reimbursement to the Illinois Sexual Assault  
21 Emergency Treatment Program under the Department of  
22 Healthcare and Family Services in accordance with 89 Ill.  
23 Adm. Code 148.510 at the Department of Healthcare and  
24 Family Services' allowable rates under the Illinois Public  
25 Aid Code.

26 (4) If a sexual assault survivor presents a sexual

1 assault services voucher for follow-up healthcare, the  
2 healthcare professional, pediatric health care facility,  
3 or laboratory that provides follow-up healthcare or the  
4 pharmacy that dispenses prescribed medications to a sexual  
5 assault survivor shall submit the request for  
6 reimbursement for follow-up healthcare, pediatric health  
7 care facility, laboratory, or pharmacy services to the  
8 Illinois Sexual Assault Emergency Treatment Program under  
9 the Department of Healthcare and Family Services in  
10 accordance with 89 Ill. Adm. Code 148.510 at the  
11 Department of Healthcare and Family Services' allowable  
12 rates under the Illinois Public Aid Code. Nothing in this  
13 subsection (a) precludes hospitals or approved pediatric  
14 health care facilities from providing follow-up healthcare  
15 and receiving reimbursement under this Section.

16 (b) Nothing in this Section precludes a hospital, health  
17 care provider, ambulance provider, laboratory, or pharmacy  
18 from billing the sexual assault survivor or any applicable  
19 health insurance or coverage for inpatient services.

20 (b-5) Medical forensic services furnished by a person or  
21 entity described under subsection (a) to any sexual assault  
22 survivor on or after July 1, 2022 that are required under this  
23 Act to be reimbursed by the Department of Healthcare and  
24 Family Services, the Illinois Sexual Assault Emergency  
25 Treatment Program under the Department of Healthcare and  
26 Family Services, or the appropriate Medicaid managed care

1 organization shall be reimbursed at a rate of at least \$1,000.

2 (c) (Blank).

3 (d) (Blank).

4 (e) The Department of Healthcare and Family Services shall  
5 establish standards, rules, and regulations to implement this  
6 Section.

7 (f) This Section is effective on and after January 1,  
8 2024.

9 (Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21;  
10 102-674, eff. 11-30-21; 102-699, Article 30, Section 30-5,  
11 eff. 4-19-22; 102-699, Article 35, Section 35-5 (See Section  
12 99-99 of P.A. 102-699 and Section 99 of P.A. 102-1097  
13 regarding the effective date of changes made in Article 35 of  
14 P.A. 102-699); revised 12-14-22.)

15 (410 ILCS 70/7-1)

16 (Section scheduled to be repealed on December 31, 2023)

17 Sec. 7-1. Reimbursement

18 (a) A hospital, approved pediatric health care facility,  
19 approved federally qualified health center, or health care  
20 professional furnishing medical forensic services, an  
21 ambulance provider furnishing transportation to a sexual  
22 assault survivor, a hospital, health care professional, or  
23 laboratory providing follow-up healthcare, or a pharmacy  
24 dispensing prescribed medications to any sexual assault  
25 survivor shall furnish such services or medications to that

1 person without charge and shall seek payment as follows:

2 (1) If a sexual assault survivor is eligible to  
3 receive benefits under the medical assistance program  
4 under Article V of the Illinois Public Aid Code, the  
5 ambulance provider, hospital, approved pediatric health  
6 care facility, approved federally qualified health center,  
7 health care professional, laboratory, or pharmacy must  
8 submit the bill to the Department of Healthcare and Family  
9 Services or the appropriate Medicaid managed care  
10 organization and accept the amount paid as full payment.

11 (2) If a sexual assault survivor is covered by one or  
12 more policies of health insurance or is a beneficiary  
13 under a public or private health coverage program, the  
14 ambulance provider, hospital, approved pediatric health  
15 care facility, approved federally qualified health center,  
16 health care professional, laboratory, or pharmacy shall  
17 bill the insurance company or program. With respect to  
18 such insured patients, applicable deductible, co-pay,  
19 co-insurance, denial of claim, or any other out-of-pocket  
20 insurance-related expense may be submitted to the Illinois  
21 Sexual Assault Emergency Treatment Program of the  
22 Department of Healthcare and Family Services in accordance  
23 with 89 Ill. Adm. Code 148.510 for payment at the  
24 Department of Healthcare and Family Services' allowable  
25 rates under the Illinois Public Aid Code. The ambulance  
26 provider, hospital, approved pediatric health care

1 facility, approved federally qualified health center,  
2 health care professional, laboratory, or pharmacy shall  
3 accept the amounts paid by the insurance company or health  
4 coverage program and the Illinois Sexual Assault Treatment  
5 Program as full payment.

6 (3) If a sexual assault survivor (i) is neither  
7 eligible to receive benefits under the medical assistance  
8 program under Article V of the Illinois Public Aid Code  
9 nor covered by a policy of insurance or a public or private  
10 health coverage program or (ii) opts out of billing a  
11 private insurance provider, as permitted under subsection  
12 (a-5) of Section 7.5, the ambulance provider, hospital,  
13 approved pediatric health care facility, approved  
14 federally qualified health center, health care  
15 professional, laboratory, or pharmacy shall submit the  
16 request for reimbursement to the Illinois Sexual Assault  
17 Emergency Treatment Program under the Department of  
18 Healthcare and Family Services in accordance with 89 Ill.  
19 Adm. Code 148.510 at the Department of Healthcare and  
20 Family Services' allowable rates under the Illinois Public  
21 Aid Code.

22 (4) If a sexual assault survivor presents a sexual  
23 assault services voucher for follow-up healthcare, the  
24 healthcare professional, pediatric health care facility,  
25 federally qualified health center, or laboratory that  
26 provides follow-up healthcare or the pharmacy that

1 dispenses prescribed medications to a sexual assault  
2 survivor shall submit the request for reimbursement for  
3 follow-up healthcare, pediatric health care facility,  
4 laboratory, or pharmacy services to the Illinois Sexual  
5 Assault Emergency Treatment Program under the Department  
6 of Healthcare and Family Services in accordance with 89  
7 Ill. Adm. Code 148.510 at the Department of Healthcare and  
8 Family Services' allowable rates under the Illinois Public  
9 Aid Code. Nothing in this subsection (a) precludes  
10 hospitals, or approved pediatric health care facilities or  
11 approved federally qualified health centers from providing  
12 follow-up healthcare and receiving reimbursement under  
13 this Section.

14 (b) Nothing in this Section precludes a hospital, health  
15 care provider, ambulance provider, laboratory, or pharmacy  
16 from billing the sexual assault survivor or any applicable  
17 health insurance or coverage for inpatient services.

18 (b-5) Medical forensic services furnished by a person or  
19 entity described under subsection (a) to any sexual assault  
20 survivor on or after July 1, 2022 that are required under this  
21 Act to be reimbursed by the Department of Healthcare and  
22 Family Services, the Illinois Sexual Assault Emergency  
23 Treatment Program under the Department of Healthcare and  
24 Family Services, or the appropriate Medicaid managed care  
25 organization shall be reimbursed at a rate of at least \$1,000.

26 (c) (Blank).

1 (d) (Blank).

2 (e) The Department of Healthcare and Family Services shall  
3 establish standards, rules, and regulations to implement this  
4 Section.

5 (f) This Section is repealed on December 31, 2023.

6 (Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21;  
7 102-674, eff. 11-30-21; 102-699, Article 30, Section 30-5,  
8 eff. 4-19-22; 102-699, Article 35, Section 35-5 (See Section  
9 99-99 of P.A. 102-699 and Section 99 of P.A. 102-1097  
10 regarding the effective date of changes made in Article 35 of  
11 P.A. 102-699); revised 12-14-22.)

12 (410 ILCS 70/9.5)

13 (Section scheduled to be repealed on January 1, 2025)

14 Sec. 9.5. Sexual Assault Medical Forensic Services  
15 Implementation Task Force.

16 (a) The Sexual Assault Medical Forensic Services  
17 Implementation Task Force is created to assist hospitals and  
18 approved pediatric health care facilities with the  
19 implementation of the changes made by Public Act 100-775 ~~this~~  
20 ~~amendatory Act of the 100th General Assembly~~. The Task Force  
21 shall consist of the following members, who shall serve  
22 without compensation:

23 (1) one member of the Senate appointed by the  
24 President of the Senate, who may designate an alternate  
25 member;



1           (2) one member of the Senate appointed by the Minority  
2 Leader of the Senate, who may designate an alternate  
3 member;

4           (3) one member of the House of Representatives  
5 appointed by the Speaker of the House of Representatives,  
6 who may designate an alternate member;

7           (4) one member of the House of Representatives  
8 appointed by the Minority Leader of the House of  
9 Representatives, who may designate an alternate member;

10          (5) two members representing the Office of the  
11 Attorney General appointed by the Attorney General, one of  
12 whom shall be the Sexual Assault Nurse Examiner  
13 Coordinator for the State of Illinois;

14          (6) one member representing the Department of Public  
15 Health appointed by the Director of Public Health;

16          (7) one member representing the Illinois State Police  
17 appointed by the Director of the Illinois State Police;

18          (8) one member representing the Department of  
19 Healthcare and Family Services appointed by the Director  
20 of Healthcare and Family Services;

21          (9) six members representing hospitals appointed by  
22 the head of a statewide organization representing the  
23 interests of hospitals in Illinois, at least one of whom  
24 shall represent small and rural hospitals and at least one  
25 of these members shall represent urban hospitals;

26          (10) one member representing physicians appointed by

1 the head of a statewide organization representing the  
2 interests of physicians in Illinois;

3 (11) one member representing emergency physicians  
4 appointed by the head of a statewide organization  
5 representing the interests of emergency physicians in  
6 Illinois;

7 (12) two members representing child abuse  
8 pediatricians appointed by the head of a statewide  
9 organization representing the interests of child abuse  
10 pediatricians in Illinois, at least one of whom shall  
11 represent child abuse pediatricians providing medical  
12 forensic services in rural locations and at least one of  
13 whom shall represent child abuse pediatricians providing  
14 medical forensic services in urban locations;

15 (13) one member representing nurses appointed by the  
16 head of a statewide organization representing the  
17 interests of nurses in Illinois;

18 (14) two members representing sexual assault nurse  
19 examiners appointed by the head of a statewide  
20 organization representing the interests of forensic nurses  
21 in Illinois, at least one of whom shall represent  
22 pediatric/adolescent sexual assault nurse examiners and at  
23 least one of these members shall represent  
24 adult/adolescent sexual assault nurse examiners;

25 (15) one member representing State's Attorneys  
26 appointed by the head of a statewide organization

1 representing the interests of State's Attorneys in  
2 Illinois;

3 (16) three members representing sexual assault  
4 survivors appointed by the head of a statewide  
5 organization representing the interests of sexual assault  
6 survivors and rape crisis centers, at least one of whom  
7 shall represent rural rape crisis centers and at least one  
8 of whom shall represent urban rape crisis centers;

9 (17) two members representing children's advocacy  
10 centers appointed by the head of a statewide organization  
11 representing the interests of children's advocacy centers  
12 in Illinois, one of whom represents rural child advocacy  
13 centers and one of whom represents urban child advocacy  
14 centers; and

15 (18) one member representing approved federally  
16 qualified health centers appointed by the Director of  
17 Public Health.

18 The members representing the Office of the Attorney  
19 General and the Department of Public Health shall serve as  
20 co-chairpersons of the Task Force. The Office of the Attorney  
21 General shall provide administrative and other support to the  
22 Task Force.

23 (b) The first meeting of the Task Force shall be called by  
24 the co-chairpersons no later than 90 days after the effective  
25 date of this Section.

26 (c) The goals of the Task Force shall include, but not be

1 limited to, the following:

2 (1) to facilitate the development of areawide  
3 treatment plans among hospitals and pediatric health care  
4 facilities;

5 (2) to facilitate the development of on-call systems  
6 of qualified medical providers and assist hospitals with  
7 the development of plans to employ or contract with a  
8 qualified medical provider to initiate medical forensic  
9 services to a sexual assault survivor within 90 minutes of  
10 the patient presenting to the hospital as required in  
11 subsection (a-7) of Section 5;

12 (3) to identify photography and storage options for  
13 hospitals to comply with the photo documentation  
14 requirements in Sections 5 and 5.1;

15 (4) to develop a model written agreement for use by  
16 rape crisis centers, hospitals, and approved pediatric  
17 health care facilities with sexual assault treatment plans  
18 to comply with subsection (c) of Section 2;

19 (5) to develop and distribute educational information  
20 regarding the implementation of this Act to hospitals,  
21 health care providers, rape crisis centers, children's  
22 advocacy centers, State's Attorney's offices;

23 (6) to examine the role of telemedicine in the  
24 provision of medical forensic services under this Act and  
25 to develop recommendations for statutory change and  
26 standards and procedures for the use of telemedicine to be

1 adopted by the Department;

2 (7) to seek inclusion of the International Association  
3 of Forensic Nurses Sexual Assault Nurse Examiner Education  
4 Guidelines for nurses within the registered nurse training  
5 curriculum in Illinois nursing programs and the American  
6 College of Emergency Physicians Management of the Patient  
7 with the Complaint of Sexual Assault for emergency  
8 physicians within the Illinois residency training  
9 curriculum for emergency physicians; and

10 (8) to submit a report to the General Assembly by  
11 January 1, 2024 regarding the status of implementation of  
12 Public Act 100-775 ~~this amendatory Act of the 100th~~  
13 ~~General Assembly~~, including, but not limited to, the  
14 impact of transfers to out-of-state hospitals on sexual  
15 assault survivors, the availability of treatment hospitals  
16 in Illinois, and the status of pediatric sexual assault  
17 care. The report shall also cover the impact of medical  
18 forensic services provided at approved federally qualified  
19 health centers on sexual assault survivors. The report to  
20 the General Assembly shall be filed with the Clerk of the  
21 House of Representatives and the Secretary of the Senate  
22 in electronic form only, in the manner that the Clerk and  
23 the Secretary shall direct.

24 (d) This Section is repealed on January 1, 2025.

25 (Source: P.A. 102-538, eff. 8-20-21; 102-1097, eff. 6-16-22;  
26 102-1106, eff. 12-14-22; revised 12-19-22.)

1 Section 585. The Vital Records Act is amended by changing  
2 Section 18 as follows:

3 (410 ILCS 535/18) (from Ch. 111 1/2, par. 73-18)

4 Sec. 18. (1) Each death which occurs in this State shall be  
5 registered by filing a death certificate with the local  
6 registrar of the district in which the death occurred or the  
7 body was found, within 7 days after such death (within 5 days  
8 if the death occurs prior to January 1, 1989) and prior to  
9 cremation or removal of the body from the State, except when  
10 death is subject to investigation by the coroner or medical  
11 examiner.

12 (a) For the purposes of this Section, if the place of  
13 death is unknown, a death certificate shall be filed in  
14 the registration district in which a dead body is found,  
15 which shall be considered the place of death.

16 (b) When a death occurs on a moving conveyance, the  
17 place where the body is first removed from the conveyance  
18 shall be considered the place of death and a death  
19 certificate shall be filed in the registration district in  
20 which such place is located.

21 (c) The funeral director who first assumes custody of  
22 a dead body shall be responsible for filing a completed  
23 death certificate. He or she shall obtain the personal  
24 data from the next of kin or the best qualified person or

1 source available; he or she shall enter on the certificate  
2 the name, relationship, and address of the informant; he  
3 or she shall enter the date, place, and method of final  
4 disposition; he or she shall affix his or her own  
5 signature and enter his or her address; and shall present  
6 the certificate to the person responsible for completing  
7 the medical certification of cause of death. The person  
8 responsible for completing the medical certification of  
9 cause of death must note the presence of  
10 methicillin-resistant staphylococcus aureus, clostridium  
11 difficile, or vancomycin-resistant enterococci if it is a  
12 contributing factor to or the cause of death. Additional  
13 multi-drug resistant organisms (MDROs) may be added to  
14 this list by the Department by rule.

15 (2) The medical certification shall be completed and  
16 signed within 48 hours after death by the certifying health  
17 care professional who, within 12 months prior to the date of  
18 the patient's death, was treating or managing treatment of the  
19 patient's illness or condition which resulted in death, except  
20 when death is subject to the coroner's or medical examiner's  
21 investigation. In the absence of the certifying health care  
22 professional or with his or her approval, the medical  
23 certificate may be completed and signed by his or her  
24 associate physician, ~~or~~ advanced practice registered nurse, or  
25 physician assistant, the chief medical officer of the  
26 institution in which death occurred, or ~~by~~ the physician who

1 performed an autopsy upon the decedent.

2 (3) When a death occurs without medical attendance, or  
3 when it is otherwise subject to the coroner's or medical  
4 examiner's investigation, the coroner or medical examiner  
5 shall be responsible for the completion of a coroner's or  
6 medical examiner's certificate of death and shall sign the  
7 medical certification within 48 hours after death, except as  
8 provided by regulation in special problem cases. If the  
9 decedent was under the age of 18 years at the time of his or  
10 her death, and the death was due to injuries suffered as a  
11 result of a motor vehicle backing over a child, or if the death  
12 occurred due to the power window of a motor vehicle, the  
13 coroner or medical examiner must send a copy of the medical  
14 certification, with information documenting that the death was  
15 due to a vehicle backing over the child or that the death was  
16 caused by a power window of a vehicle, to the Department of  
17 Children and Family Services. The Department of Children and  
18 Family Services shall (i) collect this information for use by  
19 Child Death Review Teams and (ii) compile and maintain this  
20 information as part of its Annual Child Death Review Team  
21 Report to the General Assembly.

22 (3.5) The medical certification of cause of death shall  
23 expressly provide an opportunity for the person completing the  
24 certification to indicate that the death was caused in whole  
25 or in part by a dementia-related disease, Parkinson's Disease,  
26 or Parkinson-Dementia Complex.



1 (4) When the deceased was a veteran of any war of the  
2 United States, the funeral director shall prepare a  
3 "Certificate of Burial of U. S. War Veteran", as prescribed  
4 and furnished by the Illinois Department of Veterans' Affairs,  
5 and submit such certificate to the Illinois Department of  
6 Veterans' Affairs monthly.

7 (5) When a death is presumed to have occurred in this State  
8 but the body cannot be located, a death certificate may be  
9 prepared by the State Registrar upon receipt of an order of a  
10 court of competent jurisdiction which includes the finding of  
11 facts required to complete the death certificate. Such death  
12 certificate shall be marked "Presumptive" and shall show on  
13 its face the date of the registration and shall identify the  
14 court and the date of the judgment.

15 (Source: P.A. 102-257, eff. 1-1-22; 102-844, eff. 1-1-23;  
16 revised 12-12-22.)

17 Section 590. The Sanitary Food Preparation Act is amended  
18 by changing Sections 2 and 8 as follows:

19 (410 ILCS 650/2) (from Ch. 56 1/2, par. 68)

20 Sec. 2. The floors, sidewalks, ceilings, furniture,  
21 receptacles, implements, and machinery of every such  
22 establishment or place where such food intended for sale is  
23 produced, prepared, manufactured, packed, stored, sold, or  
24 distributed, and all cars, trucks, and vehicles used in the

1 transportation of such food products, shall at no time be kept  
2 or permitted to remain in an unclean, unhealthful, or  
3 insanitary condition; and for the purpose of this Act ~~act~~,  
4 unclean, unhealthful, or insanitary conditions shall be deemed  
5 to exist if food in the process of production, preparation,  
6 manufacture, packing, storing, sale, distribution, or  
7 transportation is not securely protected from flies, dust,  
8 dirt, and, as far as may be necessary by all reasonable means,  
9 from all other foreign or injurious contamination; or if the  
10 refuse, dirt, or waste products subject to decomposition and  
11 fermentation incident to the manufacture, preparation,  
12 packing, storing, selling, distributing, or transportation of  
13 such food are not removed daily, or if all trucks, trays,  
14 boxes, buckets, or other receptacles, or the shutes,  
15 platforms, racks, tables, shelves, and knives, saws, cleavers,  
16 or other utensils, or the machinery used in moving, handling,  
17 cutting, chopping, mixing, canning, or other processes are not  
18 thoroughly cleaned daily; or if the clothing of operatives,  
19 employees ~~employes~~, clerks, or other persons therein employed,  
20 is unclean.

21 (Source: P.A. 80-1495; revised 8-24-22.)

22 (410 ILCS 650/8) (from Ch. 56 1/2, par. 74)

23 Sec. 8. No operative, employee ~~employe~~, or other persons  
24 shall expectorate on the food or on the utensils or on the  
25 floors or sidewalls of any building, room, basement, or cellar

1 where the production, preparation, manufacture, packing,  
2 storing, or sale of any such food is conducted. Operatives,  
3 employees ~~employes~~, clerks, and all other persons who handle  
4 the material from which such food is prepared or the finished  
5 product, before beginning work, or after visiting toilet or  
6 toilets, shall wash their hands thoroughly in clean water.  
7 Whoever fails to observe or violates the provisions of this  
8 Section shall be guilty of a petty offense and fined not more  
9 than \$25.

10 (Source: P.A. 77-2695; revised 8-24-22.)

11 Section 595. The Drug Take-Back Act is amended by changing  
12 Section 25 as follows:

13 (410 ILCS 720/25)

14 Sec. 25. Drug take-back program requirements.

15 (a) At least 120 days prior to submitting a proposal under  
16 Section 35, a manufacturer program operator must notify  
17 potential authorized collectors of the opportunity to serve as  
18 an authorized collector for the proposed drug take-back  
19 program. No later than 30 days after a potential authorized  
20 collector expresses interest in participating in a proposed  
21 program, the manufacturer program operator must commence good  
22 faith negotiations with the potential authorized collector  
23 regarding the collector's participation in the program.

24 (b) A person may serve as an authorized collector for a

1 drug take-back program voluntarily or in exchange for  
2 compensation. Nothing in this Act requires any person to serve  
3 as an authorized collector for a drug take-back program.

4 (c) A pharmacy shall not be required to participate in a  
5 drug take-back program.

6 (d) A drug take-back program must include as a collector  
7 any person who (i) is a potential authorized collector and  
8 (ii) offers to participate in the program. The manufacturer  
9 program operator must include the person in the program as an  
10 authorized collector no later than 90 days after receiving a  
11 written offer to participate.

12 (e) A drug take-back program must pay for all  
13 administrative and operational costs of the drug take-back  
14 program, as outlined in subsection (a) of Section 55.

15 (f) An authorized collector operating a drug take-back  
16 program collection site must accept all covered drugs from  
17 consumers during the hours that the location used as a  
18 collection site is normally open for business to the public.

19 (g) A drug take-back program collection site must collect  
20 covered drugs and store them in compliance with State and  
21 federal law, including United States Drug Enforcement  
22 Administration regulations. The manufacturer program operator  
23 must provide for transportation and disposal of collected  
24 covered drugs in a manner that ensures each collection site is  
25 serviced as often as necessary to avoid reaching capacity and  
26 that collected covered drugs are transported to final disposal

1 in a manner compliant with State and federal law, including a  
2 process for additional prompt collection service upon  
3 notification from the collection site. Covered drugs shall be  
4 disposed of at:

5 (1) a permitted hazardous waste facility that meets  
6 the requirements under 40 CFR 264 and 40 CFR 265;

7 (2) a permitted municipal waste incinerator that meets  
8 the requirements under 40 CFR 50 and 40 CFR 62; or

9 (3) a permitted hospital, medical, and infectious  
10 waste incinerator that meets the requirements under  
11 subpart HHH of 40 CFR part 62, an applicable State plan for  
12 existing hospital, medical, and infectious waste  
13 incinerators, or subpart Ec of 40 CFR part 60 for new  
14 hospital, medical, and infectious waste incinerators.

15 (h) Authorized collectors must comply with all State and  
16 federal laws and regulations governing the collection,  
17 storage, and disposal of covered drugs, including United  
18 States Drug Enforcement Administration regulations.

19 (i) A drug take-back program must provide for the  
20 collection, transportation, and disposal of covered drugs on  
21 an ongoing, year-round basis and must provide access for  
22 residents across the State as set forth in subsection (j).

23 (j) A drug take-back program shall provide, in every  
24 county with a potential authorized collector, one authorized  
25 collection site and a minimum of at least one additional  
26 collection site for every 50,000 county residents, provided

1 that there are enough potential authorized collectors offering  
2 to participate in the drug take-back program.

3 All potential authorized collection sites that offer to  
4 participate in a drug take-back program shall be counted  
5 toward ~~towards~~ meeting the minimum number of authorized  
6 collection sites within a drug take-back program. Collection  
7 sites funded in part or in whole under a contract between a  
8 covered manufacturer and a pharmacy entered into on or before  
9 June 10, 2022 (the effective date of this Act) shall be counted  
10 toward ~~towards~~ the minimum requirements within this Section  
11 for so long as the contract continues.

12 (k) A drug take-back program may include mail-back  
13 distribution locations or periodic collection events for each  
14 county in the State. The manufacturer program operator shall  
15 consult with each county authority identified in the written  
16 notice prior to preparing the program plan to determine the  
17 role that mail-back distribution locations or periodic  
18 collection events will have in the drug take-back program.

19 The requirement to hold periodic collection events shall  
20 be deemed to be satisfied if a manufacturer program operator  
21 makes reasonable efforts to arrange periodic collection events  
22 but they cannot be scheduled due to lack of law enforcement  
23 availability.

24 A drug take-back program must permit a consumer who is a  
25 homeless, homebound, or disabled individual to request  
26 prepaid, preaddressed mailing envelopes. A manufacturer

1 program operator shall accept the request through a website  
2 and toll-free telephone number that it must maintain to comply  
3 with the requests.

4 (Source: P.A. 102-1055, eff. 6-10-22; revised 8-24-22.)

5 Section 600. The Environmental Protection Act is amended  
6 by changing Sections 10, 22.15, and 22.59 as follows:

7 (415 ILCS 5/10) (from Ch. 111 1/2, par. 1010)

8 Sec. 10. Regulations.

9 (A) The Board, pursuant to procedures prescribed in Title  
10 VII of this Act, may adopt regulations to promote the purposes  
11 of this Title. Without limiting the generality of this  
12 authority, such regulations may among other things prescribe:

13 (a) (Blank);

14 (b) Emission standards specifying the maximum amounts  
15 or concentrations of various contaminants that may be  
16 discharged into the atmosphere;

17 (c) Standards for the issuance of permits for  
18 construction, installation, or operation of any equipment,  
19 facility, vehicle, vessel, or aircraft capable of causing  
20 or contributing to air pollution or designed to prevent  
21 air pollution;

22 (d) Standards and conditions regarding the sale,  
23 offer, or use of any fuel, vehicle, or other article  
24 determined by the Board to constitute an air-pollution

1 hazard;

2 (e) Alert and abatement standards relative to  
3 air-pollution episodes or emergencies constituting an  
4 acute danger to health or to the environment;

5 (f) Requirements and procedures for the inspection of  
6 any equipment, facility, vehicle, vessel, or aircraft that  
7 may cause or contribute to air pollution;

8 (g) Requirements and standards for equipment and  
9 procedures for monitoring contaminant discharges at their  
10 sources, the collection of samples, and the collection,  
11 reporting, and retention of data resulting from such  
12 monitoring.

13 (B) The Board may adopt regulations and emission standards  
14 that are applicable or that may become applicable to  
15 stationary emission sources located in all areas of the State  
16 in accordance with any of the following:

17 (1) that are required by federal law;

18 (2) that are otherwise part of the State's attainment  
19 plan and are necessary to attain the national ambient air  
20 quality standards; or

21 (3) that are necessary to comply with the requirements  
22 of the federal Clean Air Act.

23 (C) The Board may not adopt any regulation banning the  
24 burning of landscape waste throughout the State generally. The  
25 Board may, by regulation, restrict or prohibit the burning of  
26 landscape waste within any geographical area of the State if



1 it determines based on medical and biological evidence  
2 generally accepted by the scientific community that such  
3 burning will produce in the atmosphere of that geographical  
4 area contaminants in sufficient quantities and of such  
5 characteristics and duration as to be injurious to human  
6 ~~humans~~, plant, or animal life~~7~~ or health.

7 (D) The Board shall adopt regulations requiring the owner  
8 or operator of a gasoline dispensing system that dispenses  
9 more than 10,000 gallons of gasoline per month to install and  
10 operate a system for the recovery of gasoline vapor emissions  
11 arising from the fueling of motor vehicles that meets the  
12 requirements of Section 182 of the federal Clean Air Act (42  
13 U.S.C. USC 7511a). These regulations shall apply only in areas  
14 of the State that are classified as moderate, serious, severe,  
15 or extreme nonattainment areas for ozone pursuant to Section  
16 181 of the federal Clean Air Act (42 U.S.C. USC 7511), but  
17 shall not apply in such areas classified as moderate  
18 nonattainment areas for ozone if the Administrator of the U.S.  
19 Environmental Protection Agency promulgates standards for  
20 vehicle-based (onboard) systems for the control of vehicle  
21 refueling emissions pursuant to Section 202(a)(6) of the  
22 federal Clean Air Act (42 U.S.C. USC 7521(a)(6)) by November  
23 15, 1992.

24 (E) The Board shall not adopt or enforce any regulation  
25 requiring the use of a tarpaulin or other covering on a truck,  
26 trailer, or other vehicle that is stricter than the

1 requirements of Section 15-109.1 of the Illinois Vehicle Code.  
2 To the extent that it is in conflict with this subsection, the  
3 Board's rule codified as 35 Ill. Adm. ~~Admin.~~ Code, ~~Section~~  
4 212.315 is hereby superseded.

5 (F) Any person who L prior to June 8, 1988, has filed a  
6 timely Notice of Intent to Petition for an Adjusted RACT  
7 Emissions Limitation and who subsequently timely files a  
8 completed petition for an adjusted RACT emissions limitation  
9 pursuant to 35 Ill. Adm. Code~~7~~ Part 215, Subpart I, shall be  
10 subject to the procedures contained in Subpart I but shall be  
11 excluded by operation of law from 35 Ill. Adm. Code~~7~~ Part 215,  
12 Subparts PP, QQ~~L~~ and RR, including the applicable definitions  
13 in 35 Ill. Adm. Code~~7~~ Part 211. Such persons shall instead be  
14 subject to a separate regulation which the Board is hereby  
15 authorized to adopt pursuant to the adjusted RACT emissions  
16 limitation procedure in 35 Ill. Adm. Code~~7~~ Part 215, Subpart  
17 I. In its final action on the petition, the Board shall create  
18 a separate rule which establishes Reasonably Available Control  
19 Technology (RACT) for such person. The purpose of this  
20 procedure is to create separate and independent regulations  
21 for purposes of SIP submittal, review, and approval by USEPA.

22 (G) Subpart FF of Subtitle B, Title 35 Ill. Adm. Code~~7~~  
23 ~~Sections~~ 218.720 through 218.730 and ~~Sections~~ 219.720 through  
24 219.730, are hereby repealed by operation of law and are  
25 rendered null and void and of no force and effect.

26 (H) In accordance with subsection (b) of Section 7.2, the

1 Board shall adopt ambient air quality standards specifying the  
2 maximum permissible short-term and long-term concentrations of  
3 various contaminants in the atmosphere; those standards shall  
4 be identical in substance to the national ambient air quality  
5 standards promulgated by the Administrator of the United  
6 States Environmental Protection Agency in accordance with  
7 Section 109 of the Clean Air Act. The Board may consolidate  
8 into a single rulemaking under this subsection all such  
9 federal regulations adopted within a period of time not to  
10 exceed 6 months. The provisions and requirements of Title VII  
11 of this Act and Section 5-35 of the Illinois Administrative  
12 Procedure Act, relating to procedures for rulemaking, shall  
13 not apply to identical in substance regulations adopted  
14 pursuant to this subsection. However, the Board shall provide  
15 for notice and public comment before adopted rules are filed  
16 with the Secretary of State. Nothing in this subsection shall  
17 be construed to limit the right of any person to submit a  
18 proposal to the Board, or the authority of the Board to adopt,  
19 air quality standards more stringent than the standards  
20 promulgated by the Administrator, pursuant to the rulemaking  
21 requirements of Title VII of this Act and Section 5-35 of the  
22 Illinois Administrative Procedure Act.

23 (Source: P.A. 97-945, eff. 8-10-12; revised 2-28-22.)

24 (415 ILCS 5/22.15)

25 Sec. 22.15. Solid Waste Management Fund; fees.

1           (a) There is hereby created within the State Treasury a  
2 special fund to be known as the Solid Waste Management Fund, to  
3 be constituted from the fees collected by the State pursuant  
4 to this Section, from repayments of loans made from the Fund  
5 for solid waste projects, from registration fees collected  
6 pursuant to the Consumer Electronics Recycling Act, and from  
7 amounts transferred into the Fund pursuant to Public Act  
8 100-433. Moneys received by either the Agency or the  
9 Department of Commerce and Economic Opportunity in repayment  
10 of loans made pursuant to the Illinois Solid Waste Management  
11 Act shall be deposited into the General Revenue Fund.

12           (b) The Agency shall assess and collect a fee in the amount  
13 set forth herein from the owner or operator of each sanitary  
14 landfill permitted or required to be permitted by the Agency  
15 to dispose of solid waste if the sanitary landfill is located  
16 off the site where such waste was produced and if such sanitary  
17 landfill is owned, controlled, and operated by a person other  
18 than the generator of such waste. The Agency shall deposit all  
19 fees collected into the Solid Waste Management Fund. If a site  
20 is contiguous to one or more landfills owned or operated by the  
21 same person, the volumes permanently disposed of by each  
22 landfill shall be combined for purposes of determining the fee  
23 under this subsection. Beginning on July 1, 2018, and on the  
24 first day of each month thereafter during fiscal years 2019  
25 through 2023, the State Comptroller shall direct and State  
26 Treasurer shall transfer an amount equal to 1/12 of \$5,000,000

1 per fiscal year from the Solid Waste Management Fund to the  
2 General Revenue Fund.

3 (1) If more than 150,000 cubic yards of non-hazardous  
4 solid waste is permanently disposed of at a site in a  
5 calendar year, the owner or operator shall either pay a  
6 fee of 95 cents per cubic yard or, alternatively, the  
7 owner or operator may weigh the quantity of the solid  
8 waste permanently disposed of with a device for which  
9 certification has been obtained under the Weights and  
10 Measures Act and pay a fee of \$2.00 per ton of solid waste  
11 permanently disposed of. In no case shall the fee  
12 collected or paid by the owner or operator under this  
13 paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

14 (2) If more than 100,000 cubic yards but not more than  
15 150,000 cubic yards of non-hazardous waste is permanently  
16 disposed of at a site in a calendar year, the owner or  
17 operator shall pay a fee of \$52,630.

18 (3) If more than 50,000 cubic yards but not more than  
19 100,000 cubic yards of non-hazardous solid waste is  
20 permanently disposed of at a site in a calendar year, the  
21 owner or operator shall pay a fee of \$23,790.

22 (4) If more than 10,000 cubic yards but not more than  
23 50,000 cubic yards of non-hazardous solid waste is  
24 permanently disposed of at a site in a calendar year, the  
25 owner or operator shall pay a fee of \$7,260.

26 (5) If not more than 10,000 cubic yards of

1 non-hazardous solid waste is permanently disposed of at a  
2 site in a calendar year, the owner or operator shall pay a  
3 fee of \$1050.

4 (c) (Blank).

5 (d) The Agency shall establish rules relating to the  
6 collection of the fees authorized by this Section. Such rules  
7 shall include, but not be limited to:

8 (1) necessary records identifying the quantities of  
9 solid waste received or disposed;

10 (2) the form and submission of reports to accompany  
11 the payment of fees to the Agency;

12 (3) the time and manner of payment of fees to the  
13 Agency, which payments shall not be more often than  
14 quarterly; and

15 (4) procedures setting forth criteria establishing  
16 when an owner or operator may measure by weight or volume  
17 during any given quarter or other fee payment period.

18 (e) Pursuant to appropriation, all monies in the Solid  
19 Waste Management Fund shall be used by the Agency for the  
20 purposes set forth in this Section and in the Illinois Solid  
21 Waste Management Act, including for the costs of fee  
22 collection and administration, and for the administration of  
23 the Consumer Electronics Recycling Act and the Drug Take-Back  
24 Act.

25 (f) The Agency is authorized to enter into such agreements  
26 and to promulgate such rules as are necessary to carry out its

1 duties under this Section and the Illinois Solid Waste  
2 Management Act.

3 (g) On the first day of January, April, July, and October  
4 of each year, beginning on July 1, 1996, the State Comptroller  
5 and Treasurer shall transfer \$500,000 from the Solid Waste  
6 Management Fund to the Hazardous Waste Fund. Moneys  
7 transferred under this subsection (g) shall be used only for  
8 the purposes set forth in item (1) of subsection (d) of Section  
9 22.2.

10 (h) The Agency is authorized to provide financial  
11 assistance to units of local government for the performance of  
12 inspecting, investigating, and enforcement activities pursuant  
13 to subsection (r) of Section 4 ~~Section 4(r)~~ at nonhazardous  
14 solid waste disposal sites.

15 (i) The Agency is authorized to conduct household waste  
16 collection and disposal programs.

17 (j) A unit of local government, as defined in the Local  
18 Solid Waste Disposal Act, in which a solid waste disposal  
19 facility is located may establish a fee, tax, or surcharge  
20 with regard to the permanent disposal of solid waste. All  
21 fees, taxes, and surcharges collected under this subsection  
22 shall be utilized for solid waste management purposes,  
23 including long-term monitoring and maintenance of landfills,  
24 planning, implementation, inspection, enforcement and other  
25 activities consistent with the Solid Waste Management Act and  
26 the Local Solid Waste Disposal Act, or for any other

1 environment-related purpose, including, but not limited to, an  
2 environment-related public works project, but not for the  
3 construction of a new pollution control facility other than a  
4 household hazardous waste facility. However, the total fee,  
5 tax or surcharge imposed by all units of local government  
6 under this subsection (j) upon the solid waste disposal  
7 facility shall not exceed:

8 (1) 60¢ per cubic yard if more than 150,000 cubic  
9 yards of non-hazardous solid waste is permanently disposed  
10 of at the site in a calendar year, unless the owner or  
11 operator weighs the quantity of the solid waste received  
12 with a device for which certification has been obtained  
13 under the Weights and Measures Act, in which case the fee  
14 shall not exceed \$1.27 per ton of solid waste permanently  
15 disposed of.

16 (2) \$33,350 if more than 100,000 cubic yards, but not  
17 more than 150,000 cubic yards, of non-hazardous waste is  
18 permanently disposed of at the site in a calendar year.

19 (3) \$15,500 if more than 50,000 cubic yards, but not  
20 more than 100,000 cubic yards, of non-hazardous solid  
21 waste is permanently disposed of at the site in a calendar  
22 year.

23 (4) \$4,650 if more than 10,000 cubic yards, but not  
24 more than 50,000 cubic yards, of non-hazardous solid waste  
25 is permanently disposed of at the site in a calendar year.

26 (5) \$650 if not more than 10,000 cubic yards of



1 non-hazardous solid waste is permanently disposed of at  
2 the site in a calendar year.

3 The corporate authorities of the unit of local government  
4 may use proceeds from the fee, tax, or surcharge to reimburse a  
5 highway commissioner whose road district lies wholly or  
6 partially within the corporate limits of the unit of local  
7 government for expenses incurred in the removal of  
8 nonhazardous, nonfluid municipal waste that has been dumped on  
9 public property in violation of a State law or local  
10 ordinance.

11 For the disposal of solid waste from general construction  
12 or demolition debris recovery facilities as defined in  
13 subsection (a-1) of Section 3.160, the total fee, tax, or  
14 surcharge imposed by all units of local government under this  
15 subsection (j) upon the solid waste disposal facility shall  
16 not exceed 50% of the applicable amount set forth above. A unit  
17 of local government, as defined in the Local Solid Waste  
18 Disposal Act, in which a general construction or demolition  
19 debris recovery facility is located may establish a fee, tax,  
20 or surcharge on the general construction or demolition debris  
21 recovery facility with regard to the permanent disposal of  
22 solid waste by the general construction or demolition debris  
23 recovery facility at a solid waste disposal facility, provided  
24 that such fee, tax, or surcharge shall not exceed 50% of the  
25 applicable amount set forth above, based on the total amount  
26 of solid waste transported from the general construction or

1 demolition debris recovery facility for disposal at solid  
2 waste disposal facilities, and the unit of local government  
3 and fee shall be subject to all other requirements of this  
4 subsection (j).

5 A county or Municipal Joint Action Agency that imposes a  
6 fee, tax, or surcharge under this subsection may use the  
7 proceeds thereof to reimburse a municipality that lies wholly  
8 or partially within its boundaries for expenses incurred in  
9 the removal of nonhazardous, nonfluid municipal waste that has  
10 been dumped on public property in violation of a State law or  
11 local ordinance.

12 If the fees are to be used to conduct a local sanitary  
13 landfill inspection or enforcement program, the unit of local  
14 government must enter into a written delegation agreement with  
15 the Agency pursuant to subsection (r) of Section 4. The unit of  
16 local government and the Agency shall enter into such a  
17 written delegation agreement within 60 days after the  
18 establishment of such fees. At least annually, the Agency  
19 shall conduct an audit of the expenditures made by units of  
20 local government from the funds granted by the Agency to the  
21 units of local government for purposes of local sanitary  
22 landfill inspection and enforcement programs, to ensure that  
23 the funds have been expended for the prescribed purposes under  
24 the grant.

25 The fees, taxes or surcharges collected under this  
26 subsection (j) shall be placed by the unit of local government

1 in a separate fund, and the interest received on the moneys in  
2 the fund shall be credited to the fund. The monies in the fund  
3 may be accumulated over a period of years to be expended in  
4 accordance with this subsection.

5 A unit of local government, as defined in the Local Solid  
6 Waste Disposal Act, shall prepare and post on its website, in  
7 April of each year, a report that details spending plans for  
8 monies collected in accordance with this subsection. The  
9 report will at a minimum include the following:

10 (1) The total monies collected pursuant to this  
11 subsection.

12 (2) The most current balance of monies collected  
13 pursuant to this subsection.

14 (3) An itemized accounting of all monies expended for  
15 the previous year pursuant to this subsection.

16 (4) An estimation of monies to be collected for the  
17 following 3 years pursuant to this subsection.

18 (5) A narrative detailing the general direction and  
19 scope of future expenditures for one, 2 and 3 years.

20 The exemptions granted under Sections 22.16 and 22.16a,  
21 and under subsection (k) of this Section, shall be applicable  
22 to any fee, tax or surcharge imposed under this subsection  
23 (j); except that the fee, tax or surcharge authorized to be  
24 imposed under this subsection (j) may be made applicable by a  
25 unit of local government to the permanent disposal of solid  
26 waste after December 31, 1986, under any contract lawfully

1 executed before June 1, 1986 under which more than 150,000  
2 cubic yards (or 50,000 tons) of solid waste is to be  
3 permanently disposed of, even though the waste is exempt from  
4 the fee imposed by the State under subsection (b) of this  
5 Section pursuant to an exemption granted under Section 22.16.

6 (k) In accordance with the findings and purposes of the  
7 Illinois Solid Waste Management Act, beginning January 1, 1989  
8 the fee under subsection (b) and the fee, tax or surcharge  
9 under subsection (j) shall not apply to:

10 (1) waste which is hazardous waste;

11 (2) waste which is pollution control waste;

12 (3) waste from recycling, reclamation or reuse  
13 processes which have been approved by the Agency as being  
14 designed to remove any contaminant from wastes so as to  
15 render such wastes reusable, provided that the process  
16 renders at least 50% of the waste reusable; the exemption  
17 set forth in this paragraph (3) of this subsection (k)  
18 shall not apply to general construction or demolition  
19 debris recovery facilities as defined in subsection (a-1)  
20 of Section 3.160;

21 (4) non-hazardous solid waste that is received at a  
22 sanitary landfill and composted or recycled through a  
23 process permitted by the Agency; or

24 (5) any landfill which is permitted by the Agency to  
25 receive only demolition or construction debris or  
26 landscape waste.

1 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;  
2 102-16, eff. 6-17-21; 102-310, eff. 8-6-21; 102-444, eff.  
3 8-20-21; 102-699, eff. 4-19-22; 102-813, eff. 5-13-22;  
4 102-1055, eff. 6-10-22; revised 8-25-22.)

5 (415 ILCS 5/22.59)

6 Sec. 22.59. CCR surface impoundments.

7 (a) The General Assembly finds that:

8 (1) the State of Illinois has a long-standing policy  
9 to restore, protect, and enhance the environment,  
10 including the purity of the air, land, and waters,  
11 including groundwaters, of this State;

12 (2) a clean environment is essential to the growth and  
13 well-being of this State;

14 (3) CCR generated by the electric generating industry  
15 has caused groundwater contamination and other forms of  
16 pollution at active and inactive plants throughout this  
17 State;

18 (4) environmental laws should be supplemented to  
19 ensure consistent, responsible regulation of all existing  
20 CCR surface impoundments; and

21 (5) meaningful participation of State residents,  
22 especially vulnerable populations who may be affected by  
23 regulatory actions, is critical to ensure that  
24 environmental justice considerations are incorporated in  
25 the development of, decision-making related to, and

1 implementation of environmental laws and rulemaking that  
2 protects and improves the well-being of communities in  
3 this State that bear disproportionate burdens imposed by  
4 environmental pollution.

5 Therefore, the purpose of this Section is to promote a  
6 healthful environment, including clean water, air, and land,  
7 meaningful public involvement, and the responsible disposal  
8 and storage of coal combustion residuals, so as to protect  
9 public health and to prevent pollution of the environment of  
10 this State.

11 The provisions of this Section shall be liberally  
12 construed to carry out the purposes of this Section.

13 (b) No person shall:

14 (1) cause or allow the discharge of any contaminants  
15 from a CCR surface impoundment into the environment so as  
16 to cause, directly or indirectly, a violation of this  
17 Section or any regulations or standards adopted by the  
18 Board under this Section, either alone or in combination  
19 with contaminants from other sources;

20 (2) construct, install, modify, operate, or close any  
21 CCR surface impoundment without a permit granted by the  
22 Agency, or so as to violate any conditions imposed by such  
23 permit, any provision of this Section or any regulations  
24 or standards adopted by the Board under this Section;

25 (3) cause or allow, directly or indirectly, the  
26 discharge, deposit, injection, dumping, spilling, leaking,

1 or placing of any CCR upon the land in a place and manner  
2 so as to cause or tend to cause a violation of this Section  
3 or any regulations or standards adopted by the Board under  
4 this Section; or

5 (4) construct, install, modify, or close a CCR surface  
6 impoundment in accordance with a permit issued under this  
7 Act without certifying to the Agency that all contractors,  
8 subcontractors, and installers utilized to construct,  
9 install, modify, or close a CCR surface impoundment are  
10 participants in:

11 (A) a training program that is approved by and  
12 registered with the United States Department of  
13 Labor's Employment and Training Administration and  
14 that includes instruction in erosion control and  
15 environmental remediation; and

16 (B) a training program that is approved by and  
17 registered with the United States Department of  
18 Labor's Employment and Training Administration and  
19 that includes instruction in the operation of heavy  
20 equipment and excavation.

21 Nothing in this paragraph (4) shall be construed to  
22 require providers of construction-related professional  
23 services to participate in a training program approved by  
24 and registered with the United States Department of  
25 Labor's Employment and Training Administration.

26 In this paragraph (4), "construction-related

1 professional services" includes, but is not limited to,  
2 those services within the scope of: (i) the practice of  
3 architecture as regulated under the Illinois Architecture  
4 Practice Act of 1989; (ii) professional engineering as  
5 defined in Section 4 of the Professional Engineering  
6 Practice Act of 1989; (iii) the practice of a structural  
7 engineer as defined in Section 4 of the Structural  
8 Engineering Practice Act of 1989; or (iv) land surveying  
9 under the Illinois Professional Land Surveyor Act of 1989.

10 (c) (Blank).

11 (d) Before commencing closure of a CCR surface  
12 impoundment, in accordance with Board rules, the owner of a  
13 CCR surface impoundment must submit to the Agency for approval  
14 a closure alternatives analysis that analyzes all closure  
15 methods being considered and that otherwise satisfies all  
16 closure requirements adopted by the Board under this Act.  
17 Complete removal of CCR, as specified by the Board's rules,  
18 from the CCR surface impoundment must be considered and  
19 analyzed. Section 3.405 does not apply to the Board's rules  
20 specifying complete removal of CCR. The selected closure  
21 method must ensure compliance with regulations adopted by the  
22 Board pursuant to this Section.

23 (e) Owners or operators of CCR surface impoundments who  
24 have submitted a closure plan to the Agency before May 1, 2019,  
25 and who have completed closure prior to 24 months after July  
26 30, 2019 (the effective date of Public Act 101-171) shall not



1 be required to obtain a construction permit for the surface  
2 impoundment closure under this Section.

3 (f) Except for the State, its agencies and institutions, a  
4 unit of local government, or a not-for-profit electric  
5 cooperative as defined in Section 3.4 of the Electric Supplier  
6 Act, any person who owns or operates a CCR surface impoundment  
7 in this State shall post with the Agency a performance bond or  
8 other security for the purpose of: (i) ensuring closure of the  
9 CCR surface impoundment and post-closure care in accordance  
10 with this Act and its rules; and (ii) ensuring remediation of  
11 releases from the CCR surface impoundment. The only acceptable  
12 forms of financial assurance are: a trust fund, a surety bond  
13 guaranteeing payment, a surety bond guaranteeing performance,  
14 or an irrevocable letter of credit.

15 (1) The cost estimate for the post-closure care of a  
16 CCR surface impoundment shall be calculated using a  
17 30-year post-closure care period or such longer period as  
18 may be approved by the Agency under Board or federal  
19 rules.

20 (2) The Agency is authorized to enter into such  
21 contracts and agreements as it may deem necessary to carry  
22 out the purposes of this Section. Neither the State, nor  
23 the Director, nor any State employee shall be liable for  
24 any damages or injuries arising out of or resulting from  
25 any action taken under this Section.

26 (3) The Agency shall have the authority to approve or

1 disapprove any performance bond or other security posted  
2 under this subsection. Any person whose performance bond  
3 or other security is disapproved by the Agency may contest  
4 the disapproval as a permit denial appeal pursuant to  
5 Section 40.

6 (g) The Board shall adopt rules establishing construction  
7 permit requirements, operating permit requirements, design  
8 standards, reporting, financial assurance, and closure and  
9 post-closure care requirements for CCR surface impoundments.  
10 Not later than 8 months after July 30, 2019 (the effective date  
11 of Public Act 101-171) the Agency shall propose, and not later  
12 than one year after receipt of the Agency's proposal the Board  
13 shall adopt, rules under this Section. The Board shall not be  
14 deemed in noncompliance with the rulemaking deadline due to  
15 delays in adopting rules as a result of the Joint Committee  
16 ~~Commission~~ on Administrative Rules oversight process. The  
17 rules must, at a minimum:

18 (1) be at least as protective and comprehensive as the  
19 federal regulations or amendments thereto promulgated by  
20 the Administrator of the United States Environmental  
21 Protection Agency in Subpart D of 40 CFR 257 governing CCR  
22 surface impoundments;

23 (2) specify the minimum contents of CCR surface  
24 impoundment construction and operating permit  
25 applications, including the closure alternatives analysis  
26 required under subsection (d);

1           (3) specify which types of permits include  
2 requirements for closure, post-closure, remediation and  
3 all other requirements applicable to CCR surface  
4 impoundments;

5           (4) specify when permit applications for existing CCR  
6 surface impoundments must be submitted, taking into  
7 consideration whether the CCR surface impoundment must  
8 close under the RCRA;

9           (5) specify standards for review and approval by the  
10 Agency of CCR surface impoundment permit applications;

11           (6) specify meaningful public participation procedures  
12 for the issuance of CCR surface impoundment construction  
13 and operating permits, including, but not limited to,  
14 public notice of the submission of permit applications, an  
15 opportunity for the submission of public comments, an  
16 opportunity for a public hearing prior to permit issuance,  
17 and a summary and response of the comments prepared by the  
18 Agency;

19           (7) prescribe the type and amount of the performance  
20 bonds or other securities required under subsection (f),  
21 and the conditions under which the State is entitled to  
22 collect moneys from such performance bonds or other  
23 securities;

24           (8) specify a procedure to identify areas of  
25 environmental justice concern in relation to CCR surface  
26 impoundments;

1           (9) specify a method to prioritize CCR surface  
2           impoundments required to close under RCRA if not otherwise  
3           specified by the United States Environmental Protection  
4           Agency, so that the CCR surface impoundments with the  
5           highest risk to public health and the environment, and  
6           areas of environmental justice concern are given first  
7           priority;

8           (10) define when complete removal of CCR is achieved  
9           and specify the standards for responsible removal of CCR  
10          from CCR surface impoundments, including, but not limited  
11          to, dust controls and the protection of adjacent surface  
12          water and groundwater; and

13          (11) describe the process and standards for  
14          identifying a specific alternative source of groundwater  
15          pollution when the owner or operator of the CCR surface  
16          impoundment believes that groundwater contamination on the  
17          site is not from the CCR surface impoundment.

18          (h) Any owner of a CCR surface impoundment that generates  
19          CCR and sells or otherwise provides coal combustion byproducts  
20          pursuant to Section 3.135 shall, every 12 months, post on its  
21          publicly available website a report specifying the volume or  
22          weight of CCR, in cubic yards or tons, that it sold or provided  
23          during the past 12 months.

24          (i) The owner of a CCR surface impoundment shall post all  
25          closure plans, permit applications, and supporting  
26          documentation, as well as any Agency approval of the plans or

1 applications, on its publicly available website.

2 (j) The owner or operator of a CCR surface impoundment  
3 shall pay the following fees:

4 (1) An initial fee to the Agency within 6 months after  
5 July 30, 2019 (the effective date of Public Act 101-171)  
6 of:

7 \$50,000 for each closed CCR surface impoundment;

8 and

9 \$75,000 for each CCR surface impoundment that have  
10 not completed closure.

11 (2) Annual fees to the Agency, beginning on July 1,  
12 2020, of:

13 \$25,000 for each CCR surface impoundment that has  
14 not completed closure; and

15 \$15,000 for each CCR surface impoundment that has  
16 completed closure, but has not completed post-closure  
17 care.

18 (k) All fees collected by the Agency under subsection (j)  
19 shall be deposited into the Environmental Protection Permit  
20 and Inspection Fund.

21 (l) The Coal Combustion Residual Surface Impoundment  
22 Financial Assurance Fund is created as a special fund in the  
23 State treasury. Any moneys forfeited to the State of Illinois  
24 from any performance bond or other security required under  
25 this Section shall be placed in the Coal Combustion Residual  
26 Surface Impoundment Financial Assurance Fund and shall, upon

1 approval by the Governor and the Director, be used by the  
2 Agency for the purposes for which such performance bond or  
3 other security was issued. The Coal Combustion Residual  
4 Surface Impoundment Financial Assurance Fund is not subject to  
5 the provisions of subsection (c) of Section 5 of the State  
6 Finance Act.

7 (m) The provisions of this Section shall apply, without  
8 limitation, to all existing CCR surface impoundments and any  
9 CCR surface impoundments constructed after July 30, 2019 (the  
10 effective date of Public Act 101-171), except to the extent  
11 prohibited by the Illinois or United States Constitutions.

12 (Source: P.A. 101-171, eff. 7-30-19; 102-16, eff. 6-17-21;  
13 102-137, eff. 7-23-21; 102-309, eff. 8-6-21; 102-558, eff.  
14 8-20-21; 102-662, eff. 9-15-21; 102-813, eff. 5-13-22; revised  
15 8-24-22.)

16 Section 605. The Illinois Pesticide Act is amended by  
17 changing Section 4 as follows:

18 (415 ILCS 60/4) (from Ch. 5, par. 804)

19 Sec. 4. Definitions. As used in this Act:

20 1. "Director" means Director of the Illinois Department of  
21 Agriculture or his authorized representative.

22 2. "Active Ingredient" means any ingredient which will  
23 prevent, destroy, repel, control or mitigate a pest or which  
24 will act as a plant regulator, defoliant or desiccant.

1           3. "Adulterated" shall apply to any pesticide if the  
2 strength or purity is not within the standard of quality  
3 expressed on the labeling under which it is sold, distributed  
4 or used, including any substance which has been substituted  
5 wholly or in part for the pesticide as specified on the  
6 labeling under which it is sold, distributed or used, or if any  
7 valuable constituent of the pesticide has been wholly or in  
8 part abstracted.

9           4. "Agricultural Commodity" means produce of the land,  
10 including, but not limited to, plants and plant parts,  
11 livestock and poultry and livestock or poultry products,  
12 seeds, sod, shrubs and other products of agricultural origin  
13 including the premises necessary to and used directly in  
14 agricultural production. Agricultural commodity also includes  
15 aquatic products, including any aquatic plants and animals or  
16 their by-products that are produced, grown, managed, harvested  
17 and marketed on an annual, semi-annual, biennial or short-term  
18 basis, in permitted aquaculture facilities.

19           5. "Animal" means all vertebrate and invertebrate species  
20 including, but not limited to, man and other mammals, birds  
21 ~~bird~~, fish, and shellfish.

22           5.5. "Barrier mosquitocide" means a pesticide that is  
23 formulated to kill adult mosquitoes and that is applied so as  
24 to leave a residual mosquitocidal coating on natural or  
25 manmade surfaces. "Barrier mosquitocide" does not include a  
26 product that is exempt from registration under the Federal

1 Insecticide, Fungicide, and Rodenticide Act, or rules adopted  
2 pursuant to that Act.

3 5.6. "Barrier mosquitocide treatment" means application of  
4 a barrier mosquitocide to a natural or manmade surface.

5 6. "Beneficial Insects" means those insects which during  
6 their life cycle are effective pollinators of plants,  
7 predators of pests or are otherwise beneficial.

8 7. "Certified applicator".

9 A. "Certified applicator" means any individual who is  
10 certified under this Act to purchase, use, or supervise  
11 the use of pesticides which are classified for restricted  
12 use.

13 B. "Private applicator" means a certified applicator  
14 who purchases, uses, or supervises the use of any  
15 pesticide classified for restricted use, for the purpose  
16 of producing any agricultural commodity on property owned,  
17 rented, or otherwise controlled by him or his employer, or  
18 applied to other property if done without compensation  
19 other than trading of personal services between no more  
20 than 2 producers of agricultural commodities.

21 C. "Licensed Commercial Applicator" means a certified  
22 applicator, whether or not he is a private applicator with  
23 respect to some uses, who owns or manages a business that  
24 is engaged in applying pesticides, whether classified for  
25 general or restricted use, for hire. The term also applies  
26 to a certified applicator who uses or supervises the use



1 of pesticides, whether classified for general or  
2 restricted use, for any purpose or on property of others  
3 excluding those specified by subparagraphs 7 (B), (D), (E)  
4 of Section 4 of this Act.

5 D. "Commercial Not For Hire Applicator" means a  
6 certified applicator who uses or supervises the use of  
7 pesticides classified for general or restricted use for  
8 any purpose on property of an employer when such activity  
9 is a requirement of the terms of employment and such  
10 application of pesticides under this certification is  
11 limited to property under the control of the employer only  
12 and includes, but is not limited to, the use or  
13 supervision of the use of pesticides in a greenhouse  
14 setting. "Commercial Not For Hire Applicator" also  
15 includes a certified applicator who uses or supervises the  
16 use of pesticides classified for general or restricted use  
17 as an employee of a state agency, municipality, or other  
18 duly constituted governmental agency or unit.

19 8. "Defoliant" means any substance or combination of  
20 substances which cause leaves or foliage to drop from a plant  
21 with or without causing abscission.

22 9. "Desiccant" means any substance or combination of  
23 substances intended for artificially accelerating the drying  
24 of plant tissue.

25 10. "Device" means any instrument or contrivance, other  
26 than a firearm or equipment for application of pesticides when

1 sold separately from pesticides, which is intended for  
2 trapping, repelling, destroying, or mitigating any pest, other  
3 than bacteria, virus, or other microorganisms on or living in  
4 man or other living animals.

5 11. "Distribute" means offer or hold for sale, sell,  
6 barter, ship, deliver for shipment, receive and then deliver,  
7 or offer to deliver pesticides, within the State.

8 12. "Environment" includes water, air, land, and all  
9 plants and animals including man, living therein and the  
10 interrelationships which exist among these.

11 13. "Equipment" means any type of instruments and  
12 contrivances using motorized, mechanical or pressure power  
13 which is used to apply any pesticide, excluding pressurized  
14 hand-size household apparatus containing dilute ready to apply  
15 pesticide or used to apply household pesticides.

16 14. "FIFRA" means the Federal Insecticide, Fungicide, and  
17 Rodenticide Act, as amended.

18 15. "Fungi" means any non-chlorophyll bearing  
19 thallophytes, any non-chlorophyll bearing plant of a lower  
20 order than mosses or liverworts, as for example rust, smut,  
21 mildew, mold, yeast and bacteria, except those on or in living  
22 animals including man and those on or in processed foods,  
23 beverages or pharmaceuticals.

24 16. "Household Substance" means any pesticide customarily  
25 produced and distributed for use by individuals in or about  
26 the household.

1           17. "Imminent Hazard" means a situation which exists when  
2 continued use of a pesticide would likely result in  
3 unreasonable adverse effects ~~effect~~ on the environment or will  
4 involve unreasonable hazard to the survival of a species  
5 declared endangered by the U.S. Secretary of the Interior or  
6 to species declared to be protected by the Illinois Department  
7 of Natural Resources.

8           18. "Inert Ingredient" means an ingredient which is not an  
9 active ingredient.

10          19. "Ingredient Statement" means a statement of the name  
11 and percentage of each active ingredient together with the  
12 total percentage of inert ingredients in a pesticide and for  
13 pesticides containing arsenic in any form, the ingredient  
14 statement shall include percentage of total and water soluble  
15 arsenic, each calculated as elemental arsenic. In the case of  
16 spray adjuvants the ingredient statement need contain only the  
17 names of the functioning agents and the total percent of those  
18 constituents ineffective as spray adjuvants.

19          20. "Insect" means any of the numerous small invertebrate  
20 animals generally having the body more or less obviously  
21 segmented for the most part belonging to the class Insects,  
22 comprised of six-legged, usually winged forms, as for example  
23 beetles, caterpillars, and flies. This definition encompasses  
24 other allied classes of arthropods whose members are wingless  
25 and usually have more than 6 legs as for example spiders,  
26 mites, ticks, centipedes, and millipedes.

1           21. "Label" means the written, printed or graphic matter  
2 on or attached to the pesticide or device or any of its  
3 containers or wrappings.

4           22. "Labeling" means the label and all other written,  
5 printed or graphic matter: (a) on the pesticide or device or  
6 any of its containers or wrappings, (b) accompanying the  
7 pesticide or device or referring to it in any other media used  
8 to disseminate information to the public, (c) to which  
9 reference is made to the pesticide or device except when  
10 references are made to current official publications of the U.  
11 S. Environmental Protection Agency, Departments of  
12 Agriculture, Health, Education and Welfare or other Federal  
13 Government institutions, the state experiment station or  
14 colleges of agriculture or other similar state institution  
15 authorized to conduct research in the field of pesticides.

16           23. "Land" means all land and water area including  
17 airspace, and all plants, animals, structures, buildings,  
18 contrivances, and machinery appurtenant thereto or situated  
19 thereon, fixed or mobile, including any used for  
20 transportation.

21           24. "Licensed Operator" means a person employed to apply  
22 pesticides to the lands of others under the direction of a  
23 "licensed commercial applicator" or a "licensed commercial  
24 not-for-hire applicator".

25           25. "Nematode" means invertebrate animals of the phylum  
26 nemathelminthes and class nematoda, also referred to as nemas

1 or eelworms, which are unsegmented roundworms with elongated  
2 fusiform or sac-like bodies covered with cuticle and  
3 inhabiting soil, water, plants or plant parts.

4 26. "Permit" means a written statement issued by the  
5 Director or his authorized agent, authorizing certain acts of  
6 pesticide purchase or of pesticide use or application on an  
7 interim basis prior to normal certification, registration, or  
8 licensing.

9 27. "Person" means any individual, partnership,  
10 association, fiduciary, corporation, or any organized group of  
11 persons whether incorporated or not.

12 28. "Pest" means (a) any insect, rodent, nematode, fungus,  
13 weed, or (b) any other form of terrestrial or aquatic plant or  
14 animal life or virus, bacteria, or other microorganism,  
15 excluding virus, bacteria, or other microorganism on or in  
16 living animals including man, which the Director declares to  
17 be a pest.

18 29. "Pesticide" means any substance or mixture of  
19 substances intended for preventing, destroying, repelling, or  
20 mitigating any pest or any substance or mixture of substances  
21 intended for use as a plant regulator, defoliant or desiccant.

22 30. "Pesticide Dealer" means any person who distributes  
23 registered pesticides to the user.

24 31. "Plant Regulator" means any substance or mixture of  
25 substances intended through physiological action to affect the  
26 rate of growth or maturation or otherwise alter the behavior

1 of ornamental or crop plants or the produce thereof. This does  
2 not include substances which are not intended as plant  
3 nutrient trace elements, nutritional chemicals, plant or seed  
4 inoculants or soil conditioners or amendments.

5 32. "Protect Health and Environment" means to guard  
6 against any unreasonable adverse effects on the environment.

7 33. "Registrant" means a person who has registered any  
8 pesticide pursuant to the provision of FIFRA and this Act.

9 34. "Restricted Use Pesticide" means any pesticide with  
10 one or more of its uses classified as restricted by order of  
11 the Administrator of USEPA.

12 35. "SLN Registration" means registration of a pesticide  
13 for use under conditions of special local need as defined by  
14 FIFRA.

15 36. "State Restricted Pesticide Use" means any pesticide  
16 use which the Director determines, subsequent to public  
17 hearing, that an additional restriction for that use is needed  
18 to prevent unreasonable adverse effects.

19 37. "Structural Pest" means any pests which attack and  
20 destroy buildings and other structures or which attack  
21 clothing, stored food, commodities stored at food  
22 manufacturing and processing facilities or manufactured and  
23 processed goods.

24 38. "Unreasonable Adverse Effects on the Environment"  
25 means the unreasonable risk to the environment, including man,  
26 from the use of any pesticide, when taking into account

1 accrued benefits of as well as the economic, social, and  
2 environmental costs of its use.

3 39. "USEPA" means United States Environmental Protection  
4 Agency.

5 40. "Use inconsistent with the label" means to use a  
6 pesticide in a manner not consistent with the label  
7 instruction, the definition adopted in FIFRA as interpreted by  
8 USEPA shall apply in Illinois.

9 41. "Weed" means any plant growing in a place where it is  
10 not wanted.

11 42. "Wildlife" means all living things, not human,  
12 domestic, or pests.

13 43. "Bulk pesticide" means any registered pesticide which  
14 is transported or held in an individual container in undivided  
15 quantities of greater than 55 U.S. gallons liquid measure or  
16 100 pounds net dry weight.

17 44. "Bulk repackaging" means the transfer of a registered  
18 pesticide from one bulk container (containing undivided  
19 quantities of greater than 100 U.S. gallons liquid measure or  
20 100 pounds net dry weight) to another bulk container  
21 (containing undivided quantities of greater than 100 U.S.  
22 gallons liquid measure or 100 pounds net dry weight) in an  
23 unaltered state in preparation for sale or distribution to  
24 another person.

25 45. "Business" means any individual, partnership,  
26 corporation or association engaged in a business operation for

1 the purpose of selling or distributing pesticides or providing  
2 the service of application of pesticides in this State.

3 46. "Facility" means any building or structure and all  
4 real property contiguous thereto, including all equipment  
5 fixed thereon used for the operation of the business.

6 47. "Chemigation" means the application of a pesticide  
7 through the systems or equipment employed for the primary  
8 purpose of irrigation of land and crops.

9 48. "Use" means any activity covered by the pesticide  
10 label, including, but not limited to, application of  
11 pesticide, mixing and loading, storage of pesticides or  
12 pesticide containers, disposal of pesticides and pesticide  
13 containers and reentry into treated sites or areas.

14 (Source: P.A. 102-555, eff. 1-1-22; 102-916, eff. 1-1-23;  
15 revised 2-5-23.)

16 Section 610. The Drycleaner Environmental Response Trust  
17 Fund Act is amended by changing Section 45 as follows:

18 (415 ILCS 135/45)

19 Sec. 45. Insurance account.

20 (a) The insurance account shall offer financial assurance  
21 for a qualified owner or operator of a drycleaning facility  
22 under the terms and conditions provided for under this  
23 Section. Coverage may be provided to either the owner or the  
24 operator of a drycleaning facility. Neither the Agency nor the



1 Council is required to resolve whether the owner or operator,  
2 or both, are responsible for a release under the terms of an  
3 agreement between the owner and operator.

4 (b) The source of funds for the insurance account shall be  
5 as follows:

6 (1) moneys allocated to the insurance account;

7 (2) moneys collected as an insurance premium,  
8 including service fees, if any; and

9 (3) investment income attributed to the insurance  
10 account.

11 (c) An owner or operator may purchase coverage of up to  
12 \$500,000 per drycleaning facility subject to the terms and  
13 conditions under this Section and those adopted by the Council  
14 before July 1, 2020 or by the Board on or after that date.  
15 Coverage shall be limited to remedial action costs associated  
16 with soil and groundwater contamination resulting from a  
17 release of drycleaning solvent at an insured drycleaning  
18 facility, including third-party liability for soil and  
19 groundwater contamination. Coverage is not provided for a  
20 release that occurred before the date of coverage.

21 (d) An owner or operator, subject to underwriting  
22 requirements and terms and conditions deemed necessary and  
23 convenient by the Council for periods before July 1, 2020 and  
24 subject to terms and conditions deemed necessary and  
25 convenient by the Board for periods on or after that date, may  
26 purchase insurance coverage from the insurance account

1 provided that:

2 (1) a site investigation designed to identify soil and  
3 groundwater contamination resulting from the release of a  
4 drycleaning solvent has been completed for the drycleaning  
5 facility to be insured and the site investigation has been  
6 found adequate by the Council before July 1, 2020 or by the  
7 Agency on or after that date;

8 (2) the drycleaning facility is participating in and  
9 meets all drycleaning compliance program requirements  
10 adopted by the Board pursuant to Section 12 of this Act;

11 (3) the drycleaning facility to be insured is licensed  
12 under Section 60 of this Act and all fees due under that  
13 Section have been paid;

14 (4) the owner or operator of the drycleaning facility  
15 to be insured provides proof to the Agency or Council  
16 that:

17 (A) all drycleaning solvent wastes generated at  
18 the facility are managed in accordance with applicable  
19 State waste management laws and rules;

20 (B) there is no discharge of wastewater from  
21 drycleaning machines, or of drycleaning solvent from  
22 drycleaning operations, to a sanitary sewer or septic  
23 tank, to the surface, or in groundwater;

24 (C) the facility has a containment dike or other  
25 containment structure around each machine, item of  
26 equipment, drycleaning area, and portable waste

1 container in which any drycleaning solvent is  
2 utilized, that is capable of containing leaks, spills,  
3 or releases of drycleaning solvent from that machine,  
4 item, area, or container, including: (i) 100% of the  
5 drycleaning solvent in the largest tank or vessel;  
6 (ii) 100% of the drycleaning solvent of each item of  
7 drycleaning equipment; and (iii) 100% of the  
8 drycleaning solvent of the largest portable waste  
9 container or at least 10% of the total volume of the  
10 portable waste containers stored within the  
11 containment dike or structure, whichever is greater;

12 (D) those portions of diked floor surfaces at the  
13 facility on which a drycleaning solvent may leak,  
14 spill, or otherwise be released are sealed or  
15 otherwise rendered impervious;

16 (E) all drycleaning solvent is delivered to the  
17 facility by means of closed, direct-coupled delivery  
18 systems; and

19 (F) the drycleaning facility is in compliance with  
20 paragraph (2) of this subsection (d) ~~of this Section~~;  
21 and

22 (5) the owner or operator of the drycleaning facility  
23 to be insured has paid all insurance premiums for  
24 insurance coverage provided under this Section.

25 Petroleum underground storage tank systems that are in  
26 compliance with applicable USEPA and State Fire Marshal rules,

1 including, but not limited to, leak detection system rules,  
2 are exempt from the secondary containment requirement in  
3 subparagraph (C) of paragraph (4) ~~(3)~~ of this subsection (d).

4 (e) The annual premium for insurance coverage shall be:

5 (1) For the year July 1, 1999 through June 30, 2000,  
6 \$250 per drycleaning facility.

7 (2) For the year July 1, 2000 through June 30, 2001,  
8 \$375 per drycleaning facility.

9 (3) For the year July 1, 2001 through June 30, 2002,  
10 \$500 per drycleaning facility.

11 (4) For the year July 1, 2002 through June 30, 2003,  
12 \$625 per drycleaning facility.

13 (5) For each subsequent program year through the  
14 program year ending June 30, 2019, an owner or operator  
15 applying for coverage shall pay an annual actuarially  
16 sound ~~actuarially sound~~ insurance premium for coverage by  
17 the insurance account. The Council may approve Fund  
18 coverage through the payment of a premium established on  
19 an actuarially sound ~~actuarially sound~~ basis, taking into  
20 consideration the risk to the insurance account presented  
21 by the insured. Risk factor adjustments utilized to  
22 determine actuarially sound ~~actuarially sound~~ insurance  
23 premiums should reflect the range of risk presented by the  
24 variety of drycleaning systems, monitoring systems,  
25 drycleaning volume, risk management practices, and other  
26 factors as determined by the Council. As used in this

1 item, "actuarially sound" is not limited to Fund premium  
2 revenue equaling or exceeding Fund expenditures for the  
3 general drycleaning facility population. Actuarially  
4 determined ~~Actuarially determined~~ premiums shall be  
5 published at least 180 days prior to the premiums becoming  
6 effective.

7 (6) For the year July 1, 2020 through June 30, 2021,  
8 and for subsequent years through June 30, 2029, \$1,500 per  
9 drycleaning facility per year.

10 (7) For July 1, 2029 through January 1, 2030, \$750 per  
11 drycleaning facility.

12 (e-5) (Blank).

13 (e-6) (Blank).

14 (f) If coverage is purchased for any part of a year, the  
15 purchaser shall pay the full annual premium. Until July 1,  
16 2020, the insurance premium is fully earned upon issuance of  
17 the insurance policy. Beginning July 1, 2020, coverage first  
18 commences for a purchaser only after payment of the full  
19 annual premium due for the applicable program year.

20 (g) Any insurance coverage provided under this Section  
21 shall be subject to a \$10,000 deductible.

22 (h) A future repeal of this Section shall not terminate  
23 the obligations under this Section or authority necessary to  
24 administer the obligations until the obligations are  
25 satisfied, including, but not limited to, the payment of  
26 claims filed prior to the effective date of any future repeal

1 against the insurance account until moneys in the account are  
2 exhausted. Upon exhaustion of the moneys in the account, any  
3 remaining claims shall be invalid. If moneys remain in the  
4 account following satisfaction of the obligations under this  
5 Section, the remaining moneys in and moneys due to the account  
6 shall be deposited in the remedial action account.

7 (Source: P.A. 101-400, eff. 12-31-19 (See Section 5 of P.A.  
8 101-605 for effective date of P.A. 101-400); 101-605, eff.  
9 12-31-19; revised 6-1-22.)

10 Section 615. The Illinois Nuclear Safety Preparedness Act  
11 is amended by changing Section 8 as follows:

12 (420 ILCS 5/8) (from Ch. 111 1/2, par. 4308)

13 Sec. 8. (a) The Illinois Nuclear Safety Preparedness  
14 Program shall consist of an assessment of the potential  
15 nuclear accidents, their radiological consequences, and the  
16 necessary protective actions required to mitigate the effects  
17 of such accidents. It shall include, but not necessarily be  
18 limited to:

19 (1) Development of a remote effluent monitoring system  
20 capable of reliably detecting and quantifying accidental  
21 radioactive releases from nuclear power plants to the  
22 environment;

23 (2) Development of an environmental monitoring program  
24 for nuclear facilities other than nuclear power plants;

1           (3) Development of procedures for radiological  
2 assessment and radiation exposure control for areas  
3 surrounding each nuclear facility in Illinois;

4           (4) Radiological training of State ~~state~~ and local  
5 emergency response personnel in accordance with the  
6 Agency's responsibilities under the program;

7           (5) Participation in the development of accident  
8 scenarios and in the exercising of fixed facility nuclear  
9 emergency response plans;

10          (6) Development of mitigative emergency planning  
11 standards including, but not limited to, standards  
12 pertaining to evacuations, re-entry into evacuated areas,  
13 contaminated foodstuffs and contaminated water supplies;

14          (7) Provision of specialized response equipment  
15 necessary to accomplish this task;

16          (8) Implementation of the Boiler and Pressure Vessel  
17 Safety program at nuclear steam-generating facilities as  
18 mandated by Section 2005-35 of the Department of Nuclear  
19 Safety Law, or its successor statute;

20          (9) Development and implementation of a plan for  
21 inspecting and escorting all shipments of spent nuclear  
22 fuel, high-level radioactive waste, transuranic waste, and  
23 highway route controlled quantities of radioactive  
24 materials in Illinois; ~~and~~

25          (10) Implementation of the program under the Illinois  
26 Nuclear Facility Safety Act; and ~~and~~.

1           (11)    Development    and    implementation    of    a  
2    radiochemistry    laboratory    capable    of    preparing  
3    environmental    samples,    performing    analyses,  
4    quantification,    and    reporting    for    assessment    and    radiation  
5    exposure    control    due    to    accidental    radioactive    releases  
6    from    nuclear    power    plants    into    the    environment.

7           (b)    The    Agency    may    incorporate    data    collected    by    the  
8    operator    of    a    nuclear    facility    into    the    Agency's    remote  
9    monitoring    system.

10          (c)    The    owners    of    each    nuclear    power    reactor    in    Illinois  
11    shall    provide    the    Agency    all    system    status    signals    which  
12    initiate    Emergency    Action    Level    Declarations,    actuate    accident  
13    mitigation    and    provide    mitigation    verification    as    directed    by  
14    the    Agency.    The    Agency    shall    designate    by    rule    those    system  
15    status    signals    that    must    be    provided.    Signals    providing  
16    indication    of    operating    power    level    shall    also    be    provided.  
17    The    owners    of    the    nuclear    power    reactors    shall,    at    their  
18    expense,    ensure    that    valid    signals    will    be    provided  
19    continuously    24    hours    a    day.

20          All    such    signals    shall    be    provided    in    a    manner    and    at    a  
21    frequency    specified    by    the    Agency    for    incorporation    into    and  
22    augmentation    of    the    remote    effluent    monitoring    system  
23    specified    in    paragraph (1) of subsection (a) ~~(1)~~ of this  
24    Section.    Provision    shall    be    made    for    assuring    that    such    system  
25    status    and    power    level    signals    shall    be    available    to    the  
26    Agency    during    reactor    operation    as    well    as    throughout



1 accidents and subsequent recovery operations.

2 For nuclear reactors with operating licenses issued by the  
3 Nuclear Regulatory Commission prior to the effective date of  
4 this amendatory Act, such system status and power level  
5 signals shall be provided to the Department of Nuclear Safety  
6 (of which the Agency is the successor) by March 1, 1985. For  
7 reactors without such a license on the effective date of this  
8 amendatory Act, such signals shall be provided to the  
9 Department prior to commencing initial fuel load for such  
10 reactor. Nuclear reactors receiving their operating license  
11 after September 7, 1984 (the effective date of Public Act  
12 83-1342) ~~this amendatory Act~~, but before July 1, 1985, shall  
13 provide such system status and power level signals to the  
14 Department of Nuclear Safety (of which the Agency is the  
15 successor) by September 1, 1985.

16 (Source: P.A. 102-133, eff. 7-23-21; revised 8-24-22.)

17 Section 620. The Firearm Owners Identification Card Act is  
18 amended by changing Sections 1.1, 8.3, and 9.5 as follows:

19 (430 ILCS 65/1.1)

20 Sec. 1.1. For purposes of this Act:

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

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

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

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

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

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

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

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

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

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

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

1           (6) is a sexually violent person under subsection (f)  
2 of Section 5 of the Sexually Violent Persons Commitment  
3 Act;

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

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

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

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

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

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

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

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

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

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

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

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

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

14           "Developmental disability" means a severe, chronic  
15 disability of an individual that:

16           (1) is attributable to a mental or physical impairment  
17 or combination of mental and physical impairments;

18           (2) is manifested before the individual attains age  
19 22;

20           (3) is likely to continue indefinitely;

21           (4) results in substantial functional limitations in 3  
22 or more of the following areas of major life activity:

23           (A) Self-care.

24           (B) Receptive and expressive language.

25           (C) Learning.

26           (D) Mobility.

1 (E) Self-direction.

2 (F) Capacity for independent living.

3 (G) Economic self-sufficiency; and

4 (5) reflects the individual's need for a combination  
5 and sequence of special, interdisciplinary, or generic  
6 services, individualized supports, or other forms of  
7 assistance that are of lifelong or extended duration and  
8 are individually planned and coordinated.

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

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

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

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

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

26 (3) any device used exclusively for the firing of stud

1 cartridges, explosive rivets or similar industrial  
2 ammunition; and

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

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

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

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

18 "Gun show" means an event or function:

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

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

26 "Gun show" includes the entire premises provided for an

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

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

16 "Gun show promoter" means a person who organizes or  
17 operates a gun show.

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

23 "Intellectual disability" means significantly subaverage  
24 general intellectual functioning, existing concurrently with  
25 deficits in adaptive behavior and manifested during the  
26 developmental period, which is defined as before the age of

1 22, that adversely affects a child's educational performance.

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

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

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

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

23 "Patient" means:

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



1 Health and Developmental Disabilities Code as an informal  
2 admission, a voluntary admission, a minor admission, an  
3 emergency admission, or an involuntary admission, unless  
4 the treatment was solely for an alcohol abuse disorder; or

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

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

12 "Protective order" means any orders of protection issued  
13 under the Illinois Domestic Violence Act of 1986, stalking no  
14 contact orders issued under the Stalking No Contact Order Act,  
15 civil no contact orders issued under the Civil No Contact  
16 Order Act, and firearms restraining orders issued under the  
17 Firearms Restraining Order Act or a substantially similar  
18 order issued by the court of another state, tribe, or United  
19 States territory or military tribunal.

20 "Qualified examiner" has the meaning provided in Section  
21 1-122 of the Mental Health and Developmental Disabilities  
22 Code.

23 "Sanctioned competitive shooting event" means a shooting  
24 contest officially recognized by a national or state shooting  
25 sport association, and includes any sight-in or practice  
26 conducted in conjunction with the event.

1 "School administrator" means the person required to report  
2 under the School Administrator Reporting of Mental Health  
3 Clear and Present Danger Determinations Law.

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

6 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
7 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 102-972, eff.  
8 1-1-23; 102-1030, eff. 5-27-22; revised 12-14-22.)

9 (430 ILCS 65/8.3)

10 Sec. 8.3. Suspension of Firearm Owner's Identification  
11 Card. The Illinois State Police may suspend the Firearm  
12 Owner's Identification Card of a person whose Firearm Owner's  
13 Identification Card is subject to revocation and seizure under  
14 this Act for the duration of the disqualification if the  
15 disqualification is not a permanent ground ~~grounds~~ for  
16 revocation of a Firearm Owner's Identification Card under this  
17 Act. The Illinois State Police may adopt rules necessary to  
18 implement this Section.

19 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
20 102-813, eff. 5-13-22; revised 8-24-22.)

21 (430 ILCS 65/9.5)

22 Sec. 9.5. Revocation of Firearm Owner's Identification  
23 Card.

24 (a) A person who receives a revocation notice under

1 Section 9 of this Act shall, within 48 hours of receiving  
2 notice of the revocation:

3 (1) surrender his or her Firearm Owner's  
4 Identification Card to the local law enforcement agency  
5 where the person resides or to the Illinois State Police;  
6 and

7 (2) complete a Firearm Disposition Record on a form  
8 prescribed by the Illinois State Police and place his or  
9 her firearms in the location or with the person reported  
10 in the Firearm Disposition Record. The form shall require  
11 the person to disclose:

12 (A) the make, model, and serial number of each  
13 firearm owned by or under the custody and control of  
14 the revoked person;

15 (B) the location where each firearm will be  
16 maintained during the prohibited term;

17 (C) if any firearm will be transferred to the  
18 custody of another person, the name, address and  
19 Firearm Owner's Identification Card number of the  
20 transferee; and

21 (D) to whom his or her Firearm Owner's  
22 Identification Card was surrendered.

23 Once completed, the person shall retain a copy and  
24 provide a copy of the Firearm Disposition Record to the  
25 Illinois State Police.

26 (b) Upon confirming through the portal created under

1 Section 2605-304 of the Illinois State Police Law of the Civil  
2 Administrative Code of Illinois that the Firearm Owner's  
3 Identification Card has been revoked by the Illinois State  
4 Police, surrendered cards shall be destroyed by the law  
5 enforcement agency receiving the cards. If a card has not been  
6 revoked, the card shall be returned to the cardholder.

7 (b-5) If a court orders the surrender of a Firearm  
8 ~~Firearms~~ Owner's Identification Card and accepts receipt of  
9 the Card, the court shall destroy the Card and direct the  
10 person whose Firearm Owner's Identification Card has been  
11 surrendered to comply with paragraph (2) of subsection (a).

12 (b-10) If the person whose Firearm Owner's Identification  
13 Card has been revoked has either lost or destroyed the Card,  
14 the person must still comply with paragraph (2) of subsection  
15 (a).

16 (b-15) A notation shall be made in the portal created  
17 under Section 2605-304 of the Illinois State Police Law of the  
18 Civil Administrative Code of Illinois that the revoked Firearm  
19 Owner's Identification Card has been destroyed.

20 (c) If the person whose Firearm Owner's Identification  
21 Card has been revoked fails to comply with the requirements of  
22 this Section, the sheriff or law enforcement agency where the  
23 person resides may petition the circuit court to issue a  
24 warrant to search for and seize the Firearm Owner's  
25 Identification Card and firearms in the possession or under  
26 the custody or control of the person whose Firearm Owner's

1 Identification Card has been revoked.

2 (d) A violation of subsection (a) of this Section is a  
3 Class A misdemeanor.

4 (e) The observation of a Firearm Owner's Identification  
5 Card in the possession of a person whose Firearm Owner's  
6 Identification Card has been revoked constitutes a sufficient  
7 basis for the arrest of that person for violation of this  
8 Section.

9 (f) Within 30 days after July 9, 2013 (the effective date  
10 of Public Act 98-63), the Illinois State Police shall provide  
11 written notice of the requirements of this Section to persons  
12 whose Firearm Owner's Identification Cards have been revoked,  
13 suspended, or expired and who have failed to surrender their  
14 cards to the Illinois State Police.

15 (g) A person whose Firearm Owner's Identification Card has  
16 been revoked and who received notice under subsection (f)  
17 shall comply with the requirements of this Section within 48  
18 hours of receiving notice.

19 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
20 102-813, eff. 5-13-22; revised 8-24-22.)

21 Section 625. The Lake Michigan Rescue Equipment Act is  
22 amended by changing Section 25 as follows:

23 (430 ILCS 175/25)

24 (This Section may contain text from a Public Act with a

1 delayed effective date)

2       Sec. 25. High-incident drowning area plans. Within one  
3 year after an owner's property becomes ~~becoming~~ a  
4 high-incident drowning area, the owner shall update and  
5 disseminate a water safety plan as well as upgrade installed  
6 safety equipment as needed, which may include, but is not  
7 limited to, installing equipment that automatically contacts  
8 9-1-1 or other safety improvements.

9 (Source: P.A. 102-1036, eff. 6-2-23; revised 8-24-22.)

10       Section 630. The Herptiles-Herps Act is amended by  
11 changing Section 100-10 as follows:

12       (510 ILCS 68/100-10)

13       Sec. 100-10. Search and seizure. Whenever any authorized  
14 employee of the Department, sheriff, deputy sheriff, or other  
15 peace officer ~~office~~ of the State has reason to believe that  
16 any person, owner, possessor, commercial institution, pet  
17 store, or reptile show vendor or attendee possesses any  
18 herptile or any part or parts of a herptile contrary to the  
19 provisions of this Act, including administrative rules, he or  
20 she may file, or cause to be filed, a sworn complaint to that  
21 effect before the circuit court and procure and execute a  
22 search warrant. Upon execution of the search warrant, the  
23 officer executing the search warrant shall make due return of  
24 the search warrant to the court issuing the search warrant,

1 together with an inventory of all the herptiles or any part or  
2 parts of a herptile taken under the search warrant. The court  
3 shall then issue process against the party owning,  
4 controlling, or transporting the herptile or any part of a  
5 herptile seized, and upon its return shall proceed to  
6 determine whether or not the herptile or any part or parts of a  
7 herptile were held, possessed, or transported in violation of  
8 this Act, including administrative rules. In case of a finding  
9 that a herptile was illegally held, possessed, transported, or  
10 sold, a judgment shall be entered against the owner or party  
11 found in possession of the herptile or any part or parts of a  
12 herptile for the costs of the proceeding and providing for the  
13 disposition of the property seized, as provided for by this  
14 Act.

15 (Source: P.A. 102-315, eff. 1-1-22; revised 2-28-22.)

16 Section 635. The Fish and Aquatic Life Code is amended by  
17 changing Section 20-45 as follows:

18 (515 ILCS 5/20-45) (from Ch. 56, par. 20-45)

19 Sec. 20-45. License fees for residents. Fees for licenses  
20 for residents of the State of Illinois shall be as follows:

21 (a) Except as otherwise provided in this Section, for  
22 sport fishing devices as defined in Section 10-95 or  
23 spearing devices as defined in Section 10-110, the fee is  
24 \$14.50 for individuals 16 to 64 years old, one-half of the

1 current fishing license fee for individuals age 65 or  
2 older, and, commencing with the 2012 license year,  
3 one-half of the current fishing license fee for resident  
4 veterans of the United States Armed Forces after returning  
5 from service abroad or mobilization by the President of  
6 the United States as an active duty member of the United  
7 States Armed Forces, the Illinois National Guard, or the  
8 Reserves of the United States Armed Forces. Veterans must  
9 provide to the Department acceptable verification of their  
10 service. The Department shall establish by administrative  
11 rule the procedure by which such verification of service  
12 shall be made to the Department for the purpose of issuing  
13 fishing licenses to resident veterans at a reduced fee.

14 (a-5) The fee for all sport fishing licenses shall be  
15 \$1 for residents over 75 years of age.

16 (b) All residents before using any commercial fishing  
17 device shall obtain a commercial fishing license, the fee  
18 for which shall be \$60 and a resident fishing license, the  
19 fee for which is \$14.50. Each and every commercial device  
20 used shall be licensed by a resident commercial fisherman  
21 as follows:

22 (1) For each 100 lineal yards, or fraction  
23 thereof, of seine the fee is \$18. For each minnow  
24 seine, minnow trap, or net for commercial purposes the  
25 fee is \$20.

26 (2) For each device to fish with a 100 hook trot



1 line device, basket trap, hoop net, or dip net the fee  
2 is \$3.

3 (3) When used in the waters of Lake Michigan, for  
4 the first 2000 lineal feet, or fraction thereof, of  
5 gill net the fee is \$10; and for each 1000 additional  
6 lineal feet, or fraction thereof, the fee is \$10.  
7 These fees shall apply to all gill nets in use in the  
8 water or on drying reels on the shore.

9 (4) For each 100 lineal yards, or fraction  
10 thereof, of gill net or trammel net the fee is \$18.

11 (c) Residents of the State of Illinois may obtain a  
12 sportsmen's combination license that shall entitle the  
13 holder to the same non-commercial fishing privileges as  
14 residents holding a license as described in subsection (a)  
15 of this Section and to the same hunting privileges as  
16 residents holding a license to hunt all species as  
17 described in Section 3.1 of the Wildlife Code. No  
18 sportsmen's combination license shall be issued to any  
19 individual who would be ineligible for either the fishing  
20 or hunting license separately. The sportsmen's combination  
21 license fee shall be \$25.50. For residents age 65 or  
22 older, the fee is one-half of the fee charged for a  
23 sportsmen's combination license. For resident veterans of  
24 the United States Armed Forces after returning from  
25 service abroad or mobilization by the President of the  
26 United States as an active duty member of the United

1 States Armed Forces, the Illinois National Guard, or the  
2 Reserves of the United States Armed Forces, the fee,  
3 commencing with the 2012 license year, is one-half of the  
4 fee charged for a sportsmen's combination license.  
5 Veterans must provide to the Department acceptable  
6 verification of their service. The Department shall  
7 establish by administrative rule the procedure by which  
8 such verification of service shall be made to the  
9 Department for the purpose of issuing sportsmen's  
10 combination licenses to resident veterans at a reduced  
11 fee.

12 (d) For 24 hours of fishing by sport fishing devices  
13 as defined in Section 10-95 or by spearing devices as  
14 defined in Section 10-110 the fee is \$5. This license does  
15 not exempt the licensee from the requirement for a salmon  
16 or inland trout stamp. The licenses provided for by this  
17 subsection are not required for residents of the State of  
18 Illinois who have obtained the license provided for in  
19 subsection (a) of this Section.

20 (e) All residents before using any commercial mussel  
21 device shall obtain a commercial mussel license, the fee  
22 for which shall be \$50.

23 (f) Residents of this State, upon establishing  
24 residency as required by the Department, may obtain a  
25 lifetime hunting or fishing license or lifetime  
26 sportsmen's combination license which shall entitle the

1 holder to the same non-commercial fishing privileges as  
2 residents holding a license as described in paragraph (a)  
3 of this Section and to the same hunting privileges as  
4 residents holding a license to hunt all species as  
5 described in Section 3.1 of the Wildlife Code. No lifetime  
6 sportsmen's combination license shall be issued to or  
7 retained by any individual who would be ineligible for  
8 either the fishing or hunting license separately, either  
9 upon issuance, or in any year a violation would subject an  
10 individual to have either or both fishing or hunting  
11 privileges rescinded. The lifetime hunting and fishing  
12 license fees shall be as follows:

13 (1) Lifetime fishing: 30 x the current fishing  
14 license fee.

15 (2) Lifetime hunting: 30 x the current hunting  
16 license fee.

17 (3) Lifetime sportsmen's combination license: 30 x  
18 the current sportsmen's combination license fee.

19 Lifetime licenses shall not be refundable. A \$10 fee shall  
20 be charged for reissuing any lifetime license. The Department  
21 may establish rules and regulations for the issuance and use  
22 of lifetime licenses and may suspend or revoke any lifetime  
23 license issued under this Section for violations of those  
24 rules or regulations or other provisions under this Code or  
25 the Wildlife Code, or a violation of the United States Code  
26 that involves the taking, possessing, killing, harvesting,

1 transportation, selling, exporting, or importing any fish or  
2 aquatic life protected by this Code or the taking, possessing,  
3 killing, harvesting, transportation, selling, exporting, or  
4 importing any fauna protected by the Wildlife Code when any  
5 part of the United States Code violation occurred in Illinois.  
6 Individuals under 16 years of age who possess a lifetime  
7 hunting or sportsmen's combination license shall have in their  
8 possession, while in the field, a certificate of competency as  
9 required under Section 3.2 of the Wildlife Code. Any lifetime  
10 license issued under this Section shall not exempt individuals  
11 from obtaining additional stamps or permits required under the  
12 provisions of this Code or the Wildlife Code. Individuals  
13 required to purchase additional stamps shall sign the stamps  
14 and have them in their possession while fishing or hunting  
15 with a lifetime license. All fees received from the issuance  
16 of lifetime licenses shall be deposited in the Fish and  
17 Wildlife Endowment Fund.

18 Except for licenses issued under subsection (e) of this  
19 Section, all licenses provided for in this Section shall  
20 expire on March 31 of each year, except that the license  
21 provided for in subsection (d) of this Section shall expire 24  
22 hours after the effective date and time listed on the face of  
23 the license.

24 All individuals required to have and failing to have the  
25 license provided for in subsection (a) or (d) of this Section  
26 shall be fined according to the provisions of Section 20-35 of

1 this Code.

2 All individuals required to have and failing to have the  
3 licenses provided for in subsections (b) and (e) of this  
4 Section shall be guilty of a Class B misdemeanor.

5 (g) For the purposes of this Section, "acceptable  
6 verification" means official documentation from the Department  
7 of Defense or the appropriate Major Command showing  
8 mobilization dates or service abroad dates, including: (i) a  
9 DD-214, (ii) a letter from the Illinois Department of Military  
10 Affairs for members of the Illinois National Guard, (iii) a  
11 letter from the Regional Reserve Command for members of the  
12 Armed Forces Reserve, (iv) a letter from the Major Command  
13 covering Illinois for active duty members, (v) personnel  
14 records for mobilized State employees, and (vi) any other  
15 documentation that the Department, by administrative rule,  
16 deems acceptable to establish dates of mobilization or service  
17 abroad.

18 For the purposes of this Section, the term "service  
19 abroad" means active duty service outside of the 50 United  
20 States and the District of Columbia, and includes all active  
21 duty service in territories and possessions of the United  
22 States.

23 (Source: P.A. 102-780, eff. 5-13-22; 102-837, eff. 5-13-22;  
24 revised 7-26-22.)

25 Section 640. The Wildlife Code is amended by changing

1 Sections 1.2t and 2.33 as follows:

2 (520 ILCS 5/1.2t) (from Ch. 61, par. 1.2t)

3 Sec. 1.2t. "Wildlife" means any bird or mammal that is ~~are~~  
4 by nature wild by way of distinction from a bird or mammal  
5 ~~those~~ that is ~~are~~ naturally tame and is ~~are~~ ordinarily living  
6 unconfined in a state of nature without the care of man.

7 (Source: P.A. 97-431, eff. 8-16-11; revised 6-1-22.)

8 (520 ILCS 5/2.33)

9 Sec. 2.33. Prohibitions.

10 (a) It is unlawful to carry or possess any gun in any State  
11 refuge unless otherwise permitted by administrative rule.

12 (b) It is unlawful to use or possess any snare or  
13 snare-like device, deadfall, net, or pit trap to take any  
14 species, except that snares not powered by springs or other  
15 mechanical devices may be used to trap fur-bearing mammals, in  
16 water sets only, if at least one-half of the snare noose is  
17 located underwater at all times.

18 (c) It is unlawful for any person at any time to take a  
19 wild mammal protected by this Act from its den by means of any  
20 mechanical device, spade, or digging device or to use smoke or  
21 other gases to dislodge or remove such mammal except as  
22 provided in Section 2.37.

23 (d) It is unlawful to use a ferret or any other small  
24 mammal which is used in the same or similar manner for which

1 ferrets are used for the purpose of frightening or driving any  
2 mammals from their dens or hiding places.

3 (e) (Blank).

4 (f) It is unlawful to use spears, gigs, hooks, or any like  
5 device to take any species protected by this Act.

6 (g) It is unlawful to use poisons, chemicals, or  
7 explosives for the purpose of taking any species protected by  
8 this Act.

9 (h) It is unlawful to hunt adjacent to or near any peat,  
10 grass, brush, or other inflammable substance when it is  
11 burning.

12 (i) It is unlawful to take, pursue or intentionally harass  
13 or disturb in any manner any wild birds or mammals by use or  
14 aid of any vehicle, conveyance, or unmanned aircraft as  
15 defined by the Illinois Aeronautics Act, except as permitted  
16 by the Code of Federal Regulations for the taking of  
17 waterfowl; except that nothing in this subsection shall  
18 prohibit the use of unmanned aircraft in the inspection of a  
19 public utility facility, tower, or structure or a mobile  
20 service facility, tower, or structure by a public utility, as  
21 defined in Section 3-105 of the Public Utilities Act, or a  
22 provider of mobile services as defined in Section 153 of Title  
23 47 of the United States Code. It is also unlawful to use the  
24 lights of any vehicle or conveyance, any light connected to  
25 any vehicle or conveyance, or any other lighting device or  
26 mechanism from inside or on a vehicle or conveyance in any area

1 where wildlife may be found except in accordance with Section  
2 2.37 of this Act; however, nothing in this Section shall  
3 prohibit the normal use of headlamps for the purpose of  
4 driving upon a roadway. For purposes of this Section, any  
5 other lighting device or mechanism shall include, but not be  
6 limited to, any device that uses infrared or other light not  
7 visible to the naked eye, electronic image intensification,  
8 active illumination, thermal imaging, or night vision. Striped  
9 skunk, opossum, red fox, gray fox, raccoon, bobcat, and coyote  
10 may be taken during the open season by use of a small light  
11 which is worn on the body or hand-held by a person on foot and  
12 not in any vehicle.

13 (j) It is unlawful to use any shotgun larger than 10 gauge  
14 while taking or attempting to take any of the species  
15 protected by this Act.

16 (k) It is unlawful to use or possess in the field any  
17 shotgun shell loaded with a shot size larger than lead BB or  
18 steel T (.20 diameter) when taking or attempting to take any  
19 species of wild game mammals (excluding white-tailed deer),  
20 wild game birds, migratory waterfowl or migratory game birds  
21 protected by this Act, except white-tailed deer as provided  
22 for in Section 2.26 and other species as provided for by  
23 subsection (l) or administrative rule.

24 (l) It is unlawful to take any species of wild game, except  
25 white-tailed deer and fur-bearing mammals, with a shotgun  
26 loaded with slugs unless otherwise provided for by



1 administrative rule.

2 (m) It is unlawful to use any shotgun capable of holding  
3 more than 3 shells in the magazine or chamber combined, except  
4 on game breeding and hunting preserve areas licensed under  
5 Section 3.27 and except as permitted by the Code of Federal  
6 Regulations for the taking of waterfowl. If the shotgun is  
7 capable of holding more than 3 shells, it shall, while being  
8 used on an area other than a game breeding and shooting  
9 preserve area licensed pursuant to Section 3.27, be fitted  
10 with a one-piece ~~one-piece~~ plug that is irremovable without  
11 dismantling the shotgun or otherwise altered to render it  
12 incapable of holding more than 3 shells in the magazine and  
13 chamber, combined.

14 (n) It is unlawful for any person, except persons who  
15 possess a permit to hunt from a vehicle as provided in this  
16 Section and persons otherwise permitted by law, to have or  
17 carry any gun in or on any vehicle, conveyance, or aircraft,  
18 unless such gun is unloaded and enclosed in a case, except that  
19 at field trials authorized by Section 2.34 of this Act,  
20 unloaded guns or guns loaded with blank cartridges only<sup>7</sup> may  
21 be carried on horseback while not contained in a case, or to  
22 have or carry any bow or arrow device in or on any vehicle  
23 unless such bow or arrow device is unstrung or enclosed in a  
24 case, or otherwise made inoperable unless in accordance with  
25 the Firearm Concealed Carry Act.

26 (o) (Blank).

1           (p) It is unlawful to take game birds, migratory game  
2 birds or migratory waterfowl with a rifle, pistol, revolver,  
3 or air rifle.

4           (q) It is unlawful to fire a rifle, pistol, revolver, or  
5 air rifle on, over, or into any waters of this State, including  
6 frozen waters.

7           (r) It is unlawful to discharge any gun or bow and arrow  
8 device along, upon, across, or from any public right-of-way or  
9 highway in this State.

10          (s) It is unlawful to use a silencer or other device to  
11 muffle or mute the sound of the explosion or report resulting  
12 from the firing of any gun.

13          (t) It is unlawful for any person to take or attempt to  
14 take any species of wildlife or parts thereof, or allow a dog  
15 to hunt, within or upon the land of another, or upon waters  
16 flowing over or standing on the land of another, or to  
17 knowingly shoot a gun or bow and arrow device at any wildlife  
18 physically on or flying over the property of another without  
19 first obtaining permission from the owner or the owner's  
20 designee. For the purposes of this Section, the owner's  
21 designee means anyone who the owner designates in a written  
22 authorization and the authorization must contain (i) the legal  
23 or common description of property for which such authority is  
24 given, (ii) the extent that the owner's designee is authorized  
25 to make decisions regarding who is allowed to take or attempt  
26 to take any species of wildlife or parts thereof, and (iii) the

1 owner's notarized signature. Before enforcing this Section,  
2 the law enforcement officer must have received notice from the  
3 owner or the owner's designee of a violation of this Section.  
4 Statements made to the law enforcement officer regarding this  
5 notice shall not be rendered inadmissible by the hearsay rule  
6 when offered for the purpose of showing the required notice.

7 (u) It is unlawful for any person to discharge any firearm  
8 for the purpose of taking any of the species protected by this  
9 Act, or hunt with gun or dog, or allow a dog to hunt, within  
10 300 yards of an inhabited dwelling without first obtaining  
11 permission from the owner or tenant, except that while  
12 trapping, hunting with bow and arrow, hunting with dog and  
13 shotgun using shot shells only, or hunting with shotgun using  
14 shot shells only, or providing outfitting services under a  
15 waterfowl outfitter permit, or on licensed game breeding and  
16 hunting preserve areas, as defined in Section 3.27, on  
17 federally owned and managed lands and on Department owned,  
18 managed, leased, or controlled lands, a 100 yard restriction  
19 shall apply.

20 (v) It is unlawful for any person to remove fur-bearing  
21 mammals from, or to move or disturb in any manner, the traps  
22 owned by another person without written authorization of the  
23 owner to do so.

24 (w) It is unlawful for any owner of a dog to allow his or  
25 her dog to pursue, harass, or kill deer, except that nothing in  
26 this Section shall prohibit the tracking of wounded deer with

1 a dog in accordance with the provisions of Section 2.26 of this  
2 Code.

3 (x) It is unlawful for any person to wantonly or  
4 carelessly injure or destroy, in any manner whatsoever, any  
5 real or personal property on the land of another while engaged  
6 in hunting or trapping thereon.

7 (y) It is unlawful to hunt wild game protected by this Act  
8 between one-half ~~one-half~~ hour after sunset and one-half ~~one~~  
9 ~~half~~ hour before sunrise, except that hunting hours between  
10 one-half ~~one-half~~ hour after sunset and one-half ~~one-half~~ hour  
11 before sunrise may be established by administrative rule for  
12 fur-bearing mammals.

13 (z) It is unlawful to take any game bird (excluding wild  
14 turkeys and crippled pheasants not capable of normal flight  
15 and otherwise irretrievable) protected by this Act when not  
16 flying. Nothing in this Section shall prohibit a person from  
17 carrying an uncased, unloaded shotgun in a boat, while in  
18 pursuit of a crippled migratory waterfowl that is incapable of  
19 normal flight, for the purpose of attempting to reduce the  
20 migratory waterfowl to possession, provided that the attempt  
21 is made immediately upon downing the migratory waterfowl and  
22 is done within 400 yards of the blind from which the migratory  
23 waterfowl was downed. This exception shall apply only to  
24 migratory game birds that are not capable of normal flight.  
25 Migratory waterfowl that are crippled may be taken only with a  
26 shotgun as regulated by subsection (j) of this Section using

1 shotgun shells as regulated in subsection (k) of this Section.

2 (aa) It is unlawful to use or possess any device that may  
3 be used for tree climbing or cutting, while hunting  
4 fur-bearing mammals, excluding coyotes. However, coyotes may  
5 not be hunted utilizing these devices during open season for  
6 deer except by properly licensed deer hunters.

7 (bb) It is unlawful for any person, except licensed game  
8 breeders, pursuant to Section 2.29 to import, carry into, or  
9 possess alive in this State any species of wildlife taken  
10 outside of this State, without obtaining permission to do so  
11 from the Director.

12 (cc) It is unlawful for any person to have in his or her  
13 possession any freshly killed species protected by this Act  
14 during the season closed for taking.

15 (dd) It is unlawful to take any species protected by this  
16 Act and retain it alive except as provided by administrative  
17 rule.

18 (ee) It is unlawful to possess any rifle while in the field  
19 during gun deer season except as provided in Sections 2.25 and  
20 2.26 and administrative rules.

21 (ff) It is unlawful for any person to take any species  
22 protected by this Act, except migratory waterfowl, during the  
23 gun deer hunting season in those counties open to gun deer  
24 hunting, unless he or she wears, when in the field, a cap and  
25 upper outer garment of a solid blaze orange color or solid  
26 blaze pink color, with such articles of clothing displaying a

1 minimum of 400 square inches of blaze orange or solid blaze  
2 pink color material.

3 (gg) It is unlawful during the upland game season for any  
4 person to take upland game with a firearm unless he or she  
5 wears, while in the field, a cap of solid blaze orange color or  
6 solid blaze pink color. For purposes of this Act, upland game  
7 is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked  
8 Pheasant, Eastern Cottontail, and Swamp Rabbit.

9 (hh) It shall be unlawful to kill or cripple any species  
10 protected by this Act for which there is a bag limit without  
11 making a reasonable effort to retrieve such species and  
12 include such in the bag limit. It shall be unlawful for any  
13 person having control over harvested game mammals, game birds,  
14 or migratory game birds for which there is a bag limit to  
15 wantonly waste or destroy the usable meat of the game, except  
16 this shall not apply to wildlife taken under Sections 2.37 or  
17 3.22 of this Code. For purposes of this subsection, "usable  
18 meat" means the breast meat of a game bird or migratory game  
19 bird and the hind ham and front shoulders of a game mammal. It  
20 shall be unlawful for any person to place, leave, dump, or  
21 abandon a wildlife carcass or parts of it along or upon a  
22 public right-of-way or highway or on public or private  
23 property, including a waterway or stream, without the  
24 permission of the owner or tenant. It shall not be unlawful to  
25 discard game meat that is determined to be unfit for human  
26 consumption.

1           (ii) This Section shall apply only to those species  
2 protected by this Act taken within the State. Any species or  
3 any parts thereof, legally taken in and transported from other  
4 states or countries, may be possessed within the State, except  
5 as provided in this Section and Sections 2.35, 2.364 and 3.21.

6           (jj) (Blank).

7           (kk) Nothing contained in this Section shall prohibit the  
8 Director from issuing permits to paraplegics or to other  
9 persons with disabilities who meet the requirements set forth  
10 in administrative rule to shoot or hunt from a vehicle as  
11 provided by that rule, provided that such is otherwise in  
12 accord with this Act.

13           (ll) Nothing contained in this Act shall prohibit the  
14 taking of aquatic life protected by the Fish and Aquatic Life  
15 Code or birds and mammals protected by this Act, except deer  
16 and fur-bearing mammals, from a boat not camouflaged or  
17 disguised to alter its identity or to further provide a place  
18 of concealment and not propelled by sail or mechanical power.  
19 However, only shotguns not larger than 10 gauge nor smaller  
20 than .410 bore loaded with not more than 3 shells of a shot  
21 size no larger than lead BB or steel T (.20 diameter) may be  
22 used to take species protected by this Act.

23           (mm) Nothing contained in this Act shall prohibit the use  
24 of a shotgun, not larger than 10 gauge nor smaller than a 20  
25 gauge, with a rifled barrel.

26           (nn) It shall be unlawful to possess any species of

1 wildlife or wildlife parts taken unlawfully in Illinois, any  
2 other state, or any other country, whether or not the wildlife  
3 or wildlife parts are ~~is~~ indigenous to Illinois. For the  
4 purposes of this subsection, the statute of limitations for  
5 unlawful possession of wildlife or wildlife parts shall not  
6 cease until 2 years after the possession has permanently  
7 ended.

8 (oo) It is unlawful while deer hunting:

9 (1) to possess or be in close proximity to a rifle that  
10 is not centerfire; or

11 (2) to be in possession of or in close proximity to a  
12 magazine that is capable of making a rifle not a single  
13 shot.

14 (Source: P.A. 102-237, eff. 1-1-22; 102-837, eff. 5-13-22;  
15 102-932, eff. 1-1-23; revised 12-14-22.)

16 Section 645. The Wildlife Habitat Management Areas Act is  
17 amended by changing Section 20 as follows:

18 (520 ILCS 20/20) (from Ch. 61, par. 237)

19 Sec. 20. In connection with their official duties, it is  
20 lawful for any member of the Department, or any employee  
21 ~~employe~~ or duly appointed agent thereof, l to go upon a Wildlife  
22 Habitat Management Area, restricted or open, at any time of  
23 the year with or without firearms, traps, l or dogs.

24 (Source: Laws 1961, p. 2296; revised 8-22-22.)



1 Section 650. The Illinois Highway Code is amended by  
2 changing Section 2-201 as follows:

3 (605 ILCS 5/2-201) (from Ch. 121, par. 2-201)

4 Sec. 2-201. The terms used in this Code shall, for the  
5 purposes of this Code, have the meanings ascribed to them in  
6 this Division of this Article, except when the context  
7 otherwise requires.

8 (Source: Laws 1959, p. 196; revised 2-28-22.)

9 Section 655. The Expressway Camera Act is amended by  
10 changing Section 5 as follows:

11 (605 ILCS 140/5)

12 (Section scheduled to be repealed on July 1, 2025)

13 Sec. 5. Camera program.

14 (a) The Illinois State Police, the Illinois Department of  
15 Transportation, and the Illinois State Toll Highway Authority  
16 shall work together to conduct a program to increase the  
17 amount of cameras along (i) expressways and the State highway  
18 system in the counties of Boone, Bureau, Champaign, Cook,  
19 DeKalb, DuPage, Grundy, Henry, Kane, Kendall, Lake, LaSalle,  
20 Macon, Madison, McHenry, Morgan, Peoria, Rock Island,  
21 Sangamon, St. Clair, Will, and Winnebago and (ii)  
22 Jean-Baptiste Pointe DuSable Lake Shore Drive in Cook County.

1 Within 90 days after June 3, 2022 (the effective date of Public  
2 Act 102-1042) ~~this amendatory Act of the 102nd General~~  
3 ~~Assembly~~, details about the program objectives, counties where  
4 the program is operational, and policies under which the  
5 program operates shall be made publicly available and posted  
6 online.

7 (b) Images from the cameras may be extracted by any  
8 authorized user and used by any municipal police department,  
9 county sheriff's office, State Police officer, or other law  
10 enforcement agency with jurisdiction in the investigation of  
11 any offenses involving vehicular hijacking, aggravated  
12 vehicular hijacking, terrorism, motor vehicle theft, or any  
13 forcible felony, including, but not limited to, offenses  
14 involving the use of a firearm; to detect expressway hazards  
15 and highway conditions; and to facilitate highway safety and  
16 incident management. Images from the cameras shall not be used  
17 to enforce petty offenses or offenses not listed in this  
18 subsection, unless use of the images pertains to expressway or  
19 highway safety or hazards. Images from the cameras may be used  
20 by any law enforcement agency conducting an active law  
21 enforcement investigation. All images from the cameras shall  
22 be deleted within 120 days, unless the images are relevant to  
23 an ongoing investigation or pending criminal trial. Cameras  
24 shall not be used to monitor individuals or groups in a  
25 discriminatory manner contrary to applicable State or federal  
26 law.

1 (b-5) By June 30th of each year, the Illinois State  
2 Police, the Illinois Department of Transportation, and the  
3 Illinois State Toll Highway Authority shall issue a joint  
4 report to the General Assembly detailing the program  
5 operations, including, but not limited to:

6 (1) the cost of installation of cameras by county;

7 (2) the cost of ongoing maintenance of the camera  
8 systems per county, including electrical costs and data  
9 transfer costs;

10 (3) the number of inquiries where the investigation  
11 involved the criminal offenses outlined in subsection (b);  
12 and

13 (4) the number of incidents in which law enforcement  
14 searched the stored data for the criminal offenses  
15 outlined in subsection (b).

16 (c) Subject to appropriation, any funds needed to conduct  
17 the program for use on the expressways or State highway system  
18 under the jurisdiction of the Department of Transportation  
19 shall be taken from the Road Fund and shall be included in  
20 requests for qualification processes. Any funds needed to  
21 conduct the program for use on expressways under the  
22 jurisdiction of the Illinois State Toll Highway Authority  
23 shall be paid for by funds from the Illinois State Tollway  
24 Highway Authority and shall be included in requests for  
25 qualification processes.

26 (c-5) Any forcible felony, gunrunning, or firearms

1 trafficking offense, as defined in Section 2-8, 24-3a, or  
2 24-3b of the Criminal Code of 2012, respectively, committed on  
3 an expressway monitored by a camera system funded by money  
4 from the Road Fund and investigated by officers of the  
5 Illinois State Police may be prosecuted by the Attorney  
6 General or the State's Attorney where the offense was  
7 committed.

8 (d) (Blank).

9 (Source: P.A. 101-42, eff. 1-1-20; 102-1042, eff. 6-3-22;  
10 102-1043, eff. 6-3-22; revised 7-26-22.)

11 Section 660. The Railroad Incorporation Act is amended by  
12 changing Section 13a as follows:

13 (610 ILCS 5/13a) (from Ch. 114, par. 13a)

14 Sec. 13a. Any railroad corporation may, with the consent  
15 of the stockholders hereinafter stated, issue and sell,  
16 subject, however, to the provisions of the Illinois Securities  
17 Law and amendments thereto, under such restrictions and terms  
18 and for such consideration as the stockholders shall  
19 authorize, any part or all of its unissued stock, or  
20 additional stock authorized pursuant to the provisions of this  
21 Act, to employees ~~employees~~ of the corporation or of any  
22 subsidiary corporation, without first offering such stock for  
23 subscription to its stockholders. Such consent and  
24 authorization may be given at any annual or special meeting of

1 the stockholders by the affirmative vote of two-thirds in  
2 amount of all the shares of stock outstanding and entitled to  
3 vote. If any stockholder not voting in favor of said issue and  
4 sale of stock to employees ~~employee~~, so desires, he may, at  
5 such meeting, or within twenty days thereafter, object thereto  
6 in writing, to be filed with the secretary of the corporation,  
7 and demand payment for the stock then held by him, in which  
8 case such stockholder or the corporation may at any time  
9 within sixty days after such meeting file a petition in the  
10 Circuit Court of the county in which the principal office of  
11 the corporation is located, asking for a finding and  
12 determination of the fair value of his shares of stock at the  
13 date of such stockholders' meeting.

14 The same procedure shall be followed upon the filing of  
15 such a petition, as near as may be, as is provided for other  
16 cases where a stockholder, who objects to a certain action of a  
17 corporation, is permitted to have the value of his stock fixed  
18 by the Circuit Court and is given the power to compel the  
19 corporation to buy the stock at that price. The value of such  
20 shares of stock at such date shall be their market value in  
21 case the stock of such corporation is listed upon any  
22 exchange. Upon payment by the corporation of the value of such  
23 shares of stock so determined, such stockholder shall cease to  
24 have any interest in such shares or in the property of the  
25 corporation and his shares of stock shall be transferred to  
26 and may be held and disposed of by the corporation as it shall

1 see fit. The corporation shall be liable for and shall pay to  
2 any such objecting stockholder the value of his shares of  
3 stock so determined.

4 (Source: Laws 1925, p. 513; revised 8-22-22.)

5 Section 665. The Illinois Vehicle Code is amended by  
6 changing Sections 4-203, 5-101.1, 6-107, 6-206, 6-514, 7-328,  
7 7-329, 11-208.6, 11-208.9, 11-506, 11-605, and 12-215 as  
8 follows:

9 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

10 (Text of Section before amendment by P.A. 102-982)

11 Sec. 4-203. Removal of motor vehicles or other vehicles;  
12 towing or hauling away.

13 (a) When a vehicle is abandoned, or left unattended, on a  
14 toll highway, interstate highway, or expressway for 2 hours or  
15 more, its removal by a towing service may be authorized by a  
16 law enforcement agency having jurisdiction.

17 (b) When a vehicle is abandoned on a highway in an urban  
18 district for 10 hours or more, its removal by a towing service  
19 may be authorized by a law enforcement agency having  
20 jurisdiction.

21 (c) When a vehicle is abandoned or left unattended on a  
22 highway other than a toll highway, interstate highway, or  
23 expressway, outside of an urban district for 24 hours or more,  
24 its removal by a towing service may be authorized by a law

1 enforcement agency having jurisdiction.

2 (d) When an abandoned, unattended, wrecked, burned, or  
3 partially dismantled vehicle is creating a traffic hazard  
4 because of its position in relation to the highway or its  
5 physical appearance is causing the impeding of traffic, its  
6 immediate removal from the highway or private property  
7 adjacent to the highway by a towing service may be authorized  
8 by a law enforcement agency having jurisdiction.

9 (e) Whenever a peace officer reasonably believes that a  
10 person under arrest for a violation of Section 11-501 of this  
11 Code or a similar provision of a local ordinance is likely,  
12 upon release, to commit a subsequent violation of Section  
13 11-501, or a similar provision of a local ordinance, the  
14 arresting officer shall have the vehicle which the person was  
15 operating at the time of the arrest impounded for a period of  
16 12 hours after the time of arrest. However, such vehicle may be  
17 released by the arresting law enforcement agency prior to the  
18 end of the impoundment period if:

19 (1) the vehicle was not owned by the person under  
20 arrest, and the lawful owner requesting such release  
21 possesses a valid operator's license, proof of ownership,  
22 and would not, as determined by the arresting law  
23 enforcement agency, indicate a lack of ability to operate  
24 a motor vehicle in a safe manner, or who would otherwise,  
25 by operating such motor vehicle, be in violation of this  
26 Code; or

1           (2) the vehicle is owned by the person under arrest,  
2           and the person under arrest gives permission to another  
3           person to operate such vehicle, provided however, that the  
4           other person possesses a valid operator's license and  
5           would not, as determined by the arresting law enforcement  
6           agency, indicate a lack of ability to operate a motor  
7           vehicle in a safe manner or who would otherwise, by  
8           operating such motor vehicle, be in violation of this  
9           Code.

10          (e-5) Whenever a registered owner of a vehicle is taken  
11          into custody for operating the vehicle in violation of Section  
12          11-501 of this Code or a similar provision of a local ordinance  
13          or Section 6-303 of this Code, a law enforcement officer may  
14          have the vehicle immediately impounded for a period not less  
15          than:

16                 (1) 24 hours for a second violation of Section 11-501  
17                 of this Code or a similar provision of a local ordinance or  
18                 Section 6-303 of this Code or a combination of these  
19                 offenses; or

20                 (2) 48 hours for a third violation of Section 11-501  
21                 of this Code or a similar provision of a local ordinance or  
22                 Section 6-303 of this Code or a combination of these  
23                 offenses.

24          The vehicle may be released sooner if the vehicle is owned  
25          by the person under arrest and the person under arrest gives  
26          permission to another person to operate the vehicle and that



1 other person possesses a valid operator's license and would  
2 not, as determined by the arresting law enforcement agency,  
3 indicate a lack of ability to operate a motor vehicle in a safe  
4 manner or would otherwise, by operating the motor vehicle, be  
5 in violation of this Code.

6 (f) Except as provided in Chapter 18a of this Code, the  
7 owner or lessor of privately owned real property within this  
8 State, or any person authorized by such owner or lessor, or any  
9 law enforcement agency in the case of publicly owned real  
10 property may cause any motor vehicle abandoned or left  
11 unattended upon such property without permission to be removed  
12 by a towing service without liability for the costs of  
13 removal, transportation or storage or damage caused by such  
14 removal, transportation or storage. The towing or removal of  
15 any vehicle from private property without the consent of the  
16 registered owner or other legally authorized person in control  
17 of the vehicle is subject to compliance with the following  
18 conditions and restrictions:

19 1. Any towed or removed vehicle must be stored at the  
20 site of the towing service's place of business. The site  
21 must be open during business hours, and for the purpose of  
22 redemption of vehicles, during the time that the person or  
23 firm towing such vehicle is open for towing purposes.

24 2. The towing service shall within 30 minutes of  
25 completion of such towing or removal, notify the law  
26 enforcement agency having jurisdiction of such towing or

1 removal, and the make, model, color, and license plate  
2 number of the vehicle, and shall obtain and record the  
3 name of the person at the law enforcement agency to whom  
4 such information was reported.

5 3. If the registered owner or legally authorized  
6 person entitled to possession of the vehicle shall arrive  
7 at the scene prior to actual removal or towing of the  
8 vehicle, the vehicle shall be disconnected from the tow  
9 truck and that person shall be allowed to remove the  
10 vehicle without interference, upon the payment of a  
11 reasonable service fee of not more than one-half ~~one-half~~  
12 the posted rate of the towing service as provided in  
13 paragraph 6 of this subsection, for which a receipt shall  
14 be given.

15 4. The rebate or payment of money or any other  
16 valuable consideration from the towing service or its  
17 owners, managers, or employees to the owners or operators  
18 of the premises from which the vehicles are towed or  
19 removed, for the privilege of removing or towing those  
20 vehicles, is prohibited. Any individual who violates this  
21 paragraph shall be guilty of a Class A misdemeanor.

22 5. Except for property appurtenant to and obviously a  
23 part of a single family residence, and except for  
24 instances where notice is personally given to the owner or  
25 other legally authorized person in control of the vehicle  
26 that the area in which that vehicle is parked is reserved

1 or otherwise unavailable to unauthorized vehicles and they  
2 are subject to being removed at the owner or operator's  
3 expense, any property owner or lessor, prior to towing or  
4 removing any vehicle from private property without the  
5 consent of the owner or other legally authorized person in  
6 control of that vehicle, must post a notice meeting the  
7 following requirements:

8 a. Except as otherwise provided in subparagraph  
9 a.1 of this subdivision (f)5, the notice must be  
10 prominently placed at each driveway access or curb cut  
11 allowing vehicular access to the property within 5  
12 feet from the public right-of-way line. If there are  
13 no curbs or access barriers, the sign must be posted  
14 not less than one sign each 100 feet of lot frontage.

15 a.1. In a municipality with a population of less  
16 than 250,000, as an alternative to the requirement of  
17 subparagraph a of this subdivision (f)5, the notice  
18 for a parking lot contained within property used  
19 solely for a 2-family, 3-family, or 4-family residence  
20 may be prominently placed at the perimeter of the  
21 parking lot, in a position where the notice is visible  
22 to the occupants of vehicles entering the lot.

23 b. The notice must indicate clearly, in not less  
24 than 2 inch high light-reflective letters on a  
25 contrasting background, that unauthorized vehicles  
26 will be towed away at the owner's expense.

1           c. The notice must also provide the name and  
2           current telephone number of the towing service towing  
3           or removing the vehicle.

4           d. The sign structure containing the required  
5           notices must be permanently installed with the bottom  
6           of the sign not less than 4 feet above ground level,  
7           and must be continuously maintained on the property  
8           for not less than 24 hours prior to the towing or  
9           removing of any vehicle.

10          6. Any towing service that tows or removes vehicles  
11          and proposes to require the owner, operator, or person in  
12          control of the vehicle to pay the costs of towing and  
13          storage prior to redemption of the vehicle must file and  
14          keep on record with the local law enforcement agency a  
15          complete copy of the current rates to be charged for such  
16          services, and post at the storage site an identical rate  
17          schedule and any written contracts with property owners,  
18          lessors, or persons in control of property which authorize  
19          them to remove vehicles as provided in this Section. The  
20          towing and storage charges, however, shall not exceed the  
21          maximum allowed by the Illinois Commerce Commission under  
22          Section 18a-200.

23          7. No person shall engage in the removal of vehicles  
24          from private property as described in this Section without  
25          filing a notice of intent in each community where he  
26          intends to do such removal, and such notice shall be filed

1 at least 7 days before commencing such towing.

2 8. No removal of a vehicle from private property shall  
3 be done except upon express written instructions of the  
4 owners or persons in charge of the private property upon  
5 which the vehicle is said to be trespassing.

6 9. Vehicle entry for the purpose of removal shall be  
7 allowed with reasonable care on the part of the person or  
8 firm towing the vehicle. Such person or firm shall be  
9 liable for any damages occasioned to the vehicle if such  
10 entry is not in accordance with the standards of  
11 reasonable care.

12 9.5. Except as authorized by a law enforcement  
13 officer, no towing service shall engage in the removal of  
14 a commercial motor vehicle that requires a commercial  
15 driver's license to operate by operating the vehicle under  
16 its own power on a highway.

17 10. When a vehicle has been towed or removed pursuant  
18 to this Section, it must be released to its owner,  
19 custodian, agent, or lienholder within one-half ~~one-half~~  
20 hour after requested, if such request is made during  
21 business hours. Any vehicle owner, custodian, agent, or  
22 lienholder shall have the right to inspect the vehicle  
23 before accepting its return, and no release or waiver of  
24 any kind which would release the towing service from  
25 liability for damages incurred during the towing and  
26 storage may be required from any vehicle owner or other

1           legally authorized person as a condition of release of the  
2           vehicle. A detailed, signed receipt showing the legal name  
3           of the towing service must be given to the person paying  
4           towing or storage charges at the time of payment, whether  
5           requested or not.

6           This Section shall not apply to law enforcement,  
7           firefighting, rescue, ambulance, or other emergency  
8           vehicles which are marked as such or to property owned by  
9           any governmental entity.

10          When an authorized person improperly causes a motor  
11          vehicle to be removed, such person shall be liable to the  
12          owner or lessee of the vehicle for the cost of ~~or~~ removal,  
13          transportation and storage, any damages resulting from the  
14          removal, transportation and storage, attorney's fee and  
15          court costs.

16          Any towing or storage charges accrued shall be payable  
17          in cash or by cashier's check, certified check, debit  
18          card, credit card, or wire transfer, at the option of the  
19          party taking possession of the vehicle.

20          11. Towing companies shall also provide insurance  
21          coverage for areas where vehicles towed under the  
22          provisions of this Chapter will be impounded or otherwise  
23          stored, and shall adequately cover loss by fire, theft, or  
24          other risks.

25          Any person who fails to comply with the conditions and  
26          restrictions of this subsection shall be guilty of a Class C

1 misdemeanor and shall be fined not less than \$100 nor more than  
2 \$500.

3 (g)(1) When a vehicle is determined to be a hazardous  
4 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the  
5 Illinois Municipal Code or Section 5-12002.1 of the Counties  
6 Code, its removal and impoundment by a towing service may be  
7 authorized by a law enforcement agency with appropriate  
8 jurisdiction.

9 (2) When a vehicle removal from either public or private  
10 property is authorized by a law enforcement agency, the owner  
11 of the vehicle shall be responsible for all towing and storage  
12 charges.

13 (3) Vehicles removed from public or private property and  
14 stored by a commercial vehicle relocator or any other towing  
15 service authorized by a law enforcement agency in compliance  
16 with this Section and Sections 4-201 and 4-202 of this Code, or  
17 at the request of the vehicle owner or operator, shall be  
18 subject to a possessor lien for services pursuant to the Labor  
19 and Storage Lien (Small Amount) Act. The provisions of Section  
20 1 of that Act relating to notice and implied consent shall be  
21 deemed satisfied by compliance with Section 18a-302 and  
22 subsection (6) of Section 18a-300. In no event shall such lien  
23 be greater than the rate or rates established in accordance  
24 with subsection (6) of Section 18a-200 of this Code. In no  
25 event shall such lien be increased or altered to reflect any  
26 charge for services or materials rendered in addition to those

1 authorized by this Code. Every such lien shall be payable in  
2 cash or by cashier's check, certified check, debit card,  
3 credit card, or wire transfer, at the option of the party  
4 taking possession of the vehicle.

5 (4) Any personal property belonging to the vehicle owner  
6 in a vehicle subject to a lien under this subsection (g) shall  
7 likewise be subject to that lien, excepting only: child  
8 restraint systems as defined in Section 4 of the Child  
9 Passenger Protection Act and other child booster seats;  
10 eyeglasses; food; medicine; perishable property; any  
11 operator's licenses; any cash, credit cards, or checks or  
12 checkbooks; any wallet, purse, or other property containing  
13 any operator's license or other identifying documents or  
14 materials, cash, credit cards, checks, or checkbooks; and any  
15 personal property belonging to a person other than the vehicle  
16 owner if that person provides adequate proof that the personal  
17 property belongs to that person. The spouse, child, mother,  
18 father, brother, or sister of the vehicle owner may claim  
19 personal property excepted under this paragraph (4) if the  
20 person claiming the personal property provides the commercial  
21 vehicle relocater or towing service with the authorization of  
22 the vehicle owner.

23 (5) This paragraph (5) applies only in the case of a  
24 vehicle that is towed as a result of being involved in an  
25 accident. In addition to the personal property excepted under  
26 paragraph (4), all other personal property in a vehicle



1 subject to a lien under this subsection (g) is exempt from that  
2 lien and may be claimed by the vehicle owner if the vehicle  
3 owner provides the commercial vehicle relocater or towing  
4 service with proof that the vehicle owner has an insurance  
5 policy covering towing and storage fees. The spouse, child,  
6 mother, father, brother, or sister of the vehicle owner may  
7 claim personal property in a vehicle subject to a lien under  
8 this subsection (g) if the person claiming the personal  
9 property provides the commercial vehicle relocater or towing  
10 service with the authorization of the vehicle owner and proof  
11 that the vehicle owner has an insurance policy covering towing  
12 and storage fees. The regulation of liens on personal property  
13 and exceptions to those liens in the case of vehicles towed as  
14 a result of being involved in an accident are exclusive powers  
15 and functions of the State. A home rule unit may not regulate  
16 liens on personal property and exceptions to those liens in  
17 the case of vehicles towed as a result of being involved in an  
18 accident. This paragraph (5) is a denial and limitation of  
19 home rule powers and functions under subsection (h) of Section  
20 6 of Article VII of the Illinois Constitution.

21 (6) No lien under this subsection (g) shall: exceed \$2,000  
22 in its total amount; or be increased or altered to reflect any  
23 charge for services or materials rendered in addition to those  
24 authorized by this Code.

25 (h) Whenever a peace officer issues a citation to a driver  
26 for a violation of subsection (a) of Section 11-506 of this

1 Code, the arresting officer may have the vehicle which the  
2 person was operating at the time of the arrest impounded for a  
3 period of 5 days after the time of arrest. An impounding agency  
4 shall release a motor vehicle impounded under this subsection  
5 (h) to the registered owner of the vehicle under any of the  
6 following circumstances:

7 (1) if ~~if~~ the vehicle is a stolen vehicle; or

8 (2) if ~~if~~ the person ticketed for a violation of  
9 subsection (a) of Section 11-506 of this Code was not  
10 authorized by the registered owner of the vehicle to  
11 operate the vehicle at the time of the violation; or

12 (3) if ~~if~~ the registered owner of the vehicle was  
13 neither the driver nor a passenger in the vehicle at the  
14 time of the violation or was unaware that the driver was  
15 using the vehicle to engage in street racing; or

16 (4) if ~~if~~ the legal owner or registered owner of the  
17 vehicle is a rental car agency; or

18 (5) if ~~if~~, prior to the expiration of the impoundment  
19 period specified above, the citation is dismissed or the  
20 defendant is found not guilty of the offense.

21 (i) Except for vehicles exempted under subsection (b) of  
22 Section 7-601 of this Code, whenever a law enforcement officer  
23 issues a citation to a driver for a violation of Section 3-707  
24 of this Code, and the driver has a prior conviction for a  
25 violation of Section 3-707 of this Code in the past 12 months,  
26 the arresting officer shall authorize the removal and

1 impoundment of the vehicle by a towing service.

2 (Source: P.A. 99-438, eff. 1-1-16; 100-311, eff. 11-23-17;  
3 100-537, eff. 6-1-18; 100-863, eff. 8-14-18; revised 8-26-22.)

4 (Text of Section after amendment by P.A. 102-982)

5 Sec. 4-203. Removal of motor vehicles or other vehicles;  
6 towing or hauling away.

7 (a) When a vehicle is abandoned, or left unattended, on a  
8 toll highway, interstate highway, or expressway for 2 hours or  
9 more, its removal by a towing service may be authorized by a  
10 law enforcement agency having jurisdiction.

11 (b) When a vehicle is abandoned on a highway in an urban  
12 district for 10 hours or more, its removal by a towing service  
13 may be authorized by a law enforcement agency having  
14 jurisdiction.

15 (c) When a vehicle is abandoned or left unattended on a  
16 highway other than a toll highway, interstate highway, or  
17 expressway, outside of an urban district for 24 hours or more,  
18 its removal by a towing service may be authorized by a law  
19 enforcement agency having jurisdiction.

20 (d) When an abandoned, unattended, wrecked, burned, or  
21 partially dismantled vehicle is creating a traffic hazard  
22 because of its position in relation to the highway or its  
23 physical appearance is causing the impeding of traffic, its  
24 immediate removal from the highway or private property  
25 adjacent to the highway by a towing service may be authorized

1 by a law enforcement agency having jurisdiction.

2 (e) Whenever a peace officer reasonably believes that a  
3 person under arrest for a violation of Section 11-501 of this  
4 Code or a similar provision of a local ordinance is likely,  
5 upon release, to commit a subsequent violation of Section  
6 11-501, or a similar provision of a local ordinance, the  
7 arresting officer shall have the vehicle which the person was  
8 operating at the time of the arrest impounded for a period of  
9 12 hours after the time of arrest. However, such vehicle may be  
10 released by the arresting law enforcement agency prior to the  
11 end of the impoundment period if:

12 (1) the vehicle was not owned by the person under  
13 arrest, and the lawful owner requesting such release  
14 possesses a valid operator's license, proof of ownership,  
15 and would not, as determined by the arresting law  
16 enforcement agency, indicate a lack of ability to operate  
17 a motor vehicle in a safe manner, or who would otherwise,  
18 by operating such motor vehicle, be in violation of this  
19 Code; or

20 (2) the vehicle is owned by the person under arrest,  
21 and the person under arrest gives permission to another  
22 person to operate such vehicle, provided however, that the  
23 other person possesses a valid operator's license and  
24 would not, as determined by the arresting law enforcement  
25 agency, indicate a lack of ability to operate a motor  
26 vehicle in a safe manner or who would otherwise, by

1 operating such motor vehicle, be in violation of this  
2 Code.

3 (e-5) Whenever a registered owner of a vehicle is taken  
4 into custody for operating the vehicle in violation of Section  
5 11-501 of this Code or a similar provision of a local ordinance  
6 or Section 6-303 of this Code, a law enforcement officer may  
7 have the vehicle immediately impounded for a period not less  
8 than:

9 (1) 24 hours for a second violation of Section 11-501  
10 of this Code or a similar provision of a local ordinance or  
11 Section 6-303 of this Code or a combination of these  
12 offenses; or

13 (2) 48 hours for a third violation of Section 11-501  
14 of this Code or a similar provision of a local ordinance or  
15 Section 6-303 of this Code or a combination of these  
16 offenses.

17 The vehicle may be released sooner if the vehicle is owned  
18 by the person under arrest and the person under arrest gives  
19 permission to another person to operate the vehicle and that  
20 other person possesses a valid operator's license and would  
21 not, as determined by the arresting law enforcement agency,  
22 indicate a lack of ability to operate a motor vehicle in a safe  
23 manner or would otherwise, by operating the motor vehicle, be  
24 in violation of this Code.

25 (f) Except as provided in Chapter 18a of this Code, the  
26 owner or lessor of privately owned real property within this

1 State, or any person authorized by such owner or lessor, or any  
2 law enforcement agency in the case of publicly owned real  
3 property may cause any motor vehicle abandoned or left  
4 unattended upon such property without permission to be removed  
5 by a towing service without liability for the costs of  
6 removal, transportation or storage or damage caused by such  
7 removal, transportation or storage. The towing or removal of  
8 any vehicle from private property without the consent of the  
9 registered owner or other legally authorized person in control  
10 of the vehicle is subject to compliance with the following  
11 conditions and restrictions:

12 1. Any towed or removed vehicle must be stored at the  
13 site of the towing service's place of business. The site  
14 must be open during business hours, and for the purpose of  
15 redemption of vehicles, during the time that the person or  
16 firm towing such vehicle is open for towing purposes.

17 2. The towing service shall within 30 minutes of  
18 completion of such towing or removal, notify the law  
19 enforcement agency having jurisdiction of such towing or  
20 removal, and the make, model, color, and license plate  
21 number of the vehicle, and shall obtain and record the  
22 name of the person at the law enforcement agency to whom  
23 such information was reported.

24 3. If the registered owner or legally authorized  
25 person entitled to possession of the vehicle shall arrive  
26 at the scene prior to actual removal or towing of the

1 vehicle, the vehicle shall be disconnected from the tow  
2 truck and that person shall be allowed to remove the  
3 vehicle without interference, upon the payment of a  
4 reasonable service fee of not more than one-half ~~one-half~~  
5 the posted rate of the towing service as provided in  
6 paragraph 6 of this subsection, for which a receipt shall  
7 be given.

8 4. The rebate or payment of money or any other  
9 valuable consideration from the towing service or its  
10 owners, managers, or employees to the owners or operators  
11 of the premises from which the vehicles are towed or  
12 removed, for the privilege of removing or towing those  
13 vehicles, is prohibited. Any individual who violates this  
14 paragraph shall be guilty of a Class A misdemeanor.

15 5. Except for property appurtenant to and obviously a  
16 part of a single family residence, and except for  
17 instances where notice is personally given to the owner or  
18 other legally authorized person in control of the vehicle  
19 that the area in which that vehicle is parked is reserved  
20 or otherwise unavailable to unauthorized vehicles and they  
21 are subject to being removed at the owner or operator's  
22 expense, any property owner or lessor, prior to towing or  
23 removing any vehicle from private property without the  
24 consent of the owner or other legally authorized person in  
25 control of that vehicle, must post a notice meeting the  
26 following requirements:

1           a. Except as otherwise provided in subparagraph  
2           a.1 of this subdivision (f)5, the notice must be  
3           prominently placed at each driveway access or curb cut  
4           allowing vehicular access to the property within 5  
5           feet from the public right-of-way line. If there are  
6           no curbs or access barriers, the sign must be posted  
7           not less than one sign each 100 feet of lot frontage.

8           a.1. In a municipality with a population of less  
9           than 250,000, as an alternative to the requirement of  
10          subparagraph a of this subdivision (f)5, the notice  
11          for a parking lot contained within property used  
12          solely for a 2-family, 3-family, or 4-family residence  
13          may be prominently placed at the perimeter of the  
14          parking lot, in a position where the notice is visible  
15          to the occupants of vehicles entering the lot.

16          b. The notice must indicate clearly, in not less  
17          than 2 inch high light-reflective letters on a  
18          contrasting background, that unauthorized vehicles  
19          will be towed away at the owner's expense.

20          c. The notice must also provide the name and  
21          current telephone number of the towing service towing  
22          or removing the vehicle.

23          d. The sign structure containing the required  
24          notices must be permanently installed with the bottom  
25          of the sign not less than 4 feet above ground level,  
26          and must be continuously maintained on the property



1           for not less than 24 hours prior to the towing or  
2           removing of any vehicle.

3           6. Any towing service that tows or removes vehicles  
4           and proposes to require the owner, operator, or person in  
5           control of the vehicle to pay the costs of towing and  
6           storage prior to redemption of the vehicle must file and  
7           keep on record with the local law enforcement agency a  
8           complete copy of the current rates to be charged for such  
9           services, and post at the storage site an identical rate  
10          schedule and any written contracts with property owners,  
11          lessors, or persons in control of property which authorize  
12          them to remove vehicles as provided in this Section. The  
13          towing and storage charges, however, shall not exceed the  
14          maximum allowed by the Illinois Commerce Commission under  
15          Section 18a-200.

16          7. No person shall engage in the removal of vehicles  
17          from private property as described in this Section without  
18          filing a notice of intent in each community where he  
19          intends to do such removal, and such notice shall be filed  
20          at least 7 days before commencing such towing.

21          8. No removal of a vehicle from private property shall  
22          be done except upon express written instructions of the  
23          owners or persons in charge of the private property upon  
24          which the vehicle is said to be trespassing.

25          9. Vehicle entry for the purpose of removal shall be  
26          allowed with reasonable care on the part of the person or

1 firm towing the vehicle. Such person or firm shall be  
2 liable for any damages occasioned to the vehicle if such  
3 entry is not in accordance with the standards of  
4 reasonable care.

5 9.5. Except as authorized by a law enforcement  
6 officer, no towing service shall engage in the removal of  
7 a commercial motor vehicle that requires a commercial  
8 driver's license to operate by operating the vehicle under  
9 its own power on a highway.

10 10. When a vehicle has been towed or removed pursuant  
11 to this Section, it must be released to its owner,  
12 custodian, agent, or lienholder within one-half ~~one-half~~  
13 hour after requested, if such request is made during  
14 business hours. Any vehicle owner, custodian, agent, or  
15 lienholder shall have the right to inspect the vehicle  
16 before accepting its return, and no release or waiver of  
17 any kind which would release the towing service from  
18 liability for damages incurred during the towing and  
19 storage may be required from any vehicle owner or other  
20 legally authorized person as a condition of release of the  
21 vehicle. A detailed, signed receipt showing the legal name  
22 of the towing service must be given to the person paying  
23 towing or storage charges at the time of payment, whether  
24 requested or not.

25 This Section shall not apply to law enforcement,  
26 firefighting, rescue, ambulance, or other emergency

1 vehicles which are marked as such or to property owned by  
2 any governmental entity.

3 When an authorized person improperly causes a motor  
4 vehicle to be removed, such person shall be liable to the  
5 owner or lessee of the vehicle for the cost of ~~or~~ removal,  
6 transportation and storage, any damages resulting from the  
7 removal, transportation and storage, attorney's fee and  
8 court costs.

9 Any towing or storage charges accrued shall be payable  
10 in cash or by cashier's check, certified check, debit  
11 card, credit card, or wire transfer, at the option of the  
12 party taking possession of the vehicle.

13 11. Towing companies shall also provide insurance  
14 coverage for areas where vehicles towed under the  
15 provisions of this Chapter will be impounded or otherwise  
16 stored, and shall adequately cover loss by fire, theft, or  
17 other risks.

18 Any person who fails to comply with the conditions and  
19 restrictions of this subsection shall be guilty of a Class C  
20 misdemeanor and shall be fined not less than \$100 nor more than  
21 \$500.

22 (g) (1) When a vehicle is determined to be a hazardous  
23 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the  
24 Illinois Municipal Code or Section 5-12002.1 of the Counties  
25 Code, its removal and impoundment by a towing service may be  
26 authorized by a law enforcement agency with appropriate

1 jurisdiction.

2 (2) When a vehicle removal from either public or private  
3 property is authorized by a law enforcement agency, the owner  
4 of the vehicle shall be responsible for all towing and storage  
5 charges.

6 (3) Vehicles removed from public or private property and  
7 stored by a commercial vehicle relocater or any other towing  
8 service authorized by a law enforcement agency in compliance  
9 with this Section and Sections 4-201 and 4-202 of this Code, or  
10 at the request of the vehicle owner or operator, shall be  
11 subject to a possessor lien for services pursuant to the Labor  
12 and Storage Lien (Small Amount) Act. The provisions of Section  
13 1 of that Act relating to notice and implied consent shall be  
14 deemed satisfied by compliance with Section 18a-302 and  
15 subsection (6) of Section 18a-300. In no event shall such lien  
16 be greater than the rate or rates established in accordance  
17 with subsection (6) of Section 18a-200 of this Code. In no  
18 event shall such lien be increased or altered to reflect any  
19 charge for services or materials rendered in addition to those  
20 authorized by this Code. Every such lien shall be payable in  
21 cash or by cashier's check, certified check, debit card,  
22 credit card, or wire transfer, at the option of the party  
23 taking possession of the vehicle.

24 (4) Any personal property belonging to the vehicle owner  
25 in a vehicle subject to a lien under this subsection (g) shall  
26 likewise be subject to that lien, excepting only: child

1 restraint systems as defined in Section 4 of the Child  
2 Passenger Protection Act and other child booster seats;  
3 eyeglasses; food; medicine; perishable property; any  
4 operator's licenses; any cash, credit cards, or checks or  
5 checkbooks; any wallet, purse, or other property containing  
6 any operator's license or other identifying documents or  
7 materials, cash, credit cards, checks, or checkbooks; and any  
8 personal property belonging to a person other than the vehicle  
9 owner if that person provides adequate proof that the personal  
10 property belongs to that person. The spouse, child, mother,  
11 father, brother, or sister of the vehicle owner may claim  
12 personal property excepted under this paragraph (4) if the  
13 person claiming the personal property provides the commercial  
14 vehicle relocater or towing service with the authorization of  
15 the vehicle owner.

16 (5) This paragraph (5) applies only in the case of a  
17 vehicle that is towed as a result of being involved in a crash.  
18 In addition to the personal property excepted under paragraph  
19 (4), all other personal property in a vehicle subject to a lien  
20 under this subsection (g) is exempt from that lien and may be  
21 claimed by the vehicle owner if the vehicle owner provides the  
22 commercial vehicle relocater or towing service with proof that  
23 the vehicle owner has an insurance policy covering towing and  
24 storage fees. The spouse, child, mother, father, brother, or  
25 sister of the vehicle owner may claim personal property in a  
26 vehicle subject to a lien under this subsection (g) if the

1 person claiming the personal property provides the commercial  
2 vehicle relocater or towing service with the authorization of  
3 the vehicle owner and proof that the vehicle owner has an  
4 insurance policy covering towing and storage fees. The  
5 regulation of liens on personal property and exceptions to  
6 those liens in the case of vehicles towed as a result of being  
7 involved in a crash are exclusive powers and functions of the  
8 State. A home rule unit may not regulate liens on personal  
9 property and exceptions to those liens in the case of vehicles  
10 towed as a result of being involved in a crash. This paragraph  
11 (5) is a denial and limitation of home rule powers and  
12 functions under subsection (h) of Section 6 of Article VII of  
13 the Illinois Constitution.

14 (6) No lien under this subsection (g) shall: exceed \$2,000  
15 in its total amount; or be increased or altered to reflect any  
16 charge for services or materials rendered in addition to those  
17 authorized by this Code.

18 (h) Whenever a peace officer issues a citation to a driver  
19 for a violation of subsection (a) of Section 11-506 of this  
20 Code, the arresting officer may have the vehicle which the  
21 person was operating at the time of the arrest impounded for a  
22 period of 5 days after the time of arrest. An impounding agency  
23 shall release a motor vehicle impounded under this subsection  
24 (h) to the registered owner of the vehicle under any of the  
25 following circumstances:

26 (1) if ~~if~~ the vehicle is a stolen vehicle; or

1           (2) if ~~if~~ the person ticketed for a violation of  
2 subsection (a) of Section 11-506 of this Code was not  
3 authorized by the registered owner of the vehicle to  
4 operate the vehicle at the time of the violation; or

5           (3) if ~~if~~ the registered owner of the vehicle was  
6 neither the driver nor a passenger in the vehicle at the  
7 time of the violation or was unaware that the driver was  
8 using the vehicle to engage in street racing; or

9           (4) if ~~if~~ the legal owner or registered owner of the  
10 vehicle is a rental car agency; or

11           (5) if ~~if~~, prior to the expiration of the impoundment  
12 period specified above, the citation is dismissed or the  
13 defendant is found not guilty of the offense.

14           (i) Except for vehicles exempted under subsection (b) of  
15 Section 7-601 of this Code, whenever a law enforcement officer  
16 issues a citation to a driver for a violation of Section 3-707  
17 of this Code, and the driver has a prior conviction for a  
18 violation of Section 3-707 of this Code in the past 12 months,  
19 the arresting officer shall authorize the removal and  
20 impoundment of the vehicle by a towing service.

21 (Source: P.A. 102-982, eff. 7-1-23; revised 8-26-22.)

22 (625 ILCS 5/5-101.1)

23 (Text of Section before amendment by P.A. 102-982)

24 Sec. 5-101.1. Motor vehicle financing affiliates;  
25 licensing.

1           (a) In this State, no business shall engage in the  
2 business of a motor vehicle financing affiliate without a  
3 license to do so in writing from the Secretary of State.

4           (b) An application for a motor vehicle financing  
5 affiliate's license must be filed with the Secretary of State,  
6 duly verified by oath, on a form prescribed by the Secretary of  
7 State and shall contain all of the following:

8           (1) The name and type of business organization of the  
9 applicant and the applicant's established place of  
10 business and any additional places of business in this  
11 State.

12           (2) The name and address of the licensed new or used  
13 vehicle dealer to which the applicant will be selling,  
14 transferring, or assigning new or used motor vehicles  
15 pursuant to a written contract. If more than one dealer is  
16 on the application, the applicant shall state in writing  
17 the basis of common ownership among the dealers.

18           (3) A list of the business organization's officers,  
19 directors, members, and shareholders having a 10% or  
20 greater ownership interest in the business, providing the  
21 residential address for each person listed.

22           (4) If selling, transferring, or assigning new motor  
23 vehicles, the make or makes of new vehicles that it will  
24 sell, assign, or otherwise transfer to the contracting new  
25 motor vehicle dealer listed on the application pursuant to  
26 paragraph (2).



1           (5) The name of each manufacturer or franchised  
2 distributor, if any, of new vehicles with whom the  
3 applicant has contracted for the sale of new vehicles and  
4 a signed statement from each manufacturer or franchised  
5 distributor acknowledging the contract.

6           (6) A statement that the applicant has been approved  
7 for registration under the Retailers' Occupation Tax Act  
8 by the Department of Revenue. This requirement does not  
9 apply to a motor vehicle financing affiliate that is  
10 already licensed with the Secretary of State and is  
11 applying for a renewal of its license.

12           (7) A statement that the applicant has complied with  
13 the appropriate liability insurance requirement and a  
14 Certificate of Insurance that shall not expire before  
15 December 31 of the year for which the license was issued or  
16 renewed with a minimum liability coverage of \$100,000 for  
17 the bodily injury or death of any person, \$300,000 for the  
18 bodily injury or death of 2 or more persons in any one  
19 accident, and \$50,000 for damage to property. The  
20 expiration of the insurance policy shall not terminate the  
21 liability under the policy arising during the period for  
22 which the policy was filed. Trailer and mobile home  
23 dealers are exempt from the requirements of this  
24 paragraph. A motor vehicle financing affiliate is exempt  
25 from the requirements of this paragraph if it is covered  
26 by the insurance policy of the new or used dealer listed on

1 the application pursuant to paragraph (2).

2 (8) A license fee of \$1,000 for the applicant's  
3 established place of business and \$250 for each additional  
4 place of business, if any, to which the application  
5 pertains. However, if the application is made after June  
6 15 of any year, the license fee shall be \$500 for the  
7 applicant's established place of business and \$125 for  
8 each additional place of business, if any, to which the  
9 application pertains. These license fees shall be  
10 returnable only in the event that the application is  
11 denied by the Secretary of State.

12 (9) A statement incorporating the requirements of  
13 paragraphs 8 and 9 of subsection (b) of Section 5-101.

14 (10) Any other information concerning the business of  
15 the applicant as the Secretary of State may prescribe.

16 (11) A statement that the applicant understands  
17 Chapter 1 through Chapter 5 of this Code.

18 (12) The full name, address, and contact information  
19 of each of the dealer's agents or legal representatives  
20 who is an Illinois resident and liable for the performance  
21 of the dealership.

22 (c) Any change which renders no longer accurate any  
23 information contained in any application for a motor vehicle  
24 financing affiliate's license shall be amended within 30 days  
25 after the occurrence of the change on a form prescribed by the  
26 Secretary of State, accompanied by an amendatory fee of \$2.

1           (d) If a new vehicle dealer is not listed on the  
2 application, pursuant to paragraph (2) of subsection (b), the  
3 motor vehicle financing affiliate shall not receive, possess,  
4 or transfer any new vehicle. If a new motor vehicle dealer is  
5 listed on the application, pursuant to paragraph (2) of  
6 subsection (b), the new motor vehicle dealer can only receive  
7 those new cars it is permitted to receive under its franchise  
8 agreement. If both a new and used motor vehicle dealer are  
9 listed on the application, pursuant to paragraph (2) of  
10 subsection (b), only the new motor vehicle dealer may receive  
11 new motor vehicles. If a used motor vehicle is listed on the  
12 application, pursuant to paragraph (2) of subsection (b), the  
13 used motor vehicle dealer shall not receive any new motor  
14 vehicles.

15           (e) The applicant and dealer provided pursuant to  
16 paragraph (2) of subsection (b) must be business organizations  
17 registered to conduct business in Illinois. Three-fourths of  
18 the dealer's board of directors must be members of the motor  
19 vehicle financing affiliate's board of directors, if  
20 applicable.

21           (f) Unless otherwise provided in this Chapter 5, no  
22 business organization registered to do business in Illinois  
23 shall be licensed as a motor vehicle financing affiliate  
24 unless:

- 25               (1) The motor vehicle financing affiliate shall only  
26               sell, transfer, or assign motor vehicles to the licensed

1 new or used dealer listed on the application pursuant to  
2 paragraph (2) of subsection (b).

3 (2) The motor vehicle financing affiliate sells,  
4 transfers, or assigns to the new motor vehicle dealer  
5 listed on the application, if any, only those new motor  
6 vehicles the motor vehicle financing affiliate has  
7 received under the contract set forth in paragraph (5) of  
8 subsection (b).

9 (3) Any new vehicle dealer listed pursuant to  
10 paragraph (2) of subsection (b) has a franchise agreement  
11 that permits the dealer to receive motor vehicles from the  
12 motor vehicle franchise affiliate.

13 (4) The new or used motor vehicle dealer listed on the  
14 application pursuant to paragraph (2) of subsection (b)  
15 has one established place of business or supplemental  
16 places of business as referenced in subsection (g).

17 (g) The Secretary of State shall, within a reasonable time  
18 after receipt, examine an application submitted pursuant to  
19 this Section and, unless it is determined that the application  
20 does not conform with the requirements of this Section or that  
21 grounds exist for a denial of the application under Section  
22 5-501, grant the applicant a motor vehicle financing affiliate  
23 license in writing for the applicant's established place of  
24 business and a supplemental license in writing for each  
25 additional place of business in a form prescribed by the  
26 Secretary, which shall include all of the following:

1 (1) The name of the business licensed;

2 (2) The name and address of its officers, directors,  
3 or members, as applicable;

4 (3) In the case of an original license, the  
5 established place of business of the licensee;

6 (4) If applicable, the make or makes of new vehicles  
7 which the licensee is licensed to sell to the new motor  
8 vehicle dealer listed on the application pursuant to  
9 paragraph (2) of subsection (b); and

10 (5) The full name, address, and contact information of  
11 each of the dealer's agents or legal representatives who  
12 is an Illinois resident and liable for the performance of  
13 the dealership.

14 (h) The appropriate instrument evidencing the license or a  
15 certified copy, provided by the Secretary of State, shall be  
16 kept posted conspicuously in the established place of business  
17 of the licensee.

18 (i) Except as provided in subsection (h), all motor  
19 vehicle financing affiliate's licenses granted under this  
20 Section shall expire ~~expired~~ by operation of law on December  
21 31 of the calendar year for which they are granted, unless  
22 revoked or canceled at an earlier date pursuant to Section  
23 5-501.

24 (j) A motor vehicle financing affiliate's license may be  
25 renewed upon application and payment of the required fee.  
26 However, when an application for renewal of a motor vehicle

1 financing affiliate's license is made during the month of  
2 December, the effective license shall remain in force until  
3 the application is granted or denied by the Secretary of  
4 State.

5 (k) The contract a motor vehicle financing affiliate has  
6 with a manufacturer or franchised distributor, as provided in  
7 paragraph (5) of subsection (b), shall only permit the  
8 applicant to sell, transfer, or assign new motor vehicles to  
9 the new motor vehicle dealer listed on the application  
10 pursuant to paragraph (2) of subsection (b). The contract  
11 shall specifically prohibit the motor vehicle financing  
12 affiliate from selling motor vehicles at retail. This contract  
13 shall not be considered the granting of a franchise as defined  
14 in Section 2 of the Motor Vehicle Franchise Act.

15 (l) When purchasing ~~of~~ a motor vehicle by a new or used  
16 motor vehicle dealer, all persons licensed as a motor vehicle  
17 financing affiliate are required to furnish all of the  
18 following:

19 (1) For a new vehicle, a manufacturer's statement of  
20 origin properly assigned to the purchasing dealer. For a  
21 used vehicle, a certificate of title properly assigned to  
22 the purchasing dealer.

23 (2) A statement verified under oath that all  
24 identifying numbers on the vehicle agree with those on the  
25 certificate of title or manufacturer's statement of  
26 origin.

1           (3) A bill of sale properly executed on behalf of the  
2           purchasing dealer.

3           (4) A copy of the Uniform Invoice-transaction report  
4           pursuant to Section 5-402.

5           (5) In the case of a rebuilt vehicle, a copy of the  
6           Disclosure of Rebuilt Vehicle Status pursuant to Section  
7           5-104.3.

8           (6) In the case of a vehicle for which a warranty has  
9           been reinstated, a copy of the warranty.

10          (m) The motor vehicle financing affiliate shall use the  
11          established and supplemental place or places of business the  
12          new or used vehicle dealer listed on the application pursuant  
13          to paragraph (2) of subsection (b) as its established and  
14          supplemental place or places of business.

15          (n) The motor vehicle financing affiliate shall keep all  
16          books and records required by this Code with the books and  
17          records of the new or used vehicle dealer listed on the  
18          application pursuant to paragraph (2) of subsection (b). The  
19          motor vehicle financing affiliate may use the books and  
20          records of the new or used motor vehicle dealer listed on the  
21          application pursuant to paragraph (2) of subsection (b).

22          (o) Under no circumstances shall a motor vehicle financing  
23          affiliate sell, transfer, or assign a new vehicle to any place  
24          of business of a new motor vehicle dealer, unless that place of  
25          business is licensed under this Chapter to sell, assign, or  
26          otherwise transfer the make of the new motor vehicle

1 transferred.

2 (p) All moneys received by the Secretary of State as  
3 license fees under this Section shall be deposited into the  
4 Motor Vehicle Review Board Fund and shall be used to  
5 administer the Motor Vehicle Review Board under the Motor  
6 Vehicle Franchise Act.

7 (q) Except as otherwise provided in this Section, a motor  
8 vehicle financing affiliate shall comply with all provisions  
9 of this Code.

10 (r) If a licensee under this Section voluntarily  
11 surrenders a license to the Illinois Secretary of State Police  
12 or a representative of the Secretary of State Vehicle Services  
13 Department due to the licensee's inability to adhere to  
14 recordkeeping provisions, or the inability to properly issue  
15 certificates of title or registrations under this Code, or the  
16 Secretary revokes a license under this Section, then the  
17 licensee and the licensee's agent, designee, or legal  
18 representative, if applicable, may not be named on a new  
19 application for a license under this Section or under this  
20 Chapter, nor is the licensee or the licensee's agent,  
21 designee, or legal representative permitted to work for  
22 another licensee under this Chapter in a recordkeeping,  
23 management, or financial position or as an employee who  
24 handles certificate of title and registration documents and  
25 applications.

26 (Source: P.A. 102-154, eff. 1-1-22; revised 8-22-22.)



1 (Text of Section after amendment by P.A. 102-982)

2 Sec. 5-101.1. Motor vehicle financing affiliates;  
3 licensing.

4 (a) In this State, l no business shall engage in the  
5 business of a motor vehicle financing affiliate without a  
6 license to do so in writing from the Secretary of State.

7 (b) An application for a motor vehicle financing  
8 affiliate's license must be filed with the Secretary of State,  
9 duly verified by oath, on a form prescribed by the Secretary of  
10 State and shall contain all of the following:

11 (1) The name and type of business organization of the  
12 applicant and the applicant's established place of  
13 business and any additional places of business in this  
14 State.

15 (2) The name and address of the licensed new or used  
16 vehicle dealer to which the applicant will be selling,  
17 transferring, or assigning new or used motor vehicles  
18 pursuant to a written contract. If more than one dealer is  
19 on the application, the applicant shall state in writing  
20 the basis of common ownership among the dealers.

21 (3) A list of the business organization's officers,  
22 directors, members, and shareholders having a 10% or  
23 greater ownership interest in the business, providing the  
24 residential address for each person listed.

25 (4) If selling, transferring, or assigning new motor

1 vehicles, the make or makes of new vehicles that it will  
2 sell, assign, or otherwise transfer to the contracting new  
3 motor vehicle dealer listed on the application pursuant to  
4 paragraph (2).

5 (5) The name of each manufacturer or franchised  
6 distributor, if any, of new vehicles with whom the  
7 applicant has contracted for the sale of new vehicles and  
8 a signed statement from each manufacturer or franchised  
9 distributor acknowledging the contract.

10 (6) A statement that the applicant has been approved  
11 for registration under the Retailers' Occupation Tax Act  
12 by the Department of Revenue. This requirement does not  
13 apply to a motor vehicle financing affiliate that is  
14 already licensed with the Secretary of State and is  
15 applying for a renewal of its license.

16 (7) A statement that the applicant has complied with  
17 the appropriate liability insurance requirement and a  
18 Certificate of Insurance that shall not expire before  
19 December 31 of the year for which the license was issued or  
20 renewed with a minimum liability coverage of \$100,000 for  
21 the bodily injury or death of any person, \$300,000 for the  
22 bodily injury or death of 2 or more persons in any one  
23 crash, and \$50,000 for damage to property. The expiration  
24 of the insurance policy shall not terminate the liability  
25 under the policy arising during the period for which the  
26 policy was filed. Trailer and mobile home dealers are

1 exempt from the requirements of this paragraph. A motor  
2 vehicle financing affiliate is exempt from the  
3 requirements of this paragraph if it is covered by the  
4 insurance policy of the new or used dealer listed on the  
5 application pursuant to paragraph (2).

6 (8) A license fee of \$1,000 for the applicant's  
7 established place of business and \$250 for each additional  
8 place of business, if any, to which the application  
9 pertains. However, if the application is made after June  
10 15 of any year, the license fee shall be \$500 for the  
11 applicant's established place of business and \$125 for  
12 each additional place of business, if any, to which the  
13 application pertains. These license fees shall be  
14 returnable only in the event that the application is  
15 denied by the Secretary of State.

16 (9) A statement incorporating the requirements of  
17 paragraphs 8 and 9 of subsection (b) of Section 5-101.

18 (10) Any other information concerning the business of  
19 the applicant as the Secretary of State may prescribe.

20 (11) A statement that the applicant understands  
21 Chapter 1 through Chapter 5 of this Code.

22 (12) The full name, address, and contact information  
23 of each of the dealer's agents or legal representatives  
24 who is an Illinois resident and liable for the performance  
25 of the dealership.

26 (c) Any change which renders no longer accurate any

1 information contained in any application for a motor vehicle  
2 financing affiliate's license shall be amended within 30 days  
3 after the occurrence of the change on a form prescribed by the  
4 Secretary of State, accompanied by an amendatory fee of \$2.

5 (d) If a new vehicle dealer is not listed on the  
6 application, pursuant to paragraph (2) of subsection (b), the  
7 motor vehicle financing affiliate shall not receive, possess,  
8 or transfer any new vehicle. If a new motor vehicle dealer is  
9 listed on the application, pursuant to paragraph (2) of  
10 subsection (b), the new motor vehicle dealer can only receive  
11 those new cars it is permitted to receive under its franchise  
12 agreement. If both a new and used motor vehicle dealer are  
13 listed on the application, pursuant to paragraph (2) of  
14 subsection (b), only the new motor vehicle dealer may receive  
15 new motor vehicles. If a used motor vehicle is listed on the  
16 application, pursuant to paragraph (2) of subsection (b), the  
17 used motor vehicle dealer shall not receive any new motor  
18 vehicles.

19 (e) The applicant and dealer provided pursuant to  
20 paragraph (2) of subsection (b) must be business organizations  
21 registered to conduct business in Illinois. Three-fourths of  
22 the dealer's board of directors must be members of the motor  
23 vehicle financing affiliate's board of directors, if  
24 applicable.

25 (f) Unless otherwise provided in this Chapter 5, no  
26 business organization registered to do business in Illinois

1 shall be licensed as a motor vehicle financing affiliate  
2 unless:

3 (1) The motor vehicle financing affiliate shall only  
4 sell, transfer, or assign motor vehicles to the licensed  
5 new or used dealer listed on the application pursuant to  
6 paragraph (2) of subsection (b).

7 (2) The motor vehicle financing affiliate sells,  
8 transfers, or assigns to the new motor vehicle dealer  
9 listed on the application, if any, only those new motor  
10 vehicles the motor vehicle financing affiliate has  
11 received under the contract set forth in paragraph (5) of  
12 subsection (b).

13 (3) Any new vehicle dealer listed pursuant to  
14 paragraph (2) of subsection (b) has a franchise agreement  
15 that permits the dealer to receive motor vehicles from the  
16 motor vehicle franchise affiliate.

17 (4) The new or used motor vehicle dealer listed on the  
18 application pursuant to paragraph (2) of subsection (b)  
19 has one established place of business or supplemental  
20 places of business as referenced in subsection (g).

21 (g) The Secretary of State shall, within a reasonable time  
22 after receipt, examine an application submitted pursuant to  
23 this Section and, unless it is determined that the application  
24 does not conform with the requirements of this Section or that  
25 grounds exist for a denial of the application under Section  
26 5-501, grant the applicant a motor vehicle financing affiliate

1 license in writing for the applicant's established place of  
2 business and a supplemental license in writing for each  
3 additional place of business in a form prescribed by the  
4 Secretary, which shall include all of the following:

5 (1) The name of the business licensed;

6 (2) The name and address of its officers, directors,  
7 or members, as applicable;

8 (3) In the case of an original license, the  
9 established place of business of the licensee;

10 (4) If applicable, the make or makes of new vehicles  
11 which the licensee is licensed to sell to the new motor  
12 vehicle dealer listed on the application pursuant to  
13 paragraph (2) of subsection (b); and

14 (5) The full name, address, and contact information of  
15 each of the dealer's agents or legal representatives who  
16 is an Illinois resident and liable for the performance of  
17 the dealership.

18 (h) The appropriate instrument evidencing the license or a  
19 certified copy, provided by the Secretary of State, shall be  
20 kept posted conspicuously in the established place of business  
21 of the licensee.

22 (i) Except as provided in subsection (h), all motor  
23 vehicle financing affiliate's licenses granted under this  
24 Section shall expire ~~expired~~ by operation of law on December  
25 31 of the calendar year for which they are granted, unless  
26 revoked or canceled at an earlier date pursuant to Section

1 5-501.

2 (j) A motor vehicle financing affiliate's license may be  
3 renewed upon application and payment of the required fee.  
4 However, when an application for renewal of a motor vehicle  
5 financing affiliate's license is made during the month of  
6 December, the effective license shall remain in force until  
7 the application is granted or denied by the Secretary of  
8 State.

9 (k) The contract a motor vehicle financing affiliate has  
10 with a manufacturer or franchised distributor, as provided in  
11 paragraph (5) of subsection (b), shall only permit the  
12 applicant to sell, transfer, or assign new motor vehicles to  
13 the new motor vehicle dealer listed on the application  
14 pursuant to paragraph (2) of subsection (b). The contract  
15 shall specifically prohibit the motor vehicle financing  
16 affiliate from selling motor vehicles at retail. This contract  
17 shall not be considered the granting of a franchise as defined  
18 in Section 2 of the Motor Vehicle Franchise Act.

19 (l) When purchasing ~~of~~ a motor vehicle by a new or used  
20 motor vehicle dealer, all persons licensed as a motor vehicle  
21 financing affiliate are required to furnish all of the  
22 following:

23 (1) For a new vehicle, a manufacturer's statement of  
24 origin properly assigned to the purchasing dealer. For a  
25 used vehicle, a certificate of title properly assigned to  
26 the purchasing dealer.

1           (2) A statement verified under oath that all  
2           identifying numbers on the vehicle agree with those on the  
3           certificate of title or manufacturer's statement of  
4           origin.

5           (3) A bill of sale properly executed on behalf of the  
6           purchasing dealer.

7           (4) A copy of the Uniform Invoice-transaction report  
8           pursuant to Section 5-402.

9           (5) In the case of a rebuilt vehicle, a copy of the  
10          Disclosure of Rebuilt Vehicle Status pursuant to Section  
11          5-104.3.

12          (6) In the case of a vehicle for which a warranty has  
13          been reinstated, a copy of the warranty.

14          (m) The motor vehicle financing affiliate shall use the  
15          established and supplemental place or places of business the  
16          new or used vehicle dealer listed on the application pursuant  
17          to paragraph (2) of subsection (b) as its established and  
18          supplemental place or places of business.

19          (n) The motor vehicle financing affiliate shall keep all  
20          books and records required by this Code with the books and  
21          records of the new or used vehicle dealer listed on the  
22          application pursuant to paragraph (2) of subsection (b). The  
23          motor vehicle financing affiliate may use the books and  
24          records of the new or used motor vehicle dealer listed on the  
25          application pursuant to paragraph (2) of subsection (b).

26          (o) Under no circumstances shall a motor vehicle financing



1 affiliate sell, transfer, or assign a new vehicle to any place  
2 of business of a new motor vehicle dealer, unless that place of  
3 business is licensed under this Chapter to sell, assign, or  
4 otherwise transfer the make of the new motor vehicle  
5 transferred.

6 (p) All moneys received by the Secretary of State as  
7 license fees under this Section shall be deposited into the  
8 Motor Vehicle Review Board Fund and shall be used to  
9 administer the Motor Vehicle Review Board under the Motor  
10 Vehicle Franchise Act.

11 (q) Except as otherwise provided in this Section, a motor  
12 vehicle financing affiliate shall comply with all provisions  
13 of this Code.

14 (r) If a licensee under this Section voluntarily  
15 surrenders a license to the Illinois Secretary of State Police  
16 or a representative of the Secretary of State Vehicle Services  
17 Department due to the licensee's inability to adhere to  
18 recordkeeping provisions, or the inability to properly issue  
19 certificates of title or registrations under this Code, or the  
20 Secretary revokes a license under this Section, then the  
21 licensee and the licensee's agent, designee, or legal  
22 representative, if applicable, may not be named on a new  
23 application for a licensee under this Section or under this  
24 Chapter, nor is the licensee or the licensee's agent,  
25 designee, or legal representative permitted to work for  
26 another licensee under this Chapter in a recordkeeping,

1 management, or financial position or as an employee who  
2 handles certificate of title and registration documents and  
3 applications.

4 (Source: P.A. 102-154, eff. 1-1-22; 102-982, eff. 7-1-23;  
5 revised 8-22-22.)

6 (625 ILCS 5/6-107)

7 (Text of Section before amendment by P.A. 102-982)

8 Sec. 6-107. Graduated license.

9 (a) The purpose of the Graduated Licensing Program is to  
10 develop safe and mature driving habits in young, inexperienced  
11 drivers and reduce or prevent motor vehicle accidents,  
12 fatalities, and injuries by:

13 (1) providing for an increase in the time of practice  
14 period before granting permission to obtain a driver's  
15 license;

16 (2) strengthening driver licensing and testing  
17 standards for persons under the age of 21 years;

18 (3) sanctioning driving privileges of drivers under  
19 age 21 who have committed serious traffic violations or  
20 other specified offenses; and

21 (4) setting stricter standards to promote the public's  
22 health and safety.

23 (b) The application of any person under the age of 18  
24 years, and not legally emancipated, for a driver's ~~drivers~~  
25 license or permit to operate a motor vehicle issued under the

1 laws of this State, shall be accompanied by the written  
2 consent of either parent of the applicant; otherwise by the  
3 guardian having custody of the applicant, or in the event  
4 there is no parent or guardian, then by another responsible  
5 adult. The written consent must accompany any application for  
6 a driver's license under this subsection (b), regardless of  
7 whether or not the required written consent also accompanied  
8 the person's previous application for an instruction permit.

9 No graduated driver's license shall be issued to any  
10 applicant under 18 years of age, unless the applicant is at  
11 least 16 years of age and has:

12 (1) Held a valid instruction permit for a minimum of 9  
13 months.

14 (2) Passed an approved driver education course and  
15 submits proof of having passed the course as may be  
16 required.

17 (3) Certification by the parent, legal guardian, or  
18 responsible adult that the applicant has had a minimum of  
19 50 hours of behind-the-wheel practice time, at least 10  
20 hours of which have been at night, and is sufficiently  
21 prepared and able to safely operate a motor vehicle.

22 (b-1) No graduated driver's license shall be issued to any  
23 applicant who is under 18 years of age and not legally  
24 emancipated, unless the applicant has graduated from a  
25 secondary school of this State or any other state, is enrolled  
26 in a course leading to a State of Illinois High School Diploma,

1 has obtained a State of Illinois High School Diploma, is  
2 enrolled in an elementary or secondary school or college or  
3 university of this State or any other state and is not a  
4 chronic or habitual truant as provided in Section 26-2a of the  
5 School Code, or is receiving home instruction and submits  
6 proof of meeting any of those requirements at the time of  
7 application.

8 An applicant under 18 years of age who provides proof  
9 acceptable to the Secretary that the applicant has resumed  
10 regular school attendance or home instruction or that his or  
11 her application was denied in error shall be eligible to  
12 receive a graduated license if other requirements are met. The  
13 Secretary shall adopt rules for implementing this subsection  
14 (b-1).

15 (c) No graduated driver's license or permit shall be  
16 issued to any applicant under 18 years of age who has committed  
17 the offense of operating a motor vehicle without a valid  
18 license or permit in violation of Section 6-101 of this Code or  
19 a similar out of state offense and no graduated driver's  
20 license or permit shall be issued to any applicant under 18  
21 years of age who has committed an offense that would otherwise  
22 result in a mandatory revocation of a license or permit as  
23 provided in Section 6-205 of this Code or who has been either  
24 convicted of or adjudicated a delinquent based upon a  
25 violation of the Cannabis Control Act, the Illinois Controlled  
26 Substances Act, the Use of Intoxicating Compounds Act, or the

1 Methamphetamine Control and Community Protection Act while  
2 that individual was in actual physical control of a motor  
3 vehicle. For purposes of this Section, any person placed on  
4 probation under Section 10 of the Cannabis Control Act,  
5 Section 410 of the Illinois Controlled Substances Act, or  
6 Section 70 of the Methamphetamine Control and Community  
7 Protection Act shall not be considered convicted. Any person  
8 found guilty of such an ~~this~~ offense, while in actual physical  
9 control of a motor vehicle, shall have an entry made in the  
10 court record by the judge that the ~~this~~ offense did occur while  
11 the person was in actual physical control of a motor vehicle  
12 and order the clerk of the court to report the violation to the  
13 Secretary of State as such.

14 (d) No graduated driver's license shall be issued for 9  
15 months to any applicant under the age of 18 years who has  
16 committed and subsequently been convicted of an offense  
17 against traffic regulations governing the movement of  
18 vehicles, any violation of this Section or Section 12-603.1 of  
19 this Code, or who has received a disposition of court  
20 supervision for a violation of Section 6-20 of the Illinois  
21 Liquor Control Act of 1934 or a similar provision of a local  
22 ordinance.

23 (e) No graduated driver's license holder under the age of  
24 18 years shall operate any motor vehicle, except a motor  
25 driven cycle or motorcycle, with more than one passenger in  
26 the front seat of the motor vehicle and no more passengers in

1 the back seats than the number of available seat safety belts  
2 as set forth in Section 12-603 of this Code. If a graduated  
3 driver's license holder over the age of 18 committed an  
4 offense against traffic regulations governing the movement of  
5 vehicles or any violation of this Section or Section 12-603.1  
6 of this Code in the 6 months prior to the graduated driver's  
7 license holder's 18th birthday, and was subsequently convicted  
8 of the violation, the provisions of this paragraph shall  
9 continue to apply until such time as a period of 6 consecutive  
10 months has elapsed without an additional violation and  
11 subsequent conviction of an offense against traffic  
12 regulations governing the movement of vehicles or any  
13 violation of this Section or Section 12-603.1 of this Code.

14 (f) (Blank).

15 (g) If a graduated driver's license holder is under the  
16 age of 18 when he or she receives the license, for the first 12  
17 months he or she holds the license or until he or she reaches  
18 the age of 18, whichever occurs sooner, the graduated license  
19 holder may not operate a motor vehicle with more than one  
20 passenger in the vehicle who is under the age of 20, unless any  
21 additional passenger or passengers are siblings,  
22 step-siblings, children, or stepchildren of the driver. If a  
23 graduated driver's license holder committed an offense against  
24 traffic regulations governing the movement of vehicles or any  
25 violation of this Section or Section 12-603.1 of this Code  
26 during the first 12 months the license is held and

1 subsequently is convicted of the violation, the provisions of  
2 this paragraph shall remain in effect until such time as a  
3 period of 6 consecutive months has elapsed without an  
4 additional violation and subsequent conviction of an offense  
5 against traffic regulations governing the movement of vehicles  
6 or any violation of this Section or Section 12-603.1 of this  
7 Code.

8 (h) It shall be an offense for a person that is age 15, but  
9 under age 20, to be a passenger in a vehicle operated by a  
10 driver holding a graduated driver's license during the first  
11 12 months the driver holds the license or until the driver  
12 reaches the age of 18, whichever occurs sooner, if another  
13 passenger under the age of 20 is present, excluding a sibling,  
14 step-sibling, child, or step-child of the driver.

15 (i) No graduated driver's license shall be issued to any  
16 applicant under the age of 18 years if the applicant has been  
17 issued a traffic citation for which a disposition has not been  
18 rendered at the time of application.

19 (Source: P.A. 102-1100, eff. 1-1-23; revised 12-14-22.)

20 (Text of Section after amendment by P.A. 102-982)

21 Sec. 6-107. Graduated license.

22 (a) The purpose of the Graduated Licensing Program is to  
23 develop safe and mature driving habits in young, inexperienced  
24 drivers and reduce or prevent motor vehicle crashes,  
25 fatalities, and injuries by:

1           (1) providing for an increase in the time of practice  
2           period before granting permission to obtain a driver's  
3           license;

4           (2) strengthening driver licensing and testing  
5           standards for persons under the age of 21 years;

6           (3) sanctioning driving privileges of drivers under  
7           age 21 who have committed serious traffic violations or  
8           other specified offenses; and

9           (4) setting stricter standards to promote the public's  
10          health and safety.

11          (b) The application of any person under the age of 18  
12          years, and not legally emancipated, for a driver's ~~drivers~~  
13          license or permit to operate a motor vehicle issued under the  
14          laws of this State, shall be accompanied by the written  
15          consent of either parent of the applicant; otherwise by the  
16          guardian having custody of the applicant, or in the event  
17          there is no parent or guardian, then by another responsible  
18          adult. The written consent must accompany any application for  
19          a driver's license under this subsection (b), regardless of  
20          whether or not the required written consent also accompanied  
21          the person's previous application for an instruction permit.

22          No graduated driver's license shall be issued to any  
23          applicant under 18 years of age, unless the applicant is at  
24          least 16 years of age and has:

25                 (1) Held a valid instruction permit for a minimum of 9  
26                 months.



1           (2) Passed an approved driver education course and  
2           submits proof of having passed the course as may be  
3           required.

4           (3) Certification by the parent, legal guardian, or  
5           responsible adult that the applicant has had a minimum of  
6           50 hours of behind-the-wheel practice time, at least 10  
7           hours of which have been at night, and is sufficiently  
8           prepared and able to safely operate a motor vehicle.

9           (b-1) No graduated driver's license shall be issued to any  
10          applicant who is under 18 years of age and not legally  
11          emancipated, unless the applicant has graduated from a  
12          secondary school of this State or any other state, is enrolled  
13          in a course leading to a State of Illinois High School Diploma,  
14          has obtained a State of Illinois High School Diploma, is  
15          enrolled in an elementary or secondary school or college or  
16          university of this State or any other state and is not a  
17          chronic or habitual truant as provided in Section 26-2a of the  
18          School Code, or is receiving home instruction and submits  
19          proof of meeting any of those requirements at the time of  
20          application.

21          An applicant under 18 years of age who provides proof  
22          acceptable to the Secretary that the applicant has resumed  
23          regular school attendance or home instruction or that his or  
24          her application was denied in error shall be eligible to  
25          receive a graduated license if other requirements are met. The  
26          Secretary shall adopt rules for implementing this subsection

1 (b-1).

2 (c) No graduated driver's license or permit shall be  
3 issued to any applicant under 18 years of age who has committed  
4 the offense of operating a motor vehicle without a valid  
5 license or permit in violation of Section 6-101 of this Code or  
6 a similar out of state offense and no graduated driver's  
7 license or permit shall be issued to any applicant under 18  
8 years of age who has committed an offense that would otherwise  
9 result in a mandatory revocation of a license or permit as  
10 provided in Section 6-205 of this Code or who has been either  
11 convicted of or adjudicated a delinquent based upon a  
12 violation of the Cannabis Control Act, the Illinois Controlled  
13 Substances Act, the Use of Intoxicating Compounds Act, or the  
14 Methamphetamine Control and Community Protection Act while  
15 that individual was in actual physical control of a motor  
16 vehicle. For purposes of this Section, any person placed on  
17 probation under Section 10 of the Cannabis Control Act,  
18 Section 410 of the Illinois Controlled Substances Act, or  
19 Section 70 of the Methamphetamine Control and Community  
20 Protection Act shall not be considered convicted. Any person  
21 found guilty of such an ~~this~~ offense, while in actual physical  
22 control of a motor vehicle, shall have an entry made in the  
23 court record by the judge that the ~~this~~ offense did occur while  
24 the person was in actual physical control of a motor vehicle  
25 and order the clerk of the court to report the violation to the  
26 Secretary of State as such.

1 (d) No graduated driver's license shall be issued for 9  
2 months to any applicant under the age of 18 years who has  
3 committed and subsequently been convicted of an offense  
4 against traffic regulations governing the movement of  
5 vehicles, any violation of this Section or Section 12-603.1 of  
6 this Code, or who has received a disposition of court  
7 supervision for a violation of Section 6-20 of the Illinois  
8 Liquor Control Act of 1934 or a similar provision of a local  
9 ordinance.

10 (e) No graduated driver's license holder under the age of  
11 18 years shall operate any motor vehicle, except a motor  
12 driven cycle or motorcycle, with more than one passenger in  
13 the front seat of the motor vehicle and no more passengers in  
14 the back seats than the number of available seat safety belts  
15 as set forth in Section 12-603 of this Code. If a graduated  
16 driver's license holder over the age of 18 committed an  
17 offense against traffic regulations governing the movement of  
18 vehicles or any violation of this Section or Section 12-603.1  
19 of this Code in the 6 months prior to the graduated driver's  
20 license holder's 18th birthday, and was subsequently convicted  
21 of the violation, the provisions of this paragraph shall  
22 continue to apply until such time as a period of 6 consecutive  
23 months has elapsed without an additional violation and  
24 subsequent conviction of an offense against traffic  
25 regulations governing the movement of vehicles or any  
26 violation of this Section or Section 12-603.1 of this Code.

1 (f) (Blank).

2 (g) If a graduated driver's license holder is under the  
3 age of 18 when he or she receives the license, for the first 12  
4 months he or she holds the license or until he or she reaches  
5 the age of 18, whichever occurs sooner, the graduated license  
6 holder may not operate a motor vehicle with more than one  
7 passenger in the vehicle who is under the age of 20, unless any  
8 additional passenger or passengers are siblings,  
9 step-siblings, children, or stepchildren of the driver. If a  
10 graduated driver's license holder committed an offense against  
11 traffic regulations governing the movement of vehicles or any  
12 violation of this Section or Section 12-603.1 of this Code  
13 during the first 12 months the license is held and  
14 subsequently is convicted of the violation, the provisions of  
15 this paragraph shall remain in effect until such time as a  
16 period of 6 consecutive months has elapsed without an  
17 additional violation and subsequent conviction of an offense  
18 against traffic regulations governing the movement of vehicles  
19 or any violation of this Section or Section 12-603.1 of this  
20 Code.

21 (h) It shall be an offense for a person that is age 15, but  
22 under age 20, to be a passenger in a vehicle operated by a  
23 driver holding a graduated driver's license during the first  
24 12 months the driver holds the license or until the driver  
25 reaches the age of 18, whichever occurs sooner, if another  
26 passenger under the age of 20 is present, excluding a sibling,

1 step-sibling, child, or step-child of the driver.

2 (i) No graduated driver's license shall be issued to any  
3 applicant under the age of 18 years if the applicant has been  
4 issued a traffic citation for which a disposition has not been  
5 rendered at the time of application.

6 (Source: P.A. 102-982, eff. 7-1-23; 102-1100, eff. 1-1-23;  
7 revised 12-14-22.)

8 (625 ILCS 5/6-206)

9 (Text of Section before amendment by P.A. 102-982)

10 Sec. 6-206. Discretionary authority to suspend or revoke  
11 license or permit; right to a hearing.

12 (a) The Secretary of State is authorized to suspend or  
13 revoke the driving privileges of any person without  
14 preliminary hearing upon a showing of the person's records or  
15 other sufficient evidence that the person:

16 1. Has committed an offense for which mandatory  
17 revocation of a driver's license or permit is required  
18 upon conviction;

19 2. Has been convicted of not less than 3 offenses  
20 against traffic regulations governing the movement of  
21 vehicles committed within any 12-month period. No  
22 revocation or suspension shall be entered more than 6  
23 months after the date of last conviction;

24 3. Has been repeatedly involved as a driver in motor  
25 vehicle collisions or has been repeatedly convicted of

1 offenses against laws and ordinances regulating the  
2 movement of traffic, to a degree that indicates lack of  
3 ability to exercise ordinary and reasonable care in the  
4 safe operation of a motor vehicle or disrespect for the  
5 traffic laws and the safety of other persons upon the  
6 highway;

7 4. Has by the unlawful operation of a motor vehicle  
8 caused or contributed to an accident resulting in injury  
9 requiring immediate professional treatment in a medical  
10 facility or doctor's office to any person, except that any  
11 suspension or revocation imposed by the Secretary of State  
12 under the provisions of this subsection shall start no  
13 later than 6 months after being convicted of violating a  
14 law or ordinance regulating the movement of traffic, which  
15 violation is related to the accident, or shall start not  
16 more than one year after the date of the accident,  
17 whichever date occurs later;

18 5. Has permitted an unlawful or fraudulent use of a  
19 driver's license, identification card, or permit;

20 6. Has been lawfully convicted of an offense or  
21 offenses in another state, including the authorization  
22 contained in Section 6-203.1, which if committed within  
23 this State would be grounds for suspension or revocation;

24 7. Has refused or failed to submit to an examination  
25 provided for by Section 6-207 or has failed to pass the  
26 examination;

1           8. Is ineligible for a driver's license or permit  
2 under the provisions of Section 6-103;

3           9. Has made a false statement or knowingly concealed a  
4 material fact or has used false information or  
5 identification in any application for a license,  
6 identification card, or permit;

7           10. Has possessed, displayed, or attempted to  
8 fraudulently use any license, identification card, or  
9 permit not issued to the person;

10           11. Has operated a motor vehicle upon a highway of  
11 this State when the person's driving privilege or  
12 privilege to obtain a driver's license or permit was  
13 revoked or suspended unless the operation was authorized  
14 by a monitoring device driving permit, judicial driving  
15 permit issued prior to January 1, 2009, probationary  
16 license to drive, or restricted driving permit issued  
17 under this Code;

18           12. Has submitted to any portion of the application  
19 process for another person or has obtained the services of  
20 another person to submit to any portion of the application  
21 process for the purpose of obtaining a license,  
22 identification card, or permit for some other person;

23           13. Has operated a motor vehicle upon a highway of  
24 this State when the person's driver's license or permit  
25 was invalid under the provisions of Sections 6-107.1 and  
26 6-110;

1           14. Has committed a violation of Section 6-301,  
2           6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or  
3           14B of the Illinois Identification Card Act or a similar  
4           offense in another state if, at the time of the offense,  
5           the person held an Illinois driver's license or  
6           identification card;

7           15. Has been convicted of violating Section 21-2 of  
8           the Criminal Code of 1961 or the Criminal Code of 2012  
9           relating to criminal trespass to vehicles if the person  
10          exercised actual physical control over the vehicle during  
11          the commission of the offense, in which case the  
12          suspension shall be for one year;

13          16. Has been convicted of violating Section 11-204 of  
14          this Code relating to fleeing from a peace officer;

15          17. Has refused to submit to a test, or tests, as  
16          required under Section 11-501.1 of this Code and the  
17          person has not sought a hearing as provided for in Section  
18          11-501.1;

19          18. (Blank);

20          19. Has committed a violation of paragraph (a) or (b)  
21          of Section 6-101 relating to driving without a driver's  
22          license;

23          20. Has been convicted of violating Section 6-104  
24          relating to classification of driver's license;

25          21. Has been convicted of violating Section 11-402 of  
26          this Code relating to leaving the scene of an accident



1 resulting in damage to a vehicle in excess of \$1,000, in  
2 which case the suspension shall be for one year;

3 22. Has used a motor vehicle in violating paragraph  
4 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
5 the Criminal Code of 1961 or the Criminal Code of 2012  
6 relating to unlawful use of weapons, in which case the  
7 suspension shall be for one year;

8 23. Has, as a driver, been convicted of committing a  
9 violation of paragraph (a) of Section 11-502 of this Code  
10 for a second or subsequent time within one year of a  
11 similar violation;

12 24. Has been convicted by a court-martial or punished  
13 by non-judicial punishment by military authorities of the  
14 United States at a military installation in Illinois or in  
15 another state of or for a traffic-related offense that is  
16 the same as or similar to an offense specified under  
17 Section 6-205 or 6-206 of this Code;

18 25. Has permitted any form of identification to be  
19 used by another in the application process in order to  
20 obtain or attempt to obtain a license, identification  
21 card, or permit;

22 26. Has altered or attempted to alter a license or has  
23 possessed an altered license, identification card, or  
24 permit;

25 27. (Blank);

26 28. Has been convicted for a first time of the illegal

1 possession, while operating or in actual physical control,  
2 as a driver, of a motor vehicle, of any controlled  
3 substance prohibited under the Illinois Controlled  
4 Substances Act, any cannabis prohibited under the Cannabis  
5 Control Act, or any methamphetamine prohibited under the  
6 Methamphetamine Control and Community Protection Act, in  
7 which case the person's driving privileges shall be  
8 suspended for one year. Any defendant found guilty of this  
9 offense while operating a motor vehicle shall have an  
10 entry made in the court record by the presiding judge that  
11 this offense did occur while the defendant was operating a  
12 motor vehicle and order the clerk of the court to report  
13 the violation to the Secretary of State;

14 29. Has been convicted of the following offenses that  
15 were committed while the person was operating or in actual  
16 physical control, as a driver, of a motor vehicle:  
17 criminal sexual assault, predatory criminal sexual assault  
18 of a child, aggravated criminal sexual assault, criminal  
19 sexual abuse, aggravated criminal sexual abuse, juvenile  
20 pimping, soliciting for a juvenile prostitute, promoting  
21 juvenile prostitution as described in subdivision (a)(1),  
22 (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code  
23 of 1961 or the Criminal Code of 2012, and the manufacture,  
24 sale or delivery of controlled substances or instruments  
25 used for illegal drug use or abuse in which case the  
26 driver's driving privileges shall be suspended for one

1 year;

2 30. Has been convicted a second or subsequent time for  
3 any combination of the offenses named in paragraph 29 of  
4 this subsection, in which case the person's driving  
5 privileges shall be suspended for 5 years;

6 31. Has refused to submit to a test as required by  
7 Section 11-501.6 of this Code or Section 5-16c of the Boat  
8 Registration and Safety Act or has submitted to a test  
9 resulting in an alcohol concentration of 0.08 or more or  
10 any amount of a drug, substance, or compound resulting  
11 from the unlawful use or consumption of cannabis as listed  
12 in the Cannabis Control Act, a controlled substance as  
13 listed in the Illinois Controlled Substances Act, an  
14 intoxicating compound as listed in the Use of Intoxicating  
15 Compounds Act, or methamphetamine as listed in the  
16 Methamphetamine Control and Community Protection Act, in  
17 which case the penalty shall be as prescribed in Section  
18 6-208.1;

19 32. Has been convicted of Section 24-1.2 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012  
21 relating to the aggravated discharge of a firearm if the  
22 offender was located in a motor vehicle at the time the  
23 firearm was discharged, in which case the suspension shall  
24 be for 3 years;

25 33. Has as a driver, who was less than 21 years of age  
26 on the date of the offense, been convicted a first time of

1 a violation of paragraph (a) of Section 11-502 of this  
2 Code or a similar provision of a local ordinance;

3 34. Has committed a violation of Section 11-1301.5 of  
4 this Code or a similar provision of a local ordinance;

5 35. Has committed a violation of Section 11-1301.6 of  
6 this Code or a similar provision of a local ordinance;

7 36. Is under the age of 21 years at the time of arrest  
8 and has been convicted of not less than 2 offenses against  
9 traffic regulations governing the movement of vehicles  
10 committed within any 24-month period. No revocation or  
11 suspension shall be entered more than 6 months after the  
12 date of last conviction;

13 37. Has committed a violation of subsection (c) of  
14 Section 11-907 of this Code that resulted in damage to the  
15 property of another or the death or injury of another;

16 38. Has been convicted of a violation of Section 6-20  
17 of the Liquor Control Act of 1934 or a similar provision of  
18 a local ordinance and the person was an occupant of a motor  
19 vehicle at the time of the violation;

20 39. Has committed a second or subsequent violation of  
21 Section 11-1201 of this Code;

22 40. Has committed a violation of subsection (a-1) of  
23 Section 11-908 of this Code;

24 41. Has committed a second or subsequent violation of  
25 Section 11-605.1 of this Code, a similar provision of a  
26 local ordinance, or a similar violation in any other state

1 within 2 years of the date of the previous violation, in  
2 which case the suspension shall be for 90 days;

3 42. Has committed a violation of subsection (a-1) of  
4 Section 11-1301.3 of this Code or a similar provision of a  
5 local ordinance;

6 43. Has received a disposition of court supervision  
7 for a violation of subsection (a), (d), or (e) of Section  
8 6-20 of the Liquor Control Act of 1934 or a similar  
9 provision of a local ordinance and the person was an  
10 occupant of a motor vehicle at the time of the violation,  
11 in which case the suspension shall be for a period of 3  
12 months;

13 44. Is under the age of 21 years at the time of arrest  
14 and has been convicted of an offense against traffic  
15 regulations governing the movement of vehicles after  
16 having previously had his or her driving privileges  
17 suspended or revoked pursuant to subparagraph 36 of this  
18 Section;

19 45. Has, in connection with or during the course of a  
20 formal hearing conducted under Section 2-118 of this Code:  
21 (i) committed perjury; (ii) submitted fraudulent or  
22 falsified documents; (iii) submitted documents that have  
23 been materially altered; or (iv) submitted, as his or her  
24 own, documents that were in fact prepared or composed for  
25 another person;

26 46. Has committed a violation of subsection (j) of

1 Section 3-413 of this Code;

2 47. Has committed a violation of subsection (a) of  
3 Section 11-502.1 of this Code;

4 48. Has submitted a falsified or altered medical  
5 examiner's certificate to the Secretary of State or  
6 provided false information to obtain a medical examiner's  
7 certificate;

8 49. Has been convicted of a violation of Section  
9 11-1002 or 11-1002.5 that resulted in a Type A injury to  
10 another, in which case the driving privileges of the  
11 person shall be suspended for 12 months;

12 50. Has committed a violation of subsection (b-5) of  
13 Section 12-610.2 that resulted in great bodily harm,  
14 permanent disability, or disfigurement, in which case the  
15 driving privileges of the person shall be suspended for 12  
16 months;

17 51. Has committed a violation of Section 10-15 Of the  
18 Cannabis Regulation and Tax Act or a similar provision of  
19 a local ordinance while in a motor vehicle; or

20 52. Has committed a violation of subsection (b) of  
21 Section 10-20 of the Cannabis Regulation and Tax Act or a  
22 similar provision of a local ordinance.

23 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
24 and 27 of this subsection, license means any driver's license,  
25 any traffic ticket issued when the person's driver's license  
26 is deposited in lieu of bail, a suspension notice issued by the

1 Secretary of State, a duplicate or corrected driver's license,  
2 a probationary driver's license, or a temporary driver's  
3 license.

4 (b) If any conviction forming the basis of a suspension or  
5 revocation authorized under this Section is appealed, the  
6 Secretary of State may rescind or withhold the entry of the  
7 order of suspension or revocation, as the case may be,  
8 provided that a certified copy of a stay order of a court is  
9 filed with the Secretary of State. If the conviction is  
10 affirmed on appeal, the date of the conviction shall relate  
11 back to the time the original judgment of conviction was  
12 entered and the 6-month limitation prescribed shall not apply.

13 (c) 1. Upon suspending or revoking the driver's license or  
14 permit of any person as authorized in this Section, the  
15 Secretary of State shall immediately notify the person in  
16 writing of the revocation or suspension. The notice to be  
17 deposited in the United States mail, postage prepaid, to the  
18 last known address of the person.

19 2. If the Secretary of State suspends the driver's license  
20 of a person under subsection 2 of paragraph (a) of this  
21 Section, a person's privilege to operate a vehicle as an  
22 occupation shall not be suspended, provided an affidavit is  
23 properly completed, the appropriate fee received, and a permit  
24 issued prior to the effective date of the suspension, unless 5  
25 offenses were committed, at least 2 of which occurred while  
26 operating a commercial vehicle in connection with the driver's

1 regular occupation. All other driving privileges shall be  
2 suspended by the Secretary of State. Any driver prior to  
3 operating a vehicle for occupational purposes only must submit  
4 the affidavit on forms to be provided by the Secretary of State  
5 setting forth the facts of the person's occupation. The  
6 affidavit shall also state the number of offenses committed  
7 while operating a vehicle in connection with the driver's  
8 regular occupation. The affidavit shall be accompanied by the  
9 driver's license. Upon receipt of a properly completed  
10 affidavit, the Secretary of State shall issue the driver a  
11 permit to operate a vehicle in connection with the driver's  
12 regular occupation only. Unless the permit is issued by the  
13 Secretary of State prior to the date of suspension, the  
14 privilege to drive any motor vehicle shall be suspended as set  
15 forth in the notice that was mailed under this Section. If an  
16 affidavit is received subsequent to the effective date of this  
17 suspension, a permit may be issued for the remainder of the  
18 suspension period.

19 The provisions of this subparagraph shall not apply to any  
20 driver required to possess a CDL for the purpose of operating a  
21 commercial motor vehicle.

22 Any person who falsely states any fact in the affidavit  
23 required herein shall be guilty of perjury under Section 6-302  
24 and upon conviction thereof shall have all driving privileges  
25 revoked without further rights.

26 3. At the conclusion of a hearing under Section 2-118 of



1 this Code, the Secretary of State shall either rescind or  
2 continue an order of revocation or shall substitute an order  
3 of suspension; or, good cause appearing therefor, rescind,  
4 continue, change, or extend the order of suspension. If the  
5 Secretary of State does not rescind the order, the Secretary  
6 may upon application, to relieve undue hardship (as defined by  
7 the rules of the Secretary of State), issue a restricted  
8 driving permit granting the privilege of driving a motor  
9 vehicle between the petitioner's residence and petitioner's  
10 place of employment or within the scope of the petitioner's  
11 employment-related duties, or to allow the petitioner to  
12 transport himself or herself, or a family member of the  
13 petitioner's household to a medical facility, to receive  
14 necessary medical care, to allow the petitioner to transport  
15 himself or herself to and from alcohol or drug remedial or  
16 rehabilitative activity recommended by a licensed service  
17 provider, or to allow the petitioner to transport himself or  
18 herself or a family member of the petitioner's household to  
19 classes, as a student, at an accredited educational  
20 institution, or to allow the petitioner to transport children,  
21 elderly persons, or persons with disabilities who do not hold  
22 driving privileges and are living in the petitioner's  
23 household to and from daycare. The petitioner must demonstrate  
24 that no alternative means of transportation is reasonably  
25 available and that the petitioner will not endanger the public  
26 safety or welfare.

1           (A) If a person's license or permit is revoked or  
2           suspended due to 2 or more convictions of violating  
3           Section 11-501 of this Code or a similar provision of a  
4           local ordinance or a similar out-of-state offense, or  
5           Section 9-3 of the Criminal Code of 1961 or the Criminal  
6           Code of 2012, where the use of alcohol or other drugs is  
7           recited as an element of the offense, or a similar  
8           out-of-state offense, or a combination of these offenses,  
9           arising out of separate occurrences, that person, if  
10          issued a restricted driving permit, may not operate a  
11          vehicle unless it has been equipped with an ignition  
12          interlock device as defined in Section 1-129.1.

13           (B) If a person's license or permit is revoked or  
14          suspended 2 or more times due to any combination of:

15               (i) a single conviction of violating Section  
16               11-501 of this Code or a similar provision of a local  
17               ordinance or a similar out-of-state offense or Section  
18               9-3 of the Criminal Code of 1961 or the Criminal Code  
19               of 2012, where the use of alcohol or other drugs is  
20               recited as an element of the offense, or a similar  
21               out-of-state offense; or

22               (ii) a statutory summary suspension or revocation  
23               under Section 11-501.1; or

24               (iii) a suspension under Section 6-203.1;  
25          arising out of separate occurrences; that person, if  
26          issued a restricted driving permit, may not operate a

1 vehicle unless it has been equipped with an ignition  
2 interlock device as defined in Section 1-129.1.

3 (B-5) If a person's license or permit is revoked or  
4 suspended due to a conviction for a violation of  
5 subparagraph (C) or (F) of paragraph (1) of subsection (d)  
6 of Section 11-501 of this Code, or a similar provision of a  
7 local ordinance or similar out-of-state offense, that  
8 person, if issued a restricted driving permit, may not  
9 operate a vehicle unless it has been equipped with an  
10 ignition interlock device as defined in Section 1-129.1.

11 (C) The person issued a permit conditioned upon the  
12 use of an ignition interlock device must pay to the  
13 Secretary of State DUI Administration Fund an amount not  
14 to exceed \$30 per month. The Secretary shall establish by  
15 rule the amount and the procedures, terms, and conditions  
16 relating to these fees.

17 (D) If the restricted driving permit is issued for  
18 employment purposes, then the prohibition against  
19 operating a motor vehicle that is not equipped with an  
20 ignition interlock device does not apply to the operation  
21 of an occupational vehicle owned or leased by that  
22 person's employer when used solely for employment  
23 purposes. For any person who, within a 5-year period, is  
24 convicted of a second or subsequent offense under Section  
25 11-501 of this Code, or a similar provision of a local  
26 ordinance or similar out-of-state offense, this employment

1 exemption does not apply until either a one-year period  
2 has elapsed during which that person had his or her  
3 driving privileges revoked or a one-year period has  
4 elapsed during which that person had a restricted driving  
5 permit which required the use of an ignition interlock  
6 device on every motor vehicle owned or operated by that  
7 person.

8 (E) In each case the Secretary may issue a restricted  
9 driving permit for a period deemed appropriate, except  
10 that all permits shall expire no later than 2 years from  
11 the date of issuance. A restricted driving permit issued  
12 under this Section shall be subject to cancellation,  
13 revocation, and suspension by the Secretary of State in  
14 like manner and for like cause as a driver's license  
15 issued under this Code may be cancelled, revoked, or  
16 suspended; except that a conviction upon one or more  
17 offenses against laws or ordinances regulating the  
18 movement of traffic shall be deemed sufficient cause for  
19 the revocation, suspension, or cancellation of a  
20 restricted driving permit. The Secretary of State may, as  
21 a condition to the issuance of a restricted driving  
22 permit, require the applicant to participate in a  
23 designated driver remedial or rehabilitative program. The  
24 Secretary of State is authorized to cancel a restricted  
25 driving permit if the permit holder does not successfully  
26 complete the program.

1 (F) A person subject to the provisions of paragraph 4  
2 of subsection (b) of Section 6-208 of this Code may make  
3 application for a restricted driving permit at a hearing  
4 conducted under Section 2-118 of this Code after the  
5 expiration of 5 years from the effective date of the most  
6 recent revocation or after 5 years from the date of  
7 release from a period of imprisonment resulting from a  
8 conviction of the most recent offense, whichever is later,  
9 provided the person, in addition to all other requirements  
10 of the Secretary, shows by clear and convincing evidence:

11 (i) a minimum of 3 years of uninterrupted  
12 abstinence from alcohol and the unlawful use or  
13 consumption of cannabis under the Cannabis Control  
14 Act, a controlled substance under the Illinois  
15 Controlled Substances Act, an intoxicating compound  
16 under the Use of Intoxicating Compounds Act, or  
17 methamphetamine under the Methamphetamine Control and  
18 Community Protection Act; and

19 (ii) the successful completion of any  
20 rehabilitative treatment and involvement in any  
21 ongoing rehabilitative activity that may be  
22 recommended by a properly licensed service provider  
23 according to an assessment of the person's alcohol or  
24 drug use under Section 11-501.01 of this Code.

25 In determining whether an applicant is eligible for a  
26 restricted driving permit under this subparagraph (F), the

1 Secretary may consider any relevant evidence, including,  
2 but not limited to, testimony, affidavits, records, and  
3 the results of regular alcohol or drug tests. Persons  
4 subject to the provisions of paragraph 4 of subsection (b)  
5 of Section 6-208 of this Code and who have been convicted  
6 of more than one violation of paragraph (3), paragraph  
7 (4), or paragraph (5) of subsection (a) of Section 11-501  
8 of this Code shall not be eligible to apply for a  
9 restricted driving permit under this subparagraph (F).

10 A restricted driving permit issued under this  
11 subparagraph (F) shall provide that the holder may only  
12 operate motor vehicles equipped with an ignition interlock  
13 device as required under paragraph (2) of subsection (c)  
14 of Section 6-205 of this Code and subparagraph (A) of  
15 paragraph 3 of subsection (c) of this Section. The  
16 Secretary may revoke a restricted driving permit or amend  
17 the conditions of a restricted driving permit issued under  
18 this subparagraph (F) if the holder operates a vehicle  
19 that is not equipped with an ignition interlock device, or  
20 for any other reason authorized under this Code.

21 A restricted driving permit issued under this  
22 subparagraph (F) shall be revoked, and the holder barred  
23 from applying for or being issued a restricted driving  
24 permit in the future, if the holder is convicted of a  
25 violation of Section 11-501 of this Code, a similar  
26 provision of a local ordinance, or a similar offense in

1 another state.

2 (c-3) In the case of a suspension under paragraph 43 of  
3 subsection (a), reports received by the Secretary of State  
4 under this Section shall, except during the actual time the  
5 suspension is in effect, be privileged information and for use  
6 only by the courts, police officers, prosecuting authorities,  
7 the driver licensing administrator of any other state, the  
8 Secretary of State, or the parent or legal guardian of a driver  
9 under the age of 18. However, beginning January 1, 2008, if the  
10 person is a CDL holder, the suspension shall also be made  
11 available to the driver licensing administrator of any other  
12 state, the U.S. Department of Transportation, and the affected  
13 driver or motor carrier or prospective motor carrier upon  
14 request.

15 (c-4) In the case of a suspension under paragraph 43 of  
16 subsection (a), the Secretary of State shall notify the person  
17 by mail that his or her driving privileges and driver's  
18 license will be suspended one month after the date of the  
19 mailing of the notice.

20 (c-5) The Secretary of State may, as a condition of the  
21 reissuance of a driver's license or permit to an applicant  
22 whose driver's license or permit has been suspended before he  
23 or she reached the age of 21 years pursuant to any of the  
24 provisions of this Section, require the applicant to  
25 participate in a driver remedial education course and be  
26 retested under Section 6-109 of this Code.

1 (d) This Section is subject to the provisions of the  
2 Driver License Compact.

3 (e) The Secretary of State shall not issue a restricted  
4 driving permit to a person under the age of 16 years whose  
5 driving privileges have been suspended or revoked under any  
6 provisions of this Code.

7 (f) In accordance with 49 CFR 384, the Secretary of State  
8 may not issue a restricted driving permit for the operation of  
9 a commercial motor vehicle to a person holding a CDL whose  
10 driving privileges have been suspended, revoked, cancelled, or  
11 disqualified under any provisions of this Code.

12 (Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20;  
13 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff.  
14 8-6-21; 102-558, eff. 8-20-21; 102-749, eff. 1-1-23; 102-813,  
15 eff. 5-13-22; revised 12-14-22.)

16 (Text of Section after amendment by P.A. 102-982)

17 Sec. 6-206. Discretionary authority to suspend or revoke  
18 license or permit; right to a hearing.

19 (a) The Secretary of State is authorized to suspend or  
20 revoke the driving privileges of any person without  
21 preliminary hearing upon a showing of the person's records or  
22 other sufficient evidence that the person:

23 1. Has committed an offense for which mandatory  
24 revocation of a driver's license or permit is required  
25 upon conviction;



1           2. Has been convicted of not less than 3 offenses  
2           against traffic regulations governing the movement of  
3           vehicles committed within any 12-month period. No  
4           revocation or suspension shall be entered more than 6  
5           months after the date of last conviction;

6           3. Has been repeatedly involved as a driver in motor  
7           vehicle collisions or has been repeatedly convicted of  
8           offenses against laws and ordinances regulating the  
9           movement of traffic, to a degree that indicates lack of  
10          ability to exercise ordinary and reasonable care in the  
11          safe operation of a motor vehicle or disrespect for the  
12          traffic laws and the safety of other persons upon the  
13          highway;

14          4. Has by the unlawful operation of a motor vehicle  
15          caused or contributed to a crash resulting in injury  
16          requiring immediate professional treatment in a medical  
17          facility or doctor's office to any person, except that any  
18          suspension or revocation imposed by the Secretary of State  
19          under the provisions of this subsection shall start no  
20          later than 6 months after being convicted of violating a  
21          law or ordinance regulating the movement of traffic, which  
22          violation is related to the crash, or shall start not more  
23          than one year after the date of the crash, whichever date  
24          occurs later;

25          5. Has permitted an unlawful or fraudulent use of a  
26          driver's license, identification card, or permit;

1           6. Has been lawfully convicted of an offense or  
2 offenses in another state, including the authorization  
3 contained in Section 6-203.1, which if committed within  
4 this State would be grounds for suspension or revocation;

5           7. Has refused or failed to submit to an examination  
6 provided for by Section 6-207 or has failed to pass the  
7 examination;

8           8. Is ineligible for a driver's license or permit  
9 under the provisions of Section 6-103;

10          9. Has made a false statement or knowingly concealed a  
11 material fact or has used false information or  
12 identification in any application for a license,  
13 identification card, or permit;

14          10. Has possessed, displayed, or attempted to  
15 fraudulently use any license, identification card, or  
16 permit not issued to the person;

17          11. Has operated a motor vehicle upon a highway of  
18 this State when the person's driving privilege or  
19 privilege to obtain a driver's license or permit was  
20 revoked or suspended unless the operation was authorized  
21 by a monitoring device driving permit, judicial driving  
22 permit issued prior to January 1, 2009, probationary  
23 license to drive, or restricted driving permit issued  
24 under this Code;

25          12. Has submitted to any portion of the application  
26 process for another person or has obtained the services of

1 another person to submit to any portion of the application  
2 process for the purpose of obtaining a license,  
3 identification card, or permit for some other person;

4 13. Has operated a motor vehicle upon a highway of  
5 this State when the person's driver's license or permit  
6 was invalid under the provisions of Sections 6-107.1 and  
7 6-110;

8 14. Has committed a violation of Section 6-301,  
9 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or  
10 14B of the Illinois Identification Card Act or a similar  
11 offense in another state if, at the time of the offense,  
12 the person held an Illinois driver's license or  
13 identification card;

14 15. Has been convicted of violating Section 21-2 of  
15 the Criminal Code of 1961 or the Criminal Code of 2012  
16 relating to criminal trespass to vehicles if the person  
17 exercised actual physical control over the vehicle during  
18 the commission of the offense, in which case the  
19 suspension shall be for one year;

20 16. Has been convicted of violating Section 11-204 of  
21 this Code relating to fleeing from a peace officer;

22 17. Has refused to submit to a test, or tests, as  
23 required under Section 11-501.1 of this Code and the  
24 person has not sought a hearing as provided for in Section  
25 11-501.1;

26 18. (Blank);

1           19. Has committed a violation of paragraph (a) or (b)  
2 of Section 6-101 relating to driving without a driver's  
3 license;

4           20. Has been convicted of violating Section 6-104  
5 relating to classification of driver's license;

6           21. Has been convicted of violating Section 11-402 of  
7 this Code relating to leaving the scene of a crash  
8 resulting in damage to a vehicle in excess of \$1,000, in  
9 which case the suspension shall be for one year;

10          22. Has used a motor vehicle in violating paragraph  
11 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
12 the Criminal Code of 1961 or the Criminal Code of 2012  
13 relating to unlawful use of weapons, in which case the  
14 suspension shall be for one year;

15          23. Has, as a driver, been convicted of committing a  
16 violation of paragraph (a) of Section 11-502 of this Code  
17 for a second or subsequent time within one year of a  
18 similar violation;

19          24. Has been convicted by a court-martial or punished  
20 by non-judicial punishment by military authorities of the  
21 United States at a military installation in Illinois or in  
22 another state of or for a traffic-related offense that is  
23 the same as or similar to an offense specified under  
24 Section 6-205 or 6-206 of this Code;

25          25. Has permitted any form of identification to be  
26 used by another in the application process in order to

1 obtain or attempt to obtain a license, identification  
2 card, or permit;

3 26. Has altered or attempted to alter a license or has  
4 possessed an altered license, identification card, or  
5 permit;

6 27. (Blank);

7 28. Has been convicted for a first time of the illegal  
8 possession, while operating or in actual physical control,  
9 as a driver, of a motor vehicle, of any controlled  
10 substance prohibited under the Illinois Controlled  
11 Substances Act, any cannabis prohibited under the Cannabis  
12 Control Act, or any methamphetamine prohibited under the  
13 Methamphetamine Control and Community Protection Act, in  
14 which case the person's driving privileges shall be  
15 suspended for one year. Any defendant found guilty of this  
16 offense while operating a motor vehicle shall have an  
17 entry made in the court record by the presiding judge that  
18 this offense did occur while the defendant was operating a  
19 motor vehicle and order the clerk of the court to report  
20 the violation to the Secretary of State;

21 29. Has been convicted of the following offenses that  
22 were committed while the person was operating or in actual  
23 physical control, as a driver, of a motor vehicle:  
24 criminal sexual assault, predatory criminal sexual assault  
25 of a child, aggravated criminal sexual assault, criminal  
26 sexual abuse, aggravated criminal sexual abuse, juvenile

1 pimping, soliciting for a juvenile prostitute, promoting  
2 juvenile prostitution as described in subdivision (a)(1),  
3 (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code  
4 of 1961 or the Criminal Code of 2012, and the manufacture,  
5 sale or delivery of controlled substances or instruments  
6 used for illegal drug use or abuse in which case the  
7 driver's driving privileges shall be suspended for one  
8 year;

9 30. Has been convicted a second or subsequent time for  
10 any combination of the offenses named in paragraph 29 of  
11 this subsection, in which case the person's driving  
12 privileges shall be suspended for 5 years;

13 31. Has refused to submit to a test as required by  
14 Section 11-501.6 of this Code or Section 5-16c of the Boat  
15 Registration and Safety Act or has submitted to a test  
16 resulting in an alcohol concentration of 0.08 or more or  
17 any amount of a drug, substance, or compound resulting  
18 from the unlawful use or consumption of cannabis as listed  
19 in the Cannabis Control Act, a controlled substance as  
20 listed in the Illinois Controlled Substances Act, an  
21 intoxicating compound as listed in the Use of Intoxicating  
22 Compounds Act, or methamphetamine as listed in the  
23 Methamphetamine Control and Community Protection Act, in  
24 which case the penalty shall be as prescribed in Section  
25 6-208.1;

26 32. Has been convicted of Section 24-1.2 of the

1 Criminal Code of 1961 or the Criminal Code of 2012  
2 relating to the aggravated discharge of a firearm if the  
3 offender was located in a motor vehicle at the time the  
4 firearm was discharged, in which case the suspension shall  
5 be for 3 years;

6 33. Has as a driver, who was less than 21 years of age  
7 on the date of the offense, been convicted a first time of  
8 a violation of paragraph (a) of Section 11-502 of this  
9 Code or a similar provision of a local ordinance;

10 34. Has committed a violation of Section 11-1301.5 of  
11 this Code or a similar provision of a local ordinance;

12 35. Has committed a violation of Section 11-1301.6 of  
13 this Code or a similar provision of a local ordinance;

14 36. Is under the age of 21 years at the time of arrest  
15 and has been convicted of not less than 2 offenses against  
16 traffic regulations governing the movement of vehicles  
17 committed within any 24-month period. No revocation or  
18 suspension shall be entered more than 6 months after the  
19 date of last conviction;

20 37. Has committed a violation of subsection (c) of  
21 Section 11-907 of this Code that resulted in damage to the  
22 property of another or the death or injury of another;

23 38. Has been convicted of a violation of Section 6-20  
24 of the Liquor Control Act of 1934 or a similar provision of  
25 a local ordinance and the person was an occupant of a motor  
26 vehicle at the time of the violation;

1           39. Has committed a second or subsequent violation of  
2           Section 11-1201 of this Code;

3           40. Has committed a violation of subsection (a-1) of  
4           Section 11-908 of this Code;

5           41. Has committed a second or subsequent violation of  
6           Section 11-605.1 of this Code, a similar provision of a  
7           local ordinance, or a similar violation in any other state  
8           within 2 years of the date of the previous violation, in  
9           which case the suspension shall be for 90 days;

10          42. Has committed a violation of subsection (a-1) of  
11          Section 11-1301.3 of this Code or a similar provision of a  
12          local ordinance;

13          43. Has received a disposition of court supervision  
14          for a violation of subsection (a), (d), or (e) of Section  
15          6-20 of the Liquor Control Act of 1934 or a similar  
16          provision of a local ordinance and the person was an  
17          occupant of a motor vehicle at the time of the violation,  
18          in which case the suspension shall be for a period of 3  
19          months;

20          44. Is under the age of 21 years at the time of arrest  
21          and has been convicted of an offense against traffic  
22          regulations governing the movement of vehicles after  
23          having previously had his or her driving privileges  
24          suspended or revoked pursuant to subparagraph 36 of this  
25          Section;

26          45. Has, in connection with or during the course of a



1 formal hearing conducted under Section 2-118 of this Code:  
2 (i) committed perjury; (ii) submitted fraudulent or  
3 falsified documents; (iii) submitted documents that have  
4 been materially altered; or (iv) submitted, as his or her  
5 own, documents that were in fact prepared or composed for  
6 another person;

7 46. Has committed a violation of subsection (j) of  
8 Section 3-413 of this Code;

9 47. Has committed a violation of subsection (a) of  
10 Section 11-502.1 of this Code;

11 48. Has submitted a falsified or altered medical  
12 examiner's certificate to the Secretary of State or  
13 provided false information to obtain a medical examiner's  
14 certificate;

15 49. Has been convicted of a violation of Section  
16 11-1002 or 11-1002.5 that resulted in a Type A injury to  
17 another, in which case the driving privileges of the  
18 person shall be suspended for 12 months;

19 50. Has committed a violation of subsection (b-5) of  
20 Section 12-610.2 that resulted in great bodily harm,  
21 permanent disability, or disfigurement, in which case the  
22 driving privileges of the person shall be suspended for 12  
23 months;

24 51. Has committed a violation of Section 10-15 Of the  
25 Cannabis Regulation and Tax Act or a similar provision of  
26 a local ordinance while in a motor vehicle; or

1           52. Has committed a violation of subsection (b) of  
2           Section 10-20 of the Cannabis Regulation and Tax Act or a  
3           similar provision of a local ordinance.

4           For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
5           and 27 of this subsection, license means any driver's license,  
6           any traffic ticket issued when the person's driver's license  
7           is deposited in lieu of bail, a suspension notice issued by the  
8           Secretary of State, a duplicate or corrected driver's license,  
9           a probationary driver's license, or a temporary driver's  
10          license.

11          (b) If any conviction forming the basis of a suspension or  
12          revocation authorized under this Section is appealed, the  
13          Secretary of State may rescind or withhold the entry of the  
14          order of suspension or revocation, as the case may be,  
15          provided that a certified copy of a stay order of a court is  
16          filed with the Secretary of State. If the conviction is  
17          affirmed on appeal, the date of the conviction shall relate  
18          back to the time the original judgment of conviction was  
19          entered and the 6-month limitation prescribed shall not apply.

20          (c) 1. Upon suspending or revoking the driver's license or  
21          permit of any person as authorized in this Section, the  
22          Secretary of State shall immediately notify the person in  
23          writing of the revocation or suspension. The notice to be  
24          deposited in the United States mail, postage prepaid, to the  
25          last known address of the person.

26          2. If the Secretary of State suspends the driver's license

1 of a person under subsection 2 of paragraph (a) of this  
2 Section, a person's privilege to operate a vehicle as an  
3 occupation shall not be suspended, provided an affidavit is  
4 properly completed, the appropriate fee received, and a permit  
5 issued prior to the effective date of the suspension, unless 5  
6 offenses were committed, at least 2 of which occurred while  
7 operating a commercial vehicle in connection with the driver's  
8 regular occupation. All other driving privileges shall be  
9 suspended by the Secretary of State. Any driver prior to  
10 operating a vehicle for occupational purposes only must submit  
11 the affidavit on forms to be provided by the Secretary of State  
12 setting forth the facts of the person's occupation. The  
13 affidavit shall also state the number of offenses committed  
14 while operating a vehicle in connection with the driver's  
15 regular occupation. The affidavit shall be accompanied by the  
16 driver's license. Upon receipt of a properly completed  
17 affidavit, the Secretary of State shall issue the driver a  
18 permit to operate a vehicle in connection with the driver's  
19 regular occupation only. Unless the permit is issued by the  
20 Secretary of State prior to the date of suspension, the  
21 privilege to drive any motor vehicle shall be suspended as set  
22 forth in the notice that was mailed under this Section. If an  
23 affidavit is received subsequent to the effective date of this  
24 suspension, a permit may be issued for the remainder of the  
25 suspension period.

26 The provisions of this subparagraph shall not apply to any

1 driver required to possess a CDL for the purpose of operating a  
2 commercial motor vehicle.

3 Any person who falsely states any fact in the affidavit  
4 required herein shall be guilty of perjury under Section 6-302  
5 and upon conviction thereof shall have all driving privileges  
6 revoked without further rights.

7 3. At the conclusion of a hearing under Section 2-118 of  
8 this Code, the Secretary of State shall either rescind or  
9 continue an order of revocation or shall substitute an order  
10 of suspension; or, good cause appearing therefor, rescind,  
11 continue, change, or extend the order of suspension. If the  
12 Secretary of State does not rescind the order, the Secretary  
13 may upon application, to relieve undue hardship (as defined by  
14 the rules of the Secretary of State), issue a restricted  
15 driving permit granting the privilege of driving a motor  
16 vehicle between the petitioner's residence and petitioner's  
17 place of employment or within the scope of the petitioner's  
18 employment-related duties, or to allow the petitioner to  
19 transport himself or herself, or a family member of the  
20 petitioner's household to a medical facility, to receive  
21 necessary medical care, to allow the petitioner to transport  
22 himself or herself to and from alcohol or drug remedial or  
23 rehabilitative activity recommended by a licensed service  
24 provider, or to allow the petitioner to transport himself or  
25 herself or a family member of the petitioner's household to  
26 classes, as a student, at an accredited educational

1 institution, or to allow the petitioner to transport children,  
2 elderly persons, or persons with disabilities who do not hold  
3 driving privileges and are living in the petitioner's  
4 household to and from daycare. The petitioner must demonstrate  
5 that no alternative means of transportation is reasonably  
6 available and that the petitioner will not endanger the public  
7 safety or welfare.

8 (A) If a person's license or permit is revoked or  
9 suspended due to 2 or more convictions of violating  
10 Section 11-501 of this Code or a similar provision of a  
11 local ordinance or a similar out-of-state offense, or  
12 Section 9-3 of the Criminal Code of 1961 or the Criminal  
13 Code of 2012, where the use of alcohol or other drugs is  
14 recited as an element of the offense, or a similar  
15 out-of-state offense, or a combination of these offenses,  
16 arising out of separate occurrences, that person, if  
17 issued a restricted driving permit, may not operate a  
18 vehicle unless it has been equipped with an ignition  
19 interlock device as defined in Section 1-129.1.

20 (B) If a person's license or permit is revoked or  
21 suspended 2 or more times due to any combination of:

22 (i) a single conviction of violating Section  
23 11-501 of this Code or a similar provision of a local  
24 ordinance or a similar out-of-state offense or Section  
25 9-3 of the Criminal Code of 1961 or the Criminal Code  
26 of 2012, where the use of alcohol or other drugs is

1           recited as an element of the offense, or a similar  
2           out-of-state offense; or

3           (ii) a statutory summary suspension or revocation  
4           under Section 11-501.1; or

5           (iii) a suspension under Section 6-203.1;

6           arising out of separate occurrences; that person, if  
7           issued a restricted driving permit, may not operate a  
8           vehicle unless it has been equipped with an ignition  
9           interlock device as defined in Section 1-129.1.

10           (B-5) If a person's license or permit is revoked or  
11           suspended due to a conviction for a violation of  
12           subparagraph (C) or (F) of paragraph (1) of subsection (d)  
13           of Section 11-501 of this Code, or a similar provision of a  
14           local ordinance or similar out-of-state offense, that  
15           person, if issued a restricted driving permit, may not  
16           operate a vehicle unless it has been equipped with an  
17           ignition interlock device as defined in Section 1-129.1.

18           (C) The person issued a permit conditioned upon the  
19           use of an ignition interlock device must pay to the  
20           Secretary of State DUI Administration Fund an amount not  
21           to exceed \$30 per month. The Secretary shall establish by  
22           rule the amount and the procedures, terms, and conditions  
23           relating to these fees.

24           (D) If the restricted driving permit is issued for  
25           employment purposes, then the prohibition against  
26           operating a motor vehicle that is not equipped with an

1 ignition interlock device does not apply to the operation  
2 of an occupational vehicle owned or leased by that  
3 person's employer when used solely for employment  
4 purposes. For any person who, within a 5-year period, is  
5 convicted of a second or subsequent offense under Section  
6 11-501 of this Code, or a similar provision of a local  
7 ordinance or similar out-of-state offense, this employment  
8 exemption does not apply until either a one-year period  
9 has elapsed during which that person had his or her  
10 driving privileges revoked or a one-year period has  
11 elapsed during which that person had a restricted driving  
12 permit which required the use of an ignition interlock  
13 device on every motor vehicle owned or operated by that  
14 person.

15 (E) In each case the Secretary may issue a restricted  
16 driving permit for a period deemed appropriate, except  
17 that all permits shall expire no later than 2 years from  
18 the date of issuance. A restricted driving permit issued  
19 under this Section shall be subject to cancellation,  
20 revocation, and suspension by the Secretary of State in  
21 like manner and for like cause as a driver's license  
22 issued under this Code may be cancelled, revoked, or  
23 suspended; except that a conviction upon one or more  
24 offenses against laws or ordinances regulating the  
25 movement of traffic shall be deemed sufficient cause for  
26 the revocation, suspension, or cancellation of a

1 restricted driving permit. The Secretary of State may, as  
2 a condition to the issuance of a restricted driving  
3 permit, require the applicant to participate in a  
4 designated driver remedial or rehabilitative program. The  
5 Secretary of State is authorized to cancel a restricted  
6 driving permit if the permit holder does not successfully  
7 complete the program.

8 (F) A person subject to the provisions of paragraph 4  
9 of subsection (b) of Section 6-208 of this Code may make  
10 application for a restricted driving permit at a hearing  
11 conducted under Section 2-118 of this Code after the  
12 expiration of 5 years from the effective date of the most  
13 recent revocation or after 5 years from the date of  
14 release from a period of imprisonment resulting from a  
15 conviction of the most recent offense, whichever is later,  
16 provided the person, in addition to all other requirements  
17 of the Secretary, shows by clear and convincing evidence:

18 (i) a minimum of 3 years of uninterrupted  
19 abstinence from alcohol and the unlawful use or  
20 consumption of cannabis under the Cannabis Control  
21 Act, a controlled substance under the Illinois  
22 Controlled Substances Act, an intoxicating compound  
23 under the Use of Intoxicating Compounds Act, or  
24 methamphetamine under the Methamphetamine Control and  
25 Community Protection Act; and

26 (ii) the successful completion of any



1           rehabilitative treatment and involvement in any  
2           ongoing rehabilitative activity that may be  
3           recommended by a properly licensed service provider  
4           according to an assessment of the person's alcohol or  
5           drug use under Section 11-501.01 of this Code.

6           In determining whether an applicant is eligible for a  
7           restricted driving permit under this subparagraph (F), the  
8           Secretary may consider any relevant evidence, including,  
9           but not limited to, testimony, affidavits, records, and  
10          the results of regular alcohol or drug tests. Persons  
11          subject to the provisions of paragraph 4 of subsection (b)  
12          of Section 6-208 of this Code and who have been convicted  
13          of more than one violation of paragraph (3), paragraph  
14          (4), or paragraph (5) of subsection (a) of Section 11-501  
15          of this Code shall not be eligible to apply for a  
16          restricted driving permit under this subparagraph (F).

17          A restricted driving permit issued under this  
18          subparagraph (F) shall provide that the holder may only  
19          operate motor vehicles equipped with an ignition interlock  
20          device as required under paragraph (2) of subsection (c)  
21          of Section 6-205 of this Code and subparagraph (A) of  
22          paragraph 3 of subsection (c) of this Section. The  
23          Secretary may revoke a restricted driving permit or amend  
24          the conditions of a restricted driving permit issued under  
25          this subparagraph (F) if the holder operates a vehicle  
26          that is not equipped with an ignition interlock device, or

1 for any other reason authorized under this Code.

2 A restricted driving permit issued under this  
3 subparagraph (F) shall be revoked, and the holder barred  
4 from applying for or being issued a restricted driving  
5 permit in the future, if the holder is convicted of a  
6 violation of Section 11-501 of this Code, a similar  
7 provision of a local ordinance, or a similar offense in  
8 another state.

9 (c-3) In the case of a suspension under paragraph 43 of  
10 subsection (a), reports received by the Secretary of State  
11 under this Section shall, except during the actual time the  
12 suspension is in effect, be privileged information and for use  
13 only by the courts, police officers, prosecuting authorities,  
14 the driver licensing administrator of any other state, the  
15 Secretary of State, or the parent or legal guardian of a driver  
16 under the age of 18. However, beginning January 1, 2008, if the  
17 person is a CDL holder, the suspension shall also be made  
18 available to the driver licensing administrator of any other  
19 state, the U.S. Department of Transportation, and the affected  
20 driver or motor carrier or prospective motor carrier upon  
21 request.

22 (c-4) In the case of a suspension under paragraph 43 of  
23 subsection (a), the Secretary of State shall notify the person  
24 by mail that his or her driving privileges and driver's  
25 license will be suspended one month after the date of the  
26 mailing of the notice.

1 (c-5) The Secretary of State may, as a condition of the  
2 reissuance of a driver's license or permit to an applicant  
3 whose driver's license or permit has been suspended before he  
4 or she reached the age of 21 years pursuant to any of the  
5 provisions of this Section, require the applicant to  
6 participate in a driver remedial education course and be  
7 retested under Section 6-109 of this Code.

8 (d) This Section is subject to the provisions of the  
9 Driver License Compact.

10 (e) The Secretary of State shall not issue a restricted  
11 driving permit to a person under the age of 16 years whose  
12 driving privileges have been suspended or revoked under any  
13 provisions of this Code.

14 (f) In accordance with 49 CFR 384, the Secretary of State  
15 may not issue a restricted driving permit for the operation of  
16 a commercial motor vehicle to a person holding a CDL whose  
17 driving privileges have been suspended, revoked, cancelled, or  
18 disqualified under any provisions of this Code.

19 (Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20;  
20 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff.  
21 8-6-21; 102-558, eff. 8-20-21; 102-749, eff. 1-1-23; 102-813,  
22 eff. 5-13-22; 102-982, eff. 7-1-23; revised 12-14-22.)

23 (625 ILCS 5/6-514)

24 (Text of Section before amendment by P.A. 102-982)

25 Sec. 6-514. Commercial driver's license (CDL); commercial

1 learner's permit (CLP); disqualifications.

2 (a) A person shall be disqualified from driving a  
3 commercial motor vehicle for a period of not less than 12  
4 months for the first violation of:

5 (1) Refusing to submit to or failure to complete a  
6 test or tests to determine the driver's blood  
7 concentration of alcohol, other drug, or both while  
8 driving a commercial motor vehicle or, if the driver is a  
9 CLP or CDL holder, while driving a non-CMV; or

10 (2) Operating a commercial motor vehicle while the  
11 alcohol concentration of the person's blood, breath, other  
12 bodily substance, or urine is at least 0.04, or any amount  
13 of a drug, substance, or compound in the person's blood,  
14 other bodily substance, or urine resulting from the  
15 unlawful use or consumption of cannabis listed in the  
16 Cannabis Control Act, a controlled substance listed in the  
17 Illinois Controlled Substances Act, or methamphetamine as  
18 listed in the Methamphetamine Control and Community  
19 Protection Act as indicated by a police officer's sworn  
20 report or other verified evidence; or operating a  
21 non-commercial motor vehicle while the alcohol  
22 concentration of the person's blood, breath, other bodily  
23 substance, or urine was above the legal limit defined in  
24 Section 11-501.1 or 11-501.8 or any amount of a drug,  
25 substance, or compound in the person's blood, other bodily  
26 substance, or urine resulting from the unlawful use or

1 consumption of cannabis listed in the Cannabis Control  
2 Act, a controlled substance listed in the Illinois  
3 Controlled Substances Act, or methamphetamine as listed in  
4 the Methamphetamine Control and Community Protection Act  
5 as indicated by a police officer's sworn report or other  
6 verified evidence while holding a CLP or CDL; or

7 (3) Conviction for a first violation of:

8 (i) Driving a commercial motor vehicle or, if the  
9 driver is a CLP or CDL holder, driving a non-CMV while  
10 under the influence of alcohol, or any other drug, or  
11 combination of drugs to a degree which renders such  
12 person incapable of safely driving; or

13 (ii) Knowingly leaving the scene of an accident  
14 while operating a commercial motor vehicle or, if the  
15 driver is a CLP or CDL holder, while driving a non-CMV;  
16 or

17 (iii) Driving a commercial motor vehicle or, if  
18 the driver is a CLP or CDL holder, driving a non-CMV  
19 while committing any felony; or

20 (iv) Driving a commercial motor vehicle while the  
21 person's driving privileges or driver's license or  
22 permit is revoked, suspended, or cancelled or the  
23 driver is disqualified from operating a commercial  
24 motor vehicle; or

25 (v) Causing a fatality through the negligent  
26 operation of a commercial motor vehicle, including but

1 not limited to the crimes of motor vehicle  
2 manslaughter, homicide by a motor vehicle, and  
3 negligent homicide.

4 As used in this subdivision (a)(3)(v), "motor  
5 vehicle manslaughter" means the offense of involuntary  
6 manslaughter if committed by means of a vehicle;  
7 "homicide by a motor vehicle" means the offense of  
8 first degree murder or second degree murder, if either  
9 offense is committed by means of a vehicle; and  
10 "negligent homicide" means reckless homicide under  
11 Section 9-3 of the Criminal Code of 1961 or the  
12 Criminal Code of 2012 and aggravated driving under the  
13 influence of alcohol, other drug or drugs,  
14 intoxicating compound or compounds, or any combination  
15 thereof under subdivision (d)(1)(F) of Section 11-501  
16 of this Code.

17 If any of the above violations or refusals occurred  
18 while transporting hazardous material(s) required to be  
19 placarded, the person shall be disqualified for a period  
20 of not less than 3 years; or

21 (4) (Blank).

22 (b) A person is disqualified for life for a second  
23 conviction of any of the offenses specified in paragraph (a),  
24 or any combination of those offenses, arising from 2 or more  
25 separate incidents.

26 (c) A person is disqualified from driving a commercial

1 motor vehicle for life if the person either (i) uses a  
2 commercial motor vehicle in the commission of any felony  
3 involving the manufacture, distribution, or dispensing of a  
4 controlled substance, or possession with intent to  
5 manufacture, distribute or dispense a controlled substance or  
6 (ii) if the person is a CLP or CDL holder, uses a non-CMV in  
7 the commission of a felony involving any of those activities.

8 (d) The Secretary of State may, when the United States  
9 Secretary of Transportation so authorizes, issue regulations  
10 in which a disqualification for life under paragraph (b) may  
11 be reduced to a period of not less than 10 years. If a  
12 reinstated driver is subsequently convicted of another  
13 disqualifying offense, as specified in subsection (a) of this  
14 Section, he or she shall be permanently disqualified for life  
15 and shall be ineligible to again apply for a reduction of the  
16 lifetime disqualification.

17 (e) A person is disqualified from driving a commercial  
18 motor vehicle for a period of not less than 2 months if  
19 convicted of 2 serious traffic violations, committed in a  
20 commercial motor vehicle, non-CMV while holding a CLP or CDL,  
21 or any combination thereof, arising from separate incidents,  
22 occurring within a 3-year period, provided the serious traffic  
23 violation committed in a non-CMV would result in the  
24 suspension or revocation of the CLP or CDL holder's non-CMV  
25 privileges. However, a person will be disqualified from  
26 driving a commercial motor vehicle for a period of not less

1 than 4 months if convicted of 3 serious traffic violations,  
2 committed in a commercial motor vehicle, non-CMV while holding  
3 a CLP or CDL, or any combination thereof, arising from  
4 separate incidents, occurring within a 3-year period, provided  
5 the serious traffic violation committed in a non-CMV would  
6 result in the suspension or revocation of the CLP or CDL  
7 holder's non-CMV privileges. If all the convictions occurred  
8 in a non-CMV, the disqualification shall be entered only if  
9 the convictions would result in the suspension or revocation  
10 of the CLP or CDL holder's non-CMV privileges.

11 (e-1) (Blank).

12 (f) Notwithstanding any other provision of this Code, any  
13 driver disqualified from operating a commercial motor vehicle,  
14 pursuant to this UCDLA, shall not be eligible for restoration  
15 of commercial driving privileges during any such period of  
16 disqualification.

17 (g) After suspending, revoking, or cancelling a CLP or  
18 CDL, the Secretary of State must update the driver's records  
19 to reflect such action within 10 days. After suspending or  
20 revoking the driving privilege of any person who has been  
21 issued a CLP or CDL from another jurisdiction, the Secretary  
22 shall originate notification to such issuing jurisdiction  
23 within 10 days.

24 (h) The "disqualifications" referred to in this Section  
25 shall not be imposed upon any commercial motor vehicle driver,  
26 by the Secretary of State, unless the prohibited action(s)



1 occurred after March 31, 1992.

2 (i) A person is disqualified from driving a commercial  
3 motor vehicle in accordance with the following:

4 (1) For 6 months upon a first conviction of paragraph  
5 (2) of subsection (b) or subsection (b-3) of Section 6-507  
6 of this Code.

7 (2) For 2 years upon a second conviction of paragraph  
8 (2) of subsection (b) or subsection (b-3) or any  
9 combination of paragraphs (2) or (3) of subsection (b) or  
10 subsections (b-3) or (b-5) of Section 6-507 of this Code  
11 within a 10-year period if the second conviction is a  
12 violation of paragraph (2) of subsection (b) or subsection  
13 (b-3).

14 (3) For 3 years upon a third or subsequent conviction  
15 of paragraph (2) of subsection (b) or subsection (b-3) or  
16 any combination of paragraphs (2) or (3) of subsection (b)  
17 or subsections (b-3) or (b-5) of Section 6-507 of this  
18 Code within a 10-year period if the third or subsequent  
19 conviction is a violation of paragraph (2) of subsection  
20 (b) or subsection (b-3).

21 (4) For one year upon a first conviction of paragraph  
22 (3) of subsection (b) or subsection (b-5) of Section 6-507  
23 of this Code.

24 (5) For 3 years upon a second conviction of paragraph  
25 (3) of subsection (b) or subsection (b-5) or any  
26 combination of paragraphs (2) or (3) of subsection (b) or

1 subsections (b-3) or (b-5) of Section 6-507 of this Code  
2 within a 10-year period if the second conviction is a  
3 violation of paragraph (3) of subsection (b) or (b-5).

4 (6) For 5 years upon a third or subsequent conviction  
5 of paragraph (3) of subsection (b) or subsection (b-5) or  
6 any combination of paragraphs (2) or (3) of subsection (b)  
7 or subsections (b-3) or (b-5) of Section 6-507 of this  
8 Code within a 10-year period if the third or subsequent  
9 conviction is a violation of paragraph (3) of subsection  
10 (b) or (b-5).

11 (j) Disqualification for railroad-highway grade crossing  
12 violation.

13 (1) General rule. A driver who is convicted of a  
14 violation of a federal, State, or local law or regulation  
15 pertaining to one of the following 6 offenses at a  
16 railroad-highway grade crossing must be disqualified from  
17 operating a commercial motor vehicle for the period of  
18 time specified in paragraph (2) of this subsection (j) if  
19 the offense was committed while operating a commercial  
20 motor vehicle:

21 (i) For drivers who are not required to always  
22 stop, failing to slow down and check that the tracks  
23 are clear of an approaching train or railroad track  
24 equipment, as described in subsection (a-5) of Section  
25 11-1201 of this Code;

26 (ii) For drivers who are not required to always

1 stop, failing to stop before reaching the crossing, if  
2 the tracks are not clear, as described in subsection  
3 (a) of Section 11-1201 of this Code;

4 (iii) For drivers who are always required to stop,  
5 failing to stop before driving onto the crossing, as  
6 described in Section 11-1202 of this Code;

7 (iv) For all drivers, failing to have sufficient  
8 space to drive completely through the crossing without  
9 stopping, as described in subsection (b) of Section  
10 11-1425 of this Code;

11 (v) For all drivers, failing to obey a traffic  
12 control device or the directions of an enforcement  
13 official at the crossing, as described in subdivision  
14 (a)2 of Section 11-1201 of this Code;

15 (vi) For all drivers, failing to negotiate a  
16 crossing because of insufficient undercarriage  
17 clearance, as described in subsection (d-1) of Section  
18 11-1201 of this Code.

19 (2) Duration of disqualification for railroad-highway  
20 grade crossing violation.

21 (i) First violation. A driver must be disqualified  
22 from operating a commercial motor vehicle for not less  
23 than 60 days if the driver is convicted of a violation  
24 described in paragraph (1) of this subsection (j) and,  
25 in the three-year period preceding the conviction, the  
26 driver had no convictions for a violation described in

1 paragraph (1) of this subsection (j).

2 (ii) Second violation. A driver must be  
3 disqualified from operating a commercial motor vehicle  
4 for not less than 120 days if the driver is convicted  
5 of a violation described in paragraph (1) of this  
6 subsection (j) and, in the three-year period preceding  
7 the conviction, the driver had one other conviction  
8 for a violation described in paragraph (1) of this  
9 subsection (j) that was committed in a separate  
10 incident.

11 (iii) Third or subsequent violation. A driver must  
12 be disqualified from operating a commercial motor  
13 vehicle for not less than one year if the driver is  
14 convicted of a violation described in paragraph (1) of  
15 this subsection (j) and, in the three-year period  
16 preceding the conviction, the driver had 2 or more  
17 other convictions for violations described in  
18 paragraph (1) of this subsection (j) that were  
19 committed in separate incidents.

20 (k) Upon notification of a disqualification of a driver's  
21 commercial motor vehicle privileges imposed by the U.S.  
22 Department of Transportation, Federal Motor Carrier Safety  
23 Administration, in accordance with 49 CFR 383.52, the  
24 Secretary of State shall immediately record to the driving  
25 record the notice of disqualification and confirm to the  
26 driver the action that has been taken.

1           (1) A foreign commercial driver is subject to  
2 disqualification under this Section.

3           (m) A person shall be disqualified from operating a  
4 commercial motor vehicle for life if that individual uses a  
5 commercial motor vehicle in the commission of a felony  
6 involving an act or practice of severe forms of human  
7 trafficking, as defined in 22 U.S.C. 7102(11).

8 (Source: P.A. 102-749, eff. 1-1-23.)

9           (Text of Section after amendment by P.A. 102-982)

10           Sec. 6-514. Commercial driver's license (CDL); commercial  
11 learner's permit (CLP); disqualifications.

12           (a) A person shall be disqualified from driving a  
13 commercial motor vehicle for a period of not less than 12  
14 months for the first violation of:

15                 (1) Refusing to submit to or failure to complete a  
16 test or tests to determine the driver's blood  
17 concentration of alcohol, other drug, or both while  
18 driving a commercial motor vehicle or, if the driver is a  
19 CLP or CDL holder, while driving a non-CMV; or

20                 (2) Operating a commercial motor vehicle while the  
21 alcohol concentration of the person's blood, breath, other  
22 bodily substance, or urine is at least 0.04, or any amount  
23 of a drug, substance, or compound in the person's blood,  
24 other bodily substance, or urine resulting from the  
25 unlawful use or consumption of cannabis listed in the

1 Cannabis Control Act, a controlled substance listed in the  
2 Illinois Controlled Substances Act, or methamphetamine as  
3 listed in the Methamphetamine Control and Community  
4 Protection Act as indicated by a police officer's sworn  
5 report or other verified evidence; or operating a  
6 non-commercial motor vehicle while the alcohol  
7 concentration of the person's blood, breath, other bodily  
8 substance, or urine was above the legal limit defined in  
9 Section 11-501.1 or 11-501.8 or any amount of a drug,  
10 substance, or compound in the person's blood, other bodily  
11 substance, or urine resulting from the unlawful use or  
12 consumption of cannabis listed in the Cannabis Control  
13 Act, a controlled substance listed in the Illinois  
14 Controlled Substances Act, or methamphetamine as listed in  
15 the Methamphetamine Control and Community Protection Act  
16 as indicated by a police officer's sworn report or other  
17 verified evidence while holding a CLP or CDL; or

18 (3) Conviction for a first violation of:

19 (i) Driving a commercial motor vehicle or, if the  
20 driver is a CLP or CDL holder, driving a non-CMV while  
21 under the influence of alcohol, or any other drug, or  
22 combination of drugs to a degree which renders such  
23 person incapable of safely driving; or

24 (ii) Knowingly leaving the scene of a crash while  
25 operating a commercial motor vehicle or, if the driver  
26 is a CLP or CDL holder, while driving a non-CMV; or

1 (iii) Driving a commercial motor vehicle or, if  
2 the driver is a CLP or CDL holder, driving a non-CMV  
3 while committing any felony; or

4 (iv) Driving a commercial motor vehicle while the  
5 person's driving privileges or driver's license or  
6 permit is revoked, suspended, or cancelled or the  
7 driver is disqualified from operating a commercial  
8 motor vehicle; or

9 (v) Causing a fatality through the negligent  
10 operation of a commercial motor vehicle, including but  
11 not limited to the crimes of motor vehicle  
12 manslaughter, homicide by a motor vehicle, and  
13 negligent homicide.

14 As used in this subdivision (a)(3)(v), "motor  
15 vehicle manslaughter" means the offense of involuntary  
16 manslaughter if committed by means of a vehicle;  
17 "homicide by a motor vehicle" means the offense of  
18 first degree murder or second degree murder, if either  
19 offense is committed by means of a vehicle; and  
20 "negligent homicide" means reckless homicide under  
21 Section 9-3 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012 and aggravated driving under the  
23 influence of alcohol, other drug or drugs,  
24 intoxicating compound or compounds, or any combination  
25 thereof under subdivision (d)(1)(F) of Section 11-501  
26 of this Code.

1           If any of the above violations or refusals occurred  
2           while transporting hazardous material(s) required to be  
3           placarded, the person shall be disqualified for a period  
4           of not less than 3 years; or

5           (4) (Blank).

6           (b) A person is disqualified for life for a second  
7           conviction of any of the offenses specified in paragraph (a),  
8           or any combination of those offenses, arising from 2 or more  
9           separate incidents.

10          (c) A person is disqualified from driving a commercial  
11          motor vehicle for life if the person either (i) uses a  
12          commercial motor vehicle in the commission of any felony  
13          involving the manufacture, distribution, or dispensing of a  
14          controlled substance, or possession with intent to  
15          manufacture, distribute or dispense a controlled substance or  
16          (ii) if the person is a CLP or CDL holder, uses a non-CMV in  
17          the commission of a felony involving any of those activities.

18          (d) The Secretary of State may, when the United States  
19          Secretary of Transportation so authorizes, issue regulations  
20          in which a disqualification for life under paragraph (b) may  
21          be reduced to a period of not less than 10 years. If a  
22          reinstated driver is subsequently convicted of another  
23          disqualifying offense, as specified in subsection (a) of this  
24          Section, he or she shall be permanently disqualified for life  
25          and shall be ineligible to again apply for a reduction of the  
26          lifetime disqualification.



1           (e) A person is disqualified from driving a commercial  
2 motor vehicle for a period of not less than 2 months if  
3 convicted of 2 serious traffic violations, committed in a  
4 commercial motor vehicle, non-CMV while holding a CLP or CDL,  
5 or any combination thereof, arising from separate incidents,  
6 occurring within a 3-year period, provided the serious traffic  
7 violation committed in a non-CMV would result in the  
8 suspension or revocation of the CLP or CDL holder's non-CMV  
9 privileges. However, a person will be disqualified from  
10 driving a commercial motor vehicle for a period of not less  
11 than 4 months if convicted of 3 serious traffic violations,  
12 committed in a commercial motor vehicle, non-CMV while holding  
13 a CLP or CDL, or any combination thereof, arising from  
14 separate incidents, occurring within a 3-year period, provided  
15 the serious traffic violation committed in a non-CMV would  
16 result in the suspension or revocation of the CLP or CDL  
17 holder's non-CMV privileges. If all the convictions occurred  
18 in a non-CMV, the disqualification shall be entered only if  
19 the convictions would result in the suspension or revocation  
20 of the CLP or CDL holder's non-CMV privileges.

21           (e-1) (Blank).

22           (f) Notwithstanding any other provision of this Code, any  
23 driver disqualified from operating a commercial motor vehicle,  
24 pursuant to this UCDLA, shall not be eligible for restoration  
25 of commercial driving privileges during any such period of  
26 disqualification.

1 (g) After suspending, revoking, or cancelling a CLP or  
2 CDL, the Secretary of State must update the driver's records  
3 to reflect such action within 10 days. After suspending or  
4 revoking the driving privilege of any person who has been  
5 issued a CLP or CDL from another jurisdiction, the Secretary  
6 shall originate notification to such issuing jurisdiction  
7 within 10 days.

8 (h) The "disqualifications" referred to in this Section  
9 shall not be imposed upon any commercial motor vehicle driver,  
10 by the Secretary of State, unless the prohibited action(s)  
11 occurred after March 31, 1992.

12 (i) A person is disqualified from driving a commercial  
13 motor vehicle in accordance with the following:

14 (1) For 6 months upon a first conviction of paragraph  
15 (2) of subsection (b) or subsection (b-3) of Section 6-507  
16 of this Code.

17 (2) For 2 years upon a second conviction of paragraph  
18 (2) of subsection (b) or subsection (b-3) or any  
19 combination of paragraphs (2) or (3) of subsection (b) or  
20 subsections (b-3) or (b-5) of Section 6-507 of this Code  
21 within a 10-year period if the second conviction is a  
22 violation of paragraph (2) of subsection (b) or subsection  
23 (b-3).

24 (3) For 3 years upon a third or subsequent conviction  
25 of paragraph (2) of subsection (b) or subsection (b-3) or  
26 any combination of paragraphs (2) or (3) of subsection (b)

1 or subsections (b-3) or (b-5) of Section 6-507 of this  
2 Code within a 10-year period if the third or subsequent  
3 conviction is a violation of paragraph (2) of subsection  
4 (b) or subsection (b-3).

5 (4) For one year upon a first conviction of paragraph  
6 (3) of subsection (b) or subsection (b-5) of Section 6-507  
7 of this Code.

8 (5) For 3 years upon a second conviction of paragraph  
9 (3) of subsection (b) or subsection (b-5) or any  
10 combination of paragraphs (2) or (3) of subsection (b) or  
11 subsections (b-3) or (b-5) of Section 6-507 of this Code  
12 within a 10-year period if the second conviction is a  
13 violation of paragraph (3) of subsection (b) or (b-5).

14 (6) For 5 years upon a third or subsequent conviction  
15 of paragraph (3) of subsection (b) or subsection (b-5) or  
16 any combination of paragraphs (2) or (3) of subsection (b)  
17 or subsections (b-3) or (b-5) of Section 6-507 of this  
18 Code within a 10-year period if the third or subsequent  
19 conviction is a violation of paragraph (3) of subsection  
20 (b) or (b-5).

21 (j) Disqualification for railroad-highway grade crossing  
22 violation.

23 (1) General rule. A driver who is convicted of a  
24 violation of a federal, State, or local law or regulation  
25 pertaining to one of the following 6 offenses at a  
26 railroad-highway grade crossing must be disqualified from

1 operating a commercial motor vehicle for the period of  
2 time specified in paragraph (2) of this subsection (j) if  
3 the offense was committed while operating a commercial  
4 motor vehicle:

5 (i) For drivers who are not required to always  
6 stop, failing to slow down and check that the tracks  
7 are clear of an approaching train or railroad track  
8 equipment, as described in subsection (a-5) of Section  
9 11-1201 of this Code;

10 (ii) For drivers who are not required to always  
11 stop, failing to stop before reaching the crossing, if  
12 the tracks are not clear, as described in subsection  
13 (a) of Section 11-1201 of this Code;

14 (iii) For drivers who are always required to stop,  
15 failing to stop before driving onto the crossing, as  
16 described in Section 11-1202 of this Code;

17 (iv) For all drivers, failing to have sufficient  
18 space to drive completely through the crossing without  
19 stopping, as described in subsection (b) of Section  
20 11-1425 of this Code;

21 (v) For all drivers, failing to obey a traffic  
22 control device or the directions of an enforcement  
23 official at the crossing, as described in subdivision  
24 (a)2 of Section 11-1201 of this Code;

25 (vi) For all drivers, failing to negotiate a  
26 crossing because of insufficient undercarriage

1 clearance, as described in subsection (d-1) of Section  
2 11-1201 of this Code.

3 (2) Duration of disqualification for railroad-highway  
4 grade crossing violation.

5 (i) First violation. A driver must be disqualified  
6 from operating a commercial motor vehicle for not less  
7 than 60 days if the driver is convicted of a violation  
8 described in paragraph (1) of this subsection (j) and,  
9 in the three-year period preceding the conviction, the  
10 driver had no convictions for a violation described in  
11 paragraph (1) of this subsection (j).

12 (ii) Second violation. A driver must be  
13 disqualified from operating a commercial motor vehicle  
14 for not less than 120 days if the driver is convicted  
15 of a violation described in paragraph (1) of this  
16 subsection (j) and, in the three-year period preceding  
17 the conviction, the driver had one other conviction  
18 for a violation described in paragraph (1) of this  
19 subsection (j) that was committed in a separate  
20 incident.

21 (iii) Third or subsequent violation. A driver must  
22 be disqualified from operating a commercial motor  
23 vehicle for not less than one year if the driver is  
24 convicted of a violation described in paragraph (1) of  
25 this subsection (j) and, in the three-year period  
26 preceding the conviction, the driver had 2 or more

1 other convictions for violations described in  
2 paragraph (1) of this subsection (j) that were  
3 committed in separate incidents.

4 (k) Upon notification of a disqualification of a driver's  
5 commercial motor vehicle privileges imposed by the U.S.  
6 Department of Transportation, Federal Motor Carrier Safety  
7 Administration, in accordance with 49 CFR 383.52, the  
8 Secretary of State shall immediately record to the driving  
9 record the notice of disqualification and confirm to the  
10 driver the action that has been taken.

11 (l) A foreign commercial driver is subject to  
12 disqualification under this Section.

13 (m) A person shall be disqualified from operating a  
14 commercial motor vehicle for life if that individual uses a  
15 commercial motor vehicle in the commission of a felony  
16 involving an act or practice of severe forms of human  
17 trafficking, as defined in 22 U.S.C. 7102(11).

18 (Source: P.A. 102-749, eff. 1-1-23; 102-982, eff. 7-1-23;  
19 revised 12-14-22.)

20 (625 ILCS 5/7-328) (from Ch. 95 1/2, par. 7-328)

21 (Text of Section before amendment by P.A. 102-982)

22 Sec. 7-328. Duration of proof; when proof ~~proof~~ ~~When~~ proof may  
23 be canceled or returned. The Secretary of State shall upon  
24 request cancel any bond or return any certificate of  
25 insurance, or the Secretary of State shall direct and the

1 State Treasurer shall return to the person entitled thereto  
2 any money or securities, deposited pursuant to this Chapter as  
3 proof of financial responsibility or waive the requirements of  
4 filing proof of financial responsibility in any of the  
5 following events:

6 1. In the event of the death of the person on whose  
7 behalf such proof was filed, or the permanent incapacity  
8 of such person to operate a motor vehicle, +

9 2. In the event the person who has given proof of  
10 financial responsibility surrenders such person's driver's  
11 license, registration certificates, license plates, + and  
12 registration stickers, but the Secretary of State shall  
13 not release such proof in the event any action for damages  
14 upon a liability referred to in this Article is then  
15 pending or any judgment upon any such liability is then  
16 outstanding and unsatisfied or in the event the Secretary  
17 of State has received notice that such person has, within  
18 the period of 3 months immediately preceding, been  
19 involved as a driver in any motor vehicle accident. An  
20 affidavit of the applicant of the nonexistence of such  
21 facts shall be sufficient evidence thereof in the absence  
22 of evidence to the contrary in the records of the  
23 Secretary of State. Any person who has not completed the  
24 required 3-year ~~3-year~~ period of proof of financial  
25 responsibility pursuant to Section 7-304, and to whom  
26 proof has been surrendered as provided in this paragraph

1 applies for a driver's license or the registration of a  
2 motor vehicle shall have the application denied unless the  
3 applicant reestablishes ~~re-establishes~~ such proof for the  
4 remainder of such period.

5 3. In the event that proof of financial responsibility  
6 has been deposited voluntarily, at any time upon request  
7 of the person entitled thereto, provided that the person  
8 on whose behalf such proof was given has not, during the  
9 period between the date of the original deposit thereof  
10 and the date of such request, been convicted of any  
11 offense for which revocation is mandatory as provided in  
12 Section 6-205; provided, further, that no action for  
13 damages is pending against such person on whose behalf  
14 such proof of financial responsibility was furnished and  
15 no judgment against such person is outstanding and  
16 unsatisfied in respect to bodily injury, or in respect to  
17 damage to property resulting from the ownership,  
18 maintenance, use, or operation hereafter of a motor  
19 vehicle. An affidavit of the applicant under this Section  
20 shall be sufficient evidence of the facts in the absence  
21 of evidence to the contrary in the records of the  
22 Secretary of State.

23 (Source: P.A. 85-321; revised 8-19-22.)

24 (Text of Section after amendment by P.A. 102-982)

25 Sec. 7-328. Duration of proof; when ~~proof~~ — When proof may



1 be canceled or returned. The Secretary of State shall upon  
2 request cancel any bond or return any certificate of  
3 insurance, or the Secretary of State shall direct and the  
4 State Treasurer shall return to the person entitled thereto  
5 any money or securities, deposited pursuant to this Chapter as  
6 proof of financial responsibility or waive the requirements of  
7 filing proof of financial responsibility in any of the  
8 following events:

9 1. In the event of the death of the person on whose  
10 behalf such proof was filed, or the permanent incapacity  
11 of such person to operate a motor vehicle.~~+~~

12 2. In the event the person who has given proof of  
13 financial responsibility surrenders such person's driver's  
14 license, registration certificates, license plates and  
15 registration stickers, but the Secretary of State shall  
16 not release such proof in the event any action for damages  
17 upon a liability referred to in this Article is then  
18 pending or any judgment upon any such liability is then  
19 outstanding and unsatisfied or in the event the Secretary  
20 of State has received notice that such person has, within  
21 the period of 3 months immediately preceding, been  
22 involved as a driver in any motor vehicle crash. An  
23 affidavit of the applicant of the nonexistence of such  
24 facts shall be sufficient evidence thereof in the absence  
25 of evidence to the contrary in the records of the  
26 Secretary of State. Any person who has not completed the

1 required 3-year ~~3-year~~ period of proof of financial  
2 responsibility pursuant to Section 7-304, and to whom  
3 proof has been surrendered as provided in this paragraph  
4 applies for a driver's license or the registration of a  
5 motor vehicle shall have the application denied unless the  
6 applicant reestablishes ~~re-establishes~~ such proof for the  
7 remainder of such period.

8 3. In the event that proof of financial responsibility  
9 has been deposited voluntarily, at any time upon request  
10 of the person entitled thereto, provided that the person  
11 on whose behalf such proof was given has not, during the  
12 period between the date of the original deposit thereof  
13 and the date of such request, been convicted of any  
14 offense for which revocation is mandatory as provided in  
15 Section 6-205; provided, further, that no action for  
16 damages is pending against such person on whose behalf  
17 such proof of financial responsibility was furnished and  
18 no judgment against such person is outstanding and  
19 unsatisfied in respect to bodily injury, or in respect to  
20 damage to property resulting from the ownership,  
21 maintenance, use, or operation hereafter of a motor  
22 vehicle. An affidavit of the applicant under this Section  
23 shall be sufficient evidence of the facts in the absence  
24 of evidence to the contrary in the records of the  
25 Secretary of State.

26 (Source: P.A. 102-982, eff. 7-1-23; revised 8-19-22.)

1 (625 ILCS 5/7-329) (from Ch. 95 1/2, par. 7-329)

2 (Text of Section before amendment by P.A. 102-982)

3 Sec. 7-329. Proof of financial responsibility made  
4 voluntarily.

5 1. Proof of financial responsibility may be made  
6 voluntarily by or on behalf of any person. The privilege of  
7 operation of any motor vehicle within this State by such  
8 person shall not be suspended or withdrawn under the  
9 provisions of this Article if such proof of financial  
10 responsibility has been voluntarily filed or deposited prior  
11 to the offense or accident out of which any conviction,  
12 judgment, or order arises and if such proof, at the date of  
13 such conviction, judgment, or order, is valid and sufficient  
14 for the requirements of this Code.

15 2. If the Secretary of State receives record of any  
16 conviction or judgment against such person which, in the  
17 absence of such proof of financial responsibility would have  
18 caused the suspension of the driver's license of such person,  
19 the Secretary of State shall forthwith notify the insurer or  
20 surety of such person of the conviction or judgment so  
21 reported.

22 (Source: P.A. 83-831; revised 8-19-22.)

23 (Text of Section after amendment by P.A. 102-982)

24 Sec. 7-329. Proof of financial responsibility made

1 voluntarily.

2 1. Proof of financial responsibility may be made  
3 voluntarily by or on behalf of any person. The privilege of  
4 operation of any motor vehicle within this State by such  
5 person shall not be suspended or withdrawn under the  
6 provisions of this Article if such proof of financial  
7 responsibility has been voluntarily filed or deposited prior  
8 to the offense or crash out of which any conviction, judgment,  
9 or order arises and if such proof, at the date of such  
10 conviction, judgment, or order, is valid and sufficient for  
11 the requirements of this Code.

12 2. If the Secretary of State receives record of any  
13 conviction or judgment against such person which, in the  
14 absence of such proof of financial responsibility would have  
15 caused the suspension of the driver's license of such person,  
16 the Secretary of State shall forthwith notify the insurer or  
17 surety of such person of the conviction or judgment so  
18 reported.

19 (Source: P.A. 102-982, eff. 7-1-23; revised 8-19-22.)

20 (625 ILCS 5/11-208.6)

21 (Text of Section before amendment by P.A. 102-982)

22 Sec. 11-208.6. Automated traffic law enforcement system.

23 (a) As used in this Section, "automated traffic law  
24 enforcement system" means a device with one or more motor  
25 vehicle sensors working in conjunction with a red light signal

1 to produce recorded images of motor vehicles entering an  
2 intersection against a red signal indication in violation of  
3 Section 11-306 of this Code or a similar provision of a local  
4 ordinance.

5 An automated traffic law enforcement system is a system,  
6 in a municipality or county operated by a governmental agency,  
7 that produces a recorded image of a motor vehicle's violation  
8 of a provision of this Code or a local ordinance and is  
9 designed to obtain a clear recorded image of the vehicle and  
10 the vehicle's license plate. The recorded image must also  
11 display the time, date, and location of the violation.

12 (b) As used in this Section, "recorded images" means  
13 images recorded by an automated traffic law enforcement system  
14 on:

15 (1) 2 or more photographs;

16 (2) 2 or more microphotographs;

17 (3) 2 or more electronic images; or

18 (4) a video recording showing the motor vehicle and,  
19 on at least one image or portion of the recording, clearly  
20 identifying the registration plate or digital registration  
21 plate number of the motor vehicle.

22 (b-5) A municipality or county that produces a recorded  
23 image of a motor vehicle's violation of a provision of this  
24 Code or a local ordinance must make the recorded images of a  
25 violation accessible to the alleged violator by providing the  
26 alleged violator with a website address, accessible through

1 the Internet.

2 (c) Except as provided under Section 11-208.8 of this  
3 Code, a county or municipality, including a home rule county  
4 or municipality, may not use an automated traffic law  
5 enforcement system to provide recorded images of a motor  
6 vehicle for the purpose of recording its speed. Except as  
7 provided under Section 11-208.8 of this Code, the regulation  
8 of the use of automated traffic law enforcement systems to  
9 record vehicle speeds is an exclusive power and function of  
10 the State. This subsection (c) is a denial and limitation of  
11 home rule powers and functions under subsection (h) of Section  
12 6 of Article VII of the Illinois Constitution.

13 (c-5) A county or municipality, including a home rule  
14 county or municipality, may not use an automated traffic law  
15 enforcement system to issue violations in instances where the  
16 motor vehicle comes to a complete stop and does not enter the  
17 intersection, as defined by Section 1-132 of this Code, during  
18 the cycle of the red signal indication unless one or more  
19 pedestrians or bicyclists are present, even if the motor  
20 vehicle stops at a point past a stop line or crosswalk where a  
21 driver is required to stop, as specified in subsection (c) of  
22 Section 11-306 of this Code or a similar provision of a local  
23 ordinance.

24 (c-6) A county, or a municipality with less than 2,000,000  
25 inhabitants, including a home rule county or municipality, may  
26 not use an automated traffic law enforcement system to issue

1 violations in instances where a motorcyclist enters an  
2 intersection against a red signal indication when the red  
3 signal fails to change to a green signal within a reasonable  
4 period of time not less than 120 seconds because of a signal  
5 malfunction or because the signal has failed to detect the  
6 arrival of the motorcycle due to the motorcycle's size or  
7 weight.

8 (d) For each violation of a provision of this Code or a  
9 local ordinance recorded by an automatic traffic law  
10 enforcement system, the county or municipality having  
11 jurisdiction shall issue a written notice of the violation to  
12 the registered owner of the vehicle as the alleged violator.  
13 The notice shall be delivered to the registered owner of the  
14 vehicle, by mail, within 30 days after the Secretary of State  
15 notifies the municipality or county of the identity of the  
16 owner of the vehicle, but in no event later than 90 days after  
17 the violation.

18 The notice shall include:

19 (1) the name and address of the registered owner of  
20 the vehicle;

21 (2) the registration number of the motor vehicle  
22 involved in the violation;

23 (3) the violation charged;

24 (4) the location where the violation occurred;

25 (5) the date and time of the violation;

26 (6) a copy of the recorded images;

1           (7) the amount of the civil penalty imposed and the  
2 requirements of any traffic education program imposed and  
3 the date by which the civil penalty should be paid and the  
4 traffic education program should be completed;

5           (8) a statement that recorded images are evidence of a  
6 violation of a red light signal;

7           (9) a warning that failure to pay the civil penalty,  
8 to complete a required traffic education program, or to  
9 contest liability in a timely manner is an admission of  
10 liability;

11           (10) a statement that the person may elect to proceed  
12 by:

13                   (A) paying the fine, completing a required traffic  
14 education program, or both; or

15                   (B) challenging the charge in court, by mail, or  
16 by administrative hearing; and

17           (11) a website address, accessible through the  
18 Internet, where the person may view the recorded images of  
19 the violation.

20           (e) (Blank).

21           (f) Based on inspection of recorded images produced by an  
22 automated traffic law enforcement system, a notice alleging  
23 that the violation occurred shall be evidence of the facts  
24 contained in the notice and admissible in any proceeding  
25 alleging a violation under this Section.

26           (g) Recorded images made by an automatic traffic law



1 enforcement system are confidential and shall be made  
2 available only to the alleged violator and governmental and  
3 law enforcement agencies for purposes of adjudicating a  
4 violation of this Section, for statistical purposes, or for  
5 other governmental purposes. Any recorded image evidencing a  
6 violation of this Section, however, may be admissible in any  
7 proceeding resulting from the issuance of the citation.

8 (h) The court or hearing officer may consider in defense  
9 of a violation:

10 (1) that the motor vehicle or registration plates or  
11 digital registration plates of the motor vehicle were  
12 stolen before the violation occurred and not under the  
13 control of or in the possession of the owner or lessee at  
14 the time of the violation;

15 (1.5) that the motor vehicle was hijacked before the  
16 violation occurred and not under the control of or in the  
17 possession of the owner or lessee at the time of the  
18 violation;

19 (2) that the driver of the vehicle passed through the  
20 intersection when the light was red either (i) in order to  
21 yield the right-of-way to an emergency vehicle or (ii) as  
22 part of a funeral procession; and

23 (3) any other evidence or issues provided by municipal  
24 or county ordinance.

25 (i) To demonstrate that the motor vehicle was hijacked or  
26 the motor vehicle or registration plates or digital

1 registration plates were stolen before the violation occurred  
2 and were not under the control or possession of the owner or  
3 lessee at the time of the violation, the owner or lessee must  
4 submit proof that a report concerning the motor vehicle or  
5 registration plates was filed with a law enforcement agency in  
6 a timely manner.

7 (j) Unless the driver of the motor vehicle received a  
8 Uniform Traffic Citation from a police officer at the time of  
9 the violation, the motor vehicle owner is subject to a civil  
10 penalty not exceeding \$100 or the completion of a traffic  
11 education program, or both, plus an additional penalty of not  
12 more than \$100 for failure to pay the original penalty or to  
13 complete a required traffic education program, or both, in a  
14 timely manner, if the motor vehicle is recorded by an  
15 automated traffic law enforcement system. A violation for  
16 which a civil penalty is imposed under this Section is not a  
17 violation of a traffic regulation governing the movement of  
18 vehicles and may not be recorded on the driving record of the  
19 owner of the vehicle.

20 (j-3) A registered owner who is a holder of a valid  
21 commercial driver's license is not required to complete a  
22 traffic education program.

23 (j-5) For purposes of the required traffic education  
24 program only, a registered owner may submit an affidavit to  
25 the court or hearing officer swearing that at the time of the  
26 alleged violation, the vehicle was in the custody and control

1 of another person. The affidavit must identify the person in  
2 custody and control of the vehicle, including the person's  
3 name and current address. The person in custody and control of  
4 the vehicle at the time of the violation is required to  
5 complete the required traffic education program. If the person  
6 in custody and control of the vehicle at the time of the  
7 violation completes the required traffic education program,  
8 the registered owner of the vehicle is not required to  
9 complete a traffic education program.

10 (k) An intersection equipped with an automated traffic law  
11 enforcement system must be posted with a sign visible to  
12 approaching traffic indicating that the intersection is being  
13 monitored by an automated traffic law enforcement system.

14 (k-3) A municipality or county that has one or more  
15 intersections equipped with an automated traffic law  
16 enforcement system must provide notice to drivers by posting  
17 the locations of automated traffic law systems on the  
18 municipality or county website.

19 (k-5) An intersection equipped with an automated traffic  
20 law enforcement system must have a yellow change interval that  
21 conforms with the Illinois Manual on Uniform Traffic Control  
22 Devices (IMUTCD) published by the Illinois Department of  
23 Transportation.

24 (k-7) A municipality or county operating an automated  
25 traffic law enforcement system shall conduct a statistical  
26 analysis to assess the safety impact of each automated traffic

1 law enforcement system at an intersection following  
2 installation of the system. The statistical analysis shall be  
3 based upon the best available crash, traffic, and other data,  
4 and shall cover a period of time before and after installation  
5 of the system sufficient to provide a statistically valid  
6 comparison of safety impact. The statistical analysis shall be  
7 consistent with professional judgment and acceptable industry  
8 practice. The statistical analysis also shall be consistent  
9 with the data required for valid comparisons of before and  
10 after conditions and shall be conducted within a reasonable  
11 period following the installation of the automated traffic law  
12 enforcement system. The statistical analysis required by this  
13 subsection (k-7) shall be made available to the public and  
14 shall be published on the website of the municipality or  
15 county. If the statistical analysis for the 36-month ~~36-month~~  
16 period following installation of the system indicates that  
17 there has been an increase in the rate of accidents at the  
18 approach to the intersection monitored by the system, the  
19 municipality or county shall undertake additional studies to  
20 determine the cause and severity of the accidents, and may  
21 take any action that it determines is necessary or appropriate  
22 to reduce the number or severity of the accidents at that  
23 intersection.

24 (1) The compensation paid for an automated traffic law  
25 enforcement system must be based on the value of the equipment  
26 or the services provided and may not be based on the number of

1 traffic citations issued or the revenue generated by the  
2 system.

3 (m) This Section applies only to the counties of Cook,  
4 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and  
5 to municipalities located within those counties.

6 (n) The fee for participating in a traffic education  
7 program under this Section shall not exceed \$25.

8 A low-income individual required to complete a traffic  
9 education program under this Section who provides proof of  
10 eligibility for the federal earned income tax credit under  
11 Section 32 of the Internal Revenue Code or the Illinois earned  
12 income tax credit under Section 212 of the Illinois Income Tax  
13 Act shall not be required to pay any fee for participating in a  
14 required traffic education program.

15 (o) (Blank).

16 (p) No person who is the lessor of a motor vehicle pursuant  
17 to a written lease agreement shall be liable for an automated  
18 speed or traffic law enforcement system violation involving  
19 such motor vehicle during the period of the lease; provided  
20 that upon the request of the appropriate authority received  
21 within 120 days after the violation occurred, the lessor  
22 provides within 60 days after such receipt the name and  
23 address of the lessee.

24 Upon the provision of information by the lessor pursuant  
25 to this subsection, the county or municipality may issue the  
26 violation to the lessee of the vehicle in the same manner as it

1 would issue a violation to a registered owner of a vehicle  
2 pursuant to this Section, and the lessee may be held liable for  
3 the violation.

4 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;  
5 102-905, eff. 1-1-23; revised 12-14-22.)

6 (Text of Section after amendment by P.A. 102-982)

7 Sec. 11-208.6. Automated traffic law enforcement system.

8 (a) As used in this Section, "automated traffic law  
9 enforcement system" means a device with one or more motor  
10 vehicle sensors working in conjunction with a red light signal  
11 to produce recorded images of motor vehicles entering an  
12 intersection against a red signal indication in violation of  
13 Section 11-306 of this Code or a similar provision of a local  
14 ordinance.

15 An automated traffic law enforcement system is a system,  
16 in a municipality or county operated by a governmental agency,  
17 that produces a recorded image of a motor vehicle's violation  
18 of a provision of this Code or a local ordinance and is  
19 designed to obtain a clear recorded image of the vehicle and  
20 the vehicle's license plate. The recorded image must also  
21 display the time, date, and location of the violation.

22 (b) As used in this Section, "recorded images" means  
23 images recorded by an automated traffic law enforcement system  
24 on:

25 (1) 2 or more photographs;

- 1           (2) 2 or more microphotographs;
- 2           (3) 2 or more electronic images; or
- 3           (4) a video recording showing the motor vehicle and,  
4           on at least one image or portion of the recording, clearly  
5           identifying the registration plate or digital registration  
6           plate number of the motor vehicle.

7           (b-5) A municipality or county that produces a recorded  
8           image of a motor vehicle's violation of a provision of this  
9           Code or a local ordinance must make the recorded images of a  
10          violation accessible to the alleged violator by providing the  
11          alleged violator with a website address, accessible through  
12          the Internet.

13          (c) Except as provided under Section 11-208.8 of this  
14          Code, a county or municipality, including a home rule county  
15          or municipality, may not use an automated traffic law  
16          enforcement system to provide recorded images of a motor  
17          vehicle for the purpose of recording its speed. Except as  
18          provided under Section 11-208.8 of this Code, the regulation  
19          of the use of automated traffic law enforcement systems to  
20          record vehicle speeds is an exclusive power and function of  
21          the State. This subsection (c) is a denial and limitation of  
22          home rule powers and functions under subsection (h) of Section  
23          6 of Article VII of the Illinois Constitution.

24          (c-5) A county or municipality, including a home rule  
25          county or municipality, may not use an automated traffic law  
26          enforcement system to issue violations in instances where the

1 motor vehicle comes to a complete stop and does not enter the  
2 intersection, as defined by Section 1-132 of this Code, during  
3 the cycle of the red signal indication unless one or more  
4 pedestrians or bicyclists are present, even if the motor  
5 vehicle stops at a point past a stop line or crosswalk where a  
6 driver is required to stop, as specified in subsection (c) of  
7 Section 11-306 of this Code or a similar provision of a local  
8 ordinance.

9 (c-6) A county, or a municipality with less than 2,000,000  
10 inhabitants, including a home rule county or municipality, may  
11 not use an automated traffic law enforcement system to issue  
12 violations in instances where a motorcyclist enters an  
13 intersection against a red signal indication when the red  
14 signal fails to change to a green signal within a reasonable  
15 period of time not less than 120 seconds because of a signal  
16 malfunction or because the signal has failed to detect the  
17 arrival of the motorcycle due to the motorcycle's size or  
18 weight.

19 (d) For each violation of a provision of this Code or a  
20 local ordinance recorded by an automatic traffic law  
21 enforcement system, the county or municipality having  
22 jurisdiction shall issue a written notice of the violation to  
23 the registered owner of the vehicle as the alleged violator.  
24 The notice shall be delivered to the registered owner of the  
25 vehicle, by mail, within 30 days after the Secretary of State  
26 notifies the municipality or county of the identity of the



1 owner of the vehicle, but in no event later than 90 days after  
2 the violation.

3 The notice shall include:

4 (1) the name and address of the registered owner of  
5 the vehicle;

6 (2) the registration number of the motor vehicle  
7 involved in the violation;

8 (3) the violation charged;

9 (4) the location where the violation occurred;

10 (5) the date and time of the violation;

11 (6) a copy of the recorded images;

12 (7) the amount of the civil penalty imposed and the  
13 requirements of any traffic education program imposed and  
14 the date by which the civil penalty should be paid and the  
15 traffic education program should be completed;

16 (8) a statement that recorded images are evidence of a  
17 violation of a red light signal;

18 (9) a warning that failure to pay the civil penalty,  
19 to complete a required traffic education program, or to  
20 contest liability in a timely manner is an admission of  
21 liability;

22 (10) a statement that the person may elect to proceed  
23 by:

24 (A) paying the fine, completing a required traffic  
25 education program, or both; or

26 (B) challenging the charge in court, by mail, or

1 by administrative hearing; and

2 (11) a website address, accessible through the  
3 Internet, where the person may view the recorded images of  
4 the violation.

5 (e) (Blank).

6 (f) Based on inspection of recorded images produced by an  
7 automated traffic law enforcement system, a notice alleging  
8 that the violation occurred shall be evidence of the facts  
9 contained in the notice and admissible in any proceeding  
10 alleging a violation under this Section.

11 (g) Recorded images made by an automatic traffic law  
12 enforcement system are confidential and shall be made  
13 available only to the alleged violator and governmental and  
14 law enforcement agencies for purposes of adjudicating a  
15 violation of this Section, for statistical purposes, or for  
16 other governmental purposes. Any recorded image evidencing a  
17 violation of this Section, however, may be admissible in any  
18 proceeding resulting from the issuance of the citation.

19 (h) The court or hearing officer may consider in defense  
20 of a violation:

21 (1) that the motor vehicle or registration plates or  
22 digital registration plates of the motor vehicle were  
23 stolen before the violation occurred and not under the  
24 control of or in the possession of the owner or lessee at  
25 the time of the violation;

26 (1.5) that the motor vehicle was hijacked before the

1 violation occurred and not under the control of or in the  
2 possession of the owner or lessee at the time of the  
3 violation;

4 (2) that the driver of the vehicle passed through the  
5 intersection when the light was red either (i) in order to  
6 yield the right-of-way to an emergency vehicle or (ii) as  
7 part of a funeral procession; and

8 (3) any other evidence or issues provided by municipal  
9 or county ordinance.

10 (i) To demonstrate that the motor vehicle was hijacked or  
11 the motor vehicle or registration plates or digital  
12 registration plates were stolen before the violation occurred  
13 and were not under the control or possession of the owner or  
14 lessee at the time of the violation, the owner or lessee must  
15 submit proof that a report concerning the motor vehicle or  
16 registration plates was filed with a law enforcement agency in  
17 a timely manner.

18 (j) Unless the driver of the motor vehicle received a  
19 Uniform Traffic Citation from a police officer at the time of  
20 the violation, the motor vehicle owner is subject to a civil  
21 penalty not exceeding \$100 or the completion of a traffic  
22 education program, or both, plus an additional penalty of not  
23 more than \$100 for failure to pay the original penalty or to  
24 complete a required traffic education program, or both, in a  
25 timely manner, if the motor vehicle is recorded by an  
26 automated traffic law enforcement system. A violation for

1 which a civil penalty is imposed under this Section is not a  
2 violation of a traffic regulation governing the movement of  
3 vehicles and may not be recorded on the driving record of the  
4 owner of the vehicle.

5 (j-3) A registered owner who is a holder of a valid  
6 commercial driver's license is not required to complete a  
7 traffic education program.

8 (j-5) For purposes of the required traffic education  
9 program only, a registered owner may submit an affidavit to  
10 the court or hearing officer swearing that at the time of the  
11 alleged violation, the vehicle was in the custody and control  
12 of another person. The affidavit must identify the person in  
13 custody and control of the vehicle, including the person's  
14 name and current address. The person in custody and control of  
15 the vehicle at the time of the violation is required to  
16 complete the required traffic education program. If the person  
17 in custody and control of the vehicle at the time of the  
18 violation completes the required traffic education program,  
19 the registered owner of the vehicle is not required to  
20 complete a traffic education program.

21 (k) An intersection equipped with an automated traffic law  
22 enforcement system must be posted with a sign visible to  
23 approaching traffic indicating that the intersection is being  
24 monitored by an automated traffic law enforcement system.

25 (k-3) A municipality or county that has one or more  
26 intersections equipped with an automated traffic law

1 enforcement system must provide notice to drivers by posting  
2 the locations of automated traffic law systems on the  
3 municipality or county website.

4 (k-5) An intersection equipped with an automated traffic  
5 law enforcement system must have a yellow change interval that  
6 conforms with the Illinois Manual on Uniform Traffic Control  
7 Devices (IMUTCD) published by the Illinois Department of  
8 Transportation.

9 (k-7) A municipality or county operating an automated  
10 traffic law enforcement system shall conduct a statistical  
11 analysis to assess the safety impact of each automated traffic  
12 law enforcement system at an intersection following  
13 installation of the system. The statistical analysis shall be  
14 based upon the best available crash, traffic, and other data,  
15 and shall cover a period of time before and after installation  
16 of the system sufficient to provide a statistically valid  
17 comparison of safety impact. The statistical analysis shall be  
18 consistent with professional judgment and acceptable industry  
19 practice. The statistical analysis also shall be consistent  
20 with the data required for valid comparisons of before and  
21 after conditions and shall be conducted within a reasonable  
22 period following the installation of the automated traffic law  
23 enforcement system. The statistical analysis required by this  
24 subsection (k-7) shall be made available to the public and  
25 shall be published on the website of the municipality or  
26 county. If the statistical analysis for the 36-month ~~36-month~~

1 period following installation of the system indicates that  
2 there has been an increase in the rate of crashes at the  
3 approach to the intersection monitored by the system, the  
4 municipality or county shall undertake additional studies to  
5 determine the cause and severity of the crashes, and may take  
6 any action that it determines is necessary or appropriate to  
7 reduce the number or severity of the crashes at that  
8 intersection.

9 (l) The compensation paid for an automated traffic law  
10 enforcement system must be based on the value of the equipment  
11 or the services provided and may not be based on the number of  
12 traffic citations issued or the revenue generated by the  
13 system.

14 (m) This Section applies only to the counties of Cook,  
15 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and  
16 to municipalities located within those counties.

17 (n) The fee for participating in a traffic education  
18 program under this Section shall not exceed \$25.

19 A low-income individual required to complete a traffic  
20 education program under this Section who provides proof of  
21 eligibility for the federal earned income tax credit under  
22 Section 32 of the Internal Revenue Code or the Illinois earned  
23 income tax credit under Section 212 of the Illinois Income Tax  
24 Act shall not be required to pay any fee for participating in a  
25 required traffic education program.

26 (o) (Blank).

1 (p) No person who is the lessor of a motor vehicle pursuant  
2 to a written lease agreement shall be liable for an automated  
3 speed or traffic law enforcement system violation involving  
4 such motor vehicle during the period of the lease; provided  
5 that upon the request of the appropriate authority received  
6 within 120 days after the violation occurred, the lessor  
7 provides within 60 days after such receipt the name and  
8 address of the lessee.

9 Upon the provision of information by the lessor pursuant  
10 to this subsection, the county or municipality may issue the  
11 violation to the lessee of the vehicle in the same manner as it  
12 would issue a violation to a registered owner of a vehicle  
13 pursuant to this Section, and the lessee may be held liable for  
14 the violation.

15 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;  
16 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; revised 12-14-22.)

17 (625 ILCS 5/11-208.9)

18 (Text of Section before amendment by P.A. 102-982)

19 Sec. 11-208.9. Automated traffic law enforcement system;  
20 approaching, overtaking, and passing a school bus.

21 (a) As used in this Section, "automated traffic law  
22 enforcement system" means a device with one or more motor  
23 vehicle sensors working in conjunction with the visual signals  
24 on a school bus, as specified in Sections 12-803 and 12-805 of  
25 this Code, to produce recorded images of motor vehicles that

1 fail to stop before meeting or overtaking, from either  
2 direction, any school bus stopped at any location for the  
3 purpose of receiving or discharging pupils in violation of  
4 Section 11-1414 of this Code or a similar provision of a local  
5 ordinance.

6 An automated traffic law enforcement system is a system,  
7 in a municipality or county operated by a governmental agency,  
8 that produces a recorded image of a motor vehicle's violation  
9 of a provision of this Code or a local ordinance and is  
10 designed to obtain a clear recorded image of the vehicle and  
11 the vehicle's license plate. The recorded image must also  
12 display the time, date, and location of the violation.

13 (b) As used in this Section, "recorded images" means  
14 images recorded by an automated traffic law enforcement system  
15 on:

16 (1) 2 or more photographs;

17 (2) 2 or more microphotographs;

18 (3) 2 or more electronic images; or

19 (4) a video recording showing the motor vehicle and,  
20 on at least one image or portion of the recording, clearly  
21 identifying the registration plate or digital registration  
22 plate number of the motor vehicle.

23 (c) A municipality or county that produces a recorded  
24 image of a motor vehicle's violation of a provision of this  
25 Code or a local ordinance must make the recorded images of a  
26 violation accessible to the alleged violator by providing the



1 alleged violator with a website address, accessible through  
2 the Internet.

3 (d) For each violation of a provision of this Code or a  
4 local ordinance recorded by an automated traffic law  
5 enforcement system, the county or municipality having  
6 jurisdiction shall issue a written notice of the violation to  
7 the registered owner of the vehicle as the alleged violator.  
8 The notice shall be delivered to the registered owner of the  
9 vehicle, by mail, within 30 days after the Secretary of State  
10 notifies the municipality or county of the identity of the  
11 owner of the vehicle, but in no event later than 90 days after  
12 the violation.

13 (e) The notice required under subsection (d) shall  
14 include:

15 (1) the name and address of the registered owner of  
16 the vehicle;

17 (2) the registration number of the motor vehicle  
18 involved in the violation;

19 (3) the violation charged;

20 (4) the location where the violation occurred;

21 (5) the date and time of the violation;

22 (6) a copy of the recorded images;

23 (7) the amount of the civil penalty imposed and the  
24 date by which the civil penalty should be paid;

25 (8) a statement that recorded images are evidence of a  
26 violation of overtaking or passing a school bus stopped

1 for the purpose of receiving or discharging pupils;

2 (9) a warning that failure to pay the civil penalty or  
3 to contest liability in a timely manner is an admission of  
4 liability;

5 (10) a statement that the person may elect to proceed  
6 by:

7 (A) paying the fine; or

8 (B) challenging the charge in court, by mail, or  
9 by administrative hearing; and

10 (11) a website address, accessible through the  
11 Internet, where the person may view the recorded images of  
12 the violation.

13 (f) (Blank).

14 (g) Based on inspection of recorded images produced by an  
15 automated traffic law enforcement system, a notice alleging  
16 that the violation occurred shall be evidence of the facts  
17 contained in the notice and admissible in any proceeding  
18 alleging a violation under this Section.

19 (h) Recorded images made by an automated traffic law  
20 enforcement system are confidential and shall be made  
21 available only to the alleged violator and governmental and  
22 law enforcement agencies for purposes of adjudicating a  
23 violation of this Section, for statistical purposes, or for  
24 other governmental purposes. Any recorded image evidencing a  
25 violation of this Section, however, may be admissible in any  
26 proceeding resulting from the issuance of the citation.

1 (i) The court or hearing officer may consider in defense  
2 of a violation:

3 (1) that the motor vehicle or registration plates or  
4 digital registration plates of the motor vehicle were  
5 stolen before the violation occurred and not under the  
6 control of or in the possession of the owner or lessee at  
7 the time of the violation;

8 (1.5) that the motor vehicle was hijacked before the  
9 violation occurred and not under the control of or in the  
10 possession of the owner or lessee at the time of the  
11 violation;

12 (2) that the driver of the motor vehicle received a  
13 Uniform Traffic Citation from a police officer for a  
14 violation of Section 11-1414 of this Code within  
15 one-eighth of a mile and 15 minutes of the violation that  
16 was recorded by the system;

17 (3) that the visual signals required by Sections  
18 12-803 and 12-805 of this Code were damaged, not  
19 activated, not present in violation of Sections 12-803 and  
20 12-805, or inoperable; and

21 (4) any other evidence or issues provided by municipal  
22 or county ordinance.

23 (j) To demonstrate that the motor vehicle was hijacked or  
24 the motor vehicle or registration plates or digital  
25 registration plates were stolen before the violation occurred  
26 and were not under the control or possession of the owner or

1 lessee at the time of the violation, the owner or lessee must  
2 submit proof that a report concerning the motor vehicle or  
3 registration plates was filed with a law enforcement agency in  
4 a timely manner.

5 (k) Unless the driver of the motor vehicle received a  
6 Uniform Traffic Citation from a police officer at the time of  
7 the violation, the motor vehicle owner is subject to a civil  
8 penalty not exceeding \$150 for a first time violation or \$500  
9 for a second or subsequent violation, plus an additional  
10 penalty of not more than \$100 for failure to pay the original  
11 penalty in a timely manner, if the motor vehicle is recorded by  
12 an automated traffic law enforcement system. A violation for  
13 which a civil penalty is imposed under this Section is not a  
14 violation of a traffic regulation governing the movement of  
15 vehicles and may not be recorded on the driving record of the  
16 owner of the vehicle, but may be recorded by the municipality  
17 or county for the purpose of determining if a person is subject  
18 to the higher fine for a second or subsequent offense.

19 (l) A school bus equipped with an automated traffic law  
20 enforcement system must be posted with a sign indicating that  
21 the school bus is being monitored by an automated traffic law  
22 enforcement system.

23 (m) A municipality or county that has one or more school  
24 buses equipped with an automated traffic law enforcement  
25 system must provide notice to drivers by posting a list of  
26 school districts using school buses equipped with an automated

1 traffic law enforcement system on the municipality or county  
2 website. School districts that have one or more school buses  
3 equipped with an automated traffic law enforcement system must  
4 provide notice to drivers by posting that information on their  
5 websites.

6 (n) A municipality or county operating an automated  
7 traffic law enforcement system shall conduct a statistical  
8 analysis to assess the safety impact in each school district  
9 using school buses equipped with an automated traffic law  
10 enforcement system following installation of the system. The  
11 statistical analysis shall be based upon the best available  
12 crash, traffic, and other data, and shall cover a period of  
13 time before and after installation of the system sufficient to  
14 provide a statistically valid comparison of safety impact. The  
15 statistical analysis shall be consistent with professional  
16 judgment and acceptable industry practice. The statistical  
17 analysis also shall be consistent with the data required for  
18 valid comparisons of before and after conditions and shall be  
19 conducted within a reasonable period following the  
20 installation of the automated traffic law enforcement system.  
21 The statistical analysis required by this subsection shall be  
22 made available to the public and shall be published on the  
23 website of the municipality or county. If the statistical  
24 analysis for the 36-month period following installation of the  
25 system indicates that there has been an increase in the rate of  
26 accidents at the approach to school buses monitored by the

1 system, the municipality or county shall undertake additional  
2 studies to determine the cause and severity of the accidents,  
3 and may take any action that it determines is necessary or  
4 appropriate to reduce the number or severity of the accidents  
5 involving school buses equipped with an automated traffic law  
6 enforcement system.

7 (o) The compensation paid for an automated traffic law  
8 enforcement system must be based on the value of the equipment  
9 or the services provided and may not be based on the number of  
10 traffic citations issued or the revenue generated by the  
11 system.

12 (p) No person who is the lessor of a motor vehicle pursuant  
13 to a written lease agreement shall be liable for an automated  
14 speed or traffic law enforcement system violation involving  
15 such motor vehicle during the period of the lease; provided  
16 that upon the request of the appropriate authority received  
17 within 120 days after the violation occurred, the lessor  
18 provides within 60 days after such receipt the name and  
19 address of the lessee.

20 Upon the provision of information by the lessor pursuant  
21 to this subsection, the county or municipality may issue the  
22 violation to the lessee of the vehicle in the same manner as it  
23 would issue a violation to a registered owner of a vehicle  
24 pursuant to this Section, and the lessee may be held liable for  
25 the violation.

26 (q) (Blank).

1 (r) After a municipality or county enacts an ordinance  
2 providing for automated traffic law enforcement systems under  
3 this Section, each school district within that municipality or  
4 county's jurisdiction may implement an automated traffic law  
5 enforcement system under this Section. The elected school  
6 board for that district must approve the implementation of an  
7 automated traffic law enforcement system. The school district  
8 shall be responsible for entering into a contract, approved by  
9 the elected school board of that district, with vendors for  
10 the installation, maintenance, and operation of the automated  
11 traffic law enforcement system. The school district must enter  
12 into an intergovernmental agreement, approved by the elected  
13 school board of that district, with the municipality or county  
14 with jurisdiction over that school district for the  
15 administration of the automated traffic law enforcement  
16 system. The proceeds from a school district's automated  
17 traffic law enforcement system's fines shall be divided  
18 equally between the school district and the municipality or  
19 county administering the automated traffic law enforcement  
20 system.

21 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;  
22 102-905, eff. 1-1-23.)

23 (Text of Section after amendment by P.A. 102-982)

24 Sec. 11-208.9. Automated traffic law enforcement system;  
25 approaching, overtaking, and passing a school bus.

1           (a) As used in this Section, "automated traffic law  
2 enforcement system" means a device with one or more motor  
3 vehicle sensors working in conjunction with the visual signals  
4 on a school bus, as specified in Sections 12-803 and 12-805 of  
5 this Code, to produce recorded images of motor vehicles that  
6 fail to stop before meeting or overtaking, from either  
7 direction, any school bus stopped at any location for the  
8 purpose of receiving or discharging pupils in violation of  
9 Section 11-1414 of this Code or a similar provision of a local  
10 ordinance.

11           An automated traffic law enforcement system is a system,  
12 in a municipality or county operated by a governmental agency,  
13 that produces a recorded image of a motor vehicle's violation  
14 of a provision of this Code or a local ordinance and is  
15 designed to obtain a clear recorded image of the vehicle and  
16 the vehicle's license plate. The recorded image must also  
17 display the time, date, and location of the violation.

18           (b) As used in this Section, "recorded images" means  
19 images recorded by an automated traffic law enforcement system  
20 on:

21                 (1) 2 or more photographs;

22                 (2) 2 or more microphotographs;

23                 (3) 2 or more electronic images; or

24                 (4) a video recording showing the motor vehicle and,  
25 on at least one image or portion of the recording, clearly  
26 identifying the registration plate or digital registration



1           plate number of the motor vehicle.

2           (c) A municipality or county that produces a recorded  
3 image of a motor vehicle's violation of a provision of this  
4 Code or a local ordinance must make the recorded images of a  
5 violation accessible to the alleged violator by providing the  
6 alleged violator with a website address, accessible through  
7 the Internet.

8           (d) For each violation of a provision of this Code or a  
9 local ordinance recorded by an automated traffic law  
10 enforcement system, the county or municipality having  
11 jurisdiction shall issue a written notice of the violation to  
12 the registered owner of the vehicle as the alleged violator.  
13 The notice shall be delivered to the registered owner of the  
14 vehicle, by mail, within 30 days after the Secretary of State  
15 notifies the municipality or county of the identity of the  
16 owner of the vehicle, but in no event later than 90 days after  
17 the violation.

18           (e) The notice required under subsection (d) shall  
19 include:

20                 (1) the name and address of the registered owner of  
21 the vehicle;

22                 (2) the registration number of the motor vehicle  
23 involved in the violation;

24                 (3) the violation charged;

25                 (4) the location where the violation occurred;

26                 (5) the date and time of the violation;

- 1           (6) a copy of the recorded images;
- 2           (7) the amount of the civil penalty imposed and the  
3           date by which the civil penalty should be paid;
- 4           (8) a statement that recorded images are evidence of a  
5           violation of overtaking or passing a school bus stopped  
6           for the purpose of receiving or discharging pupils;
- 7           (9) a warning that failure to pay the civil penalty or  
8           to contest liability in a timely manner is an admission of  
9           liability;
- 10          (10) a statement that the person may elect to proceed  
11          by:
- 12                 (A) paying the fine; or
- 13                 (B) challenging the charge in court, by mail, or  
14                 by administrative hearing; and
- 15          (11) a website address, accessible through the  
16          Internet, where the person may view the recorded images of  
17          the violation.
- 18          (f) (Blank).
- 19          (g) Based on inspection of recorded images produced by an  
20          automated traffic law enforcement system, a notice alleging  
21          that the violation occurred shall be evidence of the facts  
22          contained in the notice and admissible in any proceeding  
23          alleging a violation under this Section.
- 24          (h) Recorded images made by an automated traffic law  
25          enforcement system are confidential and shall be made  
26          available only to the alleged violator and governmental and

1 law enforcement agencies for purposes of adjudicating a  
2 violation of this Section, for statistical purposes, or for  
3 other governmental purposes. Any recorded image evidencing a  
4 violation of this Section, however, may be admissible in any  
5 proceeding resulting from the issuance of the citation.

6 (i) The court or hearing officer may consider in defense  
7 of a violation:

8 (1) that the motor vehicle or registration plates or  
9 digital registration plates of the motor vehicle were  
10 stolen before the violation occurred and not under the  
11 control of or in the possession of the owner or lessee at  
12 the time of the violation;

13 (1.5) that the motor vehicle was hijacked before the  
14 violation occurred and not under the control of or in the  
15 possession of the owner or lessee at the time of the  
16 violation;

17 (2) that the driver of the motor vehicle received a  
18 Uniform Traffic Citation from a police officer for a  
19 violation of Section 11-1414 of this Code within  
20 one-eighth of a mile and 15 minutes of the violation that  
21 was recorded by the system;

22 (3) that the visual signals required by Sections  
23 12-803 and 12-805 of this Code were damaged, not  
24 activated, not present in violation of Sections 12-803 and  
25 12-805, or inoperable; and

26 (4) any other evidence or issues provided by municipal

1 or county ordinance.

2 (j) To demonstrate that the motor vehicle was hijacked or  
3 the motor vehicle or registration plates or digital  
4 registration plates were stolen before the violation occurred  
5 and were not under the control or possession of the owner or  
6 lessee at the time of the violation, the owner or lessee must  
7 submit proof that a report concerning the motor vehicle or  
8 registration plates was filed with a law enforcement agency in  
9 a timely manner.

10 (k) Unless the driver of the motor vehicle received a  
11 Uniform Traffic Citation from a police officer at the time of  
12 the violation, the motor vehicle owner is subject to a civil  
13 penalty not exceeding \$150 for a first time violation or \$500  
14 for a second or subsequent violation, plus an additional  
15 penalty of not more than \$100 for failure to pay the original  
16 penalty in a timely manner, if the motor vehicle is recorded by  
17 an automated traffic law enforcement system. A violation for  
18 which a civil penalty is imposed under this Section is not a  
19 violation of a traffic regulation governing the movement of  
20 vehicles and may not be recorded on the driving record of the  
21 owner of the vehicle, but may be recorded by the municipality  
22 or county for the purpose of determining if a person is subject  
23 to the higher fine for a second or subsequent offense.

24 (l) A school bus equipped with an automated traffic law  
25 enforcement system must be posted with a sign indicating that  
26 the school bus is being monitored by an automated traffic law

1 enforcement system.

2 (m) A municipality or county that has one or more school  
3 buses equipped with an automated traffic law enforcement  
4 system must provide notice to drivers by posting a list of  
5 school districts using school buses equipped with an automated  
6 traffic law enforcement system on the municipality or county  
7 website. School districts that have one or more school buses  
8 equipped with an automated traffic law enforcement system must  
9 provide notice to drivers by posting that information on their  
10 websites.

11 (n) A municipality or county operating an automated  
12 traffic law enforcement system shall conduct a statistical  
13 analysis to assess the safety impact in each school district  
14 using school buses equipped with an automated traffic law  
15 enforcement system following installation of the system. The  
16 statistical analysis shall be based upon the best available  
17 crash, traffic, and other data, and shall cover a period of  
18 time before and after installation of the system sufficient to  
19 provide a statistically valid comparison of safety impact. The  
20 statistical analysis shall be consistent with professional  
21 judgment and acceptable industry practice. The statistical  
22 analysis also shall be consistent with the data required for  
23 valid comparisons of before and after conditions and shall be  
24 conducted within a reasonable period following the  
25 installation of the automated traffic law enforcement system.  
26 The statistical analysis required by this subsection shall be

1 made available to the public and shall be published on the  
2 website of the municipality or county. If the statistical  
3 analysis for the 36-month period following installation of the  
4 system indicates that there has been an increase in the rate of  
5 crashes at the approach to school buses monitored by the  
6 system, the municipality or county shall undertake additional  
7 studies to determine the cause and severity of the crashes,  
8 and may take any action that it determines is necessary or  
9 appropriate to reduce the number or severity of the crashes  
10 involving school buses equipped with an automated traffic law  
11 enforcement system.

12 (o) The compensation paid for an automated traffic law  
13 enforcement system must be based on the value of the equipment  
14 or the services provided and may not be based on the number of  
15 traffic citations issued or the revenue generated by the  
16 system.

17 (p) No person who is the lessor of a motor vehicle pursuant  
18 to a written lease agreement shall be liable for an automated  
19 speed or traffic law enforcement system violation involving  
20 such motor vehicle during the period of the lease; provided  
21 that upon the request of the appropriate authority received  
22 within 120 days after the violation occurred, the lessor  
23 provides within 60 days after such receipt the name and  
24 address of the lessee.

25 Upon the provision of information by the lessor pursuant  
26 to this subsection, the county or municipality may issue the

1 violation to the lessee of the vehicle in the same manner as it  
2 would issue a violation to a registered owner of a vehicle  
3 pursuant to this Section, and the lessee may be held liable for  
4 the violation.

5 (q) (Blank).

6 (r) After a municipality or county enacts an ordinance  
7 providing for automated traffic law enforcement systems under  
8 this Section, each school district within that municipality or  
9 county's jurisdiction may implement an automated traffic law  
10 enforcement system under this Section. The elected school  
11 board for that district must approve the implementation of an  
12 automated traffic law enforcement system. The school district  
13 shall be responsible for entering into a contract, approved by  
14 the elected school board of that district, with vendors for  
15 the installation, maintenance, and operation of the automated  
16 traffic law enforcement system. The school district must enter  
17 into an intergovernmental agreement, approved by the elected  
18 school board of that district, with the municipality or county  
19 with jurisdiction over that school district for the  
20 administration of the automated traffic law enforcement  
21 system. The proceeds from a school district's automated  
22 traffic law enforcement system's fines shall be divided  
23 equally between the school district and the municipality or  
24 county administering the automated traffic law enforcement  
25 system.

26 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;

1 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; revised 12-14-22.)

2 (625 ILCS 5/11-506)

3 (Text of Section before amendment by P.A. 102-982)

4 Sec. 11-506. Street racing; aggravated street racing;  
5 street sideshows.

6 (a) No person shall engage in street racing on any street  
7 or highway of this State.

8 (a-5) No person shall engage in a street sideshow on any  
9 street or highway of this State.

10 (b) No owner of any vehicle shall acquiesce in or permit  
11 his or her vehicle to be used by another for the purpose of  
12 street racing or a street sideshow.

13 (b-5) A person may not knowingly interfere with or cause  
14 the movement of traffic to slow or stop for the purpose of  
15 facilitating street racing or a street sideshow.

16 (c) For the purposes of this Section:

17 "Acquiesce" or "permit" means actual knowledge that the  
18 motor vehicle was to be used for the purpose of street racing.

19 "Motor vehicle stunt" includes, but is not limited to,  
20 operating a vehicle in a manner that causes the vehicle to  
21 slide or spin, driving within the proximity of a gathering of  
22 persons, performing maneuvers to demonstrate the performance  
23 capability of the motor vehicle, or maneuvering the vehicle in  
24 an attempt to elicit a reaction from a gathering of persons.

25 "Street racing" means:



1           (1) The operation of 2 or more vehicles from a point  
2 side by side at accelerating speeds in a competitive  
3 attempt to outdistance each other; or

4           (2) The operation of one or more vehicles over a  
5 common selected course, each starting at the same point,  
6 for the purpose of comparing the relative speeds or power  
7 of acceleration of such vehicle or vehicles within a  
8 certain distance or time limit; or

9           (3) The use of one or more vehicles in an attempt to  
10 outgain or outdistance another vehicle; or

11           (4) The use of one or more vehicles to prevent another  
12 vehicle from passing; or

13           (5) The use of one or more vehicles to arrive at a  
14 given destination ahead of another vehicle or vehicles; or

15           (6) The use of one or more vehicles to test the  
16 physical stamina or endurance of drivers over  
17 long-distance driving routes.

18           "Street sideshow" means an event in which one or more  
19 vehicles block or impede traffic on a street or highway, for  
20 the purpose of performing unauthorized motor vehicle stunts,  
21 motor vehicle speed contests, or motor vehicle exhibitions of  
22 speed.

23           (d) Penalties.

24           (1) Any person who is convicted of a violation of  
25 subsection (a), (a-5), or (b-5) shall be guilty of a Class  
26 A misdemeanor for the first offense and shall be subject

1 to a minimum fine of \$250. Any person convicted of a  
2 violation of subsection (a), (a-5), or (b-5) a second or  
3 subsequent time shall be guilty of a Class 4 felony and  
4 shall be subject to a minimum fine of \$500. The driver's  
5 license of any person convicted of subsection (a) shall be  
6 revoked in the manner provided by Section 6-205 of this  
7 Code.

8 (2) Any person who is convicted of a violation of  
9 subsection (b) shall be guilty of a Class B misdemeanor.  
10 Any person who is convicted of subsection (b) for a second  
11 or subsequent time shall be guilty of a Class A  
12 misdemeanor.

13 (3) Every person convicted of committing a violation  
14 of subsection (a) of this Section shall be guilty of  
15 aggravated street racing if the person, in committing a  
16 violation of subsection (a) was involved in a motor  
17 vehicle accident that resulted in great bodily harm or  
18 permanent disability or disfigurement to another, where  
19 the violation was a proximate cause of the injury.  
20 Aggravated street racing is a Class 4 felony for which the  
21 defendant, if sentenced to a term of imprisonment, shall  
22 be sentenced to not less than one year nor more than 12  
23 years.

24 (Source: P.A. 102-733, eff. 1-1-23; revised 12-14-22.)

25 (Text of Section after amendment by P.A. 102-982)

1           Sec. 11-506. Street racing; aggravated street racing;  
2 street sideshows.

3           (a) No person shall engage in street racing on any street  
4 or highway of this State.

5           (a-5) No person shall engage in a street sideshow on any  
6 street or highway of this State.

7           (b) No owner of any vehicle shall acquiesce in or permit  
8 his or her vehicle to be used by another for the purpose of  
9 street racing or a street sideshow.

10           (b-5) A person may not knowingly interfere with or cause  
11 the movement of traffic to slow or stop for the purpose of  
12 facilitating street racing or a street sideshow.

13           (c) For the purposes of this Section:

14           "Acquiesce" or "permit" means actual knowledge that the  
15 motor vehicle was to be used for the purpose of street racing.

16           "Motor vehicle stunt" includes, but is not limited to,  
17 operating a vehicle in a manner that causes the vehicle to  
18 slide or spin, driving within the proximity of a gathering of  
19 persons, performing maneuvers to demonstrate the performance  
20 capability of the motor vehicle, or maneuvering the vehicle in  
21 an attempt to elicit a reaction from a gathering of persons.

22           "Street racing" means:

23           (1) The operation of 2 or more vehicles from a point  
24 side by side at accelerating speeds in a competitive  
25 attempt to outdistance each other; or

26           (2) The operation of one or more vehicles over a

1 common selected course, each starting at the same point,  
2 for the purpose of comparing the relative speeds or power  
3 of acceleration of such vehicle or vehicles within a  
4 certain distance or time limit; or

5 (3) The use of one or more vehicles in an attempt to  
6 outgain or outdistance another vehicle; or

7 (4) The use of one or more vehicles to prevent another  
8 vehicle from passing; or

9 (5) The use of one or more vehicles to arrive at a  
10 given destination ahead of another vehicle or vehicles; or

11 (6) The use of one or more vehicles to test the  
12 physical stamina or endurance of drivers over  
13 long-distance driving routes.

14 "Street sideshow" means an event in which one or more  
15 vehicles block or impede traffic on a street or highway, for  
16 the purpose of performing unauthorized motor vehicle stunts,  
17 motor vehicle speed contests, or motor vehicle exhibitions of  
18 speed.

19 (d) Penalties.

20 (1) Any person who is convicted of a violation of  
21 subsection (a), (a-5), or (b-5) shall be guilty of a Class  
22 A misdemeanor for the first offense and shall be subject  
23 to a minimum fine of \$250. Any person convicted of a  
24 violation of subsection (a), (a-5), or (b-5) a second or  
25 subsequent time shall be guilty of a Class 4 felony and  
26 shall be subject to a minimum fine of \$500. The driver's

1 license of any person convicted of subsection (a) shall be  
2 revoked in the manner provided by Section 6-205 of this  
3 Code.

4 (2) Any person who is convicted of a violation of  
5 subsection (b) shall be guilty of a Class B misdemeanor.  
6 Any person who is convicted of subsection (b) for a second  
7 or subsequent time shall be guilty of a Class A  
8 misdemeanor.

9 (3) Every person convicted of committing a violation  
10 of subsection (a) of this Section shall be guilty of  
11 aggravated street racing if the person, in committing a  
12 violation of subsection (a) was involved in a motor  
13 vehicle crash ~~crashes~~ that resulted in great bodily harm  
14 or permanent disability or disfigurement to another, where  
15 the violation was a proximate cause of the injury.  
16 Aggravated street racing is a Class 4 felony for which the  
17 defendant, if sentenced to a term of imprisonment, shall  
18 be sentenced to not less than one year nor more than 12  
19 years.

20 (Source: P.A. 102-733, eff. 1-1-23; 102-982, eff. 7-1-23;  
21 revised 12-14-22.)

22 (625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)  
23 Sec. 11-605. Special speed limit while passing schools.

24 (a) For the purpose of this Section, "school" means the  
25 following entities:

1 (1) A public or private primary or secondary school.

2 (2) A primary or secondary school operated by a  
3 religious institution.

4 (3) A public, private, or religious nursery school.

5 On a school day when school children are present and so  
6 close thereto that a potential hazard exists because of the  
7 close proximity of the motorized traffic, no person shall  
8 drive a motor vehicle at a speed in excess of 20 miles per hour  
9 while passing a school zone or while traveling on a local,  
10 county, or State roadway on public school property or upon any  
11 public thoroughfare where children pass going to and from  
12 school.

13 For the purpose of this Section, a school day begins at  
14 6:30 a.m. and concludes at 4 p.m.

15 This Section shall not be applicable unless appropriate  
16 signs are posted upon streets and highways under their  
17 respective jurisdiction and maintained by the Department,  
18 township, county, park district, city, village or incorporated  
19 town wherein the school zone is located. With regard to the  
20 special speed limit while passing schools, such signs shall  
21 give proper due warning that a school zone is being approached  
22 and shall indicate the school zone and the maximum speed limit  
23 in effect during school days when school children are present.

24 (b) (Blank).

25 (c) Nothing in this Chapter shall prohibit the use of  
26 electronic speed-detecting devices within 500 feet of signs

1 within a special school speed zone indicating such zone, as  
2 defined in this Section, nor shall evidence obtained thereby  
3 be inadmissible in any prosecution for speeding provided the  
4 use of such device shall apply only to the enforcement of the  
5 speed limit in such special school speed zone.

6 (d) (Blank).

7 (e) Except as provided in subsection (e-5), a person who  
8 violates this Section is guilty of a petty offense. Violations  
9 of this Section are punishable with a minimum fine of \$150 for  
10 the first violation, a minimum fine of \$300 for the second or  
11 subsequent violation, and community service in an amount  
12 determined by the court.

13 (e-5) A person committing a violation of this Section is  
14 guilty of aggravated special speed limit while passing schools  
15 when he or she drives a motor vehicle at a speed that is:

16 (1) 26 miles per hour or more but less than 35 miles  
17 per hour in excess of the applicable special speed limit  
18 established under this Section or a similar provision of a  
19 local ordinance and is guilty of a Class B misdemeanor; or

20 (2) 35 miles per hour or more in excess of the  
21 applicable special speed limit established under this  
22 Section or a similar provision of a local ordinance and is  
23 guilty of a Class A misdemeanor.

24 (f) (Blank).

25 (g) (Blank).

26 (h) (Blank).

1 (Source: P.A. 102-58, eff. 7-9-21; 102-859, eff. 1-1-23;  
2 102-978, eff. 1-1-23; revised 12-14-22.)

3 (625 ILCS 5/12-215)

4 (Text of Section before amendment by P.A. 102-982)

5 Sec. 12-215. Oscillating, rotating<sub>L</sub> or flashing lights on  
6 motor vehicles. Except as otherwise provided in this Code:

7 (a) The use of red or white oscillating, rotating<sub>L</sub> or  
8 flashing lights, whether lighted or unlighted, is prohibited  
9 except on:

10 1. Law enforcement vehicles of State, federal, ~~Federal~~  
11 or local authorities;

12 2. A vehicle operated by a police officer or county  
13 coroner and designated or authorized by local authorities,  
14 in writing, as a law enforcement vehicle; however, such  
15 designation or authorization must be carried in the  
16 vehicle;

17 2.1. A vehicle operated by a fire chief, deputy fire  
18 chief, or assistant fire chief who has completed an  
19 emergency vehicle operation training course approved by  
20 the Office of the State Fire Marshal and designated or  
21 authorized by local authorities, fire departments, or fire  
22 protection districts, in writing, as a fire department,  
23 fire protection district, or township fire department  
24 vehicle; however, the designation or authorization must be  
25 carried in the vehicle, and the lights may be visible or



1 activated only when responding to a bona fide emergency;

2 3. Vehicles of local fire departments and State or  
3 federal firefighting vehicles;

4 4. Vehicles which are designed and used exclusively as  
5 ambulances or rescue vehicles; furthermore, such lights  
6 shall not be lighted except when responding to an  
7 emergency call for and while actually conveying the sick  
8 or injured;

9 4.5. Vehicles which are occasionally used as rescue  
10 vehicles that have been authorized for use as rescue  
11 vehicles by a volunteer EMS provider, provided that the  
12 operator of the vehicle has successfully completed an  
13 emergency vehicle operation training course recognized by  
14 the Department of Public Health; furthermore, the lights  
15 shall not be lighted except when responding to an  
16 emergency call for the sick or injured;

17 5. Tow trucks licensed in a state that requires such  
18 lights; furthermore, such lights shall not be lighted on  
19 any such tow truck while the tow truck is operating in the  
20 State of Illinois;

21 6. Vehicles of the Illinois Emergency Management  
22 Agency, vehicles of the Office of the Illinois State Fire  
23 Marshal, vehicles of the Illinois Department of Public  
24 Health, vehicles of the Illinois Department of  
25 Corrections, and vehicles of the Illinois Department of  
26 Juvenile Justice;

1           7. Vehicles operated by a local or county emergency  
2 management services agency as defined in the Illinois  
3 Emergency Management Agency Act;

4           8. School buses operating alternately flashing head  
5 lamps as permitted under Section 12-805 of this Code;

6           9. Vehicles that are equipped and used exclusively as  
7 organ transplant vehicles when used in combination with  
8 blue oscillating, rotating, or flashing lights;  
9 furthermore, these lights shall be lighted only when the  
10 transportation is declared an emergency by a member of the  
11 transplant team or a representative of the organ  
12 procurement organization;

13           10. Vehicles of the Illinois Department of Natural  
14 Resources that are used for mine rescue and explosives  
15 emergency response;

16           11. Vehicles of the Illinois Department of  
17 Transportation identified as Emergency Traffic Patrol; the  
18 lights shall not be lighted except when responding to an  
19 emergency call or when parked or stationary while engaged  
20 in motor vehicle assistance or at the scene of the  
21 emergency; and

22           12. Vehicles of the Illinois State Toll Highway  
23 Authority with a gross vehicle weight rating of 9,000  
24 pounds or more and those identified as Highway Emergency  
25 Lane Patrol; the lights shall not be lighted except when  
26 responding to an emergency call or when parked or

1 stationary while engaged in motor vehicle assistance or at  
2 the scene of the emergency.

3 (b) The use of amber oscillating, rotating, or flashing  
4 lights, whether lighted or unlighted, is prohibited except on:

5 1. Second division vehicles designed and used for  
6 towing or hoisting vehicles; furthermore, such lights  
7 shall not be lighted except as required in this paragraph  
8 1; such lights shall be lighted when such vehicles are  
9 actually being used at the scene of an accident or  
10 disablement; if the towing vehicle is equipped with a flat  
11 bed that supports all wheels of the vehicle being  
12 transported, the lights shall not be lighted while the  
13 vehicle is engaged in towing on a highway; if the towing  
14 vehicle is not equipped with a flat bed that supports all  
15 wheels of a vehicle being transported, the lights shall be  
16 lighted while the towing vehicle is engaged in towing on a  
17 highway during all times when the use of headlights is  
18 required under Section 12-201 of this Code; in addition,  
19 these vehicles may use white oscillating, rotating, or  
20 flashing lights in combination with amber oscillating,  
21 rotating, or flashing lights as provided in this  
22 paragraph;

23 2. Motor vehicles or equipment of the State of  
24 Illinois, the Illinois State Toll Highway Authority, local  
25 authorities, and contractors; furthermore, such lights  
26 shall not be lighted except while such vehicles are

1 engaged in maintenance or construction operations within  
2 the limits of construction projects;

3 3. Vehicles or equipment used by engineering or survey  
4 crews; furthermore, such lights shall not be lighted  
5 except while such vehicles are actually engaged in work on  
6 a highway;

7 4. Vehicles of public utilities, municipalities, or  
8 other construction, maintenance, or automotive service  
9 vehicles except that such lights shall be lighted only as  
10 a means for indicating the presence of a vehicular traffic  
11 hazard requiring unusual care in approaching, overtaking,  
12 or passing while such vehicles are engaged in maintenance,  
13 service, or construction on a highway;

14 5. Oversized vehicle or load; however, such lights  
15 shall only be lighted when moving under permit issued by  
16 the Department under Section 15-301 of this Code;

17 6. The front and rear of motorized equipment owned and  
18 operated by the State of Illinois or any political  
19 subdivision thereof, which is designed and used for  
20 removal of snow and ice from highways;

21 6.1. The front and rear of motorized equipment or  
22 vehicles that (i) are not owned by the State of Illinois or  
23 any political subdivision of the State, (ii) are designed  
24 and used for removal of snow and ice from highways and  
25 parking lots, and (iii) are equipped with a snow plow that  
26 is 12 feet in width; these lights may not be lighted except

1 when the motorized equipment or vehicle is actually being  
2 used for those purposes on behalf of a unit of government;

3 7. Fleet safety vehicles registered in another state,  
4 furthermore, such lights shall not be lighted except as  
5 provided for in Section 12-212 of this Code;

6 8. Such other vehicles as may be authorized by local  
7 authorities;

8 9. Law enforcement vehicles of State or local  
9 authorities when used in combination with red oscillating,  
10 rotating, or flashing lights;

11 9.5. Propane delivery trucks;

12 10. Vehicles used for collecting or delivering mail  
13 for the United States Postal Service provided that such  
14 lights shall not be lighted except when such vehicles are  
15 actually being used for such purposes;

16 10.5. Vehicles of the Office of the Illinois State  
17 Fire Marshal, provided that such lights shall not be  
18 lighted except for when such vehicles are engaged in work  
19 for the Office of the Illinois State Fire Marshal;

20 11. Any vehicle displaying a slow-moving vehicle  
21 emblem as provided in Section 12-205.1;

22 12. All trucks equipped with self-compactors or  
23 roll-off hoists and roll-on containers for garbage,  
24 recycling, or refuse hauling. Such lights shall not be  
25 lighted except when such vehicles are actually being used  
26 for such purposes;

1           13. Vehicles used by a security company, alarm  
2 responder, control agency, or the Illinois Department of  
3 Corrections;

4           14. Security vehicles of the Department of Human  
5 Services; however, the lights shall not be lighted except  
6 when being used for security related purposes under the  
7 direction of the superintendent of the facility where the  
8 vehicle is located; and

9           15. Vehicles of union representatives, except that the  
10 lights shall be lighted only while the vehicle is within  
11 the limits of a construction project.

12           (c) The use of blue oscillating, rotating, or flashing  
13 lights, whether lighted or unlighted, is prohibited except on:

14           1. Rescue squad vehicles not owned by a fire  
15 department or fire protection district and vehicles owned  
16 or operated by a:

17                   voluntary firefighter;

18                   paid firefighter;

19                   part-paid firefighter;

20                   call firefighter;

21                   member of the board of trustees of a fire  
22 protection district;

23                   paid or unpaid member of a rescue squad;

24                   paid or unpaid member of a voluntary ambulance  
25 unit; or

26                   paid or unpaid members of a local or county

1 emergency management services agency as defined in the  
2 Illinois Emergency Management Agency Act, designated  
3 or authorized by local authorities, in writing, and  
4 carrying that designation or authorization in the  
5 vehicle.

6 However, such lights are not to be lighted except when  
7 responding to a bona fide emergency or when parked or  
8 stationary at the scene of a fire, rescue call, ambulance  
9 call, or motor vehicle accident.

10 Any person using these lights in accordance with this  
11 subdivision (c)1 must carry on his or her person an  
12 identification card or letter identifying the bona fide  
13 member of a fire department, fire protection district,  
14 rescue squad, ambulance unit, or emergency management  
15 services agency that owns or operates that vehicle. The  
16 card or letter must include:

17 (A) the name of the fire department, fire  
18 protection district, rescue squad, ambulance unit, or  
19 emergency management services agency;

20 (B) the member's position within the fire  
21 department, fire protection district, rescue squad,  
22 ambulance unit, or emergency management services  
23 agency;

24 (C) the member's term of service; and

25 (D) the name of a person within the fire  
26 department, fire protection district, rescue squad,

1 ambulance unit, or emergency management services  
2 agency to contact to verify the information provided.

3 2. Police department vehicles in cities having a  
4 population of 500,000 or more inhabitants.

5 3. Law enforcement vehicles of State or local  
6 authorities when used in combination with red oscillating,  
7 rotating, or flashing lights.

8 4. Vehicles of local fire departments and State or  
9 federal firefighting vehicles when used in combination  
10 with red oscillating, rotating, or flashing lights.

11 5. Vehicles which are designed and used exclusively as  
12 ambulances or rescue vehicles when used in combination  
13 with red oscillating, rotating, or flashing lights;  
14 furthermore, such lights shall not be lighted except when  
15 responding to an emergency call.

16 6. Vehicles that are equipped and used exclusively as  
17 organ transport vehicles when used in combination with red  
18 oscillating, rotating, or flashing lights; furthermore,  
19 these lights shall only be lighted when the transportation  
20 is declared an emergency by a member of the transplant  
21 team or a representative of the organ procurement  
22 organization.

23 7. Vehicles of the Illinois Emergency Management  
24 Agency, vehicles of the Office of the Illinois State Fire  
25 Marshal, vehicles of the Illinois Department of Public  
26 Health, vehicles of the Illinois Department of



1 Corrections, and vehicles of the Illinois Department of  
2 Juvenile Justice, when used in combination with red  
3 oscillating, rotating, or flashing lights.

4 8. Vehicles operated by a local or county emergency  
5 management services agency as defined in the Illinois  
6 Emergency Management Agency Act, when used in combination  
7 with red oscillating, rotating, or flashing lights.

8 9. Vehicles of the Illinois Department of Natural  
9 Resources that are used for mine rescue and explosives  
10 emergency response, when used in combination with red  
11 oscillating, rotating, or flashing lights.

12 (c-1) In addition to the blue oscillating, rotating, or  
13 flashing lights permitted under subsection (c), and  
14 notwithstanding subsection (a), a vehicle operated by a  
15 voluntary firefighter, a voluntary member of a rescue squad,  
16 or a member of a voluntary ambulance unit may be equipped with  
17 flashing white headlights and blue grill lights, which may be  
18 used only in responding to an emergency call or when parked or  
19 stationary at the scene of a fire, rescue call, ambulance  
20 call, or motor vehicle accident.

21 (c-2) In addition to the blue oscillating, rotating, or  
22 flashing lights permitted under subsection (c), and  
23 notwithstanding subsection (a), a vehicle operated by a paid  
24 or unpaid member of a local or county emergency management  
25 services agency as defined in the Illinois Emergency  
26 Management Agency Act, may be equipped with white oscillating,

1 rotating, or flashing lights to be used in combination with  
2 blue oscillating, rotating, or flashing lights, if  
3 authorization by local authorities is in writing and carried  
4 in the vehicle.

5 (d) The use of a combination of amber and white  
6 oscillating, rotating, or flashing lights, whether lighted or  
7 unlighted, is prohibited except on second division vehicles  
8 designed and used for towing or hoisting vehicles or motor  
9 vehicles or equipment of the State of Illinois, local  
10 authorities, contractors, and union representatives;  
11 furthermore, such lights shall not be lighted on second  
12 division vehicles designed and used for towing or hoisting  
13 vehicles or vehicles of the State of Illinois, local  
14 authorities, and contractors except while such vehicles are  
15 engaged in a tow operation, highway maintenance, or  
16 construction operations within the limits of highway  
17 construction projects, and shall not be lighted on the  
18 vehicles of union representatives except when those vehicles  
19 are within the limits of a construction project.

20 (e) All oscillating, rotating, or flashing lights referred  
21 to in this Section shall be of sufficient intensity, when  
22 illuminated, to be visible at 500 feet in normal sunlight.

23 (f) Nothing in this Section shall prohibit a manufacturer  
24 of oscillating, rotating, or flashing lights or his  
25 representative or authorized vendor from temporarily mounting  
26 such lights on a vehicle for demonstration purposes only. If

1 the lights are not covered while the vehicle is operated upon a  
2 highway, the vehicle shall display signage indicating that the  
3 vehicle is out of service or not an emergency vehicle. The  
4 signage shall be displayed on all sides of the vehicle in  
5 letters at least 2 inches tall and one-half inch wide. A  
6 vehicle authorized to have oscillating, rotating, or flashing  
7 lights mounted for demonstration purposes may not activate the  
8 lights while the vehicle is operated upon a highway.

9 (g) Any person violating the provisions of subsection  
10 ~~subsections~~ (a), (b), (c), or (d) of this Section who without  
11 lawful authority stops or detains or attempts to stop or  
12 detain another person shall be guilty of a Class 2 felony.

13 (h) Except as provided in subsection (g) above, any person  
14 violating the provisions of subsection ~~subsections~~ (a) or (c)  
15 of this Section shall be guilty of a Class A misdemeanor.

16 (Source: P.A. 101-56, eff. 1-1-20; 102-842, eff. 1-1-23;  
17 revised 12-14-22.)

18 (Text of Section after amendment by P.A. 102-982)

19 Sec. 12-215. Oscillating, rotating, or flashing lights on  
20 motor vehicles. Except as otherwise provided in this Code:

21 (a) The use of red or white oscillating, rotating, or  
22 flashing lights, whether lighted or unlighted, is prohibited  
23 except on:

24 1. Law enforcement vehicles of State, federal, ~~Federal~~  
25 or local authorities;

1           2. A vehicle operated by a police officer or county  
2 coroner and designated or authorized by local authorities,  
3 in writing, as a law enforcement vehicle; however, such  
4 designation or authorization must be carried in the  
5 vehicle;

6           2.1. A vehicle operated by a fire chief, deputy fire  
7 chief, or assistant fire chief who has completed an  
8 emergency vehicle operation training course approved by  
9 the Office of the State Fire Marshal and designated or  
10 authorized by local authorities, fire departments, or fire  
11 protection districts, in writing, as a fire department,  
12 fire protection district, or township fire department  
13 vehicle; however, the designation or authorization must be  
14 carried in the vehicle, and the lights may be visible or  
15 activated only when responding to a bona fide emergency;

16           3. Vehicles of local fire departments and State or  
17 federal firefighting vehicles;

18           4. Vehicles which are designed and used exclusively as  
19 ambulances or rescue vehicles; furthermore, such lights  
20 shall not be lighted except when responding to an  
21 emergency call for and while actually conveying the sick  
22 or injured;

23           4.5. Vehicles which are occasionally used as rescue  
24 vehicles that have been authorized for use as rescue  
25 vehicles by a volunteer EMS provider, provided that the  
26 operator of the vehicle has successfully completed an

1 emergency vehicle operation training course recognized by  
2 the Department of Public Health; furthermore, the lights  
3 shall not be lighted except when responding to an  
4 emergency call for the sick or injured;

5 5. Tow trucks licensed in a state that requires such  
6 lights; furthermore, such lights shall not be lighted on  
7 any such tow truck while the tow truck is operating in the  
8 State of Illinois;

9 6. Vehicles of the Illinois Emergency Management  
10 Agency, vehicles of the Office of the Illinois State Fire  
11 Marshal, vehicles of the Illinois Department of Public  
12 Health, vehicles of the Illinois Department of  
13 Corrections, and vehicles of the Illinois Department of  
14 Juvenile Justice;

15 7. Vehicles operated by a local or county emergency  
16 management services agency as defined in the Illinois  
17 Emergency Management Agency Act;

18 8. School buses operating alternately flashing head  
19 lamps as permitted under Section 12-805 of this Code;

20 9. Vehicles that are equipped and used exclusively as  
21 organ transplant vehicles when used in combination with  
22 blue oscillating, rotating, or flashing lights;  
23 furthermore, these lights shall be lighted only when the  
24 transportation is declared an emergency by a member of the  
25 transplant team or a representative of the organ  
26 procurement organization;

1           10. Vehicles of the Illinois Department of Natural  
2 Resources that are used for mine rescue and explosives  
3 emergency response;

4           11. Vehicles of the Illinois Department of  
5 Transportation identified as Emergency Traffic Patrol; the  
6 lights shall not be lighted except when responding to an  
7 emergency call or when parked or stationary while engaged  
8 in motor vehicle assistance or at the scene of the  
9 emergency; and

10          12. Vehicles of the Illinois State Toll Highway  
11 Authority with a gross vehicle weight rating of 9,000  
12 pounds or more and those identified as Highway Emergency  
13 Lane Patrol; the lights shall not be lighted except when  
14 responding to an emergency call or when parked or  
15 stationary while engaged in motor vehicle assistance or at  
16 the scene of the emergency.

17          (b) The use of amber oscillating, rotating, or flashing  
18 lights, whether lighted or unlighted, is prohibited except on:

19           1. Second division vehicles designed and used for  
20 towing or hoisting vehicles; furthermore, such lights  
21 shall not be lighted except as required in this paragraph  
22 1; such lights shall be lighted when such vehicles are  
23 actually being used at the scene of a crash or  
24 disablement; if the towing vehicle is equipped with a flat  
25 bed that supports all wheels of the vehicle being  
26 transported, the lights shall not be lighted while the

1 vehicle is engaged in towing on a highway; if the towing  
2 vehicle is not equipped with a flat bed that supports all  
3 wheels of a vehicle being transported, the lights shall be  
4 lighted while the towing vehicle is engaged in towing on a  
5 highway during all times when the use of headlights is  
6 required under Section 12-201 of this Code; in addition,  
7 these vehicles may use white oscillating, rotating, or  
8 flashing lights in combination with amber oscillating,  
9 rotating, or flashing lights as provided in this  
10 paragraph;

11 2. Motor vehicles or equipment of the State of  
12 Illinois, the Illinois State Toll Highway Authority, local  
13 authorities, and contractors; furthermore, such lights  
14 shall not be lighted except while such vehicles are  
15 engaged in maintenance or construction operations within  
16 the limits of construction projects;

17 3. Vehicles or equipment used by engineering or survey  
18 crews; furthermore, such lights shall not be lighted  
19 except while such vehicles are actually engaged in work on  
20 a highway;

21 4. Vehicles of public utilities, municipalities, or  
22 other construction, maintenance, or automotive service  
23 vehicles except that such lights shall be lighted only as  
24 a means for indicating the presence of a vehicular traffic  
25 hazard requiring unusual care in approaching, overtaking,  
26 or passing while such vehicles are engaged in maintenance,

1 service, or construction on a highway;

2 5. Oversized vehicle or load; however, such lights  
3 shall only be lighted when moving under permit issued by  
4 the Department under Section 15-301 of this Code;

5 6. The front and rear of motorized equipment owned and  
6 operated by the State of Illinois or any political  
7 subdivision thereof, which is designed and used for  
8 removal of snow and ice from highways;

9 6.1. The front and rear of motorized equipment or  
10 vehicles that (i) are not owned by the State of Illinois or  
11 any political subdivision of the State, (ii) are designed  
12 and used for removal of snow and ice from highways and  
13 parking lots, and (iii) are equipped with a snow plow that  
14 is 12 feet in width; these lights may not be lighted except  
15 when the motorized equipment or vehicle is actually being  
16 used for those purposes on behalf of a unit of government;

17 7. Fleet safety vehicles registered in another state,  
18 furthermore, such lights shall not be lighted except as  
19 provided for in Section 12-212 of this Code;

20 8. Such other vehicles as may be authorized by local  
21 authorities;

22 9. Law enforcement vehicles of State or local  
23 authorities when used in combination with red oscillating,  
24 rotating, or flashing lights;

25 9.5. Propane delivery trucks;

26 10. Vehicles used for collecting or delivering mail



1 for the United States Postal Service provided that such  
2 lights shall not be lighted except when such vehicles are  
3 actually being used for such purposes;

4 10.5. Vehicles of the Office of the Illinois State  
5 Fire Marshal, provided that such lights shall not be  
6 lighted except for when such vehicles are engaged in work  
7 for the Office of the Illinois State Fire Marshal;

8 11. Any vehicle displaying a slow-moving vehicle  
9 emblem as provided in Section 12-205.1;

10 12. All trucks equipped with self-compactors or  
11 roll-off hoists and roll-on containers for garbage,  
12 recycling, or refuse hauling. Such lights shall not be  
13 lighted except when such vehicles are actually being used  
14 for such purposes;

15 13. Vehicles used by a security company, alarm  
16 responder, control agency, or the Illinois Department of  
17 Corrections;

18 14. Security vehicles of the Department of Human  
19 Services; however, the lights shall not be lighted except  
20 when being used for security related purposes under the  
21 direction of the superintendent of the facility where the  
22 vehicle is located; and

23 15. Vehicles of union representatives, except that the  
24 lights shall be lighted only while the vehicle is within  
25 the limits of a construction project.

26 (c) The use of blue oscillating, rotating, or flashing

1 lights, whether lighted or unlighted, is prohibited except on:

2 1. Rescue squad vehicles not owned by a fire  
3 department or fire protection district and vehicles owned  
4 or operated by a:

5 voluntary firefighter;

6 paid firefighter;

7 part-paid firefighter;

8 call firefighter;

9 member of the board of trustees of a fire  
10 protection district;

11 paid or unpaid member of a rescue squad;

12 paid or unpaid member of a voluntary ambulance  
13 unit; or

14 paid or unpaid members of a local or county  
15 emergency management services agency as defined in the  
16 Illinois Emergency Management Agency Act, designated  
17 or authorized by local authorities, in writing, and  
18 carrying that designation or authorization in the  
19 vehicle.

20 However, such lights are not to be lighted except when  
21 responding to a bona fide emergency or when parked or  
22 stationary at the scene of a fire, rescue call, ambulance  
23 call, or motor vehicle crash.

24 Any person using these lights in accordance with this  
25 subdivision (c)1 must carry on his or her person an  
26 identification card or letter identifying the bona fide

1 member of a fire department, fire protection district,  
2 rescue squad, ambulance unit, or emergency management  
3 services agency that owns or operates that vehicle. The  
4 card or letter must include:

5 (A) the name of the fire department, fire  
6 protection district, rescue squad, ambulance unit, or  
7 emergency management services agency;

8 (B) the member's position within the fire  
9 department, fire protection district, rescue squad,  
10 ambulance unit, or emergency management services  
11 agency;

12 (C) the member's term of service; and

13 (D) the name of a person within the fire  
14 department, fire protection district, rescue squad,  
15 ambulance unit, or emergency management services  
16 agency to contact to verify the information provided.

17 2. Police department vehicles in cities having a  
18 population of 500,000 or more inhabitants.

19 3. Law enforcement vehicles of State or local  
20 authorities when used in combination with red oscillating,  
21 rotating, or flashing lights.

22 4. Vehicles of local fire departments and State or  
23 federal firefighting vehicles when used in combination  
24 with red oscillating, rotating, or flashing lights.

25 5. Vehicles which are designed and used exclusively as  
26 ambulances or rescue vehicles when used in combination

1 with red oscillating, rotating, or flashing lights;  
2 furthermore, such lights shall not be lighted except when  
3 responding to an emergency call.

4 6. Vehicles that are equipped and used exclusively as  
5 organ transport vehicles when used in combination with red  
6 oscillating, rotating, or flashing lights; furthermore,  
7 these lights shall only be lighted when the transportation  
8 is declared an emergency by a member of the transplant  
9 team or a representative of the organ procurement  
10 organization.

11 7. Vehicles of the Illinois Emergency Management  
12 Agency, vehicles of the Office of the Illinois State Fire  
13 Marshal, vehicles of the Illinois Department of Public  
14 Health, vehicles of the Illinois Department of  
15 Corrections, and vehicles of the Illinois Department of  
16 Juvenile Justice, when used in combination with red  
17 oscillating, rotating, or flashing lights.

18 8. Vehicles operated by a local or county emergency  
19 management services agency as defined in the Illinois  
20 Emergency Management Agency Act, when used in combination  
21 with red oscillating, rotating, or flashing lights.

22 9. Vehicles of the Illinois Department of Natural  
23 Resources that are used for mine rescue and explosives  
24 emergency response, when used in combination with red  
25 oscillating, rotating, or flashing lights.

26 (c-1) In addition to the blue oscillating, rotating, or

1 flashing lights permitted under subsection (c), and  
2 notwithstanding subsection (a), a vehicle operated by a  
3 voluntary firefighter, a voluntary member of a rescue squad,  
4 or a member of a voluntary ambulance unit may be equipped with  
5 flashing white headlights and blue grill lights, which may be  
6 used only in responding to an emergency call or when parked or  
7 stationary at the scene of a fire, rescue call, ambulance  
8 call, or motor vehicle crash.

9 (c-2) In addition to the blue oscillating, rotating, or  
10 flashing lights permitted under subsection (c), and  
11 notwithstanding subsection (a), a vehicle operated by a paid  
12 or unpaid member of a local or county emergency management  
13 services agency as defined in the Illinois Emergency  
14 Management Agency Act, may be equipped with white oscillating,  
15 rotating, or flashing lights to be used in combination with  
16 blue oscillating, rotating, or flashing lights, if  
17 authorization by local authorities is in writing and carried  
18 in the vehicle.

19 (d) The use of a combination of amber and white  
20 oscillating, rotating, or flashing lights, whether lighted or  
21 unlighted, is prohibited except on second division vehicles  
22 designed and used for towing or hoisting vehicles or motor  
23 vehicles or equipment of the State of Illinois, local  
24 authorities, contractors, and union representatives;  
25 furthermore, such lights shall not be lighted on second  
26 division vehicles designed and used for towing or hoisting

1 vehicles or vehicles of the State of Illinois, local  
2 authorities, and contractors except while such vehicles are  
3 engaged in a tow operation, highway maintenance, or  
4 construction operations within the limits of highway  
5 construction projects, and shall not be lighted on the  
6 vehicles of union representatives except when those vehicles  
7 are within the limits of a construction project.

8 (e) All oscillating, rotating, l or flashing lights referred  
9 to in this Section shall be of sufficient intensity, when  
10 illuminated, to be visible at 500 feet in normal sunlight.

11 (f) Nothing in this Section shall prohibit a manufacturer  
12 of oscillating, rotating, l or flashing lights or his  
13 representative or authorized vendor from temporarily mounting  
14 such lights on a vehicle for demonstration purposes only. If  
15 the lights are not covered while the vehicle is operated upon a  
16 highway, the vehicle shall display signage indicating that the  
17 vehicle is out of service or not an emergency vehicle. The  
18 signage shall be displayed on all sides of the vehicle in  
19 letters at least 2 inches tall and one-half inch wide. A  
20 vehicle authorized to have oscillating, rotating, or flashing  
21 lights mounted for demonstration purposes may not activate the  
22 lights while the vehicle is operated upon a highway.

23 (g) Any person violating the provisions of subsection  
24 ~~subsections~~ (a), (b), (c), l or (d) of this Section who without  
25 lawful authority stops or detains or attempts to stop or  
26 detain another person shall be guilty of a Class 2 felony.

1 (h) Except as provided in subsection (g) above, any person  
2 violating the provisions of subsection ~~subsections~~ (a) or (c)  
3 of this Section shall be guilty of a Class A misdemeanor.

4 (Source: P.A. 101-56, eff. 1-1-20; 102-842, eff. 1-1-23;  
5 102-982, eff. 7-1-23; revised 8-1-22.)

6 Section 670. The Innovations for Transportation  
7 Infrastructure Act is amended by changing Sections 15 and 20  
8 as follows:

9 (630 ILCS 10/15)

10 (Section scheduled to be repealed on July 1, 2032)

11 Sec. 15. Authorization of project delivery methods.

12 (a) Notwithstanding any other law, and as authority  
13 supplemental to its existing powers, except as otherwise  
14 provided for in this Act, the Transportation Agency, in  
15 accordance with this Act, may use the design-build project  
16 delivery method for transportation facilities if the capital  
17 costs for transportation facilities delivered utilizing the  
18 design-build project delivery method or Construction  
19 Manager/General Contractor project delivery method or  
20 Alternative Technical Concepts in a design-bid-build project  
21 delivery method do not: (i) for transportation facilities  
22 delivered by the Department, exceed \$400 million of contracts  
23 awarded during the Department's multi-year highway improvement  
24 program for any 5-year period; or (ii) for transportation

1 facilities delivered by the Authority, exceed 20% of the  
2 Authority's annual improvement program. The Transportation  
3 Agency shall make this calculation before commencing the  
4 procurement. Notwithstanding any other law, and as authority  
5 supplemental to its existing powers, the Department, in  
6 accordance with this Act, may use the Construction  
7 Manager/General Contractor project delivery method for up to 2  
8 transportation facilities per year. Before commencing a  
9 procurement under this Act for either a design-build contract  
10 or a Construction Manager/General Contractor contract, the  
11 Transportation Agency shall first undertake an analysis and  
12 make a written determination that it is in the best interests  
13 of this State to use the selected delivery method for that  
14 transportation facility. The analysis and determination shall  
15 discuss the design-build project delivery method or  
16 Construction Manager/General Contractor project delivery  
17 method's impact on the anticipated schedule, completion date,  
18 and project costs. The best interests of the State analysis  
19 shall be made available to the public.

20 (b) The Transportation Agency shall report to the General  
21 Assembly annually for the first 5 years after June 15, 2022  
22 (the effective date of this Act) on the progress of  
23 procurements and transportation facilities procured under this  
24 Act.

25 (c) A contract entered into pursuant to the provisions of  
26 this Act ~~is~~ are excepted from the Public Contract Fraud Act.



1 (Source: P.A. 102-1094, eff. 6-15-22; revised 8-19-22.)

2 (630 ILCS 10/20)

3 (Section scheduled to be repealed on July 1, 2032)

4 Sec. 20. Preconditions to commencement of procurement. If  
5 the Transportation Agency determines to use the design-build  
6 project delivery method or the Construction Manager/General  
7 Contractor project delivery method for a particular  
8 transportation facility, the Transportation Agency may not  
9 commence a procurement for the transportation facility until  
10 the Transportation Agency has satisfied the following  
11 requirements:

12 (1) the Transportation Agency does one of the following:

13 (A) the Transportation Agency includes the  
14 transportation facility in the Transportation Agency's  
15 respective multi-year highway improvement program and  
16 designates it as a design-build project delivery method  
17 project or Construction Manager/General Contractor  
18 project;

19 (B) the Transportation Agency issues a notice of  
20 intent to receive qualifications, that includes a  
21 description of the proposed procurement and transportation  
22 facility, at least 28 days before the issuance of the  
23 request for qualifications, and for a Department-issued  
24 notice of intent publishes the notice in the Illinois  
25 Transportation Procurement Bulletin and for an

1 Authority-issued notice of intent publishes the notice in  
2 the Illinois Procurement Bulletin; or

3 (C) for a single-phase procurement authorized under  
4 subsection (a) of Section 25 of this Act, the  
5 Transportation Agency issues a notice of intent to receive  
6 proposals, that includes a description of the proposed  
7 procurement and transportation facility, at least 14 days  
8 before the issuance of the request for proposals, and for  
9 a Department-issued notice of intent publishes the notice  
10 in the Illinois Transportation Procurement Bulletin and  
11 for an Authority-issued notice of intent publishes the  
12 notice in the Illinois Procurement Bulletin; and

13 (2) the Transportation Agency uses its best efforts to  
14 ensure that the transportation facility is consistent with the  
15 regional plan in existence at the time of any metropolitan  
16 planning organization in which the boundaries of the  
17 transportation facility is located, or any other publicly  
18 approved ~~publicly approved~~ plan.

19 (Source: P.A. 102-1094, eff. 6-15-22; revised 8-19-22.)

20 Section 675. The Juvenile Court Act of 1987 is amended by  
21 changing Sections 2-28 and 5-915 as follows:

22 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

23 Sec. 2-28. Court review.

24 (1) The court may require any legal custodian or guardian

1 of the person appointed under this Act to report periodically  
2 to the court or may cite him into court and require him or his  
3 agency, to make a full and accurate report of his or its doings  
4 in behalf of the minor. The custodian or guardian, within 10  
5 days after such citation, or earlier if the court determines  
6 it to be necessary to protect the health, safety, or welfare of  
7 the minor, shall make the report, either in writing verified  
8 by affidavit or orally under oath in open court, or otherwise  
9 as the court directs. Upon the hearing of the report the court  
10 may remove the custodian or guardian and appoint another in  
11 his stead or restore the minor to the custody of his parents or  
12 former guardian or custodian. However, custody of the minor  
13 shall not be restored to any parent, guardian, or legal  
14 custodian in any case in which the minor is found to be  
15 neglected or abused under Section 2-3 or dependent under  
16 Section 2-4 of this Act, unless the minor can be cared for at  
17 home without endangering the minor's health or safety and it  
18 is in the best interests of the minor, and if such neglect,  
19 abuse, or dependency is found by the court under paragraph (1)  
20 of Section 2-21 of this Act to have come about due to the acts  
21 or omissions or both of such parent, guardian, or legal  
22 custodian, until such time as an investigation is made as  
23 provided in paragraph (5) and a hearing is held on the issue of  
24 the fitness of such parent, guardian, or legal custodian to  
25 care for the minor and the court enters an order that such  
26 parent, guardian, or legal custodian is fit to care for the

1 minor.

2 (1.5) The public agency that is the custodian or guardian  
3 of the minor shall file a written report with the court no  
4 later than 15 days after a minor in the agency's care remains:

5 (1) in a shelter placement beyond 30 days;

6 (2) in a psychiatric hospital past the time when the  
7 minor is clinically ready for discharge or beyond medical  
8 necessity for the minor's health; or

9 (3) in a detention center or Department of Juvenile  
10 Justice facility solely because the public agency cannot  
11 find an appropriate placement for the minor.

12 The report shall explain the steps the agency is taking to  
13 ensure the minor is placed appropriately, how the minor's  
14 needs are being met in the minor's shelter placement, and if a  
15 future placement has been identified by the Department, why  
16 the anticipated placement is appropriate for the needs of the  
17 minor and the anticipated placement date.

18 (1.6) Within 35 days after placing a child in its care in a  
19 qualified residential treatment program, as defined by the  
20 federal Social Security Act, the Department of Children and  
21 Family Services shall file a written report with the court and  
22 send copies of the report to all parties. Within 20 days of the  
23 filing of the report, the court shall hold a hearing to  
24 consider the Department's report and determine whether  
25 placement of the child in a qualified residential treatment  
26 program provides the most effective and appropriate level of

1 care for the child in the least restrictive environment and if  
2 the placement is consistent with the short-term and long-term  
3 goals for the child, as specified in the permanency plan for  
4 the child. The court shall approve or disapprove the  
5 placement. If applicable, the requirements of Sections 2-27.1  
6 and 2-27.2 must also be met. The Department's written report  
7 and the court's written determination shall be included in and  
8 made part of the case plan for the child. If the child remains  
9 placed in a qualified residential treatment program, the  
10 Department shall submit evidence at each status and permanency  
11 hearing:

12 (1) demonstrating that on-going assessment of the  
13 strengths and needs of the child continues to support the  
14 determination that the child's needs cannot be met through  
15 placement in a foster family home, that the placement  
16 provides the most effective and appropriate level of care  
17 for the child in the least restrictive, appropriate  
18 environment, and that the placement is consistent with the  
19 short-term and long-term permanency goal for the child, as  
20 specified in the permanency plan for the child;

21 (2) documenting the specific treatment or service  
22 needs that should be met for the child in the placement and  
23 the length of time the child is expected to need the  
24 treatment or services; and

25 (3) the efforts made by the agency to prepare the  
26 child to return home or to be placed with a fit and willing

1 relative, a legal guardian, or an adoptive parent, or in a  
2 foster family home.

3 (2) The first permanency hearing shall be conducted by the  
4 judge. Subsequent permanency hearings may be heard by a judge  
5 or by hearing officers appointed or approved by the court in  
6 the manner set forth in Section 2-28.1 of this Act. The initial  
7 hearing shall be held (a) within 12 months from the date  
8 temporary custody was taken, regardless of whether an  
9 adjudication or dispositional hearing has been completed  
10 within that time frame, (b) if the parental rights of both  
11 parents have been terminated in accordance with the procedure  
12 described in subsection (5) of Section 2-21, within 30 days of  
13 the order for termination of parental rights and appointment  
14 of a guardian with power to consent to adoption, or (c) in  
15 accordance with subsection (2) of Section 2-13.1. Subsequent  
16 permanency hearings shall be held every 6 months or more  
17 frequently if necessary in the court's determination following  
18 the initial permanency hearing, in accordance with the  
19 standards set forth in this Section, until the court  
20 determines that the plan and goal have been achieved. Once the  
21 plan and goal have been achieved, if the minor remains in  
22 substitute care, the case shall be reviewed at least every 6  
23 months thereafter, subject to the provisions of this Section,  
24 unless the minor is placed in the guardianship of a suitable  
25 relative or other person and the court determines that further  
26 monitoring by the court does not further the health, safety, and

1 or best interest of the child and that this is a stable  
2 permanent placement. The permanency hearings must occur within  
3 the time frames set forth in this subsection and may not be  
4 delayed in anticipation of a report from any source or due to  
5 the agency's failure to timely file its written report (this  
6 written report means the one required under the next paragraph  
7 and does not mean the service plan also referred to in that  
8 paragraph).

9 The public agency that is the custodian or guardian of the  
10 minor, or another agency responsible for the minor's care,  
11 shall ensure that all parties to the permanency hearings are  
12 provided a copy of the most recent service plan prepared  
13 within the prior 6 months at least 14 days in advance of the  
14 hearing. If not contained in the agency's service plan, the  
15 agency shall also include a report setting forth (i) any  
16 special physical, psychological, educational, medical,  
17 emotional, or other needs of the minor or his or her family  
18 that are relevant to a permanency or placement determination  
19 and (ii) for any minor age 16 or over, a written description of  
20 the programs and services that will enable the minor to  
21 prepare for independent living. If not contained in the  
22 agency's service plan, the agency's report shall specify if a  
23 minor is placed in a licensed child care facility under a  
24 corrective plan by the Department due to concerns impacting  
25 the minor's safety and well-being. The report shall explain  
26 the steps the Department is taking to ensure the safety and

1 well-being of the minor and that the minor's needs are met in  
2 the facility. The agency's written report must detail what  
3 progress or lack of progress the parent has made in correcting  
4 the conditions requiring the child to be in care; whether the  
5 child can be returned home without jeopardizing the child's  
6 health, safety, and welfare, and if not, what permanency goal  
7 is recommended to be in the best interests of the child, and  
8 why the other permanency goals are not appropriate. The  
9 caseworker must appear and testify at the permanency hearing.  
10 If a permanency hearing has not previously been scheduled by  
11 the court, the moving party shall move for the setting of a  
12 permanency hearing and the entry of an order within the time  
13 frames set forth in this subsection.

14 At the permanency hearing, the court shall determine the  
15 future status of the child. The court shall set one of the  
16 following permanency goals:

17 (A) The minor will be returned home by a specific date  
18 within 5 months.

19 (B) The minor will be in short-term care with a  
20 continued goal to return home within a period not to  
21 exceed one year, where the progress of the parent or  
22 parents is substantial giving particular consideration to  
23 the age and individual needs of the minor.

24 (B-1) The minor will be in short-term care with a  
25 continued goal to return home pending a status hearing.  
26 When the court finds that a parent has not made reasonable



1 efforts or reasonable progress to date, the court shall  
2 identify what actions the parent and the Department must  
3 take in order to justify a finding of reasonable efforts  
4 or reasonable progress and shall set a status hearing to  
5 be held not earlier than 9 months from the date of  
6 adjudication nor later than 11 months from the date of  
7 adjudication during which the parent's progress will again  
8 be reviewed.

9 (C) The minor will be in substitute care pending court  
10 determination on termination of parental rights.

11 (D) Adoption, provided that parental rights have been  
12 terminated or relinquished.

13 (E) The guardianship of the minor will be transferred  
14 to an individual or couple on a permanent basis provided  
15 that goals (A) through (D) have been deemed inappropriate  
16 and not in the child's best interests. The court shall  
17 confirm that the Department has discussed adoption, if  
18 appropriate, and guardianship with the caregiver prior to  
19 changing a goal to guardianship.

20 (F) The minor over age 15 will be in substitute care  
21 pending independence. In selecting this permanency goal,  
22 the Department of Children and Family Services may provide  
23 services to enable reunification and to strengthen the  
24 minor's connections with family, fictive kin, and other  
25 responsible adults, provided the services are in the  
26 minor's best interest. The services shall be documented in

1 the service plan.

2 (G) The minor will be in substitute care because he or  
3 she cannot be provided for in a home environment due to  
4 developmental disabilities or mental illness or because he  
5 or she is a danger to self or others, provided that goals  
6 (A) through (D) have been deemed inappropriate and not in  
7 the child's best interests.

8 In selecting any permanency goal, the court shall indicate  
9 in writing the reasons the goal was selected and why the  
10 preceding goals were deemed inappropriate and not in the  
11 child's best interest. Where the court has selected a  
12 permanency goal other than (A), (B), or (B-1), the Department  
13 of Children and Family Services shall not provide further  
14 reunification services, except as provided in paragraph (F) of  
15 this subsection (2), but shall provide services consistent  
16 with the goal selected.

17 (H) Notwithstanding any other provision in this  
18 Section, the court may select the goal of continuing  
19 foster care as a permanency goal if:

20 (1) The Department of Children and Family Services  
21 has custody and guardianship of the minor;

22 (2) The court has deemed all other permanency  
23 goals inappropriate based on the child's best  
24 interest;

25 (3) The court has found compelling reasons, based  
26 on written documentation reviewed by the court, to

1 place the minor in continuing foster care. Compelling  
2 reasons include:

3 (a) the child does not wish to be adopted or to  
4 be placed in the guardianship of his or her  
5 relative or foster care placement;

6 (b) the child exhibits an extreme level of  
7 need such that the removal of the child from his or  
8 her placement would be detrimental to the child;  
9 or

10 (c) the child who is the subject of the  
11 permanency hearing has existing close and strong  
12 bonds with a sibling, and achievement of another  
13 permanency goal would substantially interfere with  
14 the subject child's sibling relationship, taking  
15 into consideration the nature and extent of the  
16 relationship, and whether ongoing contact is in  
17 the subject child's best interest, including  
18 long-term emotional interest, as compared with the  
19 legal and emotional benefit of permanence;

20 (4) The child has lived with the relative or  
21 foster parent for at least one year; and

22 (5) The relative or foster parent currently caring  
23 for the child is willing and capable of providing the  
24 child with a stable and permanent environment.

25 The court shall set a permanency goal that is in the best  
26 interest of the child. In determining that goal, the court

1 shall consult with the minor in an age-appropriate manner  
2 regarding the proposed permanency or transition plan for the  
3 minor. The court's determination shall include the following  
4 factors:

5 (1) Age of the child.

6 (2) Options available for permanence, including both  
7 out-of-state and in-state placement options.

8 (3) Current placement of the child and the intent of  
9 the family regarding adoption.

10 (4) Emotional, physical, and mental status or  
11 condition of the child.

12 (5) Types of services previously offered and whether  
13 or not the services were successful and, if not  
14 successful, the reasons the services failed.

15 (6) Availability of services currently needed and  
16 whether the services exist.

17 (7) Status of siblings of the minor.

18 The court shall consider (i) the permanency goal contained  
19 in the service plan, (ii) the appropriateness of the services  
20 contained in the plan and whether those services have been  
21 provided, (iii) whether reasonable efforts have been made by  
22 all the parties to the service plan to achieve the goal, and  
23 (iv) whether the plan and goal have been achieved. All  
24 evidence relevant to determining these questions, including  
25 oral and written reports, may be admitted and may be relied on  
26 to the extent of their probative value.

1           The court shall make findings as to whether, in violation  
2 of Section 8.2 of the Abused and Neglected Child Reporting  
3 Act, any portion of the service plan compels a child or parent  
4 to engage in any activity or refrain from any activity that is  
5 not reasonably related to remedying a condition or conditions  
6 that gave rise or which could give rise to any finding of child  
7 abuse or neglect. The services contained in the service plan  
8 shall include services reasonably related to remedy the  
9 conditions that gave rise to removal of the child from the home  
10 of his or her parents, guardian, or legal custodian or that the  
11 court has found must be remedied prior to returning the child  
12 home. Any tasks the court requires of the parents, guardian,  
13 or legal custodian or child prior to returning the child home  
14 must be reasonably related to remedying a condition or  
15 conditions that gave rise to or which could give rise to any  
16 finding of child abuse or neglect.

17           If the permanency goal is to return home, the court shall  
18 make findings that identify any problems that are causing  
19 continued placement of the children away from the home and  
20 identify what outcomes would be considered a resolution to  
21 these problems. The court shall explain to the parents that  
22 these findings are based on the information that the court has  
23 at that time and may be revised, should additional evidence be  
24 presented to the court.

25           The court shall review the Sibling Contact Support Plan  
26 developed or modified under subsection (f) of Section 7.4 of

1 the Children and Family Services Act, if applicable. If the  
2 Department has not convened a meeting to develop or modify a  
3 Sibling Contact Support Plan, or if the court finds that the  
4 existing Plan is not in the child's best interest, the court  
5 may enter an order requiring the Department to develop,  
6 modify, or implement a Sibling Contact Support Plan, or order  
7 mediation.

8 If the goal has been achieved, the court shall enter  
9 orders that are necessary to conform the minor's legal custody  
10 and status to those findings.

11 If, after receiving evidence, the court determines that  
12 the services contained in the plan are not reasonably  
13 calculated to facilitate achievement of the permanency goal,  
14 the court shall put in writing the factual basis supporting  
15 the determination and enter specific findings based on the  
16 evidence. The court also shall enter an order for the  
17 Department to develop and implement a new service plan or to  
18 implement changes to the current service plan consistent with  
19 the court's findings. The new service plan shall be filed with  
20 the court and served on all parties within 45 days of the date  
21 of the order. The court shall continue the matter until the new  
22 service plan is filed. Except as authorized by subsection  
23 (2.5) of this Section and as otherwise specifically authorized  
24 by law, the court is not empowered under this Section to order  
25 specific placements, specific services, or specific service  
26 providers to be included in the service plan.

1           A guardian or custodian appointed by the court pursuant to  
2 this Act shall file updated case plans with the court every 6  
3 months.

4           Rights of wards of the court under this Act are  
5 enforceable against any public agency by complaints for relief  
6 by mandamus filed in any proceedings brought under this Act.

7           (2.5) If, after reviewing the evidence, including evidence  
8 from the Department, the court determines that the minor's  
9 current or planned placement is not necessary or appropriate  
10 to facilitate achievement of the permanency goal, the court  
11 shall put in writing the factual basis supporting its  
12 determination and enter specific findings based on the  
13 evidence. If the court finds that the minor's current or  
14 planned placement is not necessary or appropriate, the court  
15 may enter an order directing the Department to implement a  
16 recommendation by the minor's treating clinician or a  
17 clinician contracted by the Department to evaluate the minor  
18 or a recommendation made by the Department. If the Department  
19 places a minor in a placement under an order entered under this  
20 subsection (2.5), the Department has the authority to remove  
21 the minor from that placement when a change in circumstances  
22 necessitates the removal to protect the minor's health,  
23 safety, and best interest. If the Department determines  
24 removal is necessary, the Department shall notify the parties  
25 of the planned placement change in writing no later than 10  
26 days prior to the implementation of its determination unless

1 remaining in the placement poses an imminent risk of harm to  
2 the minor, in which case the Department shall notify the  
3 parties of the placement change in writing immediately  
4 following the implementation of its decision. The Department  
5 shall notify others of the decision to change the minor's  
6 placement as required by Department rule.

7 (3) Following the permanency hearing, the court shall  
8 enter a written order that includes the determinations  
9 required under subsection (2) of this Section and sets forth  
10 the following:

11 (a) The future status of the minor, including the  
12 permanency goal, and any order necessary to conform the  
13 minor's legal custody and status to such determination; or

14 (b) If the permanency goal of the minor cannot be  
15 achieved immediately, the specific reasons for continuing  
16 the minor in the care of the Department of Children and  
17 Family Services or other agency for short-term ~~short-term~~  
18 placement, and the following determinations:

19 (i) (Blank).

20 (ii) Whether the services required by the court  
21 and by any service plan prepared within the prior 6  
22 months have been provided and (A) if so, whether the  
23 services were reasonably calculated to facilitate the  
24 achievement of the permanency goal or (B) if not  
25 provided, why the services were not provided.

26 (iii) Whether the minor's current or planned



1 placement is necessary, and appropriate to the plan  
2 and goal, recognizing the right of minors to the least  
3 restrictive (most family-like) setting available and  
4 in close proximity to the parents' home consistent  
5 with the health, safety, best interest, and special  
6 needs of the minor and, if the minor is placed  
7 out-of-state, whether the out-of-state placement  
8 continues to be appropriate and consistent with the  
9 health, safety, and best interest of the minor.

10 (iv) (Blank).

11 (v) (Blank).

12 (4) The minor or any person interested in the minor may  
13 apply to the court for a change in custody of the minor and the  
14 appointment of a new custodian or guardian of the person or for  
15 the restoration of the minor to the custody of his parents or  
16 former guardian or custodian.

17 When return home is not selected as the permanency goal:

18 (a) The Department, the minor, or the current foster  
19 parent or relative caregiver seeking private guardianship  
20 may file a motion for private guardianship of the minor.  
21 Appointment of a guardian under this Section requires  
22 approval of the court.

23 (b) The State's Attorney may file a motion to  
24 terminate parental rights of any parent who has failed to  
25 make reasonable efforts to correct the conditions which  
26 led to the removal of the child or reasonable progress

1           toward the return of the child, as defined in subdivision  
2           (D) (m) of Section 1 of the Adoption Act or for whom any  
3           other unfitness ground for terminating parental rights as  
4           defined in subdivision (D) of Section 1 of the Adoption  
5           Act exists.

6           When parental rights have been terminated for a  
7           minimum of 3 years and the child who is the subject of the  
8           permanency hearing is 13 years old or older and is not  
9           currently placed in a placement likely to achieve  
10          permanency, the Department of Children and Family Services  
11          shall make reasonable efforts to locate parents whose  
12          rights have been terminated, except when the Court  
13          determines that those efforts would be futile or  
14          inconsistent with the subject child's best interests. The  
15          Department of Children and Family Services shall assess  
16          the appropriateness of the parent whose rights have been  
17          terminated, and shall, as appropriate, foster and support  
18          connections between the parent whose rights have been  
19          terminated and the youth. The Department of Children and  
20          Family Services shall document its determinations and  
21          efforts to foster connections in the child's case plan.

22          Custody of the minor shall not be restored to any parent,  
23          guardian, or legal custodian in any case in which the minor is  
24          found to be neglected or abused under Section 2-3 or dependent  
25          under Section 2-4 of this Act, unless the minor can be cared  
26          for at home without endangering his or her health or safety and

1 it is in the best interest of the minor, and if such neglect,  
2 abuse, or dependency is found by the court under paragraph (1)  
3 of Section 2-21 of this Act to have come about due to the acts  
4 or omissions or both of such parent, guardian, or legal  
5 custodian, until such time as an investigation is made as  
6 provided in paragraph (5) and a hearing is held on the issue of  
7 the health, safety, and best interest of the minor and the  
8 fitness of such parent, guardian, or legal custodian to care  
9 for the minor and the court enters an order that such parent,  
10 guardian, or legal custodian is fit to care for the minor. If a  
11 motion is filed to modify or vacate a private guardianship  
12 order and return the child to a parent, guardian, or legal  
13 custodian, the court may order the Department of Children and  
14 Family Services to assess the minor's current and proposed  
15 living arrangements and to provide ongoing monitoring of the  
16 health, safety, and best interest of the minor during the  
17 pendency of the motion to assist the court in making that  
18 determination. In the event that the minor has attained 18  
19 years of age and the guardian or custodian petitions the court  
20 for an order terminating his guardianship or custody,  
21 guardianship or custody shall terminate automatically 30 days  
22 after the receipt of the petition unless the court orders  
23 otherwise. No legal custodian or guardian of the person may be  
24 removed without his consent until given notice and an  
25 opportunity to be heard by the court.

26 When the court orders a child restored to the custody of

1 the parent or parents, the court shall order the parent or  
2 parents to cooperate with the Department of Children and  
3 Family Services and comply with the terms of an after-care  
4 plan, or risk the loss of custody of the child and possible  
5 termination of their parental rights. The court may also enter  
6 an order of protective supervision in accordance with Section  
7 2-24.

8 If the minor is being restored to the custody of a parent,  
9 legal custodian, or guardian who lives outside of Illinois,  
10 and an Interstate Compact has been requested and refused, the  
11 court may order the Department of Children and Family Services  
12 to arrange for an assessment of the minor's proposed living  
13 arrangement and for ongoing monitoring of the health, safety,  
14 and best interest of the minor and compliance with any order of  
15 protective supervision entered in accordance with Section  
16 2-24.

17 (5) Whenever a parent, guardian, or legal custodian files  
18 a motion for restoration of custody of the minor, and the minor  
19 was adjudicated neglected, abused, or dependent as a result of  
20 physical abuse, the court shall cause to be made an  
21 investigation as to whether the movant has ever been charged  
22 with or convicted of any criminal offense which would indicate  
23 the likelihood of any further physical abuse to the minor.  
24 Evidence of such criminal convictions shall be taken into  
25 account in determining whether the minor can be cared for at  
26 home without endangering his or her health or safety and

1 fitness of the parent, guardian, or legal custodian.

2 (a) Any agency of this State or any subdivision  
3 thereof shall cooperate with the agent of the court in  
4 providing any information sought in the investigation.

5 (b) The information derived from the investigation and  
6 any conclusions or recommendations derived from the  
7 information shall be provided to the parent, guardian, or  
8 legal custodian seeking restoration of custody prior to  
9 the hearing on fitness and the movant shall have an  
10 opportunity at the hearing to refute the information or  
11 contest its significance.

12 (c) All information obtained from any investigation  
13 shall be confidential as provided in Section 5-150 of this  
14 Act.

15 (Source: P.A. 101-63, eff. 10-1-19; 102-193, eff. 7-30-21;  
16 102-489, eff. 8-20-21; 102-813, eff. 5-13-22; revised  
17 8-23-22.)

18 (705 ILCS 405/5-915)

19 Sec. 5-915. Expungement of juvenile law enforcement and  
20 juvenile court records.

21 (0.05) (Blank).

22 (0.1) (a) The Illinois State Police and all law  
23 enforcement agencies within the State shall automatically  
24 expunge, on or before January 1 of each year, except as  
25 described in paragraph (c) of subsection (0.1), all juvenile

1 law enforcement records relating to events occurring before an  
2 individual's 18th birthday if:

3 (1) one year or more has elapsed since the date of the  
4 arrest or law enforcement interaction documented in the  
5 records;

6 (2) no petition for delinquency or criminal charges  
7 were filed with the clerk of the circuit court relating to  
8 the arrest or law enforcement interaction documented in  
9 the records; and

10 (3) 6 months have elapsed since the date of the arrest  
11 without an additional subsequent arrest or filing of a  
12 petition for delinquency or criminal charges whether  
13 related or not to the arrest or law enforcement  
14 interaction documented in the records.

15 (b) If the law enforcement agency is unable to verify  
16 satisfaction of conditions (2) and (3) of this subsection  
17 (0.1), records that satisfy condition (1) of this subsection  
18 (0.1) shall be automatically expunged if the records relate to  
19 an offense that if committed by an adult would not be an  
20 offense classified as a Class 2 felony or higher, an offense  
21 under Article 11 of the Criminal Code of 1961 or Criminal Code  
22 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,  
23 12-15, or 12-16 of the Criminal Code of 1961.

24 (c) If the juvenile law enforcement record was received  
25 through a public submission to a statewide student  
26 confidential reporting system administered by the Illinois

1 State Police, the record will be maintained for a period of 5  
2 years according to all other provisions in subsection (0.1).

3 (0.15) If a juvenile law enforcement record meets  
4 paragraph (a) of subsection (0.1) of this Section, a juvenile  
5 law enforcement record created:

6 (1) prior to January 1, 2018, but on or after January  
7 1, 2013 shall be automatically expunged prior to January  
8 1, 2020;

9 (2) prior to January 1, 2013, but on or after January  
10 1, 2000, shall be automatically expunged prior to January  
11 1, 2023; and

12 (3) prior to January 1, 2000 shall not be subject to  
13 the automatic expungement provisions of this Act.

14 Nothing in this subsection (0.15) shall be construed to  
15 restrict or modify an individual's right to have his or her  
16 juvenile law enforcement records expunged except as otherwise  
17 may be provided in this Act.

18 (0.2) (a) Upon dismissal of a petition alleging  
19 delinquency or upon a finding of not delinquent, the  
20 successful termination of an order of supervision, or the  
21 successful termination of an adjudication for an offense which  
22 would be a Class B misdemeanor, Class C misdemeanor, or a petty  
23 or business offense if committed by an adult, the court shall  
24 automatically order the expungement of the juvenile court  
25 records and juvenile law enforcement records. The clerk shall  
26 deliver a certified copy of the expungement order to the

1 Illinois State Police and the arresting agency. Upon request,  
2 the State's Attorney shall furnish the name of the arresting  
3 agency. The expungement shall be completed within 60 business  
4 days after the receipt of the expungement order.

5 (b) If the chief law enforcement officer of the agency, or  
6 his or her designee, certifies in writing that certain  
7 information is needed for a pending investigation involving  
8 the commission of a felony, that information, and information  
9 identifying the juvenile, may be retained until the statute of  
10 limitations for the felony has run. If the chief law  
11 enforcement officer of the agency, or his or her designee,  
12 certifies in writing that certain information is needed with  
13 respect to an internal investigation of any law enforcement  
14 office, that information and information identifying the  
15 juvenile may be retained within an intelligence file until the  
16 investigation is terminated or the disciplinary action,  
17 including appeals, has been completed, whichever is later.  
18 Retention of a portion of a juvenile's law enforcement record  
19 does not disqualify the remainder of his or her record from  
20 immediate automatic expungement.

21 (0.3) (a) Upon an adjudication of delinquency based on any  
22 offense except a disqualified offense, the juvenile court  
23 shall automatically order the expungement of the juvenile  
24 court and law enforcement records 2 years after the juvenile's  
25 case was closed if no delinquency or criminal proceeding is  
26 pending and the person has had no subsequent delinquency



1 adjudication or criminal conviction. The clerk shall deliver a  
2 certified copy of the expungement order to the Illinois State  
3 Police and the arresting agency. Upon request, the State's  
4 Attorney shall furnish the name of the arresting agency. The  
5 expungement shall be completed within 60 business days after  
6 the receipt of the expungement order. In this subsection  
7 (0.3), "disqualified offense" means any of the following  
8 offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2,  
9 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30,  
10 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05,  
11 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5,  
12 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4,  
13 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5,  
14 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1,  
15 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or  
16 subsection (b) of Section 8-1, paragraph (4) of subsection (a)  
17 of Section 11-14.4, subsection (a-5) of Section 12-3.1,  
18 paragraph (1), (2), or (3) of subsection (a) of Section 12-6,  
19 subsection (a-3) or (a-5) of Section 12-7.3, paragraph (1) or  
20 (2) of subsection (a) of Section 12-7.4, subparagraph (i) of  
21 paragraph (1) of subsection (a) of Section 12-9, subparagraph  
22 (H) of paragraph (3) of subsection (a) of Section 24-1.6,  
23 paragraph (1) of subsection (a) of Section 25-1, or subsection  
24 (a-7) of Section 31-1 of the Criminal Code of 2012.

25 (b) If the chief law enforcement officer of the agency, or  
26 his or her designee, certifies in writing that certain

1 information is needed for a pending investigation involving  
2 the commission of a felony, that information, and information  
3 identifying the juvenile, may be retained in an intelligence  
4 file until the investigation is terminated or for one  
5 additional year, whichever is sooner. Retention of a portion  
6 of a juvenile's juvenile law enforcement record does not  
7 disqualify the remainder of his or her record from immediate  
8 automatic expungement.

9 (0.4) Automatic expungement for the purposes of this  
10 Section shall not require law enforcement agencies to  
11 obliterate or otherwise destroy juvenile law enforcement  
12 records that would otherwise need to be automatically expunged  
13 under this Act, except after 2 years following the subject  
14 arrest for purposes of use in civil litigation against a  
15 governmental entity or its law enforcement agency or personnel  
16 which created, maintained, or used the records. However, these  
17 juvenile law enforcement records shall be considered expunged  
18 for all other purposes during this period and the offense,  
19 which the records or files concern, shall be treated as if it  
20 never occurred as required under Section 5-923.

21 (0.5) Subsection (0.1) or (0.2) of this Section does not  
22 apply to violations of traffic, boating, fish and game laws,  
23 or county or municipal ordinances.

24 (0.6) Juvenile law enforcement records of a plaintiff who  
25 has filed civil litigation against the governmental entity or  
26 its law enforcement agency or personnel that created,

1 maintained, or used the records, or juvenile law enforcement  
2 records that contain information related to the allegations  
3 set forth in the civil litigation may not be expunged until  
4 after 2 years have elapsed after the conclusion of the  
5 lawsuit, including any appeal.

6 (0.7) Officer-worn body camera recordings shall not be  
7 automatically expunged except as otherwise authorized by the  
8 Law Enforcement Officer-Worn Body Camera Act.

9 (1) Whenever a person has been arrested, charged, or  
10 adjudicated delinquent for an incident occurring before his or  
11 her 18th birthday that if committed by an adult would be an  
12 offense, and that person's juvenile law enforcement and  
13 juvenile court records are not eligible for automatic  
14 expungement under subsection (0.1), (0.2), or (0.3), the  
15 person may petition the court at any time for expungement of  
16 juvenile law enforcement records and juvenile court records  
17 relating to the incident and, upon termination of all juvenile  
18 court proceedings relating to that incident, the court shall  
19 order the expungement of all records in the possession of the  
20 Illinois State Police, the clerk of the circuit court, and law  
21 enforcement agencies relating to the incident, but only in any  
22 of the following circumstances:

23 (a) the minor was arrested and no petition for  
24 delinquency was filed with the clerk of the circuit court;

25 (a-5) the minor was charged with an offense and the  
26 petition or petitions were dismissed without a finding of

1 delinquency;

2 (b) the minor was charged with an offense and was  
3 found not delinquent of that offense;

4 (c) the minor was placed under supervision under  
5 Section 5-615, and the order of supervision has since been  
6 successfully terminated; or

7 (d) the minor was adjudicated for an offense which  
8 would be a Class B misdemeanor, Class C misdemeanor, or a  
9 petty or business offense if committed by an adult.

10 (1.5) The Illinois State Police shall allow a person to  
11 use the Access and Review process, established in the Illinois  
12 State Police, for verifying that his or her juvenile law  
13 enforcement records relating to incidents occurring before his  
14 or her 18th birthday eligible under this Act have been  
15 expunged.

16 (1.6) (Blank).

17 (1.7) (Blank).

18 (1.8) (Blank).

19 (2) Any person whose delinquency adjudications are not  
20 eligible for automatic expungement under subsection (0.3) of  
21 this Section may petition the court to expunge all juvenile  
22 law enforcement records relating to any incidents occurring  
23 before his or her 18th birthday which did not result in  
24 proceedings in criminal court and all juvenile court records  
25 with respect to any adjudications except those based upon  
26 first degree murder or an offense under Article 11 of the

1 Criminal Code of 2012 if the person is required to register  
2 under the Sex Offender Registration Act at the time he or she  
3 petitions the court for expungement; provided that 2 years  
4 have elapsed since all juvenile court proceedings relating to  
5 him or her have been terminated and his or her commitment to  
6 the Department of Juvenile Justice under this Act has been  
7 terminated.

8 (2.5) If a minor is arrested and no petition for  
9 delinquency is filed with the clerk of the circuit court at the  
10 time the minor is released from custody, the youth officer, if  
11 applicable, or other designated person from the arresting  
12 agency, shall notify verbally and in writing to the minor or  
13 the minor's parents or guardians that the minor shall have an  
14 arrest record and shall provide the minor and the minor's  
15 parents or guardians with an expungement information packet,  
16 information regarding this State's expungement laws including  
17 a petition to expunge juvenile law enforcement and juvenile  
18 court records obtained from the clerk of the circuit court.

19 (2.6) If a minor is referred to court, then, at the time of  
20 sentencing, dismissal of the case, or successful completion of  
21 supervision, the judge shall inform the delinquent minor of  
22 his or her rights regarding expungement and the clerk of the  
23 circuit court shall provide an expungement information packet  
24 to the minor, written in plain language, including information  
25 regarding this State's expungement laws and a petition for  
26 expungement, a sample of a completed petition, expungement

1 instructions that shall include information informing the  
2 minor that (i) once the case is expunged, it shall be treated  
3 as if it never occurred, (ii) he or she may apply to have  
4 petition fees waived, (iii) once he or she obtains an  
5 expungement, he or she may not be required to disclose that he  
6 or she had a juvenile law enforcement or juvenile court  
7 record, and (iv) if petitioning he or she may file the petition  
8 on his or her own or with the assistance of an attorney. The  
9 failure of the judge to inform the delinquent minor of his or  
10 her right to petition for expungement as provided by law does  
11 not create a substantive right, nor is that failure grounds  
12 for: (i) a reversal of an adjudication of delinquency; (ii) a  
13 new trial; or (iii) an appeal.

14 (2.7) (Blank).

15 (2.8) (Blank).

16 (3) (Blank).

17 (3.1) (Blank).

18 (3.2) (Blank).

19 (3.3) (Blank).

20 (4) (Blank).

21 (5) (Blank).

22 (5.5) Whether or not expunged, records eligible for  
23 automatic expungement under subdivision (0.1) (a), (0.2) (a), or  
24 (0.3) (a) may be treated as expunged by the individual subject  
25 to the records.

26 (6) (Blank).

1 (6.5) The Illinois State Police or any employee of the  
2 Illinois State Police shall be immune from civil or criminal  
3 liability for failure to expunge any records of arrest that  
4 are subject to expungement under this Section because of  
5 inability to verify a record. Nothing in this Section shall  
6 create Illinois State Police liability or responsibility for  
7 the expungement of juvenile law enforcement records it does  
8 not possess.

9 (7) (Blank).

10 (7.5) (Blank).

11 (8) The expungement of juvenile law enforcement or  
12 juvenile court records under subsection (0.1), (0.2), or (0.3)  
13 of this Section shall be funded by appropriation by the  
14 General Assembly for that purpose.

15 (9) (Blank).

16 (10) (Blank).

17 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;  
18 102-752, eff. 1-1-23; revised 8-23-22.)

19 Section 680. The Criminal Code of 2012 is amended by  
20 changing Sections 11-35 and 24-2 as follows:

21 (720 ILCS 5/11-35) (was 720 ILCS 5/11-7)

22 Sec. 11-35. Adultery.

23 (a) A person commits adultery when he or she has sexual  
24 intercourse with another not his or her spouse, if the

1 behavior is open and notorious, and:

2 (1) the ~~The~~ person is married and knows the other  
3 person involved in such intercourse is not his spouse; or

4 (2) the ~~The~~ person is not married and knows that the  
5 other person involved in such intercourse is married.

6 A person shall be exempt from prosecution under this  
7 Section if his liability is based solely on evidence he has  
8 given in order to comply with the requirements of Section  
9 4-1.7 of the ~~"The Illinois Public Aid Code", approved April~~  
10 ~~11, 1967, as amended.~~

11 (b) Sentence.

12 Adultery is a Class A misdemeanor.

13 (Source: P.A. 96-1551, eff. 7-1-11; revised 3-16-22.)

14 (720 ILCS 5/24-2)

15 Sec. 24-2. Exemptions.

16 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
17 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
18 the following:

19 (1) Peace officers, and any person summoned by a peace  
20 officer to assist in making arrests or preserving the  
21 peace, while actually engaged in assisting such officer.

22 (2) Wardens, superintendents and keepers of prisons,  
23 penitentiaries, jails and other institutions for the  
24 detention of persons accused or convicted of an offense,  
25 while in the performance of their official duty, or while



1 commuting between their homes and places of employment.

2 (3) Members of the Armed Services or Reserve Forces of  
3 the United States or the Illinois National Guard or the  
4 Reserve Officers Training Corps, while in the performance  
5 of their official duty.

6 (4) Special agents employed by a railroad or a public  
7 utility to perform police functions, and guards of armored  
8 car companies, while actually engaged in the performance  
9 of the duties of their employment or commuting between  
10 their homes and places of employment; and watchmen while  
11 actually engaged in the performance of the duties of their  
12 employment.

13 (5) Persons licensed as private security contractors,  
14 private detectives, or private alarm contractors, or  
15 employed by a private security contractor, private  
16 detective, or private alarm contractor agency licensed by  
17 the Department of Financial and Professional Regulation,  
18 if their duties include the carrying of a weapon under the  
19 provisions of the Private Detective, Private Alarm,  
20 Private Security, Fingerprint Vendor, and Locksmith Act of  
21 2004, while actually engaged in the performance of the  
22 duties of their employment or commuting between their  
23 homes and places of employment. A person shall be  
24 considered eligible for this exemption if he or she has  
25 completed the required 20 hours of training for a private  
26 security contractor, private detective, or private alarm

1 contractor, or employee of a licensed private security  
2 contractor, private detective, or private alarm contractor  
3 agency and 28 hours of required firearm training, and has  
4 been issued a firearm control card by the Department of  
5 Financial and Professional Regulation. Conditions for the  
6 renewal of firearm control cards issued under the  
7 provisions of this Section shall be the same as for those  
8 cards issued under the provisions of the Private  
9 Detective, Private Alarm, Private Security, Fingerprint  
10 Vendor, and Locksmith Act of 2004. The firearm control  
11 card shall be carried by the private security contractor,  
12 private detective, or private alarm contractor, or  
13 employee of the licensed private security contractor,  
14 private detective, or private alarm contractor agency at  
15 all times when he or she is in possession of a concealable  
16 weapon permitted by his or her firearm control card.

17 (6) Any person regularly employed in a commercial or  
18 industrial operation as a security guard for the  
19 protection of persons employed and private property  
20 related to such commercial or industrial operation, while  
21 actually engaged in the performance of his or her duty or  
22 traveling between sites or properties belonging to the  
23 employer, and who, as a security guard, is a member of a  
24 security force registered with the Department of Financial  
25 and Professional Regulation; provided that such security  
26 guard has successfully completed a course of study,

1 approved by and supervised by the Department of Financial  
2 and Professional Regulation, consisting of not less than  
3 48 hours of training that includes the theory of law  
4 enforcement, liability for acts, and the handling of  
5 weapons. A person shall be considered eligible for this  
6 exemption if he or she has completed the required 20 hours  
7 of training for a security officer and 28 hours of  
8 required firearm training, and has been issued a firearm  
9 control card by the Department of Financial and  
10 Professional Regulation. Conditions for the renewal of  
11 firearm control cards issued under the provisions of this  
12 Section shall be the same as for those cards issued under  
13 the provisions of the Private Detective, Private Alarm,  
14 Private Security, Fingerprint Vendor, and Locksmith Act of  
15 2004. The firearm control card shall be carried by the  
16 security guard at all times when he or she is in possession  
17 of a concealable weapon permitted by his or her firearm  
18 control card.

19 (7) Agents and investigators of the Illinois  
20 Legislative Investigating Commission authorized by the  
21 Commission to carry the weapons specified in subsections  
22 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
23 any investigation for the Commission.

24 (8) Persons employed by a financial institution as a  
25 security guard for the protection of other employees and  
26 property related to such financial institution, while

1 actually engaged in the performance of their duties,  
2 commuting between their homes and places of employment, or  
3 traveling between sites or properties owned or operated by  
4 such financial institution, and who, as a security guard,  
5 is a member of a security force registered with the  
6 Department; provided that any person so employed has  
7 successfully completed a course of study, approved by and  
8 supervised by the Department of Financial and Professional  
9 Regulation, consisting of not less than 48 hours of  
10 training which includes theory of law enforcement,  
11 liability for acts, and the handling of weapons. A person  
12 shall be considered to be eligible for this exemption if  
13 he or she has completed the required 20 hours of training  
14 for a security officer and 28 hours of required firearm  
15 training, and has been issued a firearm control card by  
16 the Department of Financial and Professional Regulation.  
17 Conditions for renewal of firearm control cards issued  
18 under the provisions of this Section shall be the same as  
19 for those issued under the provisions of the Private  
20 Detective, Private Alarm, Private Security, Fingerprint  
21 Vendor, and Locksmith Act of 2004. The firearm control  
22 card shall be carried by the security guard at all times  
23 when he or she is in possession of a concealable weapon  
24 permitted by his or her firearm control card. For purposes  
25 of this subsection, "financial institution" means a bank,  
26 savings and loan association, credit union or company

1 providing armored car services.

2 (9) Any person employed by an armored car company to  
3 drive an armored car, while actually engaged in the  
4 performance of his duties.

5 (10) Persons who have been classified as peace  
6 officers pursuant to the Peace Officer Fire Investigation  
7 Act.

8 (11) Investigators of the Office of the State's  
9 Attorneys Appellate Prosecutor authorized by the board of  
10 governors of the Office of the State's Attorneys Appellate  
11 Prosecutor to carry weapons pursuant to Section 7.06 of  
12 the State's Attorneys Appellate Prosecutor's Act.

13 (12) Special investigators appointed by a State's  
14 Attorney under Section 3-9005 of the Counties Code.

15 (12.5) Probation officers while in the performance of  
16 their duties, or while commuting between their homes,  
17 places of employment or specific locations that are part  
18 of their assigned duties, with the consent of the chief  
19 judge of the circuit for which they are employed, if they  
20 have received weapons training according to requirements  
21 of the Peace Officer and Probation Officer Firearm  
22 Training Act.

23 (13) Court Security Officers while in the performance  
24 of their official duties, or while commuting between their  
25 homes and places of employment, with the consent of the  
26 Sheriff.

1           (13.5) A person employed as an armed security guard at  
2           a nuclear energy, storage, weapons or development site or  
3           facility regulated by the Nuclear Regulatory Commission  
4           who has completed the background screening and training  
5           mandated by the rules and regulations of the Nuclear  
6           Regulatory Commission.

7           (14) Manufacture, transportation, or sale of weapons  
8           to persons authorized under subdivisions (1) through  
9           (13.5) of this subsection to possess those weapons.

10          (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply  
11          to or affect any person carrying a concealed pistol, revolver,  
12          or handgun and the person has been issued a currently valid  
13          license under the Firearm Concealed Carry Act at the time of  
14          the commission of the offense.

15          (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply  
16          to or affect a qualified current or retired law enforcement  
17          officer or a current or retired deputy, county correctional  
18          officer, or correctional officer of the Department of  
19          Corrections qualified under the laws of this State or under  
20          the federal Law Enforcement Officers Safety Act.

21          (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
22          24-1.6 do not apply to or affect any of the following:

23               (1) Members of any club or organization organized for  
24               the purpose of practicing shooting at targets upon  
25               established target ranges, whether public or private, and  
26               patrons of such ranges, while such members or patrons are

1 using their firearms on those target ranges.

2 (2) Duly authorized military or civil organizations  
3 while parading, with the special permission of the  
4 Governor.

5 (3) Hunters, trappers, or fishermen while engaged in  
6 lawful hunting, trapping, or fishing under the provisions  
7 of the Wildlife Code or the Fish and Aquatic Life Code.

8 (4) Transportation of weapons that are broken down in  
9 a non-functioning state or are not immediately accessible.

10 (5) Carrying or possessing any pistol, revolver, stun  
11 gun or taser or other firearm on the land or in the legal  
12 dwelling of another person as an invitee with that  
13 person's permission.

14 (c) Subsection 24-1(a)(7) does not apply to or affect any  
15 of the following:

16 (1) Peace officers while in performance of their  
17 official duties.

18 (2) Wardens, superintendents and keepers of prisons,  
19 penitentiaries, jails and other institutions for the  
20 detention of persons accused or convicted of an offense.

21 (3) Members of the Armed Services or Reserve Forces of  
22 the United States or the Illinois National Guard, while in  
23 the performance of their official duty.

24 (4) Manufacture, transportation, or sale of machine  
25 guns to persons authorized under subdivisions (1) through  
26 (3) of this subsection to possess machine guns, if the

1 machine guns are broken down in a non-functioning state or  
2 are not immediately accessible.

3 (5) Persons licensed under federal law to manufacture  
4 any weapon from which 8 or more shots or bullets can be  
5 discharged by a single function of the firing device, or  
6 ammunition for such weapons, and actually engaged in the  
7 business of manufacturing such weapons or ammunition, but  
8 only with respect to activities which are within the  
9 lawful scope of such business, such as the manufacture,  
10 transportation, or testing of such weapons or ammunition.  
11 This exemption does not authorize the general private  
12 possession of any weapon from which 8 or more shots or  
13 bullets can be discharged by a single function of the  
14 firing device, but only such possession and activities as  
15 are within the lawful scope of a licensed manufacturing  
16 business described in this paragraph.

17 During transportation, such weapons shall be broken  
18 down in a non-functioning state or not immediately  
19 accessible.

20 (6) The manufacture, transport, testing, delivery,  
21 transfer or sale, and all lawful commercial or  
22 experimental activities necessary thereto, of rifles,  
23 shotguns, and weapons made from rifles or shotguns, or  
24 ammunition for such rifles, shotguns or weapons, where  
25 engaged in by a person operating as a contractor or  
26 subcontractor pursuant to a contract or subcontract for



1 the development and supply of such rifles, shotguns,  
2 weapons or ammunition to the United States government or  
3 any branch of the Armed Forces of the United States, when  
4 such activities are necessary and incident to fulfilling  
5 the terms of such contract.

6 The exemption granted under this subdivision (c)(6)  
7 shall also apply to any authorized agent of any such  
8 contractor or subcontractor who is operating within the  
9 scope of his employment, where such activities involving  
10 such weapon, weapons or ammunition are necessary and  
11 incident to fulfilling the terms of such contract.

12 (7) A person possessing a rifle with a barrel or  
13 barrels less than 16 inches in length if: (A) the person  
14 has been issued a Curios and Relics license from the U.S.  
15 Bureau of Alcohol, Tobacco, Firearms and Explosives; or  
16 (B) the person is an active member of a bona fide,  
17 nationally recognized military re-enacting group and the  
18 modification is required and necessary to accurately  
19 portray the weapon for historical re-enactment purposes;  
20 the re-enactor is in possession of a valid and current  
21 re-enacting group membership credential; and the overall  
22 length of the weapon as modified is not less than 26  
23 inches.

24 (d) Subsection 24-1(a)(1) does not apply to the purchase,  
25 possession or carrying of a black-jack or slung-shot by a  
26 peace officer.

1           (e) Subsection 24-1(a)(8) does not apply to any owner,  
2 manager or authorized employee of any place specified in that  
3 subsection nor to any law enforcement officer.

4           (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and  
5 Section 24-1.6 do not apply to members of any club or  
6 organization organized for the purpose of practicing shooting  
7 at targets upon established target ranges, whether public or  
8 private, while using their firearms on those target ranges.

9           (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply  
10 to:

11           (1) Members of the Armed Services or Reserve Forces of  
12 the United States or the Illinois National Guard, while in  
13 the performance of their official duty.

14           (2) Bonafide collectors of antique or surplus military  
15 ordnance.

16           (3) Laboratories having a department of forensic  
17 ballistics, or specializing in the development of  
18 ammunition or explosive ordnance.

19           (4) Commerce, preparation, assembly or possession of  
20 explosive bullets by manufacturers of ammunition licensed  
21 by the federal government, in connection with the supply  
22 of those organizations and persons exempted by subdivision  
23 (g)(1) of this Section, or like organizations and persons  
24 outside this State, or the transportation of explosive  
25 bullets to any organization or person exempted in this  
26 Section by a common carrier or by a vehicle owned or leased

1 by an exempted manufacturer.

2 (g-5) Subsection 24-1(a)(6) does not apply to or affect  
3 persons licensed under federal law to manufacture any device  
4 or attachment of any kind designed, used, or intended for use  
5 in silencing the report of any firearm, firearms, or  
6 ammunition for those firearms equipped with those devices, and  
7 actually engaged in the business of manufacturing those  
8 devices, firearms, or ammunition, but only with respect to  
9 activities that are within the lawful scope of that business,  
10 such as the manufacture, transportation, or testing of those  
11 devices, firearms, or ammunition. This exemption does not  
12 authorize the general private possession of any device or  
13 attachment of any kind designed, used, or intended for use in  
14 silencing the report of any firearm, but only such possession  
15 and activities as are within the lawful scope of a licensed  
16 manufacturing business described in this subsection (g-5).  
17 During transportation, these devices shall be detached from  
18 any weapon or not immediately accessible.

19 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
20 24-1.6 do not apply to or affect any parole agent or parole  
21 supervisor who meets the qualifications and conditions  
22 prescribed in Section 3-14-1.5 of the Unified Code of  
23 Corrections.

24 (g-7) Subsection 24-1(a)(6) does not apply to a peace  
25 officer while serving as a member of a tactical response team  
26 or special operations team. A peace officer may not personally

1 own or apply for ownership of a device or attachment of any  
2 kind designed, used, or intended for use in silencing the  
3 report of any firearm. These devices shall be owned and  
4 maintained by lawfully recognized units of government whose  
5 duties include the investigation of criminal acts.

6 (g-10) (Blank).

7 (h) An information or indictment based upon a violation of  
8 any subsection of this Article need not negative any  
9 exemptions contained in this Article. The defendant shall have  
10 the burden of proving such an exemption.

11 (i) Nothing in this Article shall prohibit, apply to, or  
12 affect the transportation, carrying, or possession, of any  
13 pistol or revolver, stun gun, taser, or other firearm  
14 consigned to a common carrier operating under license of the  
15 State of Illinois or the federal government, where such  
16 transportation, carrying, or possession is incident to the  
17 lawful transportation in which such common carrier is engaged;  
18 and nothing in this Article shall prohibit, apply to, or  
19 affect the transportation, carrying, or possession of any  
20 pistol, revolver, stun gun, taser, or other firearm, not the  
21 subject of and regulated by subsection 24-1(a)(7) or  
22 subsection 24-2(c) of this Article, which is unloaded and  
23 enclosed in a case, firearm carrying box, shipping box, or  
24 other container, by the possessor of a valid Firearm Owners  
25 Identification Card.

26 (Source: P.A. 101-80, eff. 7-12-19; 102-152, eff. 1-1-22;

1 102-779, eff. 1-1-23; 102-837, eff. 5-13-22; revised  
2 12-14-22.)

3 Section 685. The Illinois Controlled Substances Act is  
4 amended by changing Section 312 as follows:

5 (720 ILCS 570/312) (from Ch. 56 1/2, par. 1312)

6 Sec. 312. Requirements for dispensing controlled  
7 substances.

8 (a) A practitioner, in good faith, may dispense a Schedule  
9 II controlled substance, which is a narcotic drug listed in  
10 Section 206 of this Act; or which contains any quantity of  
11 amphetamine or methamphetamine, their salts, optical isomers  
12 or salts of optical isomers; phenmetrazine and its salts; or  
13 pentazocine; and Schedule III, IV, or V controlled substances  
14 to any person upon a written or electronic prescription of any  
15 prescriber, dated and signed by the person prescribing (or  
16 electronically validated in compliance with Section 311.5) on  
17 the day when issued and bearing the name and address of the  
18 patient for whom, or the owner of the animal for which the  
19 controlled substance is dispensed, and the full name, address  
20 and registry number under the laws of the United States  
21 relating to controlled substances of the prescriber, if he or  
22 she is required by those laws to be registered. If the  
23 prescription is for an animal it shall state the species of  
24 animal for which it is ordered. The practitioner filling the

1 prescription shall, unless otherwise permitted, write the date  
2 of filling and his or her own signature on the face of the  
3 written prescription or, alternatively, shall indicate such  
4 filling using a unique identifier as defined in paragraph (v)  
5 of Section 3 of the Pharmacy Practice Act. The written  
6 prescription shall be retained on file by the practitioner who  
7 filled it or pharmacy in which the prescription was filled for  
8 a period of 2 years, so as to be readily accessible for  
9 inspection or removal by any officer or employee engaged in  
10 the enforcement of this Act. Whenever the practitioner's or  
11 pharmacy's copy of any prescription is removed by an officer  
12 or employee engaged in the enforcement of this Act, for the  
13 purpose of investigation or as evidence, such officer or  
14 employee shall give to the practitioner or pharmacy a receipt  
15 in lieu thereof. If the specific prescription is machine or  
16 computer generated and printed at the prescriber's office, the  
17 date does not need to be handwritten. A prescription for a  
18 Schedule II controlled substance shall not be issued for more  
19 than a 30 day supply, except as provided in subsection (a-5),  
20 and shall be valid for up to 90 days after the date of  
21 issuance. A written prescription for Schedule III, IV or V  
22 controlled substances shall not be filled or refilled more  
23 than 6 months after the date thereof or refilled more than 5  
24 times unless renewed, in writing, by the prescriber. A  
25 pharmacy shall maintain a policy regarding the type of  
26 identification necessary, if any, to receive a prescription in

1 accordance with State and federal law. The pharmacy must post  
2 such information where prescriptions are filled.

3 (a-5) Physicians may issue multiple prescriptions (3  
4 sequential 30-day supplies) for the same Schedule II  
5 controlled substance, authorizing up to a 90-day supply.  
6 Before authorizing a 90-day supply of a Schedule II controlled  
7 substance, the physician must meet the following conditions:

8 (1) Each separate prescription must be issued for a  
9 legitimate medical purpose by an individual physician  
10 acting in the usual course of professional practice.

11 (2) The individual physician must provide written  
12 instructions on each prescription (other than the first  
13 prescription, if the prescribing physician intends for the  
14 prescription to be filled immediately) indicating the  
15 earliest date on which a pharmacy may fill that  
16 prescription.

17 (3) The physician shall document in the medical record  
18 of a patient the medical necessity for the amount and  
19 duration of the 3 sequential 30-day prescriptions for  
20 Schedule II narcotics.

21 (a-10) Prescribers who issue a prescription for an opioid  
22 shall inform the patient that opioids are addictive and that  
23 opioid antagonists are available by prescription or from a  
24 pharmacy.

25 (b) In lieu of a written prescription required by this  
26 Section, a pharmacist, in good faith, may dispense Schedule

1 III, IV, or V substances to any person either upon receiving a  
2 facsimile of a written, signed prescription transmitted by the  
3 prescriber or the prescriber's agent or upon a lawful oral  
4 prescription of a prescriber which oral prescription shall be  
5 reduced promptly to writing by the pharmacist and such written  
6 memorandum thereof shall be dated on the day when such oral  
7 prescription is received by the pharmacist and shall bear the  
8 full name and address of the ultimate user for whom, or of the  
9 owner of the animal for which the controlled substance is  
10 dispensed, and the full name, address, and registry number  
11 under the law of the United States relating to controlled  
12 substances of the prescriber prescribing if he or she is  
13 required by those laws to be so registered, and the pharmacist  
14 filling such oral prescription shall write the date of filling  
15 and his or her own signature on the face of such written  
16 memorandum thereof. The facsimile copy of the prescription or  
17 written memorandum of the oral prescription shall be retained  
18 on file by the proprietor of the pharmacy in which it is filled  
19 for a period of not less than two years, so as to be readily  
20 accessible for inspection by any officer or employee engaged  
21 in the enforcement of this Act in the same manner as a written  
22 prescription. The facsimile copy of the prescription or oral  
23 prescription and the written memorandum thereof shall not be  
24 filled or refilled more than 6 months after the date thereof or  
25 be refilled more than 5 times, unless renewed, in writing, by  
26 the prescriber.



1 (c) Except for any non-prescription targeted  
2 methamphetamine precursor regulated by the Methamphetamine  
3 Precursor Control Act, a controlled substance included in  
4 Schedule V shall not be distributed or dispensed other than  
5 for a medical purpose and not for the purpose of evading this  
6 Act, and then:

7 (1) only personally by a person registered to dispense  
8 a Schedule V controlled substance and then only to his or  
9 her patients, or

10 (2) only personally by a pharmacist, and then only to  
11 a person over 21 years of age who has identified himself or  
12 herself to the pharmacist by means of 2 positive documents  
13 of identification.

14 The ~~(3) the~~ dispenser shall record the name and address of  
15 the purchaser, the name and quantity of the product, the date  
16 and time of the sale, and the dispenser's signature.

17 No ~~(4) no~~ person shall purchase or be dispensed more than  
18 120 milliliters or more than 120 grams of any Schedule V  
19 substance which contains codeine, dihydrocodeine, or any salts  
20 thereof, or ethylmorphine, or any salts thereof, in any  
21 96-hour ~~96-hour~~ period. The purchaser shall sign a form,  
22 approved by the Department of Financial and Professional  
23 Regulation, attesting that he or she has not purchased any  
24 Schedule V controlled substances within the immediately  
25 preceding 96 hours.

26 ~~(5) (Blank).~~

1        All ~~(6) all~~ records of purchases and sales shall be  
2 maintained for not less than 2 years.

3        No ~~(7) no~~ person shall obtain or attempt to obtain within  
4 any consecutive 96-hour ~~96-hour~~ period any Schedule V  
5 substances of more than 120 milliliters or more than 120 grams  
6 containing codeine, dihydrocodeine or any of its salts, or  
7 ethylmorphine or any of its salts. Any person obtaining any  
8 such preparations or combination of preparations in excess of  
9 this limitation shall be in unlawful possession of such  
10 controlled substance.

11        A ~~(8) a~~ person qualified to dispense controlled substances  
12 under this Act and registered thereunder shall at no time  
13 maintain or keep in stock a quantity of Schedule V controlled  
14 substances in excess of 4.5 liters for each substance; a  
15 pharmacy shall at no time maintain or keep in stock a quantity  
16 of Schedule V controlled substances as defined in excess of  
17 4.5 liters for each substance, plus the additional quantity of  
18 controlled substances necessary to fill the largest number of  
19 prescription orders filled by that pharmacy for such  
20 controlled substances in any one week in the previous year.  
21 These limitations shall not apply to Schedule V controlled  
22 substances which Federal law prohibits from being dispensed  
23 without a prescription.

24        No ~~(9) no~~ person shall distribute or dispense butyl  
25 nitrite for inhalation or other introduction into the human  
26 body for euphoric or physical effect.

1           (d) Every practitioner shall keep a record or log of  
2 controlled substances received by him or her and a record of  
3 all such controlled substances administered, dispensed or  
4 professionally used by him or her otherwise than by  
5 prescription. It shall, however, be sufficient compliance with  
6 this paragraph if any practitioner utilizing controlled  
7 substances listed in Schedules III, IV and V shall keep a  
8 record of all those substances dispensed and distributed by  
9 him or her other than those controlled substances which are  
10 administered by the direct application of a controlled  
11 substance, whether by injection, inhalation, ingestion, or any  
12 other means to the body of a patient or research subject. A  
13 practitioner who dispenses, other than by administering, a  
14 controlled substance in Schedule II, which is a narcotic drug  
15 listed in Section 206 of this Act, or which contains any  
16 quantity of amphetamine or methamphetamine, their salts,  
17 optical isomers or salts of optical isomers, pentazocine, or  
18 methaqualone shall do so only upon the issuance of a written  
19 prescription blank or electronic prescription issued by a  
20 prescriber.

21           (e) Whenever a manufacturer distributes a controlled  
22 substance in a package prepared by him or her, and whenever a  
23 wholesale distributor distributes a controlled substance in a  
24 package prepared by him or her or the manufacturer, he or she  
25 shall securely affix to each package in which that substance  
26 is contained a label showing in legible English the name and

1 address of the manufacturer, the distributor and the quantity,  
2 kind and form of controlled substance contained therein. No  
3 person except a pharmacist and only for the purposes of  
4 filling a prescription under this Act, shall alter, deface or  
5 remove any label so affixed.

6 (f) Whenever a practitioner dispenses any controlled  
7 substance except a non-prescription Schedule V product or a  
8 non-prescription targeted methamphetamine precursor regulated  
9 by the Methamphetamine Precursor Control Act, he or she shall  
10 affix to the container in which such substance is sold or  
11 dispensed, a label indicating the date of initial filling, the  
12 practitioner's name and address, the name of the patient, the  
13 name of the prescriber, the directions for use and cautionary  
14 statements, if any, contained in any prescription or required  
15 by law, the proprietary name or names or the established name  
16 of the controlled substance, and the dosage and quantity,  
17 except as otherwise authorized by regulation by the Department  
18 of Financial and Professional Regulation. No person shall  
19 alter, deface or remove any label so affixed as long as the  
20 specific medication remains in the container.

21 (g) A person to whom or for whose use any controlled  
22 substance has been prescribed or dispensed by a practitioner,  
23 or other persons authorized under this Act, and the owner of  
24 any animal for which such substance has been prescribed or  
25 dispensed by a veterinarian, may lawfully possess such  
26 substance only in the container in which it was delivered to

1 him or her by the person dispensing such substance.

2 (h) The responsibility for the proper prescribing or  
3 dispensing of controlled substances that are under the  
4 prescriber's direct control is upon the prescriber. The  
5 responsibility for the proper filling of a prescription for  
6 controlled substance drugs rests with the pharmacist. An order  
7 purporting to be a prescription issued to any individual,  
8 which is not in the regular course of professional treatment  
9 nor part of an authorized methadone maintenance program, nor  
10 in legitimate and authorized research instituted by any  
11 accredited hospital, educational institution, charitable  
12 foundation, or federal, state or local governmental agency,  
13 and which is intended to provide that individual with  
14 controlled substances sufficient to maintain that individual's  
15 or any other individual's physical or psychological addiction,  
16 habitual or customary use, dependence, or diversion of that  
17 controlled substance is not a prescription within the meaning  
18 and intent of this Act; and the person issuing it, shall be  
19 subject to the penalties provided for violations of the law  
20 relating to controlled substances.

21 (i) A prescriber shall not pre-print or cause to be  
22 pre-printed a prescription for any controlled substance; nor  
23 shall any practitioner issue, fill or cause to be issued or  
24 filled, a pre-printed prescription for any controlled  
25 substance.

26 (i-5) A prescriber may use a machine or electronic device

1 to individually generate a printed prescription, but the  
2 prescriber is still required to affix his or her manual  
3 signature.

4 (j) No person shall manufacture, dispense, deliver,  
5 possess with intent to deliver, prescribe, or administer or  
6 cause to be administered under his or her direction any  
7 anabolic steroid, for any use in humans other than the  
8 treatment of disease in accordance with the order of a  
9 physician licensed to practice medicine in all its branches  
10 for a valid medical purpose in the course of professional  
11 practice. The use of anabolic steroids for the purpose of  
12 hormonal manipulation that is intended to increase muscle  
13 mass, strength or weight without a medical necessity to do so,  
14 or for the intended purpose of improving physical appearance  
15 or performance in any form of exercise, sport, or game, is not  
16 a valid medical purpose or in the course of professional  
17 practice.

18 (k) Controlled substances may be mailed if all of the  
19 following conditions are met:

20 (1) The controlled substances are not outwardly  
21 dangerous and are not likely, of their own force, to cause  
22 injury to a person's life or health.

23 (2) The inner container of a parcel containing  
24 controlled substances must be marked and sealed as  
25 required under this Act and its rules, and be placed in a  
26 plain outer container or securely wrapped in plain paper.

1           (3) If the controlled substances consist of  
2           prescription medicines, the inner container must be  
3           labeled to show the name and address of the pharmacy or  
4           practitioner dispensing the prescription.

5           (4) The outside wrapper or container must be free of  
6           markings that would indicate the nature of the contents.

7           (1) Notwithstanding any other provision of this Act to the  
8           contrary, emergency medical services personnel may administer  
9           Schedule II, III, IV, or V controlled substances to a person in  
10          the scope of their employment without a written, electronic,  
11          or oral prescription of a prescriber.

12          (Source: P.A. 102-1040, eff. 1-1-23; revised 12-30-22.)

13          Section 690. The Code of Criminal Procedure of 1963 is  
14          amended by changing Sections 110-1, 112A-5.5, and 115-11 as  
15          follows:

16                 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

17                 Sec. 110-1. Definitions. As used in this Article:

18                 (a) (Blank).

19                 (b) "Sureties" encompasses the nonmonetary requirements  
20                 set by the court as conditions for release either before or  
21                 after conviction.

22                 (c) The phrase "for which a sentence of imprisonment,  
23                 without conditional and revocable release, shall be imposed by  
24                 law as a consequence of conviction" means an offense for which

1 a sentence of imprisonment in the Department of Corrections,  
2 without probation, periodic imprisonment or conditional  
3 discharge, is required by law upon conviction.

4 (d) (Blank).

5 (e) "Protective order" means any order of protection  
6 issued under Section 112A-14 of this Code or the Illinois  
7 Domestic Violence Act of 1986, a stalking no contact order  
8 issued under Section 80 of the Stalking No Contact Order Act,  
9 or a civil no contact order issued under Section 213 of the  
10 Civil No Contact Order Act.

11 (f) "Willful flight" means intentional conduct with a  
12 purpose to thwart the judicial process to avoid prosecution.  
13 Isolated instances of nonappearance in court alone are not  
14 evidence of the risk of willful flight. Reoccurrence and  
15 patterns of intentional conduct to evade prosecution, along  
16 with any affirmative steps to communicate or remedy any such  
17 missed court date, may be considered as factors in assessing  
18 future intent to evade prosecution.

19 (Source: P.A. 101-652, eff. 1-1-23; 102-813, eff. 5-13-22;  
20 102-1104, eff. 1-1-23; revised 12-13-22.)

21 (725 ILCS 5/112A-5.5)

22 Sec. 112A-5.5. Time for filing petition; service on  
23 respondent, hearing on petition, and default orders.

24 (a) A petition for a protective order may be filed at any  
25 time, in person ~~in person~~ or online, after a criminal charge



1 or delinquency petition is filed and before the charge or  
2 delinquency petition is dismissed, the defendant or juvenile  
3 is acquitted, or the defendant or juvenile completes service  
4 of his or her sentence.

5 (b) The request for an ex parte protective order may be  
6 considered without notice to the respondent under Section  
7 112A-17.5 of this Code.

8 (c) A summons shall be issued and served for a protective  
9 order. The summons may be served by delivery to the respondent  
10 personally in open court in the criminal or juvenile  
11 delinquency proceeding, in the form prescribed by subsection  
12 (d) of Supreme Court Rule 101, except that it shall require the  
13 respondent to answer or appear within 7 days. Attachments to  
14 the summons shall include the petition for protective order,  
15 supporting affidavits, if any, and any ex parte protective  
16 order that has been issued.

17 (d) The summons shall be served by the sheriff or other law  
18 enforcement officer at the earliest time available and shall  
19 take precedence over any other summons, except those of a  
20 similar emergency nature. Attachments to the summons shall  
21 include the petition for protective order, supporting  
22 affidavits, if any, and any ex parte protective order that has  
23 been issued. Special process servers may be appointed at any  
24 time and their designation shall not affect the  
25 responsibilities and authority of the sheriff or other  
26 official process servers. In a county with a population over

1 3,000,000, a special process server may not be appointed if  
2 the protective order grants the surrender of a child, the  
3 surrender of a firearm or Firearm Owner's Identification Card,  
4 or the exclusive possession of a shared residence.

5 (e) If the respondent is not served within 30 days of the  
6 filing of the petition, the court shall schedule a court  
7 proceeding on the issue of service. Either the petitioner, the  
8 petitioner's counsel, or the State's Attorney shall appear and  
9 the court shall either order continued attempts at personal  
10 service or shall order service by publication, in accordance  
11 with Sections 2-203, 2-206, and 2-207 of the Code of Civil  
12 Procedure.

13 (f) The request for a final protective order can be  
14 considered at any court proceeding in the delinquency or  
15 criminal case after service of the petition. If the petitioner  
16 has not been provided notice of the court proceeding at least  
17 10 days in advance of the proceeding, the court shall schedule  
18 a hearing on the petition and provide notice to the  
19 petitioner.

20 (f-5) A court in a county with a population above 250,000  
21 shall offer the option of a remote hearing to a petitioner for  
22 a protective order. The court has the discretion to grant or  
23 deny the request for a remote hearing. Each court shall  
24 determine the procedure for a remote hearing. The petitioner  
25 and respondent may appear remotely or in person ~~in person~~.

26 The court shall issue and publish a court order, standing

1 order, or local rule detailing information about the process  
2 for requesting and participating in a remote court appearance.  
3 The court order, standing order, or local rule shall be  
4 published on the court's website and posted on signs  
5 throughout the courthouse, including in the clerk's office.  
6 The sign shall be written in plain language and include  
7 information about the availability of remote court appearances  
8 and the process for requesting a remote hearing.

9 (g) Default orders.

10 (1) A final domestic violence order of protection may  
11 be entered by default:

12 (A) for any of the remedies sought in the  
13 petition, if the respondent has been served with  
14 documents under subsection (b) or (c) of this Section  
15 and if the respondent fails to appear on the specified  
16 return date or any subsequent hearing date agreed to  
17 by the petitioner and respondent or set by the court;  
18 or

19 (B) for any of the remedies provided under  
20 paragraph (1), (2), (3), (5), (6), (7), (8), (9),  
21 (10), (11), (14), (15), (17), or (18) of subsection  
22 (b) of Section 112A-14 of this Code, or if the  
23 respondent fails to answer or appear in accordance  
24 with the date set in the publication notice or the  
25 return date indicated on the service of a household  
26 member.

1           (2) A final civil no contact order may be entered by  
2           default for any of the remedies provided in Section  
3           112A-14.5 of this Code, if the respondent has been served  
4           with documents under subsection (b) or (c) of this  
5           Section, and if the respondent fails to answer or appear  
6           in accordance with the date set in the publication notice  
7           or the return date indicated on the service of a household  
8           member.

9           (3) A final stalking no contact order may be entered  
10          by default for any of the remedies provided by Section  
11          112A-14.7 of this Code, if the respondent has been served  
12          with documents under subsection (b) or (c) of this Section  
13          and if the respondent fails to answer or appear in  
14          accordance with the date set in the publication notice or  
15          the return date indicated on the service of a household  
16          member.

17          (Source: P.A. 102-853, eff. 1-1-23; revised 12-12-22.)

18           (725 ILCS 5/115-11) (from Ch. 38, par. 115-11)

19          Sec. 115-11. In a prosecution for a criminal offense  
20          defined in Article 11 or in Section 11-1.20, 11-1.30, 11-1.40,  
21          11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
22          the Criminal Code of 1961 or the Criminal Code of 2012, when  
23          the alleged victim of the offense was a minor under 18 years of  
24          age at the time of the offense, the court may exclude from the  
25          proceedings while the victim is testifying, regardless of the

1 alleged victim's age at the time of the victim's courtroom  
2 testimony, all persons, who, in the opinion of the court, do  
3 not have a direct interest in the case, except the media. When  
4 the court publishes to the trier of fact videos, photographs,  
5 or any depiction of a minor under 18 years of age engaged in a  
6 sex act, the court may exclude from the proceedings all  
7 persons, who, in the opinion of the court, do not have a direct  
8 interest in the case, except the media. The court shall enter  
9 its finding that particular parties are disinterested and the  
10 basis for that finding into the record.

11 (Source: P.A. 102-994, eff. 5-27-22; revised 8-19-22.)

12 Section 695. The Unified Code of Corrections is amended by  
13 changing Sections 3-5-1, 3-6-3, 3-6-7.3, and 3-7-2 as follows:

14 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

15 Sec. 3-5-1. Master Record File.

16 (a) The Department of Corrections and the Department of  
17 Juvenile Justice shall maintain a master record file on each  
18 person committed to it, which shall contain the following  
19 information:

20 (1) all information from the committing court;

21 (1.5) ethnic and racial background data collected in  
22 accordance with Section 4.5 of the Criminal Identification  
23 Act;

24 (2) reception summary;

1           (3) evaluation and assignment reports and  
2           recommendations;

3           (4) reports as to program assignment and progress;

4           (5) reports of disciplinary infractions and  
5           disposition, including tickets and Administrative Review  
6           Board action;

7           (6) any parole or aftercare release plan;

8           (7) any parole or aftercare release reports;

9           (8) the date and circumstances of final discharge;

10          (9) criminal history;

11          (10) current and past gang affiliations and ranks;

12          (11) information regarding associations and family  
13          relationships;

14          (12) any grievances filed and responses to those  
15          grievances; and

16          (13) other information that the respective Department  
17          determines is relevant to the secure confinement and  
18          rehabilitation of the committed person.

19          (b) All files shall be confidential and access shall be  
20          limited to authorized personnel of the respective Department  
21          or by disclosure in accordance with a court order or subpoena.  
22          Personnel of other correctional, welfare or law enforcement  
23          agencies may have access to files under rules and regulations  
24          of the respective Department. The respective Department shall  
25          keep a record of all outside personnel who have access to  
26          files, the files reviewed, any file material copied, and the

1 purpose of access. If the respective Department or the  
2 Prisoner Review Board makes a determination under this Code  
3 which affects the length of the period of confinement or  
4 commitment, the committed person and his counsel shall be  
5 advised of factual information relied upon by the respective  
6 Department or Board to make the determination, provided that  
7 the Department or Board shall not be required to advise a  
8 person committed to the Department of Juvenile Justice any  
9 such information which in the opinion of the Department of  
10 Juvenile Justice or Board would be detrimental to his  
11 treatment or rehabilitation.

12 (c) The master file shall be maintained at a place  
13 convenient to its use by personnel of the respective  
14 Department in charge of the person. When custody of a person is  
15 transferred from the Department to another department or  
16 agency, a summary of the file shall be forwarded to the  
17 receiving agency with such other information required by law  
18 or requested by the agency under rules and regulations of the  
19 respective Department.

20 (d) The master file of a person no longer in the custody of  
21 the respective Department shall be placed on inactive status  
22 and its use shall be restricted subject to rules and  
23 regulations of the Department.

24 (e) All public agencies may make available to the  
25 respective Department on request any factual data not  
26 otherwise privileged as a matter of law in their possession in

1 respect to individuals committed to the respective Department.

2 (f) A committed person may request a summary of the  
3 committed person's master record file once per year and the  
4 committed person's attorney may request one summary of the  
5 committed person's master record file once per year. The  
6 Department shall create a form for requesting this summary,  
7 and shall make that form available to committed persons and to  
8 the public on its website. Upon receipt of the request form,  
9 the Department shall provide the summary within 15 days. The  
10 summary must contain, unless otherwise prohibited by law:

11 (1) the person's name, ethnic, racial, and other  
12 identifying information;

13 (2) all digitally available information from the  
14 committing court;

15 (3) all information in the Offender 360 system on the  
16 person's criminal history;

17 (4) the person's complete assignment history in the  
18 Department of Corrections;

19 (5) the person's disciplinary card;

20 (6) additional records about up to 3 specific  
21 disciplinary incidents as identified by the requester;

22 (7) any available records about up to 5 specific  
23 grievances filed by the person, as identified by the  
24 requester; and

25 (8) the records of all grievances filed on or after  
26 January 1, 2023.



1           Notwithstanding any provision of this subsection (f) to  
2 the contrary, a committed person's master record file is not  
3 subject to disclosure and copying under the Freedom of  
4 Information Act.

5           (Source: P.A. 102-776, eff. 1-1-23; 102-784, eff. 5-13-22;  
6 revised 12-14-22.)

7           (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

8           Sec. 3-6-3. Rules and regulations for sentence credit.

9           (a) (1) The Department of Corrections shall prescribe rules  
10 and regulations for awarding and revoking sentence credit for  
11 persons committed to the Department of Corrections and the  
12 Department of Juvenile Justice shall prescribe rules and  
13 regulations for awarding and revoking sentence credit for  
14 persons committed to the Department of Juvenile Justice under  
15 Section 5-8-6 of the Unified Code of Corrections, which shall  
16 be subject to review by the Prisoner Review Board.

17           (1.5) As otherwise provided by law, sentence credit may be  
18 awarded for the following:

19           (A) successful completion of programming while in  
20 custody of the Department of Corrections or the Department  
21 of Juvenile Justice or while in custody prior to  
22 sentencing;

23           (B) compliance with the rules and regulations of the  
24 Department; or

25           (C) service to the institution, service to a

1 community, or service to the State.

2 (2) Except as provided in paragraph (4.7) of this  
3 subsection (a), the rules and regulations on sentence credit  
4 shall provide, with respect to offenses listed in clause (i),  
5 (ii), or (iii) of this paragraph (2) committed on or after June  
6 19, 1998 or with respect to the offense listed in clause (iv)  
7 of this paragraph (2) committed on or after June 23, 2005 (the  
8 effective date of Public Act 94-71) or with respect to offense  
9 listed in clause (vi) committed on or after June 1, 2008 (the  
10 effective date of Public Act 95-625) or with respect to the  
11 offense of being an armed habitual criminal committed on or  
12 after August 2, 2005 (the effective date of Public Act 94-398)  
13 or with respect to the offenses listed in clause (v) of this  
14 paragraph (2) committed on or after August 13, 2007 (the  
15 effective date of Public Act 95-134) or with respect to the  
16 offense of aggravated domestic battery committed on or after  
17 July 23, 2010 (the effective date of Public Act 96-1224) or  
18 with respect to the offense of attempt to commit terrorism  
19 committed on or after January 1, 2013 (the effective date of  
20 Public Act 97-990), the following:

21 (i) that a prisoner who is serving a term of  
22 imprisonment for first degree murder or for the offense of  
23 terrorism shall receive no sentence credit and shall serve  
24 the entire sentence imposed by the court;

25 (ii) that a prisoner serving a sentence for attempt to  
26 commit terrorism, attempt to commit first degree murder,

1 solicitation of murder, solicitation of murder for hire,  
2 intentional homicide of an unborn child, predatory  
3 criminal sexual assault of a child, aggravated criminal  
4 sexual assault, criminal sexual assault, aggravated  
5 kidnapping, aggravated battery with a firearm as described  
6 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),  
7 or (e) (4) of Section 12-3.05, heinous battery as described  
8 in Section 12-4.1 or subdivision (a) (2) of Section  
9 12-3.05, being an armed habitual criminal, aggravated  
10 battery of a senior citizen as described in Section 12-4.6  
11 or subdivision (a) (4) of Section 12-3.05, or aggravated  
12 battery of a child as described in Section 12-4.3 or  
13 subdivision (b) (1) of Section 12-3.05 shall receive no  
14 more than 4.5 days of sentence credit for each month of his  
15 or her sentence of imprisonment;

16 (iii) that a prisoner serving a sentence for home  
17 invasion, armed robbery, aggravated vehicular hijacking,  
18 aggravated discharge of a firearm, or armed violence with  
19 a category I weapon or category II weapon, when the court  
20 has made and entered a finding, pursuant to subsection  
21 (c-1) of Section 5-4-1 of this Code, that the conduct  
22 leading to conviction for the enumerated offense resulted  
23 in great bodily harm to a victim, shall receive no more  
24 than 4.5 days of sentence credit for each month of his or  
25 her sentence of imprisonment;

26 (iv) that a prisoner serving a sentence for aggravated

1 discharge of a firearm, whether or not the conduct leading  
2 to conviction for the offense resulted in great bodily  
3 harm to the victim, shall receive no more than 4.5 days of  
4 sentence credit for each month of his or her sentence of  
5 imprisonment;

6 (v) that a person serving a sentence for gunrunning,  
7 narcotics racketeering, controlled substance trafficking,  
8 methamphetamine trafficking, drug-induced homicide,  
9 aggravated methamphetamine-related child endangerment,  
10 money laundering pursuant to clause (c) (4) or (5) of  
11 Section 29B-1 of the Criminal Code of 1961 or the Criminal  
12 Code of 2012, or a Class X felony conviction for delivery  
13 of a controlled substance, possession of a controlled  
14 substance with intent to manufacture or deliver,  
15 calculated criminal drug conspiracy, criminal drug  
16 conspiracy, street gang criminal drug conspiracy,  
17 participation in methamphetamine manufacturing,  
18 aggravated participation in methamphetamine  
19 manufacturing, delivery of methamphetamine, possession  
20 with intent to deliver methamphetamine, aggravated  
21 delivery of methamphetamine, aggravated possession with  
22 intent to deliver methamphetamine, methamphetamine  
23 conspiracy when the substance containing the controlled  
24 substance or methamphetamine is 100 grams or more shall  
25 receive no more than 7.5 days sentence credit for each  
26 month of his or her sentence of imprisonment;

1           (vi) that a prisoner serving a sentence for a second  
2           or subsequent offense of luring a minor shall receive no  
3           more than 4.5 days of sentence credit for each month of his  
4           or her sentence of imprisonment; and

5           (vii) that a prisoner serving a sentence for  
6           aggravated domestic battery shall receive no more than 4.5  
7           days of sentence credit for each month of his or her  
8           sentence of imprisonment.

9           (2.1) For all offenses, other than those enumerated in  
10          subdivision (a)(2)(i), (ii), or (iii) committed on or after  
11          June 19, 1998 or subdivision (a)(2)(iv) committed on or after  
12          June 23, 2005 (the effective date of Public Act 94-71) or  
13          subdivision (a)(2)(v) committed on or after August 13, 2007  
14          (the effective date of Public Act 95-134) or subdivision  
15          (a)(2)(vi) committed on or after June 1, 2008 (the effective  
16          date of Public Act 95-625) or subdivision (a)(2)(vii)  
17          committed on or after July 23, 2010 (the effective date of  
18          Public Act 96-1224), and other than the offense of aggravated  
19          driving under the influence of alcohol, other drug or drugs,  
20          or intoxicating compound or compounds, or any combination  
21          thereof as defined in subparagraph (F) of paragraph (1) of  
22          subsection (d) of Section 11-501 of the Illinois Vehicle Code,  
23          and other than the offense of aggravated driving under the  
24          influence of alcohol, other drug or drugs, or intoxicating  
25          compound or compounds, or any combination thereof as defined  
26          in subparagraph (C) of paragraph (1) of subsection (d) of

1 Section 11-501 of the Illinois Vehicle Code committed on or  
2 after January 1, 2011 (the effective date of Public Act  
3 96-1230), the rules and regulations shall provide that a  
4 prisoner who is serving a term of imprisonment shall receive  
5 one day of sentence credit for each day of his or her sentence  
6 of imprisonment or recommitment under Section 3-3-9. Each day  
7 of sentence credit shall reduce by one day the prisoner's  
8 period of imprisonment or recommitment under Section 3-3-9.

9 (2.2) A prisoner serving a term of natural life  
10 imprisonment or a prisoner who has been sentenced to death  
11 shall receive no sentence credit.

12 (2.3) Except as provided in paragraph (4.7) of this  
13 subsection (a), the rules and regulations on sentence credit  
14 shall provide that a prisoner who is serving a sentence for  
15 aggravated driving under the influence of alcohol, other drug  
16 or drugs, or intoxicating compound or compounds, or any  
17 combination thereof as defined in subparagraph (F) of  
18 paragraph (1) of subsection (d) of Section 11-501 of the  
19 Illinois Vehicle Code, shall receive no more than 4.5 days of  
20 sentence credit for each month of his or her sentence of  
21 imprisonment.

22 (2.4) Except as provided in paragraph (4.7) of this  
23 subsection (a), the rules and regulations on sentence credit  
24 shall provide with respect to the offenses of aggravated  
25 battery with a machine gun or a firearm equipped with any  
26 device or attachment designed or used for silencing the report

1 of a firearm or aggravated discharge of a machine gun or a  
2 firearm equipped with any device or attachment designed or  
3 used for silencing the report of a firearm, committed on or  
4 after July 15, 1999 (the effective date of Public Act 91-121),  
5 that a prisoner serving a sentence for any of these offenses  
6 shall receive no more than 4.5 days of sentence credit for each  
7 month of his or her sentence of imprisonment.

8 (2.5) Except as provided in paragraph (4.7) of this  
9 subsection (a), the rules and regulations on sentence credit  
10 shall provide that a prisoner who is serving a sentence for  
11 aggravated arson committed on or after July 27, 2001 (the  
12 effective date of Public Act 92-176) shall receive no more  
13 than 4.5 days of sentence credit for each month of his or her  
14 sentence of imprisonment.

15 (2.6) Except as provided in paragraph (4.7) of this  
16 subsection (a), the rules and regulations on sentence credit  
17 shall provide that a prisoner who is serving a sentence for  
18 aggravated driving under the influence of alcohol, other drug  
19 or drugs, or intoxicating compound or compounds or any  
20 combination thereof as defined in subparagraph (C) of  
21 paragraph (1) of subsection (d) of Section 11-501 of the  
22 Illinois Vehicle Code committed on or after January 1, 2011  
23 (the effective date of Public Act 96-1230) shall receive no  
24 more than 4.5 days of sentence credit for each month of his or  
25 her sentence of imprisonment.

26 (3) In addition to the sentence credits earned under

1 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this  
2 subsection (a), the rules and regulations shall also provide  
3 that the Director of Corrections or the Director of Juvenile  
4 Justice may award up to 180 days of earned sentence credit for  
5 prisoners serving a sentence of incarceration of less than 5  
6 years, and up to 365 days of earned sentence credit for  
7 prisoners serving a sentence of 5 years or longer. The  
8 Director may grant this credit for good conduct in specific  
9 instances as either Director deems proper for eligible persons  
10 in the custody of each Director's respective Department. The  
11 good conduct may include, but is not limited to, compliance  
12 with the rules and regulations of the Department, service to  
13 the Department, service to a community, or service to the  
14 State.

15 Eligible inmates for an award of earned sentence credit  
16 under this paragraph (3) may be selected to receive the credit  
17 at either Director's or his or her designee's sole discretion.  
18 Eligibility for the additional earned sentence credit under  
19 this paragraph (3) may be based on, but is not limited to,  
20 participation in programming offered by the Department as  
21 appropriate for the prisoner based on the results of any  
22 available risk/needs assessment or other relevant assessments  
23 or evaluations administered by the Department using a  
24 validated instrument, the circumstances of the crime,  
25 demonstrated commitment to rehabilitation by a prisoner with a  
26 history of conviction for a forcible felony enumerated in



1 Section 2-8 of the Criminal Code of 2012, the inmate's  
2 behavior and improvements in disciplinary history while  
3 incarcerated, and the inmate's commitment to rehabilitation,  
4 including participation in programming offered by the  
5 Department.

6 The Director of Corrections or the Director of Juvenile  
7 Justice shall not award sentence credit under this paragraph  
8 (3) to an inmate unless the inmate has served a minimum of 60  
9 days of the sentence; except nothing in this paragraph shall  
10 be construed to permit either Director to extend an inmate's  
11 sentence beyond that which was imposed by the court. Prior to  
12 awarding credit under this paragraph (3), each Director shall  
13 make a written determination that the inmate:

14 (A) is eligible for the earned sentence credit;

15 (B) has served a minimum of 60 days, or as close to 60  
16 days as the sentence will allow;

17 (B-1) has received a risk/needs assessment or other  
18 relevant evaluation or assessment administered by the  
19 Department using a validated instrument; and

20 (C) has met the eligibility criteria established by  
21 rule for earned sentence credit.

22 The Director of Corrections or the Director of Juvenile  
23 Justice shall determine the form and content of the written  
24 determination required in this subsection.

25 (3.5) The Department shall provide annual written reports  
26 to the Governor and the General Assembly on the award of earned

1 sentence credit no later than February 1 of each year. The  
2 Department must publish both reports on its website within 48  
3 hours of transmitting the reports to the Governor and the  
4 General Assembly. The reports must include:

5 (A) the number of inmates awarded earned sentence  
6 credit;

7 (B) the average amount of earned sentence credit  
8 awarded;

9 (C) the holding offenses of inmates awarded earned  
10 sentence credit; and

11 (D) the number of earned sentence credit revocations.

12 (4) (A) Except as provided in paragraph (4.7) of this  
13 subsection (a), the rules and regulations shall also provide  
14 that any prisoner who is engaged full-time in substance abuse  
15 programs, correctional industry assignments, educational  
16 programs, work-release programs or activities in accordance  
17 with Article 13 of Chapter III of this Code, behavior  
18 modification programs, life skills courses, or re-entry  
19 planning provided by the Department under this paragraph (4)  
20 and satisfactorily completes the assigned program as  
21 determined by the standards of the Department, shall receive  
22 one day of sentence credit for each day in which that prisoner  
23 is engaged in the activities described in this paragraph. The  
24 rules and regulations shall also provide that sentence credit  
25 may be provided to an inmate who was held in pre-trial  
26 detention prior to his or her current commitment to the

1 Department of Corrections and successfully completed a  
2 full-time, 60-day or longer substance abuse program,  
3 educational program, behavior modification program, life  
4 skills course, or re-entry planning provided by the county  
5 department of corrections or county jail. Calculation of this  
6 county program credit shall be done at sentencing as provided  
7 in Section 5-4.5-100 of this Code and shall be included in the  
8 sentencing order. The rules and regulations shall also provide  
9 that sentence credit may be provided to an inmate who is in  
10 compliance with programming requirements in an adult  
11 transition center.

12 (B) The Department shall award sentence credit under this  
13 paragraph (4) accumulated prior to January 1, 2020 (the  
14 effective date of Public Act 101-440) in an amount specified  
15 in subparagraph (C) of this paragraph (4) to an inmate serving  
16 a sentence for an offense committed prior to June 19, 1998, if  
17 the Department determines that the inmate is entitled to this  
18 sentence credit, based upon:

19 (i) documentation provided by the Department that the  
20 inmate engaged in any full-time substance abuse programs,  
21 correctional industry assignments, educational programs,  
22 behavior modification programs, life skills courses, or  
23 re-entry planning provided by the Department under this  
24 paragraph (4) and satisfactorily completed the assigned  
25 program as determined by the standards of the Department  
26 during the inmate's current term of incarceration; or

1           (ii) the inmate's own testimony in the form of an  
2           affidavit or documentation, or a third party's  
3           documentation or testimony in the form of an affidavit  
4           that the inmate likely engaged in any full-time substance  
5           abuse programs, correctional industry assignments,  
6           educational programs, behavior modification programs, life  
7           skills courses, or re-entry planning provided by the  
8           Department under paragraph (4) and satisfactorily  
9           completed the assigned program as determined by the  
10          standards of the Department during the inmate's current  
11          term of incarceration.

12          (C) If the inmate can provide documentation that he or she  
13          is entitled to sentence credit under subparagraph (B) in  
14          excess of 45 days of participation in those programs, the  
15          inmate shall receive 90 days of sentence credit. If the inmate  
16          cannot provide documentation of more than 45 days of  
17          participation in those programs, the inmate shall receive 45  
18          days of sentence credit. In the event of a disagreement  
19          between the Department and the inmate as to the amount of  
20          credit accumulated under subparagraph (B), if the Department  
21          provides documented proof of a lesser amount of days of  
22          participation in those programs, that proof shall control. If  
23          the Department provides no documentary proof, the inmate's  
24          proof as set forth in clause (ii) of subparagraph (B) shall  
25          control as to the amount of sentence credit provided.

26          (D) If the inmate has been convicted of a sex offense as

1 defined in Section 2 of the Sex Offender Registration Act,  
2 sentencing credits under subparagraph (B) of this paragraph  
3 (4) shall be awarded by the Department only if the conditions  
4 set forth in paragraph (4.6) of subsection (a) are satisfied.  
5 No inmate serving a term of natural life imprisonment shall  
6 receive sentence credit under subparagraph (B) of this  
7 paragraph (4).

8 Educational, vocational, substance abuse, behavior  
9 modification programs, life skills courses, re-entry planning,  
10 and correctional industry programs under which sentence credit  
11 may be earned under this paragraph (4) and paragraph (4.1) of  
12 this subsection (a) shall be evaluated by the Department on  
13 the basis of documented standards. The Department shall report  
14 the results of these evaluations to the Governor and the  
15 General Assembly by September 30th of each year. The reports  
16 shall include data relating to the recidivism rate among  
17 program participants.

18 Availability of these programs shall be subject to the  
19 limits of fiscal resources appropriated by the General  
20 Assembly for these purposes. Eligible inmates who are denied  
21 immediate admission shall be placed on a waiting list under  
22 criteria established by the Department. The rules and  
23 regulations shall provide that a prisoner who has been placed  
24 on a waiting list but is transferred for non-disciplinary  
25 reasons before beginning a program shall receive priority  
26 placement on the waitlist for appropriate programs at the new

1 facility. The inability of any inmate to become engaged in any  
2 such programs by reason of insufficient program resources or  
3 for any other reason established under the rules and  
4 regulations of the Department shall not be deemed a cause of  
5 action under which the Department or any employee or agent of  
6 the Department shall be liable for damages to the inmate. The  
7 rules and regulations shall provide that a prisoner who begins  
8 an educational, vocational, substance abuse, work-release  
9 programs or activities in accordance with Article 13 of  
10 Chapter III of this Code, behavior modification program, life  
11 skills course, re-entry planning, or correctional industry  
12 programs but is unable to complete the program due to illness,  
13 disability, transfer, lockdown, or another reason outside of  
14 the prisoner's control shall receive prorated sentence credits  
15 for the days in which the prisoner did participate.

16 (4.1) Except as provided in paragraph (4.7) of this  
17 subsection (a), the rules and regulations shall also provide  
18 that an additional 90 days of sentence credit shall be awarded  
19 to any prisoner who passes high school equivalency testing  
20 while the prisoner is committed to the Department of  
21 Corrections. The sentence credit awarded under this paragraph  
22 (4.1) shall be in addition to, and shall not affect, the award  
23 of sentence credit under any other paragraph of this Section,  
24 but shall also be pursuant to the guidelines and restrictions  
25 set forth in paragraph (4) of subsection (a) of this Section.  
26 The sentence credit provided for in this paragraph shall be

1 available only to those prisoners who have not previously  
2 earned a high school diploma or a State of Illinois High School  
3 Diploma. If, after an award of the high school equivalency  
4 testing sentence credit has been made, the Department  
5 determines that the prisoner was not eligible, then the award  
6 shall be revoked. The Department may also award 90 days of  
7 sentence credit to any committed person who passed high school  
8 equivalency testing while he or she was held in pre-trial  
9 detention prior to the current commitment to the Department of  
10 Corrections. Except as provided in paragraph (4.7) of this  
11 subsection (a), the rules and regulations shall provide that  
12 an additional 120 days of sentence credit shall be awarded to  
13 any prisoner who obtains an associate degree while the  
14 prisoner is committed to the Department of Corrections,  
15 regardless of the date that the associate degree was obtained,  
16 including if prior to July 1, 2021 (the effective date of  
17 Public Act 101-652). The sentence credit awarded under this  
18 paragraph (4.1) shall be in addition to, and shall not affect,  
19 the award of sentence credit under any other paragraph of this  
20 Section, but shall also be under the guidelines and  
21 restrictions set forth in paragraph (4) of subsection (a) of  
22 this Section. The sentence credit provided for in this  
23 paragraph (4.1) shall be available only to those prisoners who  
24 have not previously earned an associate degree prior to the  
25 current commitment to the Department of Corrections. If, after  
26 an award of the associate degree sentence credit has been made

1 and the Department determines that the prisoner was not  
2 eligible, then the award shall be revoked. The Department may  
3 also award 120 days of sentence credit to any committed person  
4 who earned an associate degree while he or she was held in  
5 pre-trial detention prior to the current commitment to the  
6 Department of Corrections.

7       Except as provided in paragraph (4.7) of this subsection  
8 (a), the rules and regulations shall provide that an  
9 additional 180 days of sentence credit shall be awarded to any  
10 prisoner who obtains a bachelor's degree while the prisoner is  
11 committed to the Department of Corrections. The sentence  
12 credit awarded under this paragraph (4.1) shall be in addition  
13 to, and shall not affect, the award of sentence credit under  
14 any other paragraph of this Section, but shall also be under  
15 the guidelines and restrictions set forth in paragraph (4) of  
16 this subsection (a). The sentence credit provided for in this  
17 paragraph shall be available only to those prisoners who have  
18 not earned a bachelor's degree prior to the current commitment  
19 to the Department of Corrections. If, after an award of the  
20 bachelor's degree sentence credit has been made, the  
21 Department determines that the prisoner was not eligible, then  
22 the award shall be revoked. The Department may also award 180  
23 days of sentence credit to any committed person who earned a  
24 bachelor's degree while he or she was held in pre-trial  
25 detention prior to the current commitment to the Department of  
26 Corrections.



1           Except as provided in paragraph (4.7) of this subsection  
2           (a), the rules and regulations shall provide that an  
3           additional 180 days of sentence credit shall be awarded to any  
4           prisoner who obtains a master's or professional degree while  
5           the prisoner is committed to the Department of Corrections.  
6           The sentence credit awarded under this paragraph (4.1) shall  
7           be in addition to, and shall not affect, the award of sentence  
8           credit under any other paragraph of this Section, but shall  
9           also be under the guidelines and restrictions set forth in  
10          paragraph (4) of this subsection (a). The sentence credit  
11          provided for in this paragraph shall be available only to  
12          those prisoners who have not previously earned a master's or  
13          professional degree prior to the current commitment to the  
14          Department of Corrections. If, after an award of the master's  
15          or professional degree sentence credit has been made, the  
16          Department determines that the prisoner was not eligible, then  
17          the award shall be revoked. The Department may also award 180  
18          days of sentence credit to any committed person who earned a  
19          master's or professional degree while he or she was held in  
20          pre-trial detention prior to the current commitment to the  
21          Department of Corrections.

22          (4.2) The rules and regulations shall also provide that  
23          any prisoner engaged in self-improvement programs, volunteer  
24          work, or work assignments that are not otherwise eligible  
25          activities under paragraph (4), shall receive up to 0.5 days  
26          of sentence credit for each day in which the prisoner is

1 engaged in activities described in this paragraph.

2 (4.5) The rules and regulations on sentence credit shall  
3 also provide that when the court's sentencing order recommends  
4 a prisoner for substance abuse treatment and the crime was  
5 committed on or after September 1, 2003 (the effective date of  
6 Public Act 93-354), the prisoner shall receive no sentence  
7 credit awarded under clause (3) of this subsection (a) unless  
8 he or she participates in and completes a substance abuse  
9 treatment program. The Director of Corrections may waive the  
10 requirement to participate in or complete a substance abuse  
11 treatment program in specific instances if the prisoner is not  
12 a good candidate for a substance abuse treatment program for  
13 medical, programming, or operational reasons. Availability of  
14 substance abuse treatment shall be subject to the limits of  
15 fiscal resources appropriated by the General Assembly for  
16 these purposes. If treatment is not available and the  
17 requirement to participate and complete the treatment has not  
18 been waived by the Director, the prisoner shall be placed on a  
19 waiting list under criteria established by the Department. The  
20 Director may allow a prisoner placed on a waiting list to  
21 participate in and complete a substance abuse education class  
22 or attend substance abuse self-help meetings in lieu of a  
23 substance abuse treatment program. A prisoner on a waiting  
24 list who is not placed in a substance abuse program prior to  
25 release may be eligible for a waiver and receive sentence  
26 credit under clause (3) of this subsection (a) at the

1 discretion of the Director.

2 (4.6) The rules and regulations on sentence credit shall  
3 also provide that a prisoner who has been convicted of a sex  
4 offense as defined in Section 2 of the Sex Offender  
5 Registration Act shall receive no sentence credit unless he or  
6 she either has successfully completed or is participating in  
7 sex offender treatment as defined by the Sex Offender  
8 Management Board. However, prisoners who are waiting to  
9 receive treatment, but who are unable to do so due solely to  
10 the lack of resources on the part of the Department, may, at  
11 either Director's sole discretion, be awarded sentence credit  
12 at a rate as the Director shall determine.

13 (4.7) On or after January 1, 2018 (the effective date of  
14 Public Act 100-3), sentence credit under paragraph (3), (4),  
15 or (4.1) of this subsection (a) may be awarded to a prisoner  
16 who is serving a sentence for an offense described in  
17 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned  
18 on or after January 1, 2018 (the effective date of Public Act  
19 100-3); provided, the award of the credits under this  
20 paragraph (4.7) shall not reduce the sentence of the prisoner  
21 to less than the following amounts:

22 (i) 85% of his or her sentence if the prisoner is  
23 required to serve 85% of his or her sentence; or

24 (ii) 60% of his or her sentence if the prisoner is  
25 required to serve 75% of his or her sentence, except if the  
26 prisoner is serving a sentence for gunrunning his or her

1 sentence shall not be reduced to less than 75%.

2 (iii) 100% of his or her sentence if the prisoner is  
3 required to serve 100% of his or her sentence.

4 (5) Whenever the Department is to release any inmate  
5 earlier than it otherwise would because of a grant of earned  
6 sentence credit under paragraph (3) of subsection (a) of this  
7 Section given at any time during the term, the Department  
8 shall give reasonable notice of the impending release not less  
9 than 14 days prior to the date of the release to the State's  
10 Attorney of the county where the prosecution of the inmate  
11 took place, and if applicable, the State's Attorney of the  
12 county into which the inmate will be released. The Department  
13 must also make identification information and a recent photo  
14 of the inmate being released accessible on the Internet by  
15 means of a hyperlink labeled "Community Notification of Inmate  
16 Early Release" on the Department's World Wide Web homepage.  
17 The identification information shall include the inmate's:  
18 name, any known alias, date of birth, physical  
19 characteristics, commitment offense, and county where  
20 conviction was imposed. The identification information shall  
21 be placed on the website within 3 days of the inmate's release  
22 and the information may not be removed until either:  
23 completion of the first year of mandatory supervised release  
24 or return of the inmate to custody of the Department.

25 (b) Whenever a person is or has been committed under  
26 several convictions, with separate sentences, the sentences

1 shall be construed under Section 5-8-4 in granting and  
2 forfeiting of sentence credit.

3 (c) (1) The Department shall prescribe rules and  
4 regulations for revoking sentence credit, including revoking  
5 sentence credit awarded under paragraph (3) of subsection (a)  
6 of this Section. The Department shall prescribe rules and  
7 regulations establishing and requiring the use of a sanctions  
8 matrix for revoking sentence credit. The Department shall  
9 prescribe rules and regulations for suspending or reducing the  
10 rate of accumulation of sentence credit for specific rule  
11 violations, during imprisonment. These rules and regulations  
12 shall provide that no inmate may be penalized more than one  
13 year of sentence credit for any one infraction.

14 (2) When the Department seeks to revoke, suspend, or  
15 reduce the rate of accumulation of any sentence credits for an  
16 alleged infraction of its rules, it shall bring charges  
17 therefor against the prisoner sought to be so deprived of  
18 sentence credits before the Prisoner Review Board as provided  
19 in subparagraph (a) (4) of Section 3-3-2 of this Code, if the  
20 amount of credit at issue exceeds 30 days, whether from one  
21 infraction or cumulatively from multiple infractions arising  
22 out of a single event, or when, during any 12-month period, the  
23 cumulative amount of credit revoked exceeds 30 days except  
24 where the infraction is committed or discovered within 60 days  
25 of scheduled release. In those cases, the Department of  
26 Corrections may revoke up to 30 days of sentence credit. The

1 Board may subsequently approve the revocation of additional  
2 sentence credit, if the Department seeks to revoke sentence  
3 credit in excess of 30 days. However, the Board shall not be  
4 empowered to review the Department's decision with respect to  
5 the loss of 30 days of sentence credit within any calendar year  
6 for any prisoner or to increase any penalty beyond the length  
7 requested by the Department.

8 (3) The Director of Corrections or the Director of  
9 Juvenile Justice, in appropriate cases, may restore sentence  
10 credits which have been revoked, suspended, or reduced. The  
11 Department shall prescribe rules and regulations governing the  
12 restoration of sentence credits. These rules and regulations  
13 shall provide for the automatic restoration of sentence  
14 credits following a period in which the prisoner maintains a  
15 record without a disciplinary violation.

16 Nothing contained in this Section shall prohibit the  
17 Prisoner Review Board from ordering, pursuant to Section  
18 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
19 sentence imposed by the court that was not served due to the  
20 accumulation of sentence credit.

21 (d) If a lawsuit is filed by a prisoner in an Illinois or  
22 federal court against the State, the Department of  
23 Corrections, or the Prisoner Review Board, or against any of  
24 their officers or employees, and the court makes a specific  
25 finding that a pleading, motion, or other paper filed by the  
26 prisoner is frivolous, the Department of Corrections shall

1 conduct a hearing to revoke up to 180 days of sentence credit  
2 by bringing charges against the prisoner sought to be deprived  
3 of the sentence credits before the Prisoner Review Board as  
4 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.  
5 If the prisoner has not accumulated 180 days of sentence  
6 credit at the time of the finding, then the Prisoner Review  
7 Board may revoke all sentence credit accumulated by the  
8 prisoner.

9 For purposes of this subsection (d):

10 (1) "Frivolous" means that a pleading, motion, or  
11 other filing which purports to be a legal document filed  
12 by a prisoner in his or her lawsuit meets any or all of the  
13 following criteria:

14 (A) it lacks an arguable basis either in law or in  
15 fact;

16 (B) it is being presented for any improper  
17 purpose, such as to harass or to cause unnecessary  
18 delay or needless increase in the cost of litigation;

19 (C) the claims, defenses, and other legal  
20 contentions therein are not warranted by existing law  
21 or by a nonfrivolous argument for the extension,  
22 modification, or reversal of existing law or the  
23 establishment of new law;

24 (D) the allegations and other factual contentions  
25 do not have evidentiary support or, if specifically so  
26 identified, are not likely to have evidentiary support

1 after a reasonable opportunity for further  
2 investigation or discovery; or

3 (E) the denials of factual contentions are not  
4 warranted on the evidence, or if specifically so  
5 identified, are not reasonably based on a lack of  
6 information or belief.

7 (2) "Lawsuit" means a motion pursuant to Section 116-3  
8 of the Code of Criminal Procedure of 1963, a habeas corpus  
9 action under Article X of the Code of Civil Procedure or  
10 under federal law (28 U.S.C. 2254), a petition for claim  
11 under the Court of Claims Act, an action under the federal  
12 Civil Rights Act (42 U.S.C. 1983), or a second or  
13 subsequent petition for post-conviction relief under  
14 Article 122 of the Code of Criminal Procedure of 1963  
15 whether filed with or without leave of court or a second or  
16 subsequent petition for relief from judgment under Section  
17 2-1401 of the Code of Civil Procedure.

18 (e) Nothing in Public Act 90-592 or 90-593 affects the  
19 validity of Public Act 89-404.

20 (f) Whenever the Department is to release any inmate who  
21 has been convicted of a violation of an order of protection  
22 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or  
23 the Criminal Code of 2012, earlier than it otherwise would  
24 because of a grant of sentence credit, the Department, as a  
25 condition of release, shall require that the person, upon  
26 release, be placed under electronic surveillance as provided



1 in Section 5-8A-7 of this Code.

2 (Source: P.A. 101-440, eff. 1-1-20; 101-652, eff. 7-1-21;  
3 102-28, eff. 6-25-21; 102-558, eff. 8-20-21; 102-784, eff.  
4 5-13-22; 102-1100, eff. 1-1-23; revised 12-14-22.)

5 (730 ILCS 5/3-6-7.3)

6 Sec. 3-6-7.3. Committed person post-partum recovery  
7 requirements. The Department shall ensure that, for a period  
8 of 72 hours after the birth of an infant by a ~~an~~ committed  
9 person:

10 (1) the infant is allowed to remain with the committed  
11 person, unless a medical professional determines doing so  
12 would pose a health or safety risk to the committed person  
13 or infant based on information only available to the  
14 Department. The mental health professional shall make any  
15 such determination on an individualized basis and in  
16 consultation with the birthing team of the pregnant person  
17 and the Chief of the Women's Division. The birthing team  
18 shall include the committed person's perinatal care  
19 providers and doula, if available; and

20 (2) the committed person has access to any nutritional  
21 or hygiene-related products necessary to care for the  
22 infant, including diapers.

23 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;  
24 revised 2-28-22.)

1 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

2 (Text of Section before amendment by P.A. 102-1111)

3 Sec. 3-7-2. Facilities.

4 (a) All institutions and facilities of the Department  
5 shall provide every committed person with access to toilet  
6 facilities, barber facilities, bathing facilities at least  
7 once each week, a library of legal materials and published  
8 materials including newspapers and magazines approved by the  
9 Director. A committed person may not receive any materials  
10 that the Director deems pornographic.

11 (b) (Blank).

12 (c) All institutions and facilities of the Department  
13 shall provide facilities for every committed person to leave  
14 his cell for at least one hour each day unless the chief  
15 administrative officer determines that it would be harmful or  
16 dangerous to the security or safety of the institution or  
17 facility.

18 (d) All institutions and facilities of the Department  
19 shall provide every committed person with a wholesome and  
20 nutritional diet at regularly scheduled hours, drinking water,  
21 clothing adequate for the season, bedding, soap and towels and  
22 medical and dental care.

23 (e) All institutions and facilities of the Department  
24 shall permit every committed person to send and receive an  
25 unlimited number of uncensored letters, provided, however,  
26 that the Director may order that mail be inspected and read for

1 reasons of the security, safety or morale of the institution  
2 or facility.

3 (f) All of the institutions and facilities of the  
4 Department shall permit every committed person to receive  
5 in-person visitors and video contact, if available, except in  
6 case of abuse of the visiting privilege or when the chief  
7 administrative officer determines that such visiting would be  
8 harmful or dangerous to the security, safety or morale of the  
9 institution or facility. Each committed person is entitled to  
10 7 visits per month. Every committed person may submit a list of  
11 at least 30 persons to the Department that are authorized to  
12 visit the committed person. The list shall be kept in an  
13 electronic format by the Department beginning on August 1,  
14 2019, as well as available in paper form for Department  
15 employees. The chief administrative officer shall have the  
16 right to restrict visitation to non-contact visits, video, or  
17 other forms of non-contact visits for reasons of safety,  
18 security, and order, including, but not limited to,  
19 restricting contact visits for committed persons engaged in  
20 gang activity. No committed person in a super maximum security  
21 facility or on disciplinary segregation is allowed contact  
22 visits. Any committed person found in possession of illegal  
23 drugs or who fails a drug test shall not be permitted contact  
24 visits for a period of at least 6 months. Any committed person  
25 involved in gang activities or found guilty of assault  
26 committed against a Department employee shall not be permitted

1 contact visits for a period of at least 6 months. The  
2 Department shall offer every visitor appropriate written  
3 information concerning HIV and AIDS, including information  
4 concerning how to contact the Illinois Department of Public  
5 Health for counseling information. The Department shall  
6 develop the written materials in consultation with the  
7 Department of Public Health. The Department shall ensure that  
8 all such information and materials are culturally sensitive  
9 and reflect cultural diversity as appropriate. Implementation  
10 of the changes made to this Section by Public Act 94-629 is  
11 subject to appropriation. The Department shall seek the lowest  
12 possible cost to provide video calling and shall charge to the  
13 extent of recovering any demonstrated costs of providing video  
14 calling. The Department shall not make a commission or profit  
15 from video calling services. Nothing in this Section shall be  
16 construed to permit video calling instead of in-person  
17 visitation.

18 (f-5) (Blank).

19 (f-10) The Department may not restrict or limit in-person  
20 visits to committed persons due to the availability of  
21 interactive video conferences.

22 (f-15) (1) The Department shall issue a standard written  
23 policy for each institution and facility of the Department  
24 that provides for:

25 (A) the number of in-person visits each committed  
26 person is entitled to per week and per month including the

1 requirements of subsection (f) of this Section;

2 (B) the hours of in-person visits;

3 (C) the type of identification required for visitors  
4 at least 18 years of age; and

5 (D) the type of identification, if any, required for  
6 visitors under 18 years of age.

7 (2) This policy shall be posted on the Department website  
8 and at each facility.

9 (3) The Department shall post on its website daily any  
10 restrictions or denials of visitation for that day and the  
11 succeeding 5 calendar days, including those based on a  
12 lockdown of the facility, to inform family members and other  
13 visitors.

14 (g) All institutions and facilities of the Department  
15 shall permit religious ministrations and sacraments to be  
16 available to every committed person, but attendance at  
17 religious services shall not be required.

18 (h) Within 90 days after December 31, 1996, the Department  
19 shall prohibit the use of curtains, cell-coverings, or any  
20 other matter or object that obstructs or otherwise impairs the  
21 line of vision into a committed person's cell.

22 (i) A point of contact person appointed under subsection  
23 (u-6) of Section 3-2-2 of this Code shall promptly and  
24 efficiently review suggestions, complaints, and other requests  
25 made by visitors to institutions and facilities of the  
26 Department and by other members of the public. Based on the

1 nature of the submission, the point of contact person shall  
2 communicate with the appropriate division of the Department,  
3 disseminate the concern or complaint, and act as liaison  
4 between the parties to reach a resolution.

5 (1) The point of contact person shall maintain  
6 information about the subject matter of each  
7 correspondence, including, but not limited to, information  
8 about the following subjects:

9 (A) the parties making the submission;

10 (B) any commissary-related concerns;

11 (C) any concerns about the institution or  
12 facility's COVID protocols and mitigations;

13 (D) any concerns about mail, video, or electronic  
14 messages or other communications with incarcerated  
15 persons;

16 (E) any concerns about the institution or  
17 facility;

18 (F) any discipline-related concerns;

19 (G) any concerns about earned sentencing credits;

20 (H) any concerns about educational opportunities  
21 for incarcerated persons;

22 (I) any concerns about health-related matters;

23 (J) any mental health concerns;

24 (K) any concerns about personal property;

25 (L) any concerns about the records of the  
26 incarcerated person;

1 (M) any concerns about recreational opportunities  
2 for incarcerated persons;

3 (N) any staffing-related concerns;

4 (O) any concerns about the transfer of individuals  
5 in custody;

6 (P) any concerns about visitation; and

7 (Q) any concerns about work opportunities for  
8 incarcerated persons.

9 The information shall be maintained in accordance with  
10 standards set by the Department of Corrections, and shall  
11 be made available to the Department's Planning and  
12 Research Division. The point of contact person shall  
13 provide a summary of the results of the review, including  
14 any resolution or recommendations made as a result of  
15 correspondence with the Planning and Research Division of  
16 the Department.

17 (2) The Department shall provide an annual written  
18 report to the General Assembly and the Governor, with the  
19 first report due no later than January 1, 2023, and  
20 publish the report on its website within 48 hours after  
21 the report is transmitted to the Governor and the General  
22 Assembly. The report shall include a summary of activities  
23 undertaken and completed as a result of submissions to the  
24 point of contact person. The Department of Corrections  
25 shall collect and report the following aggregated and  
26 disaggregated data for each institution and facility and

1 describe:

2 (A) the work of the point of contact person;

3 (B) the general nature of suggestions, complaints,  
4 and other requests submitted to the point of contact  
5 person;

6 (C) the volume of emails, calls, letters, and  
7 other correspondence received by the point of contact  
8 person;

9 (D) the resolutions reached or recommendations  
10 made as a result of the point of contact person's  
11 review;

12 (E) whether, if an investigation is recommended, a  
13 report of the complaint was forwarded to the Chief  
14 Inspector of the Department or other Department  
15 employee, and the resolution of the complaint, and if  
16 the investigation has not concluded, a detailed status  
17 report on the complaint; and

18 (F) any recommendations that the point of contact  
19 person has relating to systemic issues in the  
20 Department of Corrections, and any other matters for  
21 consideration by the General Assembly and the  
22 Governor.

23 The name, address, or other personally identifiable  
24 information of a person who files a complaint, suggestion,  
25 or other request with the point of contact person, and  
26 confidential records shall be redacted from the annual



1 report and are not subject to disclosure under the Freedom  
2 of Information Act. The Department shall disclose the  
3 records only if required by a court order on a showing of  
4 good cause.

5 (3) The Department must post in a conspicuous place in  
6 the waiting area of every facility or institution a sign  
7 that contains in bold, black type the following:

8 (A) a short statement notifying visitors of the  
9 point of contact person and that person's duty to  
10 receive suggestions, complaints, or other requests;  
11 and

12 (B) information on how to submit suggestions,  
13 complaints, or other requests to the point of contact  
14 person.

15 (Source: P.A. 102-1082, eff. 6-10-22.)

16 (Text of Section after amendment by P.A. 102-1111)

17 Sec. 3-7-2. Facilities.

18 (a) All institutions and facilities of the Department  
19 shall provide every committed person with access to toilet  
20 facilities, barber facilities, bathing facilities at least  
21 once each week, a library of legal materials and published  
22 materials including newspapers and magazines approved by the  
23 Director. A committed person may not receive any materials  
24 that the Director deems pornographic.

25 (b) (Blank).

1           (c) All institutions and facilities of the Department  
2 shall provide facilities for every committed person to leave  
3 his cell for at least one hour each day unless the chief  
4 administrative officer determines that it would be harmful or  
5 dangerous to the security or safety of the institution or  
6 facility.

7           (d) All institutions and facilities of the Department  
8 shall provide every committed person with a wholesome and  
9 nutritional diet at regularly scheduled hours, drinking water,  
10 clothing adequate for the season, including underwear,  
11 bedding, soap and towels and medical and dental care.  
12 Underwear provided to each committed person in all  
13 institutions and facilities of the Department shall be free of  
14 charge and shall be provided at any time upon request,  
15 including multiple requests, of the committed person or as  
16 needed by the committed person.

17           (e) All institutions and facilities of the Department  
18 shall permit every committed person to send and receive an  
19 unlimited number of uncensored letters, provided, however,  
20 that the Director may order that mail be inspected and read for  
21 reasons of the security, safety or morale of the institution  
22 or facility.

23           (f) All of the institutions and facilities of the  
24 Department shall permit every committed person to receive  
25 in-person visitors and video contact, if available, except in  
26 case of abuse of the visiting privilege or when the chief

1 administrative officer determines that such visiting would be  
2 harmful or dangerous to the security, safety or morale of the  
3 institution or facility. Each committed person is entitled to  
4 7 visits per month. Every committed person may submit a list of  
5 at least 30 persons to the Department that are authorized to  
6 visit the committed person. The list shall be kept in an  
7 electronic format by the Department beginning on August 1,  
8 2019, as well as available in paper form for Department  
9 employees. The chief administrative officer shall have the  
10 right to restrict visitation to non-contact visits, video, or  
11 other forms of non-contact visits for reasons of safety,  
12 security, and order, including, but not limited to,  
13 restricting contact visits for committed persons engaged in  
14 gang activity. No committed person in a super maximum security  
15 facility or on disciplinary segregation is allowed contact  
16 visits. Any committed person found in possession of illegal  
17 drugs or who fails a drug test shall not be permitted contact  
18 visits for a period of at least 6 months. Any committed person  
19 involved in gang activities or found guilty of assault  
20 committed against a Department employee shall not be permitted  
21 contact visits for a period of at least 6 months. The  
22 Department shall offer every visitor appropriate written  
23 information concerning HIV and AIDS, including information  
24 concerning how to contact the Illinois Department of Public  
25 Health for counseling information. The Department shall  
26 develop the written materials in consultation with the

1 Department of Public Health. The Department shall ensure that  
2 all such information and materials are culturally sensitive  
3 and reflect cultural diversity as appropriate. Implementation  
4 of the changes made to this Section by Public Act 94-629 is  
5 subject to appropriation. The Department shall seek the lowest  
6 possible cost to provide video calling and shall charge to the  
7 extent of recovering any demonstrated costs of providing video  
8 calling. The Department shall not make a commission or profit  
9 from video calling services. Nothing in this Section shall be  
10 construed to permit video calling instead of in-person  
11 visitation.

12 (f-5) (Blank).

13 (f-10) The Department may not restrict or limit in-person  
14 visits to committed persons due to the availability of  
15 interactive video conferences.

16 (f-15)(1) The Department shall issue a standard written  
17 policy for each institution and facility of the Department  
18 that provides for:

19 (A) the number of in-person visits each committed  
20 person is entitled to per week and per month including the  
21 requirements of subsection (f) of this Section;

22 (B) the hours of in-person visits;

23 (C) the type of identification required for visitors  
24 at least 18 years of age; and

25 (D) the type of identification, if any, required for  
26 visitors under 18 years of age.

1           (2) This policy shall be posted on the Department website  
2 and at each facility.

3           (3) The Department shall post on its website daily any  
4 restrictions or denials of visitation for that day and the  
5 succeeding 5 calendar days, including those based on a  
6 lockdown of the facility, to inform family members and other  
7 visitors.

8           (g) All institutions and facilities of the Department  
9 shall permit religious ministrations and sacraments to be  
10 available to every committed person, but attendance at  
11 religious services shall not be required.

12           (h) Within 90 days after December 31, 1996, the Department  
13 shall prohibit the use of curtains, cell-coverings, or any  
14 other matter or object that obstructs or otherwise impairs the  
15 line of vision into a committed person's cell.

16           (i) A point of contact person appointed under subsection  
17 (u-6) of Section 3-2-2 of this Code shall promptly and  
18 efficiently review suggestions, complaints, and other requests  
19 made by visitors to institutions and facilities of the  
20 Department and by other members of the public. Based on the  
21 nature of the submission, the point of contact person shall  
22 communicate with the appropriate division of the Department,  
23 disseminate the concern or complaint, and act as liaison  
24 between the parties to reach a resolution.

25           (1) The point of contact person shall maintain  
26 information about the subject matter of each

1 correspondence, including, but not limited to, information  
2 about the following subjects:

3 (A) the parties making the submission;

4 (B) any commissary-related concerns;

5 (C) any concerns about the institution or  
6 facility's COVID protocols and mitigations;

7 (D) any concerns about mail, video, or electronic  
8 messages or other communications with incarcerated  
9 persons;

10 (E) any concerns about the institution or  
11 facility;

12 (F) any discipline-related concerns;

13 (G) any concerns about earned sentencing credits;

14 (H) any concerns about educational opportunities  
15 for incarcerated persons;

16 (I) any concerns about health-related matters;

17 (J) any mental health concerns;

18 (K) any concerns about personal property;

19 (L) any concerns about the records of the  
20 incarcerated person;

21 (M) any concerns about recreational opportunities  
22 for incarcerated persons;

23 (N) any staffing-related concerns;

24 (O) any concerns about the transfer of individuals  
25 in custody;

26 (P) any concerns about visitation; and

1           (Q) any concerns about work opportunities for  
2           incarcerated persons.

3           The information shall be maintained in accordance with  
4           standards set by the Department of Corrections, and shall  
5           be made available to the Department's Planning and  
6           Research Division. The point of contact person shall  
7           provide a summary of the results of the review, including  
8           any resolution or recommendations made as a result of  
9           correspondence with the Planning and Research Division of  
10          the Department.

11          (2) The Department shall provide an annual written  
12          report to the General Assembly and the Governor, with the  
13          first report due no later than January 1, 2023, and  
14          publish the report on its website within 48 hours after  
15          the report is transmitted to the Governor and the General  
16          Assembly. The report shall include a summary of activities  
17          undertaken and completed as a result of submissions to the  
18          point of contact person. The Department of Corrections  
19          shall collect and report the following aggregated and  
20          disaggregated data for each institution and facility and  
21          describe:

22                 (A) the work of the point of contact person;

23                 (B) the general nature of suggestions, complaints,  
24                 and other requests submitted to the point of contact  
25                 person;

26                 (C) the volume of emails, calls, letters, and

1 other correspondence received by the point of contact  
2 person;

3 (D) the resolutions reached or recommendations  
4 made as a result of the point of contact person's  
5 review;

6 (E) whether, if an investigation is recommended, a  
7 report of the complaint was forwarded to the Chief  
8 Inspector of the Department or other Department  
9 employee, and the resolution of the complaint, and if  
10 the investigation has not concluded, a detailed status  
11 report on the complaint; and

12 (F) any recommendations that the point of contact  
13 person has relating to systemic issues in the  
14 Department of Corrections, and any other matters for  
15 consideration by the General Assembly and the  
16 Governor.

17 The name, address, or other personally identifiable  
18 information of a person who files a complaint, suggestion,  
19 or other request with the point of contact person, and  
20 confidential records shall be redacted from the annual  
21 report and are not subject to disclosure under the Freedom  
22 of Information Act. The Department shall disclose the  
23 records only if required by a court order on a showing of  
24 good cause.

25 (3) The Department must post in a conspicuous place in  
26 the waiting area of every facility or institution a sign



1 that contains in bold, black type the following:

2 (A) a short statement notifying visitors of the  
3 point of contact person and that person's duty to  
4 receive suggestions, complaints, or other requests;  
5 and

6 (B) information on how to submit suggestions,  
7 complaints, or other requests to the point of contact  
8 person.

9 (j) ~~(i)~~ Menstrual hygiene products shall be available, as  
10 needed, free of charge, at all institutions and facilities of  
11 the Department for all committed persons who menstruate. In  
12 this subsection (j) ~~(i)~~, "menstrual hygiene products" means  
13 tampons and sanitary napkins for use in connection with the  
14 menstrual cycle.

15 (Source: P.A. 102-1082, eff. 6-10-22; 102-1111, eff. 6-1-23;  
16 revised 1-8-23.)

17 Section 700. The Illinois Substance Abuse Treatment  
18 Program is amended by changing Section 1 as follows:

19 (730 ILCS 145/1) (from Ch. 38, par. 1531)

20 Sec. 1. Short Title. This Act shall be known and may be  
21 cited as the Illinois Substance Abuse Treatment Program Act.

22 (Source: P.A. 86-1320; revised 2-28-22.)

23 Section 705. The Veterans and Servicemembers Court

1 Treatment Act is amended by changing Section 20 as follows:

2 (730 ILCS 167/20)

3 Sec. 20. Eligibility. Veterans and servicemembers are  
4 eligible for veterans and servicemembers courts, provided the  
5 following:

6 (a) A defendant may be admitted into a veterans and  
7 servicemembers court program only upon the consent of the  
8 defendant and with the approval of the court. A defendant  
9 agrees to be admitted when a written consent to  
10 participate is provided to the court in open court and the  
11 defendant acknowledges understanding of its contents.

12 (a-5) Each veterans and servicemembers court shall  
13 have a target population defined in its written policies  
14 and procedures. The policies and procedures shall define  
15 that court's eligibility and exclusionary criteria.

16 (b) A defendant shall be excluded from a veterans  
17 ~~Veterans~~ and servicemembers court ~~Servicemembers Court~~  
18 program if any of one of the following applies:

19 (1) The crime is a crime of violence as set forth  
20 in paragraph (3) of this subsection (b).

21 (2) The defendant does not demonstrate a  
22 willingness to participate in a treatment program.

23 (3) The defendant has been convicted of a crime of  
24 violence within the past 5 years excluding  
25 incarceration time, parole, and periods of mandatory

1 supervised release. As used in this paragraph, "crime  
2 of violence" means: first degree murder, second degree  
3 murder, predatory criminal sexual assault of a child,  
4 aggravated criminal sexual assault, criminal sexual  
5 assault, armed robbery, aggravated arson, arson,  
6 aggravated kidnapping and kidnapping, aggravated  
7 battery resulting in great bodily harm or permanent  
8 disability, aggravated domestic battery resulting in  
9 great bodily harm or permanent disability, aggravated  
10 criminal sexual abuse by a person in a position of  
11 trust or authority over a child, stalking, aggravated  
12 stalking, home invasion, aggravated vehicular  
13 hijacking, or any offense involving the discharge of a  
14 firearm.

15 (4) The defendant is charged with a violation of  
16 subparagraph (F) of paragraph (1) of subsection (d) of  
17 Section 11-501 of the Illinois Vehicle Code in which  
18 an individual is charged with aggravated driving under  
19 the influence that resulted in the death of another  
20 person or when the violation was a proximate cause of  
21 the death, unless, pursuant to subparagraph (G) of  
22 paragraph (1) of subsection (d) of Section 11-501 of  
23 the Illinois Vehicle Code, the court determines that  
24 extraordinary circumstances exist and require  
25 probation.

26 (5) (Blank).

1 (6) (Blank).

2 (c) Notwithstanding subsection (a), the defendant may  
3 be admitted into a veterans and servicemembers court  
4 program only upon the agreement of the prosecutor if the  
5 defendant is charged with a Class 2 or greater felony  
6 violation of:

7 (1) Section 401, 401.1, 405, or 405.2 of the  
8 Illinois Controlled Substances Act;

9 (2) Section 5, 5.1, or 5.2 of the Cannabis Control  
10 Act; or

11 (3) Section 15, 20, 25, 30, 35, 40, 45, 50, 55, 56,  
12 or 65 of the Methamphetamine Control and Community  
13 Protection Act.

14 (Source: P.A. 101-652, eff. 7-1-21; 102-1041, eff. 6-2-22;  
15 revised 8-19-22.)

16 Section 710. The Eminent Domain Act is amended by changing  
17 Sections 15-5-35 and 15-5-48 as follows:

18 (735 ILCS 30/15-5-35)

19 Sec. 15-5-35. Eminent domain powers in ILCS Chapters 605  
20 through 630 ~~625~~. The following provisions of law may include  
21 express grants of the power to acquire property by  
22 condemnation or eminent domain:

23 (605 ILCS 5/4-501); Illinois Highway Code; Department of

1           Transportation and counties; for highway purposes.

2           (605 ILCS 5/4-502); Illinois Highway Code; Department of

3           Transportation; for ditches and drains.

4           (605 ILCS 5/4-505); Illinois Highway Code; Department of

5           Transportation; for replacement of railroad and public

6           utility property taken for highway purposes.

7           (605 ILCS 5/4-509); Illinois Highway Code; Department of

8           Transportation; for replacement of property taken for

9           highway purposes.

10          (605 ILCS 5/4-510); Illinois Highway Code; Department of

11          Transportation; for rights-of-way for future highway

12          purposes.

13          (605 ILCS 5/4-511); Illinois Highway Code; Department of

14          Transportation; for relocation of structures taken for

15          highway purposes.

16          (605 ILCS 5/5-107); Illinois Highway Code; counties; for

17          county highway relocation.

18          (605 ILCS 5/5-801); Illinois Highway Code; counties; for

19          highway purposes.

20          (605 ILCS 5/5-802); Illinois Highway Code; counties; for

21          ditches and drains.

22          (605 ILCS 5/6-309); Illinois Highway Code; highway

23          commissioners or county superintendents; for township or

24          road district roads.

25          (605 ILCS 5/6-801); Illinois Highway Code; highway

26          commissioners; for road district or township roads.

1 (605 ILCS 5/6-802); Illinois Highway Code; highway  
2 commissioners; for ditches and drains.

3 (605 ILCS 5/8-102); Illinois Highway Code; Department of  
4 Transportation, counties, and municipalities; for limiting  
5 freeway access.

6 (605 ILCS 5/8-103); Illinois Highway Code; Department of  
7 Transportation, counties, and municipalities; for freeway  
8 purposes.

9 (605 ILCS 5/8-106); Illinois Highway Code; Department of  
10 Transportation and counties; for relocation of existing  
11 crossings for freeway purposes.

12 (605 ILCS 5/9-113); Illinois Highway Code; highway  
13 authorities; for utility and other uses in rights-of-ways.

14 (605 ILCS 5/10-302); Illinois Highway Code; counties; for  
15 bridge purposes.

16 (605 ILCS 5/10-602); Illinois Highway Code; municipalities;  
17 for ferry and bridge purposes.

18 (605 ILCS 5/10-702); Illinois Highway Code; municipalities;  
19 for bridge purposes.

20 (605 ILCS 5/10-901); Illinois Highway Code; Department of  
21 Transportation; for ferry property.

22 (605 ILCS 10/9); Toll Highway Act; Illinois State Toll Highway  
23 Authority; for toll highway purposes.

24 (605 ILCS 10/9.5); Toll Highway Act; Illinois State Toll  
25 Highway Authority; for its authorized purposes.

26 (605 ILCS 10/10); Toll Highway Act; Illinois State Toll

1 Highway Authority; for property of a municipality or  
2 political subdivision for toll highway purposes.

3 (605 ILCS 115/14); Toll Bridge Act; counties; for toll bridge  
4 purposes.

5 (605 ILCS 115/15); Toll Bridge Act; counties; for the purpose  
6 of taking a toll bridge to make it a free bridge.

7 (605 ILCS 130/80); Public Private Agreements for the Illiana  
8 Expressway Act; Department of Transportation; for the  
9 Illiana Expressway project.

10 (610 ILCS 5/17); Railroad Incorporation Act; railroad  
11 corporation; for real estate for railroad purposes.

12 (610 ILCS 5/18); Railroad Incorporation Act; railroad  
13 corporations; for materials for railways.

14 (610 ILCS 5/19); Railroad Incorporation Act; railways; for  
15 land along highways.

16 (610 ILCS 70/1); Railroad Powers Act; purchasers and lessees  
17 of railroad companies; for railroad purposes.

18 (610 ILCS 115/2 and 115/3); Street Railroad Right of Way Act;  
19 street railroad companies; for street railroad purposes.

20 (615 ILCS 5/19); Rivers, Lakes, and Streams Act; Department of  
21 Natural Resources; for land along public waters for  
22 pleasure, recreation, or sport purposes.

23 (615 ILCS 10/7.8); Illinois Waterway Act; Department of  
24 Natural Resources; for waterways and appurtenances.

25 (615 ILCS 15/7); Flood Control Act of 1945; Department of  
26 Natural Resources; for the purposes of the Act.

1 (615 ILCS 30/9); Illinois and Michigan Canal Management Act;  
2 Department of Natural Resources; for dams, locks, and  
3 improvements.

4 (615 ILCS 45/10); Illinois and Michigan Canal Development Act;  
5 Department of Natural Resources; for development and  
6 management of the canal.

7 (620 ILCS 5/72); Illinois Aeronautics Act; Division of  
8 Aeronautics of the Department of Transportation; for  
9 airport purposes.

10 (620 ILCS 5/73); Illinois Aeronautics Act; Division of  
11 Aeronautics of the Department of Transportation; for  
12 removal of airport hazards.

13 (620 ILCS 5/74); Illinois Aeronautics Act; Division of  
14 Aeronautics of the Department of Transportation; for  
15 airport purposes.

16 (620 ILCS 25/33); Airport Zoning Act; Division of Aeronautics  
17 of the Department of Transportation; for air rights.

18 (620 ILCS 40/2 and 40/3); General County Airport and Landing  
19 Field Act; counties; for airport purposes.

20 (620 ILCS 40/5); General County Airport and Landing Field Act;  
21 counties; for removing hazards.

22 (620 ILCS 45/6 and 45/7); County Airport Law of 1943; boards of  
23 directors of airports and landing fields; for airport and  
24 landing field purposes.

25 (620 ILCS 50/22 and 50/31); County Airports Act; counties; for  
26 airport purposes.



1 (620 ILCS 50/24); County Airports Act; counties; for removal  
2 of airport hazards.

3 (620 ILCS 50/26); County Airports Act; counties; for  
4 acquisition of airport protection privileges.

5 (620 ILCS 52/15); County Air Corridor Protection Act;  
6 counties; for airport zones.

7 (620 ILCS 55/1); East St. Louis Airport Act; Department of  
8 Transportation; for airport in East St. Louis metropolitan  
9 area.

10 (620 ILCS 65/15); O'Hare Modernization Act; Chicago; for the  
11 O'Hare modernization program, including quick-take power.

12 (620 ILCS 75/2-15 and 75/2-90); Public-Private Agreements for  
13 the South Suburban Airport Act; Department of  
14 Transportation; for South Suburban Airport purposes.

15 (625 ILCS 5/2-105); Illinois Vehicle Code; Secretary of State;  
16 for general purposes.

17 (625 ILCS 5/18c-7501); Illinois Vehicle Code; rail carriers;  
18 for railroad purposes, including quick-take power.

19 (630 ILCS 10/60); Innovations for Transportation  
20 Infrastructure Act; for the purposes of constructing a  
21 transportation facility under the Act.

22 (Source: P.A. 97-808, eff. 7-13-12; incorporates 98-109, eff.  
23 7-25-13; 98-756, eff. 7-16-14; revised 9-12-22.)

24 (735 ILCS 30/15-5-48)

25 Sec. 15-5-48. Eminent domain powers in new Acts. The

1 following provisions of law may include express grants of the  
2 power to acquire property by condemnation or eminent domain:

3 (Reserved). ~~The Innovations for Transportation~~  
4 ~~Infrastructure Act; for the purposes of constructing a~~  
5 ~~transportation facility under the Act.~~

6 (Source: P.A. 102-1094, eff. 6-15-22; revised 9-12-22.)

7 Section 715. The Stalking No Contact Order Act is amended  
8 by changing Sections 20 and 70 as follows:

9 (740 ILCS 21/20)

10 Sec. 20. Commencement of action; filing fees.

11 (a) An action for a stalking no contact order is  
12 commenced:

13 (1) independently, by filing a petition for a stalking  
14 no contact order in any civil court, unless specific  
15 courts are designated by local rule or order; or

16 (2) in conjunction with a delinquency petition or a  
17 criminal prosecution as provided in Article 112A of the  
18 Code of Criminal Procedure of 1963.

19 (a-1) A petition for a stalking no contact order may be  
20 filed in person ~~in person~~ or online.

21 (a-5) When a petition for an emergency stalking no contact  
22 order is filed, the petition and file shall not be public and  
23 shall only be accessible to the court, law enforcement,  
24 petitioner, victim advocate, counsel of record for either

1 party, and ~~the~~ State's Attorney for the county until the  
2 petition is served on the respondent.

3 (b) Withdrawal or dismissal of any petition for a stalking  
4 no contact order prior to adjudication where the petitioner is  
5 represented by the State shall operate as a dismissal without  
6 prejudice. No action for a stalking no contact order shall be  
7 dismissed because the respondent is being prosecuted for a  
8 crime against the petitioner. For any action commenced under  
9 item (2) of subsection (a) of this Section, dismissal of the  
10 conjoined case (or a finding of not guilty) shall not require  
11 dismissal of the action for a stalking no contact order;  
12 instead, it may be treated as an independent action and, if  
13 necessary and appropriate, transferred to a different court or  
14 division.

15 (c) No fee shall be charged by the clerk of the court for  
16 filing petitions or modifying or certifying orders. No fee  
17 shall be charged by the sheriff for service by the sheriff of a  
18 petition, rule, motion, or order in an action commenced under  
19 this Section.

20 (d) The court shall provide, through the office of the  
21 clerk of the court, simplified forms for filing of a petition  
22 under this Section by any person not represented by counsel.

23 (Source: P.A. 101-255, eff. 1-1-20; 102-831, eff. 5-13-22;  
24 102-853, eff. 1-1-23; revised 12-14-22.)

1           Sec. 70. Hearings.

2           (a) A petition for a stalking no contact order shall be  
3 treated as an expedited proceeding, and no court may transfer  
4 or otherwise decline to decide all or part of such petition.  
5 Nothing in this Section shall prevent the court from reserving  
6 issues if jurisdiction or notice requirements are not met.

7           (b) A court in a county with a population above 250,000  
8 shall offer the option of a remote hearing to a petitioner for  
9 a stalking no contact order. The court has the discretion to  
10 grant or deny the request for a remote hearing. Each court  
11 shall determine the procedure for a remote hearing. The  
12 petitioner and respondent may appear remotely or in person  
13 ~~in person~~.

14           The court shall issue and publish a court order, standing  
15 order, or local rule detailing information about the process  
16 for requesting and participating in a remote court appearance.  
17 The court order, standing order, or local rule shall be  
18 published on the court's website and posted on signs  
19 throughout the courthouse, including in the clerk's office.  
20 The sign shall be written in plain language and include  
21 information about the availability of remote court appearances  
22 and the process for requesting a remote hearing.

23           (Source: P.A. 102-853, eff. 1-1-23; revised 12-12-22.)

24           Section 720. The Civil No Contact Order Act is amended by  
25 changing Sections 202 and 210 as follows:

1 (740 ILCS 22/202)

2 Sec. 202. Commencement of action; filing fees.

3 (a) An action for a civil no contact order is commenced:

4 (1) independently, by filing a petition for a civil no  
5 contact order in any civil court, unless specific courts  
6 are designated by local rule or order; or

7 (2) in conjunction with a delinquency petition or a  
8 criminal prosecution as provided in Article 112A of the  
9 Code of Criminal Procedure of 1963.

10 (a-1) A petition for a civil no contact order may be filed  
11 in person ~~in person~~ or online.

12 (a-5) When a petition for an emergency civil no contact  
13 order is filed, the petition and file shall not be public and  
14 shall only be accessible to the court, law enforcement,  
15 petitioner, rape crisis advocate, counsel of record for either  
16 party, and ~~the~~ State's Attorney for the county until the  
17 petition is served on the respondent.

18 (b) Withdrawal or dismissal of any petition for a civil no  
19 contact order prior to adjudication where the petitioner is  
20 represented by the State shall operate as a dismissal without  
21 prejudice. No action for a civil no contact order shall be  
22 dismissed because the respondent is being prosecuted for a  
23 crime against the petitioner. For any action commenced under  
24 item (2) of subsection (a) of this Section, dismissal of the  
25 conjoined case (or a finding of not guilty) shall not require

1 dismissal of the action for a civil no contact order; instead,  
2 it may be treated as an independent action and, if necessary  
3 and appropriate, transferred to a different court or division.

4 (c) No fee shall be charged by the clerk of the court for  
5 filing petitions or modifying or certifying orders. No fee  
6 shall be charged by the sheriff for service by the sheriff of a  
7 petition, rule, motion, or order in an action commenced under  
8 this Section.

9 (d) The court shall provide, through the office of the  
10 clerk of the court, simplified forms for filing of a petition  
11 under this Section by any person not represented by counsel.

12 (Source: P.A. 101-255, eff. 1-1-20; 102-831, eff. 5-13-22;  
13 102-853, eff. 1-1-23; revised 12-14-22.)

14 (740 ILCS 22/210)

15 Sec. 210. Hearings.

16 (a) A petition for a civil no contact order shall be  
17 treated as an expedited proceeding, and no court may transfer  
18 or otherwise decline to decide all or part of such petition.  
19 Nothing in this Section shall prevent the court from reserving  
20 issues if jurisdiction or notice requirements are not met.

21 (b) A court in a county with a population above 250,000  
22 shall offer the option of a remote hearing to a petitioner for  
23 a civil no contact order. The court has the discretion to grant  
24 or deny the request for a remote hearing. Each court shall  
25 determine the procedure for a remote hearing. The petitioner

1 and respondent may appear remotely or in person ~~in person~~.

2 The court shall issue and publish a court order, standing  
3 order, or local rule detailing information about the process  
4 for requesting and participating in a remote court appearance.  
5 The court order, standing order, or local rule shall be  
6 published on the court's website and posted on signs  
7 throughout the courthouse, including in the clerk's office.  
8 The sign shall be written in plain language and include  
9 information about the availability of remote court appearances  
10 and the process for requesting a remote hearing.

11 (Source: P.A. 102-853, eff. 1-1-23; revised 12-12-22.)

12 Section 725. The Crime Victims Compensation Act is amended  
13 by changing Section 2 as follows:

14 (740 ILCS 45/2)

15 (Text of Section before amendment by P.A. 102-982)

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

18 (a) "Applicant" means any person who applies for  
19 compensation under this Act or any person the Court of Claims  
20 or the Attorney General finds is entitled to compensation,  
21 including the guardian of a minor or of a person under legal  
22 disability. It includes any person who was a dependent of a  
23 deceased victim of a crime of violence for his or her support  
24 at the time of the death of that victim.

1           The changes made to this subsection by Public Act 101-652  
2 ~~this amendatory Act of the 101st General Assembly~~ apply to  
3 actions commenced or pending on or after January 1, 2022.

4           (b) "Court of Claims" means the Court of Claims created by  
5 the Court of Claims Act.

6           (c) "Crime of violence" means and includes any offense  
7 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,  
8 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
9 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,  
10 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4,  
11 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,  
12 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,  
13 or Section 12-3.05 except for subdivision (a) (4) or (g) (1), or  
14 subdivision (a) (4) of Section 11-14.4, of the Criminal Code of  
15 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of  
16 the Cemetery Protection Act, Section 125 of the Stalking No  
17 Contact Order Act, Section 219 of the Civil No Contact Order  
18 Act, driving under the influence as defined in Section 11-501  
19 of the Illinois Vehicle Code, a violation of Section 11-401 of  
20 the Illinois Vehicle Code, provided the victim was a  
21 pedestrian or was operating a vehicle moved solely by human  
22 power or a mobility device at the time of contact, and a  
23 violation of Section 11-204.1 of the Illinois Vehicle Code; so  
24 long as the offense did not occur during a civil riot,  
25 insurrection or rebellion. "Crime of violence" does not  
26 include any other offense or accident involving a motor



1 vehicle except those vehicle offenses specifically provided  
2 for in this paragraph. "Crime of violence" does include all of  
3 the offenses specifically provided for in this paragraph that  
4 occur within this State but are subject to federal  
5 jurisdiction and crimes involving terrorism as defined in 18  
6 U.S.C. 2331.

7 (d) "Victim" means (1) a person killed or injured in this  
8 State as a result of a crime of violence perpetrated or  
9 attempted against him or her, (2) the spouse, parent, or child  
10 of a person killed or injured in this State as a result of a  
11 crime of violence perpetrated or attempted against the person,  
12 or anyone living in the household of a person killed or injured  
13 in a relationship that is substantially similar to that of a  
14 parent, spouse, or child, (3) a person killed or injured in  
15 this State while attempting to assist a person against whom a  
16 crime of violence is being perpetrated or attempted, if that  
17 attempt of assistance would be expected of a reasonable person  
18 under the circumstances, (4) a person killed or injured in  
19 this State while assisting a law enforcement official  
20 apprehend a person who has perpetrated a crime of violence or  
21 prevent the perpetration of any such crime if that assistance  
22 was in response to the express request of the law enforcement  
23 official, (5) a person who personally witnessed a violent  
24 crime, (5.05) a person who will be called as a witness by the  
25 prosecution to establish a necessary nexus between the  
26 offender and the violent crime, (5.1) solely for the purpose

1 of compensating for pecuniary loss incurred for psychological  
2 treatment of a mental or emotional condition caused or  
3 aggravated by the crime, any other person under the age of 18  
4 who is the brother, sister, half brother, or half sister of a  
5 person killed or injured in this State as a result of a crime  
6 of violence, (6) an Illinois resident who is a victim of a  
7 "crime of violence" as defined in this Act except, if the crime  
8 occurred outside this State, the resident has the same rights  
9 under this Act as if the crime had occurred in this State upon  
10 a showing that the state, territory, country, or political  
11 subdivision of a country in which the crime occurred does not  
12 have a compensation of victims of crimes law for which that  
13 Illinois resident is eligible, (7) a deceased person whose  
14 body is dismembered or whose remains are desecrated as the  
15 result of a crime of violence, or (8) solely for the purpose of  
16 compensating for pecuniary loss incurred for psychological  
17 treatment of a mental or emotional condition caused or  
18 aggravated by the crime, any parent, spouse, or child under  
19 the age of 18 of a deceased person whose body is dismembered or  
20 whose remains are desecrated as the result of a crime of  
21 violence.

22 (e) "Dependent" means a relative of a deceased victim who  
23 was wholly or partially dependent upon the victim's income at  
24 the time of his or her death and shall include the child of a  
25 victim born after his or her death.

26 (f) "Relative" means a spouse, parent, grandparent,

1 stepfather, stepmother, child, grandchild, brother,  
2 brother-in-law, sister, sister-in-law, half brother, half  
3 sister, spouse's parent, nephew, niece, uncle, aunt, or anyone  
4 living in the household of a person killed or injured in a  
5 relationship that is substantially similar to that of a  
6 parent, spouse, or child.

7 (g) "Child" means a son or daughter and includes a  
8 stepchild, an adopted child or a child born out of wedlock.

9 (h) "Pecuniary loss" means, in the case of injury,  
10 appropriate medical expenses and hospital expenses including  
11 expenses of medical examinations, rehabilitation, medically  
12 required nursing care expenses, appropriate psychiatric care  
13 or psychiatric counseling expenses, appropriate expenses for  
14 care or counseling by a licensed clinical psychologist,  
15 licensed clinical social worker, licensed professional  
16 counselor, or licensed clinical professional counselor and  
17 expenses for treatment by Christian Science practitioners and  
18 nursing care appropriate thereto; transportation expenses to  
19 and from medical and counseling treatment facilities;  
20 prosthetic appliances, eyeglasses, and hearing aids necessary  
21 or damaged as a result of the crime; expenses incurred for the  
22 towing and storage of a victim's vehicle in connection with a  
23 crime of violence, to a maximum of \$1,000; costs associated  
24 with trafficking tattoo removal by a person authorized or  
25 licensed to perform the specific removal procedure;  
26 replacement costs for clothing and bedding used as evidence;

1 costs associated with temporary lodging or relocation  
2 necessary as a result of the crime, including, but not limited  
3 to, the first month's rent and security deposit of the  
4 dwelling that the claimant relocated to and other reasonable  
5 relocation expenses incurred as a result of the violent crime;  
6 locks or windows necessary or damaged as a result of the crime;  
7 the purchase, lease, or rental of equipment necessary to  
8 create usability of and accessibility to the victim's real and  
9 personal property, or the real and personal property which is  
10 used by the victim, necessary as a result of the crime; the  
11 costs of appropriate crime scene clean-up; replacement  
12 services loss, to a maximum of \$1,250 per month; dependents  
13 replacement services loss, to a maximum of \$1,250 per month;  
14 loss of tuition paid to attend grammar school or high school  
15 when the victim had been enrolled as a student prior to the  
16 injury, or college or graduate school when the victim had been  
17 enrolled as a day or night student prior to the injury when the  
18 victim becomes unable to continue attendance at school as a  
19 result of the crime of violence perpetrated against him or  
20 her; loss of earnings, loss of future earnings because of  
21 disability resulting from the injury, and, in addition, in the  
22 case of death, expenses for funeral, burial, and travel and  
23 transport for survivors of homicide victims to secure bodies  
24 of deceased victims and to transport bodies for burial all of  
25 which may be awarded up to a maximum of \$10,000 and loss of  
26 support of the dependents of the victim; in the case of

1 dismemberment or desecration of a body, expenses for funeral  
2 and burial, all of which may be awarded up to a maximum of  
3 \$10,000. Loss of future earnings shall be reduced by any  
4 income from substitute work actually performed by the victim  
5 or by income he or she would have earned in available  
6 appropriate substitute work he or she was capable of  
7 performing but unreasonably failed to undertake. Loss of  
8 earnings, loss of future earnings and loss of support shall be  
9 determined on the basis of the victim's average net monthly  
10 earnings for the 6 months immediately preceding the date of  
11 the injury or on \$2,400 per month, whichever is less or, in  
12 cases where the absences commenced more than 3 years from the  
13 date of the crime, on the basis of the net monthly earnings for  
14 the 6 months immediately preceding the date of the first  
15 absence, not to exceed \$2,400 per month. If a divorced or  
16 legally separated applicant is claiming loss of support for a  
17 minor child of the deceased, the amount of support for each  
18 child shall be based either on the amount of support pursuant  
19 to the judgment prior to the date of the deceased victim's  
20 injury or death, or, if the subject of pending litigation  
21 filed by or on behalf of the divorced or legally separated  
22 applicant prior to the injury or death, on the result of that  
23 litigation. Real and personal property includes, but is not  
24 limited to, vehicles, houses, apartments, town houses, or  
25 condominiums. Pecuniary loss does not include pain and  
26 suffering or property loss or damage.

1           The changes made to this subsection by Public Act 101-652  
2 ~~this amendatory Act of the 101st General Assembly~~ apply to  
3 actions commenced or pending on or after January 1, 2022.

4           (i) "Replacement services loss" means expenses reasonably  
5 incurred in obtaining ordinary and necessary services in lieu  
6 of those the injured person would have performed, not for  
7 income, but for the benefit of himself or herself or his or her  
8 family, if he or she had not been injured.

9           (j) "Dependents replacement services loss" means loss  
10 reasonably incurred by dependents or private legal guardians  
11 of minor dependents after a victim's death in obtaining  
12 ordinary and necessary services in lieu of those the victim  
13 would have performed, not for income, but for their benefit,  
14 if he or she had not been fatally injured.

15           (k) "Survivor" means immediate family including a parent,  
16 stepfather, stepmother, child, brother, sister, or spouse.

17           (l) "Parent" means a natural parent, adopted parent,  
18 stepparent, or permanent legal guardian of another person.

19           (m) "Trafficking tattoo" is a tattoo which is applied to a  
20 victim in connection with the commission of a violation of  
21 Section 10-9 of the Criminal Code of 2012.

22           (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 7-1-21;  
23 102-27, eff. 6-25-21; 102-905, eff. 1-1-23; revised 12-14-22.)

24           (Text of Section after amendment by P.A. 102-982)

25           Sec. 2. Definitions. As used in this Act, unless the

1 context otherwise requires:

2 (a) "Applicant" means any person who applies for  
3 compensation under this Act or any person the Court of Claims  
4 or the Attorney General finds is entitled to compensation,  
5 including the guardian of a minor or of a person under legal  
6 disability. It includes any person who was a dependent of a  
7 deceased victim of a crime of violence for his or her support  
8 at the time of the death of that victim.

9 The changes made to this subsection by Public Act 101-652  
10 ~~this amendatory Act of the 101st General Assembly~~ apply to  
11 actions commenced or pending on or after January 1, 2022.

12 (b) "Court of Claims" means the Court of Claims created by  
13 the Court of Claims Act.

14 (c) "Crime of violence" means and includes any offense  
15 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,  
16 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
17 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,  
18 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4,  
19 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,  
20 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,  
21 or Section 12-3.05 except for subdivision (a) (4) or (g) (1), or  
22 subdivision (a) (4) of Section 11-14.4, of the Criminal Code of  
23 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of  
24 the Cemetery Protection Act, Section 125 of the Stalking No  
25 Contact Order Act, Section 219 of the Civil No Contact Order  
26 Act, driving under the influence as defined in Section 11-501

1 of the Illinois Vehicle Code, a violation of Section 11-401 of  
2 the Illinois Vehicle Code, provided the victim was a  
3 pedestrian or was operating a vehicle moved solely by human  
4 power or a mobility device at the time of contact, and a  
5 violation of Section 11-204.1 of the Illinois Vehicle Code; so  
6 long as the offense did not occur during a civil riot,  
7 insurrection or rebellion. "Crime of violence" does not  
8 include any other offense or crash involving a motor vehicle  
9 except those vehicle offenses specifically provided for in  
10 this paragraph. "Crime of violence" does include all of the  
11 offenses specifically provided for in this paragraph that  
12 occur within this State but are subject to federal  
13 jurisdiction and crimes involving terrorism as defined in 18  
14 U.S.C. 2331.

15 (d) "Victim" means (1) a person killed or injured in this  
16 State as a result of a crime of violence perpetrated or  
17 attempted against him or her, (2) the spouse, parent, or child  
18 of a person killed or injured in this State as a result of a  
19 crime of violence perpetrated or attempted against the person,  
20 or anyone living in the household of a person killed or injured  
21 in a relationship that is substantially similar to that of a  
22 parent, spouse, or child, (3) a person killed or injured in  
23 this State while attempting to assist a person against whom a  
24 crime of violence is being perpetrated or attempted, if that  
25 attempt of assistance would be expected of a reasonable person  
26 under the circumstances, (4) a person killed or injured in



1 this State while assisting a law enforcement official  
2 apprehend a person who has perpetrated a crime of violence or  
3 prevent the perpetration of any such crime if that assistance  
4 was in response to the express request of the law enforcement  
5 official, (5) a person who personally witnessed a violent  
6 crime, (5.05) a person who will be called as a witness by the  
7 prosecution to establish a necessary nexus between the  
8 offender and the violent crime, (5.1) solely for the purpose  
9 of compensating for pecuniary loss incurred for psychological  
10 treatment of a mental or emotional condition caused or  
11 aggravated by the crime, any other person under the age of 18  
12 who is the brother, sister, half brother, or half sister of a  
13 person killed or injured in this State as a result of a crime  
14 of violence, (6) an Illinois resident who is a victim of a  
15 "crime of violence" as defined in this Act except, if the crime  
16 occurred outside this State, the resident has the same rights  
17 under this Act as if the crime had occurred in this State upon  
18 a showing that the state, territory, country, or political  
19 subdivision of a country in which the crime occurred does not  
20 have a compensation of victims of crimes law for which that  
21 Illinois resident is eligible, (7) a deceased person whose  
22 body is dismembered or whose remains are desecrated as the  
23 result of a crime of violence, or (8) solely for the purpose of  
24 compensating for pecuniary loss incurred for psychological  
25 treatment of a mental or emotional condition caused or  
26 aggravated by the crime, any parent, spouse, or child under

1 the age of 18 of a deceased person whose body is dismembered or  
2 whose remains are desecrated as the result of a crime of  
3 violence.

4 (e) "Dependent" means a relative of a deceased victim who  
5 was wholly or partially dependent upon the victim's income at  
6 the time of his or her death and shall include the child of a  
7 victim born after his or her death.

8 (f) "Relative" means a spouse, parent, grandparent,  
9 stepfather, stepmother, child, grandchild, brother,  
10 brother-in-law, sister, sister-in-law, half brother, half  
11 sister, spouse's parent, nephew, niece, uncle, aunt, or anyone  
12 living in the household of a person killed or injured in a  
13 relationship that is substantially similar to that of a  
14 parent, spouse, or child.

15 (g) "Child" means a son or daughter and includes a  
16 stepchild, an adopted child or a child born out of wedlock.

17 (h) "Pecuniary loss" means, in the case of injury,  
18 appropriate medical expenses and hospital expenses including  
19 expenses of medical examinations, rehabilitation, medically  
20 required nursing care expenses, appropriate psychiatric care  
21 or psychiatric counseling expenses, appropriate expenses for  
22 care or counseling by a licensed clinical psychologist,  
23 licensed clinical social worker, licensed professional  
24 counselor, or licensed clinical professional counselor and  
25 expenses for treatment by Christian Science practitioners and  
26 nursing care appropriate thereto; transportation expenses to

1 and from medical and counseling treatment facilities;  
2 prosthetic appliances, eyeglasses, and hearing aids necessary  
3 or damaged as a result of the crime; expenses incurred for the  
4 towing and storage of a victim's vehicle in connection with a  
5 crime of violence, to a maximum of \$1,000; costs associated  
6 with trafficking tattoo removal by a person authorized or  
7 licensed to perform the specific removal procedure;  
8 replacement costs for clothing and bedding used as evidence;  
9 costs associated with temporary lodging or relocation  
10 necessary as a result of the crime, including, but not limited  
11 to, the first month's rent and security deposit of the  
12 dwelling that the claimant relocated to and other reasonable  
13 relocation expenses incurred as a result of the violent crime;  
14 locks or windows necessary or damaged as a result of the crime;  
15 the purchase, lease, or rental of equipment necessary to  
16 create usability of and accessibility to the victim's real and  
17 personal property, or the real and personal property which is  
18 used by the victim, necessary as a result of the crime; the  
19 costs of appropriate crime scene clean-up; replacement  
20 services loss, to a maximum of \$1,250 per month; dependents  
21 replacement services loss, to a maximum of \$1,250 per month;  
22 loss of tuition paid to attend grammar school or high school  
23 when the victim had been enrolled as a student prior to the  
24 injury, or college or graduate school when the victim had been  
25 enrolled as a day or night student prior to the injury when the  
26 victim becomes unable to continue attendance at school as a

1 result of the crime of violence perpetrated against him or  
2 her; loss of earnings, loss of future earnings because of  
3 disability resulting from the injury, and, in addition, in the  
4 case of death, expenses for funeral, burial, and travel and  
5 transport for survivors of homicide victims to secure bodies  
6 of deceased victims and to transport bodies for burial all of  
7 which may be awarded up to a maximum of \$10,000 and loss of  
8 support of the dependents of the victim; in the case of  
9 dismemberment or desecration of a body, expenses for funeral  
10 and burial, all of which may be awarded up to a maximum of  
11 \$10,000. Loss of future earnings shall be reduced by any  
12 income from substitute work actually performed by the victim  
13 or by income he or she would have earned in available  
14 appropriate substitute work he or she was capable of  
15 performing but unreasonably failed to undertake. Loss of  
16 earnings, loss of future earnings and loss of support shall be  
17 determined on the basis of the victim's average net monthly  
18 earnings for the 6 months immediately preceding the date of  
19 the injury or on \$2,400 per month, whichever is less or, in  
20 cases where the absences commenced more than 3 years from the  
21 date of the crime, on the basis of the net monthly earnings for  
22 the 6 months immediately preceding the date of the first  
23 absence, not to exceed \$2,400 per month. If a divorced or  
24 legally separated applicant is claiming loss of support for a  
25 minor child of the deceased, the amount of support for each  
26 child shall be based either on the amount of support pursuant

1 to the judgment prior to the date of the deceased victim's  
2 injury or death, or, if the subject of pending litigation  
3 filed by or on behalf of the divorced or legally separated  
4 applicant prior to the injury or death, on the result of that  
5 litigation. Real and personal property includes, but is not  
6 limited to, vehicles, houses, apartments, town houses, or  
7 condominiums. Pecuniary loss does not include pain and  
8 suffering or property loss or damage.

9 The changes made to this subsection by Public Act 101-652  
10 ~~this amendatory Act of the 101st General Assembly~~ apply to  
11 actions commenced or pending on or after January 1, 2022.

12 (i) "Replacement services loss" means expenses reasonably  
13 incurred in obtaining ordinary and necessary services in lieu  
14 of those the injured person would have performed, not for  
15 income, but for the benefit of himself or herself or his or her  
16 family, if he or she had not been injured.

17 (j) "Dependents replacement services loss" means loss  
18 reasonably incurred by dependents or private legal guardians  
19 of minor dependents after a victim's death in obtaining  
20 ordinary and necessary services in lieu of those the victim  
21 would have performed, not for income, but for their benefit,  
22 if he or she had not been fatally injured.

23 (k) "Survivor" means immediate family including a parent,  
24 stepfather, stepmother, child, brother, sister, or spouse.

25 (l) "Parent" means a natural parent, adopted parent,  
26 stepparent, or permanent legal guardian of another person.

1 (m) "Trafficking tattoo" is a tattoo which is applied to a  
2 victim in connection with the commission of a violation of  
3 Section 10-9 of the Criminal Code of 2012.

4 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 7-1-21;  
5 102-27, eff. 6-25-21; 102-905, eff. 1-1-23; 102-982, eff.  
6 7-1-23; revised 12-14-22.)

7 Section 730. The Illinois Domestic Violence Act of 1986 is  
8 amended by changing Sections 202, 212, and 217 as follows:

9 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

10 Sec. 202. Commencement of action; filing fees; dismissal.

11 (a) How to commence action. Actions for orders of  
12 protection are commenced:

13 (1) Independently: By filing a petition for an order  
14 of protection in any civil court, unless specific courts  
15 are designated by local rule or order.

16 (2) In conjunction with another civil proceeding: By  
17 filing a petition for an order of protection under the  
18 same case number as another civil proceeding involving the  
19 parties, including, but not limited to: (i) any proceeding  
20 under the Illinois Marriage and Dissolution of Marriage  
21 Act, Illinois Parentage Act of 2015, Nonsupport of Spouse  
22 and Children Act, or Revised Uniform Reciprocal  
23 Enforcement of Support Act or an action for nonsupport  
24 brought under Article X of the Illinois Public Aid Code,

1 provided that a petitioner and the respondent are a party  
2 to or the subject of that proceeding or (ii) a  
3 guardianship proceeding under the Probate Act of 1975, or  
4 a proceeding for involuntary commitment under the Mental  
5 Health and Developmental Disabilities Code, or any  
6 proceeding, other than a delinquency petition, under the  
7 Juvenile Court Act of 1987, provided that a petitioner or  
8 the respondent is a party to or the subject of such  
9 proceeding.

10 (3) In conjunction with a delinquency petition or a  
11 criminal prosecution as provided in Section 112A-20 of the  
12 Code of Criminal Procedure of 1963.

13 (a-1) A petition for an order of protection may be filed in  
14 person ~~in person~~ or online.

15 (a-5) When a petition for an emergency order of protection  
16 is filed, the petition shall not be publicly available until  
17 the petition is served on the respondent.

18 (b) Filing, certification, and service fees. No fee shall  
19 be charged by the clerk for filing, amending, vacating,  
20 certifying, or photocopying petitions or orders; or for  
21 issuing alias summons; or for any related filing service. No  
22 fee shall be charged by the sheriff for service by the sheriff  
23 of a petition, rule, motion, or order in an action commenced  
24 under this Section.

25 (c) Dismissal and consolidation. Withdrawal or dismissal  
26 of any petition for an order of protection prior to

1 adjudication where the petitioner is represented by the State  
2 shall operate as a dismissal without prejudice. No action for  
3 an order of protection shall be dismissed because the  
4 respondent is being prosecuted for a crime against the  
5 petitioner. An independent action may be consolidated with  
6 another civil proceeding, as provided by paragraph (2) of  
7 subsection (a) of this Section. For any action commenced under  
8 paragraph (2) or (3) of subsection (a) of this Section,  
9 dismissal of the conjoined case (or a finding of not guilty)  
10 shall not require dismissal of the action for the order of  
11 protection; instead, it may be treated as an independent  
12 action and, if necessary and appropriate, transferred to a  
13 different court or division. Dismissal of any conjoined case  
14 shall not affect the validity of any previously issued order  
15 of protection, and thereafter subsections (b) (1) and (b) (2) of  
16 Section 220 shall be inapplicable to such order.

17 (d) Pro se petitions. The court shall provide, through the  
18 office of the clerk of the court, simplified forms and  
19 clerical assistance to help with the writing and filing of a  
20 petition under this Section by any person not represented by  
21 counsel. In addition, that assistance may be provided by the  
22 State's Attorney ~~state's attorney~~.

23 (e) As provided in this subsection, the administrative  
24 director of the Administrative Office of the Illinois Courts,  
25 with the approval of the administrative board of the courts,  
26 may adopt rules to establish and implement a pilot program to



1 allow the electronic filing of petitions for temporary orders  
2 of protection and the issuance of such orders by audio-visual  
3 means to accommodate litigants for whom attendance in court to  
4 file for and obtain emergency relief would constitute an undue  
5 hardship or would constitute a risk of harm to the litigant.

6 (1) As used in this subsection:

7 (A) "Electronic means" means any method of  
8 transmission of information between computers or other  
9 machines designed for the purpose of sending or  
10 receiving electronic transmission and that allows for  
11 the recipient of information to reproduce the  
12 information received in a tangible medium of  
13 expression.

14 (B) "Independent audio-visual system" means an  
15 electronic system for the transmission and receiving  
16 of audio and visual signals, including those with the  
17 means to preclude the unauthorized reception and  
18 decoding of the signals by commercially available  
19 television receivers, channel converters, or other  
20 available receiving devices.

21 (C) "Electronic appearance" means an appearance in  
22 which one or more of the parties are not present in the  
23 court, but in which, by means of an independent  
24 audio-visual system, all of the participants are  
25 simultaneously able to see and hear reproductions of  
26 the voices and images of the judge, counsel, parties,

1 witnesses, and any other participants.

2 (2) Any pilot program under this subsection (e) shall  
3 be developed by the administrative director or his or her  
4 delegate in consultation with at least one local  
5 organization providing assistance to domestic violence  
6 victims. The program plan shall include, but not be  
7 limited to:

8 (A) identification of agencies equipped with or  
9 that have access to an independent audio-visual system  
10 and electronic means for filing documents; and

11 (B) identification of one or more organizations  
12 who are trained and available to assist petitioners in  
13 preparing and filing petitions for temporary orders of  
14 protection and in their electronic appearances before  
15 the court to obtain such orders; and

16 (C) identification of the existing resources  
17 available in local family courts for the  
18 implementation and oversight of the pilot program; and

19 (D) procedures for filing petitions and documents  
20 by electronic means, swearing in the petitioners and  
21 witnesses, preparation of a transcript of testimony  
22 and evidence presented, and a prompt transmission of  
23 any orders issued to the parties; and

24 (E) a timeline for implementation and a plan for  
25 informing the public about the availability of the  
26 program; and

1 (F) a description of the data to be collected in  
2 order to evaluate and make recommendations for  
3 improvements to the pilot program.

4 (3) In conjunction with an electronic appearance, any  
5 petitioner for an ex parte temporary order of protection  
6 may, using the assistance of a trained advocate if  
7 necessary, commence the proceedings by filing a petition  
8 by electronic means.

9 (A) A petitioner who is seeking an ex parte  
10 temporary order of protection using an electronic  
11 appearance must file a petition in advance of the  
12 appearance and may do so electronically.

13 (B) The petitioner must show that traveling to or  
14 appearing in court would constitute an undue hardship  
15 or create a risk of harm to the petitioner. In granting  
16 or denying any relief sought by the petitioner, the  
17 court shall state the names of all participants and  
18 whether it is granting or denying an appearance by  
19 electronic means and the basis for such a  
20 determination. A party is not required to file a  
21 petition or other document by electronic means or to  
22 testify by means of an electronic appearance.

23 (C) Nothing in this subsection (e) affects or  
24 changes any existing laws governing the service of  
25 process, including requirements for personal service  
26 or the sealing and confidentiality of court records in

1 court proceedings or access to court records by the  
2 parties to the proceedings.

3 (4) Appearances.

4 (A) All electronic appearances by a petitioner  
5 seeking an ex parte temporary order of protection  
6 under this subsection (e) are strictly voluntary and  
7 the court shall obtain the consent of the petitioner  
8 on the record at the commencement of each appearance.

9 (B) Electronic appearances under this subsection  
10 (e) shall be recorded and preserved for transcription.  
11 Documentary evidence, if any, referred to by a party  
12 or witness or the court may be transmitted and  
13 submitted and introduced by electronic means.

14 (Source: P.A. 101-255, eff. 1-1-20; 102-853, eff. 1-1-23;  
15 revised 12-13-22.)

16 (750 ILCS 60/212) (from Ch. 40, par. 2312-12)

17 Sec. 212. Hearings.

18 (a) A petition for an order of protection shall be treated  
19 as an expedited proceeding, and no court shall transfer or  
20 otherwise decline to decide all or part of such petition  
21 except as otherwise provided herein. Nothing in this Section  
22 shall prevent the court from reserving issues when  
23 jurisdiction or notice requirements are not met.

24 (b) Any court or a division thereof which ordinarily does  
25 not decide matters of child custody and family support may

1 decline to decide contested issues of physical care, custody,  
2 visitation, or family support unless a decision on one or more  
3 of those contested issues is necessary to avoid the risk of  
4 abuse, neglect, removal from the State ~~state~~ or concealment  
5 within the State ~~state~~ of the child or of separation of the  
6 child from the primary caretaker. If the court or division  
7 thereof has declined to decide any or all of these issues, then  
8 it shall transfer all undecided issues to the appropriate  
9 court or division. In the event of such a transfer, a  
10 government attorney involved in the criminal prosecution may,  
11 but need not, continue to offer counsel to the petitioner on  
12 transferred matters.

13 (c) If the court transfers or otherwise declines to decide  
14 any issue, judgment on that issue shall be expressly reserved  
15 and ruling on other issues shall not be delayed or declined.

16 (d) A court in a county with a population above 250,000  
17 shall offer the option of a remote hearing to a petitioner for  
18 an order of protection. The court has the discretion to grant  
19 or deny the request for a remote hearing. Each court shall  
20 determine the procedure for a remote hearing. The petitioner  
21 and respondent may appear remotely or in person ~~in-person~~.

22 The court shall issue and publish a court order, standing  
23 order, or local rule detailing information about the process  
24 for requesting and participating in a remote court appearance.  
25 The court order, standing order, or local rule shall be  
26 published on the court's website and posted on signs

1 throughout the courthouse, including in the clerk's office.  
2 The sign shall be written in plain language and include  
3 information about the availability of remote court appearances  
4 and the process for requesting a remote hearing.

5 (Source: P.A. 102-853, eff. 1-1-23; revised 12-13-22.)

6 (750 ILCS 60/217) (from Ch. 40, par. 2312-17)

7 Sec. 217. Emergency order of protection.

8 (a) Prerequisites. An emergency order of protection shall  
9 issue if petitioner satisfies the requirements of this  
10 subsection for one or more of the requested remedies. For each  
11 remedy requested, the petitioner shall establish that:

12 (1) The court has jurisdiction under Section 208;

13 (2) The requirements of Section 214 are satisfied; and

14 (3) There is good cause to grant the remedy,  
15 regardless of prior service of process or of notice upon  
16 the respondent, because:

17 (i) For the remedies of "prohibition of abuse"  
18 described in Section 214(b)(1), "stay away order and  
19 additional prohibitions" described in Section  
20 214(b)(3), "removal or concealment of minor child"  
21 described in Section 214(b)(8), "order to appear"  
22 described in Section 214(b)(9), "physical care and  
23 possession of the minor child" described in Section  
24 214(b)(5), "protection of property" described in  
25 Section 214(b)(11), "prohibition of entry" described

1 in Section 214(b)(14), "prohibition of firearm  
2 possession" described in Section 214(b)(14.5),  
3 "prohibition of access to records" described in  
4 Section 214(b)(15), and "injunctive relief" described  
5 in Section 214(b)(16), the harm which that remedy is  
6 intended to prevent would be likely to occur if the  
7 respondent were given any prior notice, or greater  
8 notice than was actually given, of the petitioner's  
9 efforts to obtain judicial relief;

10 (ii) For the remedy of "grant of exclusive  
11 possession of residence" described in Section  
12 214(b)(2), the immediate danger of further abuse of  
13 the petitioner by the respondent, if the petitioner  
14 chooses or had chosen to remain in the residence or  
15 household while the respondent was given any prior  
16 notice or greater notice than was actually given of  
17 the petitioner's efforts to obtain judicial relief,  
18 outweighs the hardships to the respondent of an  
19 emergency order granting the petitioner exclusive  
20 possession of the residence or household. This remedy  
21 shall not be denied because the petitioner has or  
22 could obtain temporary shelter elsewhere while prior  
23 notice is given to the respondent, unless the  
24 hardships to respondent from exclusion from the home  
25 substantially outweigh those to the petitioner;

26 (iii) For the remedy of "possession of personal

1 property" described in Section 214(b)(10), improper  
2 disposition of the personal property would be likely  
3 to occur if the respondent were given any prior  
4 notice, or greater notice than was actually given, of  
5 the petitioner's efforts to obtain judicial relief, or  
6 the petitioner has an immediate and pressing need for  
7 possession of that property.

8 An emergency order may not include the counseling, legal  
9 custody, payment of support, or monetary compensation  
10 remedies.

11 (a-5) When a petition for an emergency order of protection  
12 is granted, the order and file shall not be public and shall  
13 only be accessible to the court, the petitioner, law  
14 enforcement, a domestic violence advocate or counselor, the  
15 counsel of record for either party, and the State's Attorney  
16 for the county until the order is served on the respondent.

17 (b) Appearance by respondent. If the respondent appears in  
18 court for this hearing for an emergency order, he or she may  
19 elect to file a general appearance and testify. Any resulting  
20 order may be an emergency order, governed by this Section.  
21 Notwithstanding the requirements of this Section, if all  
22 requirements of Section 218 have been met, the court may issue  
23 a 30-day interim order.

24 (c) Emergency orders: court holidays and evenings.

25 (1) Prerequisites. When the court is unavailable at  
26 the close of business, the petitioner may file a petition



1 for a 21-day emergency order before any available circuit  
2 judge or associate judge who may grant relief under this  
3 Act. If the judge finds that there is an immediate and  
4 present danger of abuse to the petitioner and that the  
5 petitioner has satisfied the prerequisites set forth in  
6 subsection (a) of Section 217, that judge may issue an  
7 emergency order of protection.

8 (1.5) Issuance of order. The chief judge of the  
9 circuit court may designate for each county in the circuit  
10 at least one judge to be reasonably available to issue  
11 orally, by telephone, by facsimile, or otherwise, an  
12 emergency order of protection at all times, whether or not  
13 the court is in session.

14 (2) Certification and transfer. The judge who issued  
15 the order under this Section shall promptly communicate or  
16 convey the order to the sheriff to facilitate the entry of  
17 the order into the Law Enforcement Agencies Data System by  
18 the Illinois State Police pursuant to Section 302. Any  
19 order issued under this Section and any documentation in  
20 support thereof shall be certified on the next court day  
21 to the appropriate court. The clerk of that court shall  
22 immediately assign a case number, file the petition, order  
23 and other documents with the court, and enter the order of  
24 record and file it with the sheriff for service, in  
25 accordance with Section 222. Filing the petition shall  
26 commence proceedings for further relief under Section 202.

1 Failure to comply with the requirements of this subsection  
2 shall not affect the validity of the order.

3 (Source: P.A. 101-255, eff. 1-1-20; 102-538, eff. 8-20-21;  
4 102-831, eff. 5-13-22; revised 7-29-22.)

5 Section 735. The Trusts for Employees Act is amended by  
6 changing the title of the Act and Sections 1 and 2 as follows:

7 (760 ILCS 40/Act title)

8 An Act concerning trusts for employees ~~employes~~, including  
9 their beneficiaries.

10 (760 ILCS 40/1) (from Ch. 48, par. 39t)

11 Sec. 1. A trust created as a part of a plan for the benefit  
12 of some or all of the employees ~~employes~~ of one or more  
13 employers, including, but without limitation, a stock bonus,  
14 pension, disability, death benefit, profit sharing,  
15 unemployment benefit or other plan, for the purpose of  
16 distributing for the benefit of the employees ~~employes~~,  
17 including their beneficiaries, the earnings or the principal,  
18 or both earnings and principal, of the fund held in trust, may  
19 continue in perpetuity or for such time as may be necessary to  
20 accomplish the purpose for which it is created, and shall not  
21 be invalid as violating any rule of law against perpetuities  
22 or suspension of the power of alienation of the title to  
23 property.

1 (Source: Laws 1957, p. 305; revised 8-23-22.)

2 (760 ILCS 40/2) (from Ch. 48, par. 39u)

3 Sec. 2. No rule of law against perpetuities or suspension  
4 of the power of alienation of the title to property shall  
5 operate to invalidate any trust heretofore created or  
6 attempted to be created by an employer as part of a stock  
7 bonus, pension, disability, death benefit, or profit sharing  
8 plan for the benefit of some or all of his employees ~~employes~~  
9 to which contributions are made by the employer or employees  
10 ~~employes~~ or both, for the purpose of distributing to the  
11 employees ~~employes~~ earnings or principal or both earnings and  
12 principal of the fund held in trust, unless the trust is  
13 terminated by a court of competent jurisdiction in a suit  
14 instituted within three years after the effective date of this  
15 Act.

16 (Source: Laws 1945, p. 761; revised 8-23-22.)

17 Section 740. The Property Owned By Noncitizens Act is  
18 amended by changing Section 8 as follows:

19 (765 ILCS 60/8) (from Ch. 6, par. 8)

20 Sec. 8. An act in regard to aliens ~~noncitizens~~ and to  
21 restrict their right to acquire and hold real and personal  
22 estate and to provide for the disposition of the lands now  
23 owned by non-resident aliens ~~noncitizens~~, approved June 16,

1 1887, and in force July 1, 1887, and all other acts and parts  
2 of acts in conflict with this act, are hereby repealed.

3 (Source: P.A. 102-1030, eff. 5-27-22; revised 8-23-22.)

4 Section 745. The Illinois Human Rights Act is amended by  
5 changing Section 1-103 as follows:

6 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

7 Sec. 1-103. General definitions. When used in this Act,  
8 unless the context requires otherwise, the term:

9 (A) Age. "Age" means the chronological age of a person who  
10 is at least 40 years old, except with regard to any practice  
11 described in Section 2-102, insofar as that practice concerns  
12 training or apprenticeship programs. In the case of training  
13 or apprenticeship programs, for the purposes of Section 2-102,  
14 "age" means the chronological age of a person who is 18 but not  
15 yet 40 years old.

16 (B) Aggrieved party. "Aggrieved party" means a person who  
17 is alleged or proved to have been injured by a civil rights  
18 violation or believes he or she will be injured by a civil  
19 rights violation under Article 3 that is about to occur.

20 (B-5) Arrest record. "Arrest record" means:

21 (1) an arrest not leading to a conviction;

22 (2) a juvenile record; or

23 (3) criminal history record information ordered  
24 expunged, sealed, or impounded under Section 5.2 of the

1 Criminal Identification Act.

2 (C) Charge. "Charge" means an allegation filed with the  
3 Department by an aggrieved party or initiated by the  
4 Department under its authority.

5 (D) Civil rights violation. "Civil rights violation"  
6 includes and shall be limited to only those specific acts set  
7 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,  
8 3-102.10, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102,  
9 5A-102, 6-101, 6-101.5, and 6-102 of this Act.

10 (E) Commission. "Commission" means the Human Rights  
11 Commission created by this Act.

12 (F) Complaint. "Complaint" means the formal pleading filed  
13 by the Department with the Commission following an  
14 investigation and finding of substantial evidence of a civil  
15 rights violation.

16 (G) Complainant. "Complainant" means a person including  
17 the Department who files a charge of civil rights violation  
18 with the Department or the Commission.

19 (G-5) Conviction record. "Conviction record" means  
20 information indicating that a person has been convicted of a  
21 felony, misdemeanor or other criminal offense, placed on  
22 probation, fined, imprisoned, or paroled pursuant to any law  
23 enforcement or military authority.

24 (H) Department. "Department" means the Department of Human  
25 Rights created by this Act.

26 (I) Disability.

1           (1) "Disability" means a determinable physical or mental  
2 characteristic of a person, including, but not limited to, a  
3 determinable physical characteristic which necessitates the  
4 person's use of a guide, hearing or support dog, the history of  
5 such characteristic, or the perception of such characteristic  
6 by the person complained against, which may result from  
7 disease, injury, congenital condition of birth or functional  
8 disorder and which characteristic:

9           (a) For purposes of Article 2, is unrelated to the  
10 person's ability to perform the duties of a particular job  
11 or position and, pursuant to Section 2-104 of this Act, a  
12 person's illegal use of drugs or alcohol is not a  
13 disability;

14           (b) For purposes of Article 3, is unrelated to the  
15 person's ability to acquire, rent, or maintain a housing  
16 accommodation;

17           (c) For purposes of Article 4, is unrelated to a  
18 person's ability to repay;

19           (d) For purposes of Article 5, is unrelated to a  
20 person's ability to utilize and benefit from a place of  
21 public accommodation;

22           (e) For purposes of Article 5, also includes any  
23 mental, psychological, or developmental disability,  
24 including autism spectrum disorders.

25           (2) Discrimination based on disability includes unlawful  
26 discrimination against an individual because of the

1 individual's association with a person with a disability.

2 (J) Marital status. "Marital status" means the legal  
3 status of being married, single, separated, divorced, or  
4 widowed.

5 (J-1) Military status. "Military status" means a person's  
6 status on active duty in or status as a veteran of the armed  
7 forces of the United States, status as a current member or  
8 veteran of any reserve component of the armed forces of the  
9 United States, including the United States Army Reserve,  
10 United States Marine Corps Reserve, United States Navy  
11 Reserve, United States Air Force Reserve, and United States  
12 Coast Guard Reserve, or status as a current member or veteran  
13 of the Illinois Army National Guard or Illinois Air National  
14 Guard.

15 (K) National origin. "National origin" means the place in  
16 which a person or one of his or her ancestors was born.

17 (K-5) "Order of protection status" means a person's status  
18 as being a person protected under an order of protection  
19 issued pursuant to the Illinois Domestic Violence Act of 1986,  
20 Article 112A of the Code of Criminal Procedure of 1963, the  
21 Stalking No Contact Order Act, or the Civil No Contact Order  
22 Act, or an order of protection issued by a court of another  
23 state.

24 (L) Person. "Person" includes one or more individuals,  
25 partnerships, associations or organizations, labor  
26 organizations, labor unions, joint apprenticeship committees,

1 or union labor associations, corporations, the State of  
2 Illinois and its instrumentalities, political subdivisions,  
3 units of local government, legal representatives, trustees in  
4 bankruptcy or receivers.

5 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,  
6 or medical or common conditions related to pregnancy or  
7 childbirth.

8 (M) Public contract. "Public contract" includes every  
9 contract to which the State, any of its political  
10 subdivisions, or any municipal corporation is a party.

11 (M-5) Race. "Race" includes traits associated with race,  
12 including, but not limited to, hair texture and protective  
13 hairstyles such as braids, locks, and twists.

14 (N) Religion. "Religion" includes all aspects of religious  
15 observance and practice, as well as belief, except that with  
16 respect to employers, for the purposes of Article 2,  
17 "religion" has the meaning ascribed to it in paragraph (F) of  
18 Section 2-101.

19 (O) Sex. "Sex" means the status of being male or female.

20 (O-1) Sexual orientation. "Sexual orientation" means  
21 actual or perceived heterosexuality, homosexuality,  
22 bisexuality, or gender-related identity, whether or not  
23 traditionally associated with the person's designated sex at  
24 birth. "Sexual orientation" does not include a physical or  
25 sexual attraction to a minor by an adult.

26 (O-5) Source of income. "Source of income" means the



1 lawful manner by which an individual supports himself or  
2 herself and his or her dependents.

3 (P) Unfavorable military discharge. "Unfavorable military  
4 discharge" includes discharges from the Armed Forces of the  
5 United States, their Reserve components, or any National Guard  
6 or Naval Militia which are classified as RE-3 or the  
7 equivalent thereof, but does not include those characterized  
8 as RE-4 or "Dishonorable".

9 (Q) Unlawful discrimination. "Unlawful discrimination"  
10 means discrimination against a person because of his or her  
11 actual or perceived: race, color, religion, national origin,  
12 ancestry, age, sex, marital status, order of protection  
13 status, disability, military status, sexual orientation,  
14 pregnancy, or unfavorable discharge from military service as  
15 those terms are defined in this Section.

16 (Source: P.A. 101-81, eff. 7-12-19; 101-221, eff. 1-1-20;  
17 101-565, eff. 1-1-20; 101-656, eff. 3-23-21; 102-362, eff.  
18 1-1-22; 102-419, eff. 1-1-22; 102-558, eff. 8-20-21; 102-813,  
19 eff. 5-13-22; 102-896, eff. 1-1-23; 102-1102, eff. 1-1-23;  
20 revised 12-14-22.)

21 Section 750. The Illinois Integrity, Notification, and  
22 Fairness in Online Retail Marketplaces for Consumers (INFORM  
23 Consumers) Act is amended by changing Section 1-10 as follows:

24 (815 ILCS 356/1-10)

1           Sec. 1-10. Online marketplace verification.

2           (a) Online marketplaces shall require that any high-volume  
3 third-party seller on the online marketplace's platform  
4 provide the online marketplace with the following information  
5 no later than 10 days after qualifying as a high-volume  
6 third-party seller on the platform:

7           (1) A bank account number, or, if the high-volume  
8 third-party seller does not have a bank account, the name  
9 of the payee for payments issued by the online marketplace  
10 to the high-volume third-party seller. The bank account or  
11 payee information required may be provided by the seller  
12 to the online marketplace or other third parties  
13 contracted by the online marketplace to maintain the  
14 information, so long as the online marketplace ensures  
15 that it can obtain the information on demand from the  
16 other third parties.

17           (2) The contact information for the high-volume  
18 third-party seller. If the high-volume third-party seller  
19 is an individual, the individual's name shall be provided.  
20 If the high-volume third-party seller is not an  
21 individual, a copy of a valid government-issued  
22 identification for an individual acting on behalf of the  
23 seller that includes the individual's name or a copy of a  
24 valid government-issued record or tax document that  
25 includes the business name and physical address of the  
26 seller shall be provided.

1           (3) A business tax identification number or, if the  
2           high-volume third-party seller does not have a business  
3           tax identification number, a taxpayer identification  
4           number.

5           (4) A current working email address and phone number  
6           for the high-volume third-party seller.

7           (b) An online marketplace shall periodically, but not less  
8           than annually, notify any high-volume third-party seller on  
9           the online marketplace's platform of the requirement to keep  
10          any information collected under subsection (a) current and  
11          require any high-volume third-party seller on the online  
12          marketplace's platform to, not later than 10 days after  
13          receiving the notice, electronically certify that:

14                 (1) the high-volume third-party seller has provided  
15                 any changes to the information to the online marketplace,  
16                 if such changes have occurred;

17                 (2) there have been no changes to the high-volume  
18                 third-party seller's information; or

19                 (3) the high-volume third-party seller has provided  
20                 any changes to such information to the online marketplace.

21           (c) If a high-volume third-party seller does not provide  
22           the information or certification required under this Section,  
23           the online marketplace, after providing the seller with  
24           written or electronic notice and an opportunity to provide the  
25           information or certification not later than 10 days after the  
26           issuance of the notice, shall suspend any future sales

1 activity of the seller until the seller provides the  
2 information or certification.

3 (d) An online marketplace shall verify the information  
4 collected under subsection (a) no later than 10 days after the  
5 collection and shall verify any change to the information not  
6 later than 10 days after being notified of the change by a  
7 high-volume third-party seller under subsection (b). If a  
8 high-volume third-party seller provides a copy of a valid  
9 government-issued tax document, any information contained in  
10 the document shall be presumed to be verified as of the date of  
11 issuance of the document.

12 (e) An online marketplace shall require any high-volume  
13 third-party seller with an aggregate total of \$20,000 or more  
14 in annual gross revenues on the online marketplace, and that  
15 uses the online marketplace's platform, to provide information  
16 to the online marketplace that includes the identity of the  
17 high-volume third-party seller, including:

18 (1) the full name of the seller or seller's company  
19 name, or the name by which the seller or company operates  
20 on the online marketplace;

21 (2) the physical address of the seller;

22 (3) the contact information of the seller including a  
23 current working phone number; a current working email  
24 address for the seller; or other means of direct  
25 electronic messaging that may be provided to the  
26 high-volume third-party seller by the online marketplace

1 to allow for the direct, unhindered communication with  
2 high-volume third-party sellers by users of the online  
3 marketplace; and

4 (4) whether the high-volume third-party seller used a  
5 different seller to supply consumer products to consumers  
6 upon purchase, and, upon the request of a consumer, the  
7 information described in paragraph (1) of this subsection  
8 (e) relating to any such seller that supplied the consumer  
9 product to the consumer, if the seller is different from  
10 the high-volume third-party seller listed on the product  
11 listing prior to purchase.

12 (f) An online marketplace shall provide to consumers the  
13 information in subsection (e) in a conspicuous manner: (i) in  
14 the order confirmation message or other document or  
15 communication made to a consumer after a purchase is  
16 finalized; and (ii) in the consumer's account transaction  
17 history.

18 (g) Upon the request of a high-volume third-party seller,  
19 an online marketplace may provide for partial disclosure of  
20 the identity information required under subsection (e) as  
21 follows:

22 (1) If the high-volume third-party seller certifies to  
23 the online marketplace that the seller does not have a  
24 business address and only has a residential street  
25 address, or has a combined business and residential  
26 address, the online marketplace may disclose only the

1 country and, if applicable, the state in which the  
2 high-volume third-party seller resides; and inform  
3 consumers that there is no business address available for  
4 the seller and that consumer inquiries should be submitted  
5 to the seller by phone, email, or other means of  
6 electronic messaging provided to the seller by the online  
7 marketplace.

8 (2) If the high-volume third-party seller certifies to  
9 the online marketplace that the seller is a business that  
10 has a physical address for product returns, the online  
11 marketplace may disclose the seller's physical address for  
12 product returns.

13 (3) If a high-volume third-party seller certifies to  
14 the online marketplace that the seller does not have a  
15 phone number other than a personal phone number, the  
16 online marketplace shall inform consumers that there is no  
17 phone number available for the seller and that consumer  
18 inquiries should be submitted to the seller's email  
19 address or other means of electronic messaging provided to  
20 the seller by the online marketplace.

21 (h) If an online marketplace becomes aware that a  
22 high-volume third-party seller has made a false representation  
23 to the online marketplace in order to justify the provision of  
24 a partial disclosure under subsection (g) or that a  
25 high-volume third-party seller who has requested and received  
26 a provision for a partial disclosure under subsection (g) has

1 not provided responsive answers within a reasonable time to  
2 consumer inquiries submitted to the seller by phone, email, or  
3 other means of electronic messaging provided to the seller by  
4 the online marketplace, the online marketplace shall, after  
5 providing the seller with written or electronic notice and an  
6 opportunity to respond not later than 10 days after the  
7 issuance of the notice, suspend any future sales activity of  
8 the seller unless the seller consents to the disclosure of the  
9 identity information required under subsection (e).

10 (i) If a high-volume third-party seller does not comply  
11 with the requirements to provide and disclose information  
12 under this Section, the online marketplace, after providing  
13 the seller with written or electronic notice and an  
14 opportunity to provide or disclose the information not later  
15 than 10 days after the issuance of the notice, shall suspend  
16 any future sales activity of the seller until the seller  
17 complies with the requirements.

18 (j) An online marketplace shall disclose to consumers in a  
19 clear and conspicuous manner on the product listing of any  
20 high-volume third-party seller a reporting mechanism that  
21 allows for electronic and telephonic reporting of suspicious  
22 marketplace activity to the online marketplace.

23 (k) Information collected solely to comply with the  
24 requirements of this Section may not be used for any other  
25 purpose unless required by law. An online marketplace shall  
26 implement and maintain reasonable security procedures and

1 practices, including administrative, physical, and technical  
2 safeguards, appropriate to the nature of the data and the  
3 purposes for which the data will be used, to protect the data  
4 collected under this Section from unauthorized use,  
5 disclosure, access, destruction, or modification.  
6 Notwithstanding anything to the contrary in this subsection,  
7 the Attorney General may request, by subpoena or otherwise,  
8 and use any information collected to comply with the  
9 requirements of this Section to enforce the provisions of this  
10 Act as set forth in subsection (1).

11 (1) If the Attorney General has reason to believe that any  
12 person has violated this Act, the Attorney General may bring  
13 an action in the name of the People of the State against the  
14 person to restrain by preliminary or permanent injunction the  
15 use of such a method, act, or practice. The court, in its  
16 discretion, may exercise all powers necessary, including, but  
17 not limited to: injunction; revocation, forfeiture, or  
18 suspension of any license, charter, franchise, certificate, or  
19 other evidence of authority of any person to do business in  
20 this State; appointment of a receiver; dissolution of domestic  
21 corporations or associations or suspension or termination of  
22 the right of foreign corporations or associations to do  
23 business in this State; and restitution. In the administration  
24 of this Section, the Attorney General may accept an Assurance  
25 of Voluntary Compliance with respect to any method, act, or  
26 practice deemed to be violative of this Act from any person who



1 has engaged in, is engaging in, or was about ~~ab~~ to engage in  
2 such a method, act, or practice. Evidence of a violation of an  
3 Assurance of Voluntary Compliance shall be prima facie  
4 evidence of a violation of this Act in any subsequent  
5 proceeding brought by the Attorney General against the alleged  
6 violator. The Attorney General shall be empowered to issue  
7 subpoenas to or examine under oath any person alleged to have  
8 participated in or to have knowledge of the alleged method,  
9 act, or practice in violation of this Act. Nothing in this Act  
10 creates or is intended to create a private right of action  
11 against any high-volume third-party seller, online marketplace  
12 seller, or third-party seller based upon compliance or  
13 noncompliance with its provisions.

14 (m) To the extent that a substantially similar federal law  
15 or regulation conflicts with this Act, the federal law or  
16 regulation controls.

17 (Source: P.A. 102-757, eff. 1-1-23; revised 12-19-22.)

18 Section 755. The Animal Parts and Products Ban Act is  
19 amended by changing the title of the Act as follows:

20 (815 ILCS 357/Act title)

21 An Act concerning animal parts and products ~~ivory~~.

22 Section 760. The Consumer Fraud and Deceptive Business  
23 Practices Act is amended by changing Sections 2AA and 2EE as

1 follows:

2 (815 ILCS 505/2AA)

3 Sec. 2AA. Immigration services.

4 (a) "Immigration matter" means any proceeding, filing, or  
5 action affecting the nonimmigrant, immigrant or citizenship  
6 status of any person that arises under immigration and  
7 naturalization law, executive order or presidential  
8 proclamation of the United States or any foreign country, or  
9 that arises under action of the United States Citizenship and  
10 Immigration Services, the United States Department of Labor,  
11 or the United States Department of State.

12 "Immigration assistance service" means any information or  
13 action provided or offered to customers or prospective  
14 customers related to immigration matters, excluding legal  
15 advice, recommending a specific course of legal action, or  
16 providing any other assistance that requires legal analysis,  
17 legal judgment, or interpretation of the law.

18 "Compensation" means money, property, services, promise of  
19 payment, or anything else of value.

20 "Employed by" means that a person is on the payroll of the  
21 employer and the employer deducts from the employee's paycheck  
22 social security and withholding taxes, or receives  
23 compensation from the employer on a commission basis or as an  
24 independent contractor.

25 "Reasonable costs" means actual costs or, if actual costs

1 cannot be calculated, reasonably estimated costs of such  
2 things as photocopying, telephone calls, document requests,  
3 and filing fees for immigration forms, and other nominal costs  
4 incidental to assistance in an immigration matter.

5 (a-1) The General Assembly finds and declares that private  
6 individuals who assist persons with immigration matters have a  
7 significant impact on the ability of their clients to reside  
8 and work within the United States and to establish and  
9 maintain stable families and business relationships. The  
10 General Assembly further finds that that assistance and its  
11 impact also have a significant effect on the cultural, social,  
12 and economic life of the State of Illinois and thereby  
13 substantially affect the public interest. It is the intent of  
14 the General Assembly to establish rules of practice and  
15 conduct for those individuals to promote honesty and fair  
16 dealing with residents and to preserve public confidence.

17 (a-5) The following persons are exempt from this Section,  
18 provided they prove the exemption by a preponderance of the  
19 evidence:

20 (1) An attorney licensed to practice law in any state  
21 or territory of the United States, or of any foreign  
22 country when authorized by the Illinois Supreme Court, to  
23 the extent the attorney renders immigration assistance  
24 service in the course of his or her practice as an  
25 attorney.

26 (2) A legal intern, as described by the rules of the

1 Illinois Supreme Court, employed by and under the direct  
2 supervision of a licensed attorney and rendering  
3 immigration assistance service in the course of the  
4 intern's employment.

5 (3) A not-for-profit organization recognized by the  
6 Board of Immigration Appeals under 8 CFR 292.2(a) and  
7 employees of those organizations accredited under 8 CFR  
8 292.2(d).

9 (4) Any organization employing or desiring to employ a  
10 documented or undocumented immigrant or nonimmigrant,  
11 where the organization, its employees or its agents  
12 provide advice or assistance in immigration matters to  
13 documented or undocumented immigrant or nonimmigrant  
14 employees or potential employees without compensation from  
15 the individuals to whom such advice or assistance is  
16 provided.

17 Nothing in this Section shall regulate any business to the  
18 extent that such regulation is prohibited or preempted by  
19 State or federal law.

20 All other persons providing or offering to provide  
21 immigration assistance service shall be subject to this  
22 Section.

23 (b) Any person who provides or offers to provide  
24 immigration assistance service may perform only the following  
25 services:

26 (1) Completing a government agency form, requested by

1 the customer and appropriate to the customer's needs, only  
2 if the completion of that form does not involve a legal  
3 judgment for that particular matter.

4 (2) Transcribing responses to a government agency form  
5 which is related to an immigration matter, but not  
6 advising a customer as to his or her answers on those  
7 forms.

8 (3) Translating information on forms to a customer and  
9 translating the customer's answers to questions posed on  
10 those forms.

11 (4) Securing for the customer supporting documents  
12 currently in existence, such as birth and marriage  
13 certificates, which may be needed to be submitted with  
14 government agency forms.

15 (5) Translating documents from a foreign language into  
16 English.

17 (6) Notarizing signatures on government agency forms,  
18 if the person performing the service is a notary public of  
19 the State of Illinois.

20 (7) Making referrals, without fee, to attorneys who  
21 could undertake legal representation for a person in an  
22 immigration matter.

23 (8) Preparing or arranging for the preparation of  
24 photographs and fingerprints.

25 (9) Arranging for the performance of medical testing  
26 (including X-rays and AIDS tests) and the obtaining of

1 reports of such test results.

2 (10) Conducting English language and civics courses.

3 (11) Other services that the Attorney General  
4 determines by rule may be appropriately performed by such  
5 persons in light of the purposes of this Section.

6 Fees for a notary public, agency, or any other person who  
7 is not an attorney or an accredited representative filling out  
8 immigration forms shall be limited to the maximum fees set  
9 forth in subsections (a) and (b) of Section 3-104 of the  
10 Illinois Notary Public Act ~~(5 ILCS 312/3-104)~~. The maximum fee  
11 schedule set forth in subsections (a) and (b) of Section 3-104  
12 of the Illinois Notary Public Act shall apply to any person  
13 that provides or offers to provide immigration assistance  
14 service performing the services described therein. The  
15 Attorney General may promulgate rules establishing maximum  
16 fees that may be charged for any services not described in that  
17 subsection. The maximum fees must be reasonable in light of  
18 the costs of providing those services and the degree of  
19 professional skill required to provide the services.

20 No person subject to this Act shall charge fees directly  
21 or indirectly for referring an individual to an attorney or  
22 for any immigration matter not authorized by this Article,  
23 provided that a person may charge a fee for notarizing  
24 documents as permitted by the Illinois Notary Public Act.

25 (c) Any person performing such services shall register  
26 with the Illinois Attorney General and submit verification of

1 malpractice insurance or of a surety bond.

2 (d) Except as provided otherwise in this subsection,  
3 before providing any assistance in an immigration matter a  
4 person shall provide the customer with a written contract that  
5 includes the following:

6 (1) An explanation of the services to be performed.

7 (2) Identification of all compensation and costs to be  
8 charged to the customer for the services to be performed.

9 (3) A statement that documents submitted in support of  
10 an application for nonimmigrant, immigrant, or  
11 naturalization status may not be retained by the person  
12 for any purpose, including payment of compensation or  
13 costs.

14 This subsection does not apply to a not-for-profit  
15 organization that provides advice or assistance in immigration  
16 matters to clients without charge beyond a reasonable fee to  
17 reimburse the organization's or clinic's reasonable costs  
18 relating to providing immigration services to that client.

19 (e) Any person who provides or offers immigration  
20 assistance service and is not exempted from this Section,  
21 shall post signs at his or her place of business, setting forth  
22 information in English and in every other language in which  
23 the person provides or offers to provide immigration  
24 assistance service. Each language shall be on a separate sign.  
25 Signs shall be posted in a location where the signs will be  
26 visible to customers. Each sign shall be at least 11 inches by

1 17 inches, and shall contain the following:

2 (1) The statement "I AM NOT AN ATTORNEY LICENSED TO  
3 PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES  
4 FOR LEGAL ADVICE."

5 (2) The statement "I AM NOT ACCREDITED TO REPRESENT  
6 YOU BEFORE THE UNITED STATES IMMIGRATION AND  
7 NATURALIZATION SERVICE AND THE IMMIGRATION BOARD OF  
8 APPEALS."

9 (3) The fee schedule.

10 (4) The statement that "You may cancel any contract  
11 within 3 working days and get your money back for services  
12 not performed."

13 (5) Additional information the Attorney General may  
14 require by rule.

15 Every person engaged in immigration assistance service who  
16 is not an attorney who advertises immigration assistance  
17 service in a language other than English, whether by radio,  
18 television, signs, pamphlets, newspapers, or other written  
19 communication, with the exception of a single desk plaque,  
20 shall include in the document, advertisement, stationery,  
21 letterhead, business card, or other comparable written  
22 material the following notice in English and the language in  
23 which the written communication appears. This notice shall be  
24 of a conspicuous size, if in writing, and shall state: "I AM  
25 NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS AND MAY  
26 NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE.". If



1 such advertisement is by radio or television, the statement  
2 may be modified but must include substantially the same  
3 message.

4 Any person who provides or offers immigration assistance  
5 service and is not exempted from this Section shall not, in any  
6 document, advertisement, stationery, letterhead, business  
7 card, or other comparable written material, literally  
8 translate from English into another language terms or titles  
9 including, but not limited to, notary public, notary,  
10 licensed, attorney, lawyer, or any other term that implies the  
11 person is an attorney. To illustrate, the words "notario" and  
12 "poder notarial" are prohibited under this provision.

13 If not subject to penalties under subsection (a) of  
14 Section 3-103 of the Illinois Notary Public Act ~~(5 ILCS~~  
15 ~~312/3-103)~~, violations of this subsection shall result in a  
16 fine of \$1,000. Violations shall not preempt or preclude  
17 additional appropriate civil or criminal penalties.

18 (f) The written contract shall be in both English and in  
19 the language of the customer.

20 (g) A copy of the contract shall be provided to the  
21 customer upon the customer's execution of the contract.

22 (h) A customer has the right to rescind a contract within  
23 72 hours after his or her signing of the contract.

24 (i) Any documents identified in paragraph (3) of  
25 subsection (c) shall be returned upon demand of the customer.

26 (j) No person engaged in providing immigration services

1 who is not exempted under this Section shall do any of the  
2 following:

3 (1) Make any statement that the person can or will  
4 obtain special favors from or has special influence with  
5 the United States Immigration and Naturalization Service  
6 or any other government agency.

7 (2) Retain any compensation for service not performed.

8 (2.5) Accept payment in exchange for providing legal  
9 advice or any other assistance that requires legal  
10 analysis, legal judgment, or interpretation of the law.

11 (3) Refuse to return documents supplied by, prepared  
12 on behalf of, or paid for by the customer upon the request  
13 of the customer. These documents must be returned upon  
14 request even if there is a fee dispute between the  
15 immigration assistant and the customer.

16 (4) Represent or advertise, in connection with the  
17 provision of assistance in immigration matters, other  
18 titles of credentials, including    but not limited to  
19 "notary public" or "immigration consultant<sup>7</sup>"    that could  
20 cause a customer to believe that the person possesses  
21 special professional skills or is authorized to provide  
22 advice on an immigration matter; provided that a notary  
23 public appointed by the Illinois Secretary of State may  
24 use the term "notary public" if the use is accompanied by  
25 the statement that the person is not an attorney; the term  
26 "notary public" may not be translated to another language;

1 for example "notario" is prohibited.

2 (5) Provide legal advice, recommend a specific course  
3 of legal action, or provide any other assistance that  
4 requires legal analysis, legal judgment, or interpretation  
5 of the law.

6 (6) Make any misrepresentation or ~~of~~ false statement,  
7 directly or indirectly, to influence, persuade, or induce  
8 patronage.

9 (k) (Blank).

10 (l) (Blank).

11 (m) Any person who violates any provision of this Section,  
12 or the rules and regulations issued under this Section, shall  
13 be guilty of a Class A misdemeanor for a first offense and a  
14 Class 3 felony for a second or subsequent offense committed  
15 within 5 years of a previous conviction for the same offense.

16 Upon his own information or upon the complaint of any  
17 person, the Attorney General or any State's Attorney, or a  
18 municipality with a population of more than 1,000,000, may  
19 maintain an action for injunctive relief and also seek a civil  
20 penalty not exceeding \$50,000 in the circuit court against any  
21 person who violates any provision of this Section. These  
22 remedies are in addition to, and not in substitution for,  
23 other available remedies.

24 If the Attorney General or any State's Attorney or a  
25 municipality with a population of more than 1,000,000 fails to  
26 bring an action as provided under this Section any person may

1 file a civil action to enforce the provisions of this Article  
2 and maintain an action for injunctive relief, for compensatory  
3 damages to recover prohibited fees, or for such additional  
4 relief as may be appropriate to deter, prevent, or compensate  
5 for the violation. In order to deter violations of this  
6 Section, courts shall not require a showing of the traditional  
7 elements for equitable relief. A prevailing plaintiff may be  
8 awarded 3 times the prohibited fees or a minimum of \$1,000 in  
9 punitive damages, attorney's fees, and costs of bringing an  
10 action under this Section. It is the express intention of the  
11 General Assembly that remedies for violation of this Section  
12 be cumulative.

13 (n) No unit of local government, including any home rule  
14 unit, shall have the authority to regulate immigration  
15 assistance services unless such regulations are at least as  
16 stringent as those contained in Public Act 87-1211. It is  
17 declared to be the law of this State, pursuant to paragraph (i)  
18 of Section 6 of Article VII of the Illinois Constitution of  
19 1970, that Public Act 87-1211 is a limitation on the authority  
20 of a home rule unit to exercise powers concurrently with the  
21 State. The limitations of this Section do not apply to a home  
22 rule unit that has, prior to January 1, 1993 (the effective  
23 date of Public Act 87-1211), adopted an ordinance regulating  
24 immigration assistance services.

25 (o) This Section is severable under Section 1.31 of the  
26 Statute on Statutes.

1           (p) The Attorney General shall issue rules not  
2 inconsistent with this Section for the implementation,  
3 administration, and enforcement of this Section. The rules may  
4 provide for the following:

5           (1) The content, print size, and print style of the  
6 signs required under subsection (e). Print sizes and  
7 styles may vary from language to language.

8           (2) Standard forms for use in the administration of  
9 this Section.

10           (3) Any additional requirements deemed necessary.

11 (Source: P.A. 102-1030, eff. 5-27-22; revised 8-19-22.)

12           (815 ILCS 505/2EE)

13           Sec. 2EE. Alternative retail electric supplier selection.

14           (a) An alternative retail electric supplier shall not  
15 submit or execute a change in a consumer's selection of a  
16 provider of electric service unless and until:

17           (i) the alternative retail electric supplier first  
18 discloses all material terms and conditions of the offer  
19 to the consumer;

20           (ii) if the consumer is a small commercial retail  
21 customer as that term is defined in subsection (c) of this  
22 Section or a residential consumer, the alternative retail  
23 electric supplier discloses the utility electric supply  
24 price to compare, which shall be the sum of the electric  
25 supply charge and the transmission services charge, and

1 shall not include the purchased electricity adjustment,  
2 applicable at the time the offer is made to the consumer;

3 (iii) if the consumer is a small commercial retail  
4 customer as that term is defined in subsection (c) of this  
5 Section or a residential consumer, the alternative retail  
6 electric provider discloses the following statement:

7 "(Name of the alternative retail electric  
8 supplier) is not the same entity as your electric  
9 delivery company. You are not required to enroll with  
10 (name of alternative retail electric supplier). As of  
11 (effective date), the electric supply price to compare  
12 is currently (price in cents per kilowatt hour). The  
13 electric utility electric supply price will expire on  
14 (expiration date). The utility electric supply price  
15 to compare does not include the purchased electricity  
16 adjustment factor. For more information go to the  
17 Illinois Commerce Commission's free website at  
18 [www.pluginillinois.org](http://www.pluginillinois.org)".

19 If applicable, the statement shall include the  
20 following statement:

21 "The purchased electricity adjustment factor may  
22 range between +.5 cents and -.5 cents per kilowatt  
23 hour.";

24 (iv) the alternative retail electric supplier has  
25 obtained the consumer's express agreement to accept the  
26 offer after the disclosure of all material terms and

1 conditions of the offer; and

2 (v) the alternative retail electric supplier has  
3 confirmed the request for a change in accordance with one  
4 of the following procedures:

5 (A) The new alternative retail electric supplier  
6 has obtained the consumer's written or electronically  
7 signed authorization in a form that meets the  
8 following requirements:

9 (1) An alternative retail electric supplier  
10 shall obtain any necessary written or  
11 electronically signed authorization from a  
12 consumer for a change in electric service by using  
13 a letter of agency as specified in this Section.  
14 Any letter of agency that does not conform with  
15 this Section is invalid.

16 (2) The letter of agency shall be a separate  
17 document (an easily separable document containing  
18 only the authorization language described in  
19 subparagraph (5)) whose sole purpose is to  
20 authorize an electric service provider change. The  
21 letter of agency must be signed and dated by the  
22 consumer requesting the electric service provider  
23 change.

24 (3) The letter of agency shall not be combined  
25 with inducements of any kind on the same document.

26 (4) Notwithstanding subparagraphs (1) and (2),

1           the letter of agency may be combined with checks  
2           that contain only the required letter of agency  
3           language prescribed in subparagraph (5) and the  
4           necessary information to make the check a  
5           negotiable instrument. The letter of agency check  
6           shall not contain any promotional language or  
7           material. The letter of agency check shall contain  
8           in easily readable, bold-face type on the face of  
9           the check, a notice that the consumer is  
10          authorizing an electric service provider change by  
11          signing the check. The letter of agency language  
12          also shall be placed near the signature line on  
13          the back of the check.

14                 (5) At a minimum, the letter of agency must be  
15          printed with a print of sufficient size to be  
16          clearly legible, and must contain clear and  
17          unambiguous language that confirms:

18                         (i) The consumer's billing name and  
19                         address;

20                         (ii) The decision to change the electric  
21                         service provider from the current provider to  
22                         the prospective provider;

23                         (iii) The terms, conditions, and nature of  
24                         the service to be provided to the consumer  
25                         must be clearly and conspicuously disclosed,  
26                         in writing, and an alternative retail electric



1           supplier must directly establish the rates for  
2           the service contracted for by the consumer;  
3           and

4                   (iv) That the consumer understand that any  
5           alternative retail electric supplier selection  
6           the consumer chooses may involve a charge to  
7           the consumer for changing the consumer's  
8           electric service provider.

9                   (6) Letters of agency shall not suggest or  
10          require that a consumer take some action in order  
11          to retain the consumer's current electric service  
12          provider.

13                   (7) If any portion of a letter of agency is  
14          translated into another language, then all  
15          portions of the letter of agency must be  
16          translated into that language.

17                   (B) An appropriately qualified independent third  
18          party has obtained, in accordance with the procedures  
19          set forth in this subsection (b), the consumer's oral  
20          authorization to change electric suppliers that  
21          confirms and includes appropriate verification data.  
22          The independent third party (i) must not be owned,  
23          managed, controlled, or directed by the supplier or  
24          the supplier's marketing agent; (ii) must not have any  
25          financial incentive to confirm supplier change  
26          requests for the supplier or the supplier's marketing

1 agent; and (iii) must operate in a location physically  
2 separate from the supplier or the supplier's marketing  
3 agent.

4 Automated third-party verification systems and  
5 3-way conference calls may be used for verification  
6 purposes so long as the other requirements of this  
7 subsection (b) are satisfied.

8 A supplier or supplier's sales representative  
9 initiating a 3-way conference call or a call through  
10 an automated verification system must drop off the  
11 call once the 3-way connection has been established.

12 All third-party verification methods shall elicit,  
13 at a minimum, the following information: (i) the  
14 identity of the consumer; (ii) confirmation that the  
15 person on the call is the account holder, has been  
16 specifically and explicitly authorized by the account  
17 holder, or possesses lawful authority to make the  
18 supplier change; (iii) confirmation that the person on  
19 the call wants to make the supplier change; (iv) the  
20 names of the suppliers affected by the change; (v) the  
21 service address of the supply to be switched; and (vi)  
22 the price of the service to be supplied and the  
23 material terms and conditions of the service being  
24 offered, including whether any early termination fees  
25 apply. Third-party verifiers may not market the  
26 supplier's services by providing additional

1 information, including information regarding  
2 procedures to block or otherwise freeze an account  
3 against further changes.

4 All third-party verifications shall be conducted  
5 in the same language that was used in the underlying  
6 sales transaction and shall be recorded in their  
7 entirety. Submitting suppliers shall maintain and  
8 preserve audio records of verification of subscriber  
9 authorization for a minimum period of 2 years after  
10 obtaining the verification. Automated systems must  
11 provide consumers with an option to speak with a live  
12 person at any time during the call. Each disclosure  
13 made during the third-party verification must be made  
14 individually to obtain clear acknowledgment of each  
15 disclosure. The alternative retail electric supplier  
16 must be in a location where he or she cannot hear the  
17 customer while the third-party verification is  
18 conducted. The alternative retail electric supplier  
19 shall not contact the customer after the third-party  
20 verification for a period of 24 hours unless the  
21 customer initiates the contact.

22 (C) When a consumer initiates the call to the  
23 prospective alternative retail electric supplier, in  
24 order to enroll the consumer as a customer, the  
25 prospective alternative retail electric supplier must,  
26 with the consent of the customer, make a date-stamped,

1 time-stamped audio recording that elicits, at a  
2 minimum, the following information:

3 (1) the identity of the customer;

4 (2) confirmation that the person on the call  
5 is authorized to make the supplier change;

6 (3) confirmation that the person on the call  
7 wants to make the supplier change;

8 (4) the names of the suppliers affected by the  
9 change;

10 (5) the service address of the supply to be  
11 switched; and

12 (6) the price of the service to be supplied  
13 and the material terms and conditions of the  
14 service being offered, including whether any early  
15 termination fees apply.

16 Submitting suppliers shall maintain and preserve  
17 the audio records containing the information set forth  
18 above for a minimum period of 2 years.

19 (b) (1) An alternative retail electric supplier shall not  
20 utilize the name of a public utility in any manner that is  
21 deceptive or misleading, including, but not limited to,  
22 implying or otherwise leading a consumer to believe that an  
23 alternative retail electric supplier is soliciting on behalf  
24 of or is an agent of a utility. An alternative retail electric  
25 supplier shall not utilize the name, or any other identifying  
26 insignia, graphics, or wording that has been used at any time

1 to represent a public utility company or its services, to  
2 identify, label, or define any of its electric power and  
3 energy service offers. An alternative retail electric supplier  
4 may state the name of a public electric utility in order to  
5 accurately describe the electric utility service territories  
6 in which the supplier is currently offering an electric power  
7 and energy service. An alternative retail electric supplier  
8 that is the affiliate of an Illinois public utility and that  
9 was doing business in Illinois providing alternative retail  
10 electric service on January 1, 2016 may continue to use that  
11 public utility's name, logo, identifying insignia, graphics,  
12 or wording in its business operations occurring outside the  
13 service territory of the public utility with which it is  
14 affiliated.

15 (2) An alternative retail electric supplier shall not  
16 state or otherwise imply that the alternative retail electric  
17 supplier is employed by, representing, endorsed by, or acting  
18 on behalf of a utility or utility program, a consumer group or  
19 consumer group program, or a governmental body, unless the  
20 alternative retail electric supplier has entered into a  
21 contractual arrangement with the governmental body and has  
22 been authorized by the governmental body to make the  
23 statements.

24 (c) An alternative retail electric supplier shall not  
25 submit or execute a change in a consumer's selection of a  
26 provider of electric service unless the alternative retail

1 electric supplier complies with the following requirements of  
2 this subsection (c). It is a violation of this Section for an  
3 alternative retail electric supplier to fail to comply with  
4 this subsection (c). The requirements of this subsection (c)  
5 shall only apply to residential and small commercial retail  
6 customers. For purposes of this subsection (c) only, "small  
7 commercial retail customer" has the meaning given to that term  
8 in Section 16-102 of the Public Utilities Act.

9 (1) During a solicitation an alternative retail  
10 electric supplier shall state that he or represents an  
11 independent seller of electric power and energy service  
12 certified by the Illinois Commerce Commission and that he  
13 or she is not employed by, representing, endorsed by, or  
14 acting on behalf of, a utility, or a utility program, a  
15 consumer group or consumer group program, or a  
16 governmental body, unless the alternative retail electric  
17 supplier has entered into a contractual arrangement with  
18 the governmental body and has been authorized with the  
19 governmental body to make the statements.

20 (2) Alternative retail electric suppliers who engage  
21 in in-person solicitation for the purpose of selling  
22 electric power and energy service offered by the  
23 alternative retail electric supplier shall display  
24 identification on an outer garment. This identification  
25 shall be visible at all times and prominently display the  
26 following: (i) the alternative retail electric supplier

1 agent's full name in reasonable size font; (ii) an agent  
2 identification number; (iii) a photograph of the  
3 alternative retail electric supplier agent; and (iv) the  
4 trade name and logo of the alternative retail electric  
5 supplier the agent is representing. If the agent is  
6 selling electric power and energy services from multiple  
7 alternative retail electric suppliers to the consumer, the  
8 identification shall display the trade name and logo of  
9 the agent, broker, or consultant entity as that entity is  
10 defined in Section 16-115C of the Public Utilities Act. An  
11 alternative retail electric supplier shall leave the  
12 premises at the consumer's, owner's, or occupant's  
13 request. A copy of the Uniform Disclosure Statement  
14 described in 83 Ill. Adm. Code 412.115 and 412.Appendix A  
15 is to be left with the consumer, at the conclusion of the  
16 visit unless the consumer refuses to accept a copy. An  
17 alternative retail electric supplier may provide the  
18 Uniform Disclosure Statement electronically instead of in  
19 paper form to a consumer upon that customer's request. The  
20 alternative retail electric supplier shall also offer to  
21 the consumer, at the time of the initiation of the  
22 solicitation, a business card or other material that lists  
23 the agent's name, identification number and title, and the  
24 alternative retail electric supplier's name and contact  
25 information, including phone number. The alternative  
26 retail electric supplier shall not conduct any in-person

1 solicitations of consumers at any building or premises  
2 where any sign, notice, or declaration of any description  
3 whatsoever is posted that prohibits sales, marketing, or  
4 solicitations. The alternative retail electric supplier  
5 shall obtain consent to enter multi-unit residential  
6 dwellings. Consent obtained to enter a multi-unit dwelling  
7 from one prospective customer or occupant of the dwelling  
8 shall not constitute consent to market to any other  
9 prospective consumers without separate consent.

10 (3) An alternative retail electric supplier who  
11 contacts consumers by telephone for the purpose of selling  
12 electric power and energy service shall provide the  
13 agent's name and identification number. Any telemarketing  
14 solicitations that lead to a telephone enrollment of a  
15 consumer must be recorded and retained for a minimum of 2  
16 years. All telemarketing calls of consumers that do not  
17 lead to a telephone enrollment, but last at least 2  
18 minutes, shall be recorded and retained for a minimum of 6  
19 months.

20 (4) During an inbound enrollment call, an alternative  
21 retail electric supplier shall state that he or she  
22 represents an independent seller of electric power and  
23 energy service certified by the Illinois Commerce  
24 Commission. All inbound enrollment calls that lead to an  
25 enrollment shall be recorded, and the recordings shall be  
26 retained for a minimum of 2 years. An inbound enrollment



1 call that does not lead to an enrollment, but lasts at  
2 least 2 minutes, shall be retained for a minimum of 6  
3 months. The alternative retail electric supplier shall  
4 send the Uniform Disclosure Statement and contract to the  
5 customer within 3 business days after the electric  
6 utility's confirmation to the alternative retail electric  
7 supplier of an accepted enrollment.

8 (5) If a direct mail solicitation to a consumer  
9 includes a written letter of agency, it shall include the  
10 Uniform Disclosure Statement described in 83 Ill. Adm.  
11 Code 412.115 and 412.Appendix A. The Uniform Disclosure  
12 Statement shall be provided on a separate page from the  
13 other marketing materials included in the direct mail  
14 solicitation. If a written letter of agency is being used  
15 to authorize a consumer's enrollment, the written letter  
16 of agency shall comply with this Section. A copy of the  
17 contract must be sent to the consumer within 3 business  
18 days after the electric utility's confirmation to the  
19 alternative retail electric supplier of an accepted  
20 enrollment.

21 (6) Online Solicitation.

22 (A) Each alternative retail electric supplier  
23 offering electric power and energy service to  
24 consumers online shall clearly and conspicuously make  
25 all disclosures for any services offered through  
26 online enrollment before requiring the consumer to

1 enter any personal information other than zip code,  
2 electric utility service territory, or type of service  
3 sought.

4 (B) Notwithstanding any requirements in this  
5 Section to the contrary, an alternative retail  
6 electric supplier may secure consent from the consumer  
7 to obtain customer-specific billing and usage  
8 information for the sole purpose of determining and  
9 pricing a product through a letter of agency or method  
10 approved through an Illinois Commerce Commission  
11 docket before making all disclosure for services  
12 offered through online enrollment. It is a violation  
13 of this Act for an alternative retail electric  
14 supplier to use a consumer's utility account number to  
15 execute or change a consumer's enrollment unless the  
16 consumer expressly consents to that enrollment as  
17 required by law.

18 (C) The enrollment website of the alternative  
19 retail electric supplier shall, at a minimum, include:  
20 (i) disclosure of all material terms and conditions of  
21 the offer; (ii) a statement that electronic acceptance  
22 of the terms and conditions is an agreement to  
23 initiate service and begin enrollment; (iii) a  
24 statement that the consumer shall review the contract  
25 or contact the current supplier to learn if any early  
26 termination fees are applicable; and (iv) an email

1 address and toll-free phone number of the alternative  
2 retail electric supplier where the customer can  
3 express a decision to rescind the contract.

4 (7) (A) Beginning January 1, 2020, an alternative  
5 retail electric supplier shall not sell or offer to sell  
6 any products or services to a consumer pursuant to a  
7 contract in which the contract automatically renews,  
8 unless an alternative retail electric supplier provides to  
9 the consumer at the outset of the offer, in addition to  
10 other disclosures required by law, a separate written  
11 statement titled "Automatic Contract Renewal" that clearly  
12 and conspicuously discloses in bold lettering in at least  
13 12-point font the terms and conditions of the automatic  
14 contract renewal provision, including: (i) the estimated  
15 bill cycle on which the initial contract term expires and  
16 a statement that it could be later based on when the  
17 utility accepts the initial enrollment; (ii) the estimated  
18 bill cycle on which the new contract term begins and a  
19 statement that it will immediately follow the last billing  
20 cycle of the current term; (iii) the procedure to  
21 terminate the contract before the new contract term  
22 applies; and (iv) the cancellation procedure. If the  
23 alternative retail electric supplier sells or offers to  
24 sell the products or services to a consumer during an  
25 in-person solicitation or telemarketing solicitation, the  
26 disclosures described in this subparagraph (A) shall also

1 be made to the consumer verbally during the solicitation.  
2 Nothing in this subparagraph (A) shall be construed to  
3 apply to contracts entered into before January 1, 2020.

4 (B) At least 30 days before, but not more than 60  
5 days prior, to the end of the initial contract term, in  
6 any and all contracts that automatically renew after  
7 the initial term, the alternative retail electric  
8 supplier shall send, in addition to other disclosures  
9 required by law, a separate written notice of the  
10 contract renewal to the consumer that clearly and  
11 conspicuously discloses the following:

12 (i) a statement printed or visible from the  
13 outside of the envelope or in the subject line of  
14 the email, if the customer has agreed to receive  
15 official documents by email, that states "Contract  
16 Renewal Notice";

17 (ii) a statement in bold lettering, in at  
18 least 12-point font, that the contract will  
19 automatically renew unless the customer cancels  
20 it;

21 (iii) the billing cycle in which service under  
22 the current term will expire;

23 (iv) the billing cycle in which service under  
24 the new term will begin;

25 (v) the process and options available to the  
26 consumer to reject the new contract terms;

1 (vi) the cancellation process if the  
2 consumer's contract automatically renews before  
3 the consumer rejects the new contract terms;

4 (vii) the terms and conditions of the new  
5 contract term;

6 (viii) for a fixed rate contract, a  
7 side-by-side comparison of the current price and  
8 the new price; for a variable rate contract or  
9 time-of-use product in which the first month's  
10 renewal price can be determined, a side-by-side  
11 comparison of the current price and the price for  
12 the first month of the new variable or time-of-use  
13 price; or for a variable or time-of-use contract  
14 based on a publicly available index, a  
15 side-by-side comparison of the current formula and  
16 the new formula; and

17 (ix) the phone number and Internet address to  
18 submit a consumer inquiry or complaint to the  
19 Illinois Commerce Commission and the Office of the  
20 Attorney General.

21 (C) An alternative retail electric supplier shall  
22 not automatically renew a consumer's enrollment after  
23 the current term of the contract expires when the  
24 current term of the contract provides that the  
25 consumer will be charged a fixed rate and the renewed  
26 contract provides that the consumer will be charged a

1 variable rate, unless: (i) the alternative retail  
2 electric supplier complies with subparagraphs (A) and  
3 (B); and (ii) the customer expressly consents to the  
4 contract renewal in writing or by electronic signature  
5 at least 30 days, but no more than 60 days, before the  
6 contract expires.

7 (D) This paragraph (7) does not apply to customers  
8 enrolled in a municipal aggregation program pursuant  
9 to Section 1-92 of the Illinois Power Agency Act.

10 (8) All in-person and telephone solicitations shall be  
11 conducted in, translated into, and provided in a language  
12 in which the consumer subject to the marketing or  
13 solicitation is able to understand and communicate. An  
14 alternative retail electric supplier shall terminate a  
15 solicitation if the consumer subject to the marketing or  
16 communication is unable to understand and communicate in  
17 the language in which the marketing or solicitation is  
18 being conducted. An alternative retail electric supplier  
19 shall comply with Section 2N of this Act.

20 (9) Beginning January 1, 2020, consumers shall have  
21 the right to terminate their contract with the alternative  
22 retail electric supplier at any time without any  
23 termination fees or penalties.

24 (10) An alternative retail electric supplier shall not  
25 submit a change to a customer's electric service provider  
26 in violation of Section 16-115E of the Public Utilities

1 Act.

2 (d) Complaints may be filed with the Illinois Commerce  
3 Commission under this Section by a consumer whose electric  
4 service has been provided by an alternative retail electric  
5 supplier in a manner not in compliance with this Section or by  
6 the Illinois Commerce Commission on its own motion when it  
7 appears to the Commission that an alternative retail electric  
8 supplier has provided service in a manner not in compliance  
9 with this Section. If, after notice and hearing, the  
10 Commission finds that an alternative retail electric supplier  
11 has violated this Section, the Commission may in its  
12 discretion do any one or more of the following:

13 (1) Require the violating alternative retail electric  
14 supplier to refund to the consumer charges collected in  
15 excess of those that would have been charged by the  
16 consumer's authorized electric service provider.

17 (2) Require the violating alternative retail electric  
18 supplier to pay to the consumer's authorized electric  
19 service provider the amount the authorized electric  
20 service provider would have collected for the electric  
21 service. The Commission is authorized to reduce this  
22 payment by any amount already paid by the violating  
23 alternative retail electric supplier to the consumer's  
24 authorized provider for electric service.

25 (3) Require the violating alternative retail electric  
26 supplier to pay a fine of up to \$10,000 into the Public

1 Utility Fund for each violation of this Section.

2 (4) Issue a cease and desist order.

3 (5) For a pattern of violation of this Section or for  
4 violations that continue after a cease and desist order,  
5 revoke the violating alternative retail electric  
6 supplier's certificate of service authority.

7 (e) For purposes of this Section:

8 "Electric service provider" shall have the meaning given  
9 that phrase in Section 6.5 of the Attorney General Act.

10 "Alternative retail electric supplier" has the meaning  
11 given to that term in Section 16-102 of the Public Utilities  
12 Act.

13 (Source: P.A. 101-590, eff. 1-1-20; 102-958, eff. 1-1-23;  
14 revised 12-13-22.)

15 Section 765. The Employee Arbitration Act is amended by  
16 changing Sections 2, 3, 5, 5a, 5b, 6, and 6a as follows:

17 (820 ILCS 35/2) (from Ch. 10, par. 20)

18 Sec. 2. When any controversy or difference not involving  
19 questions which may be the subject of a civil action, exists  
20 between an employer, whether an individual, copartnership or  
21 corporation, employing not less than 25 persons, and his  
22 employees ~~employes~~ in this State, the Department of Labor  
23 shall upon application as herein provided, and as soon as  
24 practicable thereafter, visit the locality of the dispute and



1 make a careful inquiry into the cause thereof, hear all  
2 persons interested therein who may come before it, advise the  
3 respective parties what, if anything ought to be done or  
4 submitted to by both to adjust the dispute, and make a written  
5 decision thereof. This decision shall at once be made public,  
6 shall be recorded upon proper books of record kept by the  
7 Department of Labor, and a short statement thereof published  
8 in the annual report hereinafter provided for, and the  
9 Department shall cause a copy thereof to be filed with the  
10 clerk of the city, town or village where said business is  
11 carried on.

12 (Source: P.A. 76-1403; revised 8-19-22.)

13 (820 ILCS 35/3) (from Ch. 10, par. 21)

14 Sec. 3. The application shall be signed by the employer or  
15 by a majority of his or her employees ~~employee~~ in the  
16 department of the business in which the controversy or  
17 difference exists, or by both parties, and shall contain a  
18 concise statement of the grievances complained of, and a  
19 promise to continue on in business or at work without any  
20 lockout or strike until the decision of said Department, if it  
21 shall be made within 3 weeks of the date of filing said  
22 application. As soon as may be after the receipt of the  
23 application the Department shall cause public notice to be  
24 given of the time and place of the hearing thereon; but public  
25 notice need not be given when both parties to the controversy

1 join in the application and present therewith a written  
2 request that no public notice be given. When such request is  
3 made, notice shall be given to the parties interested in such  
4 manner as the Department may order, and the Department may, at  
5 any stage of the proceedings, cause public notice to be given,  
6 notwithstanding such request. The Department may in all cases  
7 summon as witnesses any operative or expert in the department  
8 of business affected, and any person who keeps the records of  
9 wages earned in those departments, or any other person, and  
10 examine them under oath, and require the production of books  
11 containing the records of wages paid, and such other books and  
12 papers as may be deemed necessary to a full and fair  
13 investigation of the matter in controversy. The Department may  
14 issue subpoenas, and oath may be administered by the Director  
15 of the Department or by any authorized officer or employee  
16 thereof. If any person, having been served with a subpoena or  
17 other process issued by the Department, shall willfully fail  
18 or refuse to obey the same, or to answer such questions as may  
19 be propounded touching the subject-matter of the inquiry or  
20 investigation, the circuit court of the county in which the  
21 hearing is being conducted, upon application by the  
22 Department, duly attested by the Director thereof, shall issue  
23 an attachment for such witness and compel him to appear before  
24 the Department and give his or her testimony, or to produce  
25 such books and papers as may be lawfully required by the  
26 Department; and the court may punish for contempt, as in other

1 cases of refusal to obey the process and order of such court.

2 (Source: P.A. 83-334; revised 8-19-22.)

3 (820 ILCS 35/5) (from Ch. 10, par. 23)

4 Sec. 5. Said decision shall be binding upon the parties  
5 who join in said application for six months or until either  
6 party has given the other notice in writing of his or their  
7 intention not to be bound by the same at the expiration of  
8 sixty days therefrom. Said notice may be given to said  
9 employees ~~employes~~ by posting in three conspicuous places in  
10 the shop or factory where they work.

11 (Source: Laws 1895, p. 5; revised 8-19-22.)

12 (820 ILCS 35/5a) (from Ch. 10, par. 24)

13 Sec. 5a. In the event of a failure to abide by the  
14 decisions of the Department of Labor in any case in which both  
15 employer and employees ~~employes~~ shall have joined in the  
16 application, any person or persons aggrieved thereby may file  
17 with the clerk of the circuit court of the county in which the  
18 offending party resides, or in the case of an employer in the  
19 county in which the place of employment is located, a duly  
20 authenticated copy of such decision, accompanied by a verified  
21 petition reciting the fact that such decision has not been  
22 complied with and stating by whom and in what respects it has  
23 been disregarded. Thereupon the circuit court shall grant a  
24 rule against the party or parties so charged to show cause

1 within 10 days why such decision has not been complied with,  
2 which shall be served by the sheriff as other process. Upon  
3 return made to the rule, the court shall hear and determine the  
4 questions presented, and to secure a compliance with such  
5 decision, may punish the offending party or parties for  
6 contempt, but such punishment shall in no case extend to  
7 imprisonment.

8 (Source: P.A. 83-334; revised 8-19-22.)

9 (820 ILCS 35/5b) (from Ch. 10, par. 25)

10 Sec. 5b. Whenever two or more employers engaged in the  
11 same general line of business, employing in the aggregate not  
12 less than twenty-five persons, and having a common difference  
13 with their employees ~~employes~~, shall, co-operating together,  
14 make application for arbitration, or whenever such application  
15 shall be made by the employees ~~employes~~ of two or more  
16 employers engaged in the same general line of business, such  
17 employees ~~employes~~ being not less than twenty-five in number,  
18 and having a common difference with their employers, or  
19 whenever the application shall be made jointly by the  
20 employers and employees ~~employes~~ in such case, the Department  
21 of Labor shall have the same powers and proceed in the same  
22 manner as if the application had been made by one employer, or  
23 by the employees ~~employes~~ of one employer, or by both.

24 (Source: Laws 1943, vol. 1, p. 207; revised 8-19-22.)

1 (820 ILCS 35/6) (from Ch. 10, par. 26)

2 Sec. 6. Whenever it shall come to the knowledge of the  
3 Department of Labor that a strike or lockout is seriously  
4 threatened in the State involving an employer and his  
5 employees ~~employee~~, if he is employing not less than  
6 twenty-five persons, the Department shall communicate as soon  
7 as may be with such employer or employees ~~employee~~, and  
8 endeavor by mediation to effect an amicable settlement, or  
9 persuade them to submit the matters in dispute to the  
10 Department.

11 (Source: Laws 1943, vol. 1, p. 207; revised 8-19-22.)

12 (820 ILCS 35/6a) (from Ch. 10, par. 27)

13 Sec. 6a. The Mayor of every City, and the President of  
14 every incorporated town or village, whenever a strike or  
15 lockout involving more than twenty-five employees ~~employee~~  
16 shall be threatened or has actually occurred within or near  
17 such City, incorporated town or village shall immediately  
18 communicate the fact to the Department of Labor, stating the  
19 name or names of the employer or employers and of one or more  
20 employees ~~employee~~, with their post-office addresses, the  
21 nature of the controversy or difference existing, the number  
22 of employees ~~employee~~ involved and such other information as  
23 may be required by the Department. The president or chief  
24 executive officer of every labor organization, in case of a  
25 strike or lockout, actual or threatened, involving the members

1 of the organization of which he is an officer, shall  
2 immediately communicate the fact of such strike or lockout to  
3 the Department, with such information as he may possess,  
4 touching the difference or controversy, and the number of  
5 employees ~~employees~~ involved.

6 (Source: Laws 1943, vol. 1, p. 207; revised 8-19-22.)

7 Section 770. The Equal Pay Act of 2003 is amended by  
8 changing Section 90 as follows:

9 (820 ILCS 112/90)

10 Sec. 90. Severability. The provisions of this Act are  
11 severable under Section 1.31 ~~of the~~ of the Statute on  
12 Statutes.

13 (Source: P.A. 93-6, eff. 1-1-04; revised 2-28-22.)

14 Section 775. The One Day Rest In Seven Act is amended by  
15 changing Section 2 as follows:

16 (820 ILCS 140/2) (from Ch. 48, par. 8b)

17 Sec. 2. Hours and days of rest in every consecutive  
18 seven-day period ~~calendar week~~.

19 (a) Every employer shall allow every employee except those  
20 specified in this Section at least twenty-four consecutive  
21 hours of rest in every consecutive seven-day period in  
22 addition to the regular period of rest allowed at the close of

1 each working day.

2 A person employed as a domestic worker, as defined in  
3 Section 10 of the Domestic Workers' Bill of Rights Act, shall  
4 be allowed at least 24 consecutive hours of rest in every  
5 consecutive seven-day period. This subsection (a) does not  
6 prohibit a domestic worker from voluntarily agreeing to work  
7 on such day of rest required by this subsection (a) if the  
8 worker is compensated at the overtime rate for all hours  
9 worked on such day of rest. The day of rest authorized under  
10 this subsection (a) should, whenever possible, coincide with  
11 the traditional day reserved by the domestic worker for  
12 religious worship.

13 (b) Subsection (a) does not apply to the following:

14 (1) Part-time employees whose total work hours for one  
15 employer during a calendar week do not exceed 20; and

16 (2) Employees needed in case of breakdown of machinery  
17 or equipment or other emergency requiring the immediate  
18 services of experienced and competent labor to prevent  
19 injury to person, damage to property, or suspension of  
20 necessary operation; and

21 (3) Employees employed in agriculture or coal mining;  
22 and

23 (4) Employees engaged in the occupation of canning and  
24 processing perishable agricultural products, if such  
25 employees are employed by an employer in such occupation  
26 on a seasonal basis and for not more than 20 weeks during

1 any calendar year or 12 month period; and

2 (5) Employees employed as watchmen or security guards;

3 and

4 (6) Employees who are employed in a bonafide  
5 executive, administrative, or professional capacity or in

6 the capacity of an outside salesman, as defined in Section

7 12(a)(1) of the federal Fair Labor Standards Act, as

8 amended, and those employed as supervisors as defined in

9 Section 2(11) of the National Labor Relations Act, as

10 amended; and

11 (7) Employees who are employed as crew members of any

12 uninspected towing vessel, as defined by Section 2101(40)

13 of Title 46 of the United States Code, operating in any

14 navigable waters in or along the boundaries of the State

15 of Illinois; and

16 (8) Employees for whom work hours, days of work, and

17 rest periods are established through the collective

18 bargaining process.

19 (Source: P.A. 102-828, eff. 1-1-23; 102-1012, eff. 1-1-23;

20 revised 12-14-22.)

21 Section 780. The Occupational Safety and Health Act is

22 amended by changing Section 100 as follows:

23 (820 ILCS 219/100)

24 Sec. 100. Hearing.



1 (a) If a public employer or the employer's representative  
2 notifies the Director that the employer intends to contest a  
3 citation and notice of penalty or if, within 15 business days  
4 after the issuance of the citation, an employee or  
5 representative of employees files a notice with the Director  
6 alleging that the period of time fixed in the citation for the  
7 abatement of the violation is unreasonable, the Director shall  
8 afford an opportunity for a hearing before an Administrative  
9 Law Judge designated by the Director.

10 (b) At the hearing, the employer or employee shall state  
11 his or her objections to the citation and provide evidence why  
12 the citation should not stand as issued. The Director or his or  
13 her representative shall be given the opportunity to state his  
14 or her reasons for issuing the citation. Affected employees  
15 shall be provided an opportunity to participate as parties to  
16 hearings under the rules of procedure prescribed by the  
17 Director (56 Ill. ~~Adm. Admin.~~ Code, Part 120).

18 (c) The Director, or the Administrative Law Judge on  
19 behalf of the Director, has the power to do the following:

20 (1) Issue subpoenas for and compel the attendance of  
21 witnesses.

22 (2) Hear testimony and receive evidence.

23 (3) Order testimony of a witness residing within or  
24 without this State to be taken by deposition in the manner  
25 prescribed by law for depositions in civil cases in the  
26 circuit court in any proceeding pending before him or her

1 at any stage of such proceeding.

2 (d) Subpoenas and commissions to take testimony shall be  
3 issued by the Director. Service of subpoenas may be made by a  
4 sheriff or any other person.

5 (e) The circuit court for the county where any hearing is  
6 pending may compel the attendance of witnesses, the production  
7 of pertinent books, papers, records, or documents, and the  
8 giving of testimony before the Director or an Administrative  
9 Law Judge by an attachment proceeding, as for contempt, in the  
10 same manner as the production of evidence may be compelled  
11 before the court.

12 (f) The Administrative Law Judge on behalf of the  
13 Director, after considering the evidence presented at the  
14 formal hearing, in accordance with the Director's rules, shall  
15 enter a final decision and order within a reasonable time  
16 affirming, modifying, or vacating the citation or proposed  
17 assessment of a civil penalty, or directing other appropriate  
18 relief.

19 (Source: P.A. 102-705, eff. 1-1-23; revised 12-13-22.)

20 Section 785. The Employee Washroom Act is amended by  
21 changing the title of the Act as follows:

22 (820 ILCS 230/Act title)

23 An Act to provide for washrooms with toilet facilities in  
24 certain employments to protect the health of employees

1 ~~employees~~ and secure public comfort.

2       Section 995. No acceleration or delay. Where this Act  
3 makes changes in a statute that is represented in this Act by  
4 text that is not yet or no longer in effect (for example, a  
5 Section represented by multiple versions), the use of that  
6 text does not accelerate or delay the taking effect of (i) the  
7 changes made by this Act or (ii) provisions derived from any  
8 other Public Act.

9       Section 996. No revival or extension. This Act does not  
10 revive or extend any Section or Act otherwise repealed.

11       Section 999. Effective date. This Act takes effect upon  
12 becoming law.

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