



Rep. Darlene J. Senger

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LRB097 06257 RLC 53967 a

1 AMENDMENT TO HOUSE BILL 3129

2 AMENDMENT NO. _____. Amend House Bill 3129 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Park District Code is amended by changing
5 Section 8-23 as follows:

6 (70 ILCS 1205/8-23)

7 (Text of Section before amendment by P.A. 96-1551)

8 Sec. 8-23. Criminal background checks ~~investigations~~.

9 (a) An applicant for employment with a park district is
10 required as a condition of employment to authorize a
11 fingerprint-based criminal history records check ~~an~~
12 ~~investigation~~ to determine if the applicant has been convicted
13 of, or adjudicated a delinquent minor for, any of the
14 enumerated criminal or drug offenses in subsection (c) of this
15 Section or has been convicted, within 7 years of the
16 application for employment with the park district, of any other

1 felony under the laws of this State or of any offense committed
2 or attempted in any other state or against the laws of the
3 United States that, if committed or attempted in this State,
4 would have been punishable as a felony under the laws of this
5 State. Authorization for the investigation shall be furnished
6 by the applicant to the park district. Upon receipt of this
7 authorization, the park district shall submit the applicant's
8 name, sex, race, date of birth, ~~and~~ social security number,
9 fingerprint images, and other identifiers as prescribed by the
10 Department of State Police, to the Department. The Department
11 of State Police and the Federal Bureau of Investigation shall
12 furnish, pursuant to a fingerprint-based criminal history
13 records check, records of convictions, and records of
14 adjudication, until expunged, to the president of the park
15 district that requested the check. to the Department of State
16 Police on forms prescribed by the Department of State Police.
17 The Department of State Police shall conduct a search of the
18 Illinois criminal history records database to ascertain if the
19 applicant being considered for employment has been convicted
20 of, or adjudicated a delinquent minor for, committing or
21 attempting to commit any of the enumerated criminal or drug
22 offenses in subsection (c) of this Section or has been
23 convicted of committing or attempting to commit, within 7 years
24 of the application for employment with the park district, any
25 other felony under the laws of this State. The Department of
26 State Police shall charge the park district a fee for

1 conducting the investigation, which fee shall be deposited in
2 the State Police Services Fund and shall not exceed the cost of
3 the inquiry. The applicant shall not be charged a fee by the
4 park district for the criminal history records check
5 investigation.

6 (b) If the search of the Illinois criminal history record
7 database indicates that the applicant has been convicted of, or
8 adjudicated a delinquent minor for, committing or attempting to
9 commit any of the enumerated criminal or drug offenses in
10 subsection (c) or has been convicted of committing or
11 attempting to commit, within 7 years of the application for
12 employment with the park district, any other felony under the
13 laws of this State, the Department of State Police and the
14 Federal Bureau of Investigation shall furnish, pursuant to a
15 fingerprint based background check, records of convictions or
16 adjudications as a delinquent minor, until expunged, to the
17 president of the park district. Any information concerning the
18 record of convictions or adjudications as a delinquent minor
19 obtained by the president shall be confidential and may only be
20 transmitted to those persons who are necessary to the decision
21 on whether to hire the applicant for employment. A copy of the
22 record of convictions or adjudications as a delinquent minor
23 obtained from the Department of State Police shall be provided
24 to the applicant for employment. Any person who releases any
25 confidential information concerning any criminal convictions
26 or adjudications as a delinquent minor of an applicant for

1 employment shall be guilty of a Class A misdemeanor, unless the
2 release of such information is authorized by this Section.

3 (c) No park district shall knowingly employ a person who
4 has been convicted, or adjudicated a delinquent minor, for
5 committing attempted first degree murder or for committing or
6 attempting to commit first degree murder, a Class X felony, or
7 any one or more of the following offenses: (i) those defined in
8 Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17,
9 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-7.3,
10 12-7.4, 12-7.5, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the
11 Criminal Code of 1961; (ii) those defined in the Cannabis
12 Control Act, except those defined in Sections 4(a), 4(b), and
13 5(a) of that Act; (iii) those defined in the Illinois
14 Controlled Substances Act; (iv) those defined in the
15 Methamphetamine Control and Community Protection Act; and (v)
16 any offense committed or attempted in any other state or
17 against the laws of the United States, which, if committed or
18 attempted in this State, would have been punishable as one or
19 more of the foregoing offenses. Further, no park district shall
20 knowingly employ a person who has been found to be the
21 perpetrator of sexual or physical abuse of any minor under 18
22 years of age pursuant to proceedings under Article II of the
23 Juvenile Court Act of 1987. No park district shall knowingly
24 employ a person for whom a criminal background investigation
25 has not been initiated.

26 (Source: P.A. 93-418, eff. 1-1-04; 94-556, eff. 9-11-05.)

1 (Text of Section after amendment by P.A. 96-1551)

2 Sec. 8-23. Criminal background checks ~~investigations~~.

3 (a) An applicant for employment with a park district is
4 required as a condition of employment to authorize a
5 fingerprint-based criminal history records check ~~an~~
6 ~~investigation~~ to determine if the applicant has been convicted
7 of, or adjudicated a delinquent minor for, any of the
8 enumerated criminal or drug offenses in subsection (c) of this
9 Section or has been convicted, within 7 years of the
10 application for employment with the park district, of any other
11 felony under the laws of this State or of any offense committed
12 or attempted in any other state or against the laws of the
13 United States that, if committed or attempted in this State,
14 would have been punishable as a felony under the laws of this
15 State. Authorization for the investigation shall be furnished
16 by the applicant to the park district. Upon receipt of this
17 authorization, the park district shall submit the applicant's
18 name, sex, race, date of birth, ~~and~~ social security number,
19 fingerprint images, and other identifiers as prescribed by the
20 Department of State Police, to the Department. The Department
21 of State Police and the Federal Bureau of Investigation shall
22 furnish, pursuant to a fingerprint-based criminal history
23 records check, records of convictions, and records of
24 adjudication, until expunged, to the president of the park
25 district that requested the check. ~~to the Department of State~~

1 ~~Police on forms prescribed by the Department of State Police.~~

2 The Department of State Police shall conduct a search of the
3 Illinois criminal history records database to ascertain if the
4 applicant being considered for employment has been convicted
5 of, or adjudicated a delinquent minor for, committing or
6 attempting to commit any of the enumerated criminal or drug
7 offenses in subsection (c) of this Section or has been
8 convicted of committing or attempting to commit, within 7 years
9 of the application for employment with the park district, any
10 other felony under the laws of this State. The Department of
11 State Police shall charge the park district a fee for
12 conducting the investigation, which fee shall be deposited in
13 the State Police Services Fund and shall not exceed the cost of
14 the inquiry. The applicant shall not be charged a fee by the
15 park district for the criminal history records check
16 investigation.

17 (b) If the search of the Illinois criminal history record
18 database indicates that the applicant has been convicted of, or
19 adjudicated a delinquent minor for, committing or attempting to
20 commit any of the enumerated criminal or drug offenses in
21 subsection (c) or has been convicted of committing or
22 attempting to commit, within 7 years of the application for
23 employment with the park district, any other felony under the
24 laws of this State, the Department of State Police and the
25 Federal Bureau of Investigation shall furnish, pursuant to a
26 fingerprint based background check, records of convictions or

1 adjudications as a delinquent minor, until expunged, to the
2 president of the park district. Any information concerning the
3 record of convictions or adjudications as a delinquent minor
4 obtained by the president shall be confidential and may only be
5 transmitted to those persons who are necessary to the decision
6 on whether to hire the applicant for employment. A copy of the
7 record of convictions or adjudications as a delinquent minor
8 obtained from the Department of State Police shall be provided
9 to the applicant for employment. Any person who releases any
10 confidential information concerning any criminal convictions
11 or adjudications as a delinquent minor of an applicant for
12 employment shall be guilty of a Class A misdemeanor, unless the
13 release of such information is authorized by this Section.

14 (c) No park district shall knowingly employ a person who
15 has been convicted, or adjudicated a delinquent minor, for
16 committing attempted first degree murder or for committing or
17 attempting to commit first degree murder, a Class X felony, or
18 any one or more of the following offenses: (i) those defined in
19 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,
20 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
21 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B,
22 11-20.3, 11-21, 11-30, 12-7.3, 12-7.4, 12-7.5, 12-13, 12-14,
23 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii)
24 those defined in the Cannabis Control Act, except those defined
25 in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those
26 defined in the Illinois Controlled Substances Act; (iv) those

1 defined in the Methamphetamine Control and Community
2 Protection Act; and (v) any offense committed or attempted in
3 any other state or against the laws of the United States,
4 which, if committed or attempted in this State, would have been
5 punishable as one or more of the foregoing offenses. Further,
6 no park district shall knowingly employ a person who has been
7 found to be the perpetrator of sexual or physical abuse of any
8 minor under 18 years of age pursuant to proceedings under
9 Article II of the Juvenile Court Act of 1987. No park district
10 shall knowingly employ a person for whom a criminal background
11 investigation has not been initiated.

12 (Source: P.A. 96-1551, eff. 7-1-11.)

13 Section 10. The Juvenile Court Act of 1987 is amended by
14 changing Sections 1-7 and 5-905 as follows:

15 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

16 Sec. 1-7. Confidentiality of law enforcement records.

17 (A) Inspection and copying of law enforcement records
18 maintained by law enforcement agencies that relate to a minor
19 who has been arrested or taken into custody before his or her
20 17th birthday shall be restricted to the following:

21 (1) Any local, State or federal law enforcement
22 officers of any jurisdiction or agency when necessary for
23 the discharge of their official duties during the
24 investigation or prosecution of a crime or relating to a

1 minor who has been adjudicated delinquent and there has
2 been a previous finding that the act which constitutes the
3 previous offense was committed in furtherance of criminal
4 activities by a criminal street gang, or, when necessary
5 for the discharge of its official duties in connection with
6 a particular investigation of the conduct of a law
7 enforcement officer, an independent agency or its staff
8 created by ordinance and charged by a unit of local
9 government with the duty of investigating the conduct of
10 law enforcement officers. For purposes of this Section,
11 "criminal street gang" has the meaning ascribed to it in
12 Section 10 of the Illinois Streetgang Terrorism Omnibus
13 Prevention Act.

14 (2) Prosecutors, probation officers, social workers,
15 or other individuals assigned by the court to conduct a
16 pre-adjudication or pre-disposition investigation, and
17 individuals responsible for supervising or providing
18 temporary or permanent care and custody for minors pursuant
19 to the order of the juvenile court, when essential to
20 performing their responsibilities.

21 (3) Prosecutors and probation officers:

22 (a) in the course of a trial when institution of
23 criminal proceedings has been permitted or required
24 under Section 5-805; or

25 (b) when institution of criminal proceedings has
26 been permitted or required under Section 5-805 and such

1 minor is the subject of a proceeding to determine the
2 amount of bail; or

3 (c) when criminal proceedings have been permitted
4 or required under Section 5-805 and such minor is the
5 subject of a pre-trial investigation, pre-sentence
6 investigation, fitness hearing, or proceedings on an
7 application for probation.

8 (4) Adult and Juvenile Prisoner Review Board.

9 (5) Authorized military personnel.

10 (6) Persons engaged in bona fide research, with the
11 permission of the Presiding Judge of the Juvenile Court and
12 the chief executive of the respective law enforcement
13 agency; provided that publication of such research results
14 in no disclosure of a minor's identity and protects the
15 confidentiality of the minor's record.

16 (7) Department of Children and Family Services child
17 protection investigators acting in their official
18 capacity.

19 (8) The appropriate school official. Inspection and
20 copying shall be limited to law enforcement records
21 transmitted to the appropriate school official by a local
22 law enforcement agency under a reciprocal reporting system
23 established and maintained between the school district and
24 the local law enforcement agency under Section 10-20.14 of
25 the School Code concerning a minor enrolled in a school
26 within the school district who has been arrested or taken

1 into custody for any of the following offenses:

2 (i) unlawful use of weapons under Section 24-1 of
3 the Criminal Code of 1961;

4 (ii) a violation of the Illinois Controlled
5 Substances Act;

6 (iii) a violation of the Cannabis Control Act;

7 (iv) a forcible felony as defined in Section 2-8 of
8 the Criminal Code of 1961; or

9 (v) a violation of the Methamphetamine Control and
10 Community Protection Act.

11 (9) Mental health professionals on behalf of the
12 Illinois Department of Corrections or the Department of
13 Human Services or prosecutors who are evaluating,
14 prosecuting, or investigating a potential or actual
15 petition brought under the Sexually Violent Persons
16 Commitment Act relating to a person who is the subject of
17 juvenile law enforcement records or the respondent to a
18 petition brought under the Sexually Violent Persons
19 Commitment Act who is the subject of the juvenile law
20 enforcement records sought. Any records and any
21 information obtained from those records under this
22 paragraph (9) may be used only in sexually violent persons
23 commitment proceedings.

24 (10) The president of a park district. Inspection and
25 copying shall be limited to law enforcement records
26 transmitted to the president of the park district by the

1 Illinois State Police under Section 8-23 of the Park
2 District Code concerning a person who is seeking employment
3 with that park district and who has been adjudicated a
4 juvenile delinquent for any of the offenses listed in
5 subsection (c) of Section 8-23 of the Park District Code.

6 (B) (1) Except as provided in paragraph (2), no law
7 enforcement officer or other person or agency may knowingly
8 transmit to the Department of Corrections, Adult Division
9 or the Department of State Police or to the Federal Bureau
10 of Investigation any fingerprint or photograph relating to
11 a minor who has been arrested or taken into custody before
12 his or her 17th birthday, unless the court in proceedings
13 under this Act authorizes the transmission or enters an
14 order under Section 5-805 permitting or requiring the
15 institution of criminal proceedings.

16 (2) Law enforcement officers or other persons or
17 agencies shall transmit to the Department of State Police
18 copies of fingerprints and descriptions of all minors who
19 have been arrested or taken into custody before their 17th
20 birthday for the offense of unlawful use of weapons under
21 Article 24 of the Criminal Code of 1961, a Class X or Class
22 1 felony, a forcible felony as defined in Section 2-8 of
23 the Criminal Code of 1961, or a Class 2 or greater felony
24 under the Cannabis Control Act, the Illinois Controlled
25 Substances Act, the Methamphetamine Control and Community
26 Protection Act, or Chapter 4 of the Illinois Vehicle Code,

1 pursuant to Section 5 of the Criminal Identification Act.
2 Information reported to the Department pursuant to this
3 Section may be maintained with records that the Department
4 files pursuant to Section 2.1 of the Criminal
5 Identification Act. Nothing in this Act prohibits a law
6 enforcement agency from fingerprinting a minor taken into
7 custody or arrested before his or her 17th birthday for an
8 offense other than those listed in this paragraph (2).

9 (C) The records of law enforcement officers, or of an
10 independent agency created by ordinance and charged by a unit
11 of local government with the duty of investigating the conduct
12 of law enforcement officers, concerning all minors under 17
13 years of age must be maintained separate from the records of
14 arrests and may not be open to public inspection or their
15 contents disclosed to the public except by order of the court
16 presiding over matters pursuant to this Act or when the
17 institution of criminal proceedings has been permitted or
18 required under Section 5-805 or such a person has been
19 convicted of a crime and is the subject of pre-sentence
20 investigation or proceedings on an application for probation or
21 when provided by law. For purposes of obtaining documents
22 pursuant to this Section, a civil subpoena is not an order of
23 the court.

24 (1) In cases where the law enforcement, or independent
25 agency, records concern a pending juvenile court case, the
26 party seeking to inspect the records shall provide actual

1 notice to the attorney or guardian ad litem of the minor
2 whose records are sought.

3 (2) In cases where the records concern a juvenile court
4 case that is no longer pending, the party seeking to
5 inspect the records shall provide actual notice to the
6 minor or the minor's parent or legal guardian, and the
7 matter shall be referred to the chief judge presiding over
8 matters pursuant to this Act.

9 (3) In determining whether the records should be
10 available for inspection, the court shall consider the
11 minor's interest in confidentiality and rehabilitation
12 over the moving party's interest in obtaining the
13 information. Any records obtained in violation of this
14 subsection (C) shall not be admissible in any criminal or
15 civil proceeding, or operate to disqualify a minor from
16 subsequently holding public office or securing employment,
17 or operate as a forfeiture of any public benefit, right,
18 privilege, or right to receive any license granted by
19 public authority.

20 (D) Nothing contained in subsection (C) of this Section
21 shall prohibit the inspection or disclosure to victims and
22 witnesses of photographs contained in the records of law
23 enforcement agencies when the inspection and disclosure is
24 conducted in the presence of a law enforcement officer for the
25 purpose of the identification or apprehension of any person
26 subject to the provisions of this Act or for the investigation

1 or prosecution of any crime.

2 (E) Law enforcement officers, and personnel of an
3 independent agency created by ordinance and charged by a unit
4 of local government with the duty of investigating the conduct
5 of law enforcement officers, may not disclose the identity of
6 any minor in releasing information to the general public as to
7 the arrest, investigation or disposition of any case involving
8 a minor.

9 (F) Nothing contained in this Section shall prohibit law
10 enforcement agencies from communicating with each other by
11 letter, memorandum, teletype or intelligence alert bulletin or
12 other means the identity or other relevant information
13 pertaining to a person under 17 years of age if there are
14 reasonable grounds to believe that the person poses a real and
15 present danger to the safety of the public or law enforcement
16 officers. The information provided under this subsection (F)
17 shall remain confidential and shall not be publicly disclosed,
18 except as otherwise allowed by law.

19 (G) Nothing in this Section shall prohibit the right of a
20 Civil Service Commission or appointing authority of any state,
21 county or municipality examining the character and fitness of
22 an applicant for employment with a law enforcement agency,
23 correctional institution, or fire department from obtaining
24 and examining the records of any law enforcement agency
25 relating to any record of the applicant having been arrested or
26 taken into custody before the applicant's 17th birthday.

1 (Source: P.A. 95-123, eff. 8-13-07; 96-419, eff. 8-13-09.)

2 (705 ILCS 405/5-905)

3 Sec. 5-905. Law enforcement records.

4 (1) Law Enforcement Records. Inspection and copying of law
5 enforcement records maintained by law enforcement agencies
6 that relate to a minor who has been arrested or taken into
7 custody before his or her 17th birthday shall be restricted to
8 the following and when necessary for the discharge of their
9 official duties:

10 (a) A judge of the circuit court and members of the
11 staff of the court designated by the judge;

12 (b) Law enforcement officers, probation officers or
13 prosecutors or their staff, or, when necessary for the
14 discharge of its official duties in connection with a
15 particular investigation of the conduct of a law
16 enforcement officer, an independent agency or its staff
17 created by ordinance and charged by a unit of local
18 government with the duty of investigating the conduct of
19 law enforcement officers;

20 (c) The minor, the minor's parents or legal guardian
21 and their attorneys, but only when the juvenile has been
22 charged with an offense;

23 (d) Adult and Juvenile Prisoner Review Boards;

24 (e) Authorized military personnel;

25 (f) Persons engaged in bona fide research, with the

1 permission of the judge of juvenile court and the chief
2 executive of the agency that prepared the particular
3 recording: provided that publication of such research
4 results in no disclosure of a minor's identity and protects
5 the confidentiality of the record;

6 (g) Individuals responsible for supervising or
7 providing temporary or permanent care and custody of minors
8 pursuant to orders of the juvenile court or directives from
9 officials of the Department of Children and Family Services
10 or the Department of Human Services who certify in writing
11 that the information will not be disclosed to any other
12 party except as provided under law or order of court;

13 (h) The appropriate school official. Inspection and
14 copying shall be limited to law enforcement records
15 transmitted to the appropriate school official by a local
16 law enforcement agency under a reciprocal reporting system
17 established and maintained between the school district and
18 the local law enforcement agency under Section 10-20.14 of
19 the School Code concerning a minor enrolled in a school
20 within the school district who has been arrested for any
21 offense classified as a felony or a Class A or B
22 misdemeanor.

23 (i) The president of a park district. Inspection and
24 copying shall be limited to law enforcement records
25 transmitted to the president of the park district by the
26 Illinois State Police under Section 8-23 of the Park

1 District Code concerning a person who is seeking employment
2 with that park district and who has been adjudicated a
3 juvenile delinquent for any of the offenses listed in
4 subsection (c) of Section 8-23 of the Park District Code.

5 (2) Information identifying victims and alleged victims of
6 sex offenses, shall not be disclosed or open to public
7 inspection under any circumstances. Nothing in this Section
8 shall prohibit the victim or alleged victim of any sex offense
9 from voluntarily disclosing his or her identity.

10 (2.5) If the minor is a victim of aggravated battery,
11 battery, attempted first degree murder, or other non-sexual
12 violent offense, the identity of the victim may be disclosed to
13 appropriate school officials, for the purpose of preventing
14 foreseeable future violence involving minors, by a local law
15 enforcement agency pursuant to an agreement established
16 between the school district and a local law enforcement agency
17 subject to the approval by the presiding judge of the juvenile
18 court.

19 (3) Relevant information, reports and records shall be made
20 available to the Department of Juvenile Justice when a juvenile
21 offender has been placed in the custody of the Department of
22 Juvenile Justice.

23 (4) Nothing in this Section shall prohibit the inspection
24 or disclosure to victims and witnesses of photographs contained
25 in the records of law enforcement agencies when the inspection
26 or disclosure is conducted in the presence of a law enforcement

1 officer for purposes of identification or apprehension of any
2 person in the course of any criminal investigation or
3 prosecution.

4 (5) The records of law enforcement officers, or of an
5 independent agency created by ordinance and charged by a unit
6 of local government with the duty of investigating the conduct
7 of law enforcement officers, concerning all minors under 17
8 years of age must be maintained separate from the records of
9 adults and may not be open to public inspection or their
10 contents disclosed to the public except by order of the court
11 or when the institution of criminal proceedings has been
12 permitted under Section 5-130 or 5-805 or required under
13 Section 5-130 or 5-805 or such a person has been convicted of a
14 crime and is the subject of pre-sentence investigation or when
15 provided by law.

16 (6) Except as otherwise provided in this subsection (6),
17 law enforcement officers, and personnel of an independent
18 agency created by ordinance and charged by a unit of local
19 government with the duty of investigating the conduct of law
20 enforcement officers, may not disclose the identity of any
21 minor in releasing information to the general public as to the
22 arrest, investigation or disposition of any case involving a
23 minor. Any victim or parent or legal guardian of a victim may
24 petition the court to disclose the name and address of the
25 minor and the minor's parents or legal guardian, or both. Upon
26 a finding by clear and convincing evidence that the disclosure

1 is either necessary for the victim to pursue a civil remedy
2 against the minor or the minor's parents or legal guardian, or
3 both, or to protect the victim's person or property from the
4 minor, then the court may order the disclosure of the
5 information to the victim or to the parent or legal guardian of
6 the victim only for the purpose of the victim pursuing a civil
7 remedy against the minor or the minor's parents or legal
8 guardian, or both, or to protect the victim's person or
9 property from the minor.

10 (7) Nothing contained in this Section shall prohibit law
11 enforcement agencies when acting in their official capacity
12 from communicating with each other by letter, memorandum,
13 teletype or intelligence alert bulletin or other means the
14 identity or other relevant information pertaining to a person
15 under 17 years of age. The information provided under this
16 subsection (7) shall remain confidential and shall not be
17 publicly disclosed, except as otherwise allowed by law.

18 (8) No person shall disclose information under this Section
19 except when acting in his or her official capacity and as
20 provided by law or order of court.

21 (Source: P.A. 96-419, eff. 8-13-09; 96-1414, eff. 1-1-11.)

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".